

MINUTES OF THE HOUSE COMMITTEE ON TRANSPORTATION.

The meeting was called to order by Chairperson Rep. Gary Hayzlett at 1:40 p.m. on February 3, 2000 in Room 519-S of the Capitol.

All members were present except:

Representative Vaughn Flora, excused
Representative Andrew Howell, excused
Representative Phill Kline, excused

Committee staff present:

Bruce Kinzie, Revisor of Statutes
Hank Avila, Research Department
Ellie Luthye, Committee Secretary

Conferees appearing before the committee:

Sergeant John Eichkorn, Kansas Highway Patrol

Others attending:

See attached sheet

HB 2258 - auxiliary driving lamps and fog lamps, restrictions

Chairman Hayzlett opened hearings on **HB 2258** and called on Sergeant John Eichkorn of the Kansas Highway Patrol. He stated that under current law, drivers may utilize driving lamps and fog lamps at any time, even in the presence of other motor vehicles. He said the Highway Patrol was aware of the concern of some drivers about the intensity of these lights. He concluded the Patrol had two concerns about the bill 1) the accessibility of switches to turn the lights on and off and 2) date of enforcement, suggesting a graduated enforcement clause. (Attachment 1)

Hank Avila, Research Department, told the committee other states are studying the problem but as yet no other state has enacted legislation similar to this bill.

Following questions from the committee the Chair closed hearings on **HB 2258**.

HB 2582 - allowing alternately flashing head lamps on school buses

Chairman Hayzlett opened the floor for discussion and final action on **HB 2582**.

Representative Grant made a motion to amend the bill, changing Section 4 to read it would take effect after publication in the Register rather than the statute book and to pass the bill out favorably as amended. Representative Ballou seconded the motion and the motion carried.

HB 2641 - passing stopped authorized emergency vehicles

Chairman Hayzlett opened the floor for discussion and final action on **HB 2641**. Representative Johnston made a conceptual motion to add to subsection (b) the use of amber window lights by police and in subsection (c) of Section 1 delete "operate the vehicle" and reinsert "drive". Representative Larkin seconded the motion. Representative Johnston made a motion to pass **HB 2641**, as amended, seconded by Representative Ray and the motion carried.

The minutes of the House Transportation Committee for February 1st were presented for additions or corrections. Representative Ballou made a motion to accept the minutes as presented, seconded by Representative Dreher and the motion carried.

Chairman Hayzlett adjourned the meeting at 2:20 p.m.

The next meeting of the House Transportation Committee will be Tuesday, February 8th, 2000 in Room 519-S.

**Kansas Highway Patrol
Summary of Testimony
2000 House Bill 2258
House Transportation Committee
presented by
Sergeant John A. Eichkorn
February 3, 2000**

Good afternoon Mr. Chairman and members of the committee. My name is John Eichkorn and I appear before you on behalf of Patrol Superintendent, Don Brownlee, to comment on House Bill 2258, which attempts to regulate the use of auxiliary driving lamps and fog lamps.

With the increasing popularity of vehicle auxiliary driving lamps and / or fog lamps, the Highway Patrol has become aware that some motorist's are concerned about the intensity of these lights. Under current law, drivers may utilize these lamps at any time, even in the presence of other motor vehicles. House Bill 2258 attempts to address this issue by limiting the circumstances under which auxiliary driving lamps and fog lamps may be used. Their use would be limited in the same way which we currently limit the use of high beam headlights. Drivers would be required to turn off their auxiliary driving lamps or fog lamps within 500 feet of oncoming traffic and within 300 feet of vehicles traveling the same direction.

In preparation for this hearing, the Patrol contacted Legislative Research to find out how other states have approached this issue. According to Legislative Research no other states have enacted legislation similar to House Bill 2258. However, some states did limit how far ahead of the vehicle the beam of these lights could legally project.

The Patrol understands the intent of this bill is to increase traffic safety, however we have several concerns about the bill. We have been unable to confirm that all motor vehicles that are fitted with these lamps have also been equipped with the means for the driver to manually turn them off upon the approach of other traffic. We are also concerned that when a manual switch does exist, it may not be readily accessible to the driver. This could cause a potentially dangerous distraction to drivers in the presence of other traffic.

Further, the Patrol suggest that a graduated enforcement clause be attached to this bill, much like Kansas' original seatbelt and window tint laws. In doing so, law enforcement officers would be restricted to issuing only warnings to violators for the first year after this law changes. This allows the public to be educated about the new requirement to deactivate fog and auxiliary driving lamps bringing about a smooth transition and voluntary compliance with the law.

On behalf of the Kansas Highway Patrol, I thank you for giving me the opportunity to speak before you this afternoon and stand for questions.

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House Transportation Committee
February 3, 2000
Attachment 1