

MINUTES OF THE SENATE TRANSPORTATION COMMITTEE.

The meeting was called to order by Chairperson Les Donovan at 8:30 a.m. on March 8, 2001 in Room 245-N of the Capitol.

All members were present except:

Committee staff present: Hank Avila, Legislative Research Department
Bruce Kinzie, Revisor of Statutes
Marian F. Holeman, Committee Secretary

Conferees appearing before the committee: Representative Gary Hayzlett
John Eichkorn, Kansas Highway Patrol

Others attending: See attached list.

HB 2143: Re traffic; auxiliary driving lamps and fog lamps

Representative Gary Hayzlett, who had requested the bill, explained the rationale behind the request as well as what this bill will do (Attachment 1). Several personal experiences were reported regarding issues addressed by this bill.

Second Lieutenant John Eichkorn, Kansas Highway Patrol, advised that under current law drivers may use auxiliary driving lamps and/or fog lamps at any time, even in the presence of other vehicles. This bill would limit use in the same way as the current limit of high beam headlights. Lt. Eichkorn also mentioned concerns the Patrol has about the bill (Attachment 2).

Discussed after market auxiliary lamps installation, accessibility of switches and possible safety hazards connected with switching lights on and off. The Division of Motor Vehicles would want to put information in their driving handbook on this requirement. Current statute limits the number of lights one can have on a vehicle and also the height of the lights.

Hearing closed on **HB 2143**. The bill will be considered for possible final action at a later date.

The meeting adjourned at 9:10 a.m.

The next meeting is scheduled for Wednesday, March 14, 2001.

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TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
CHAIR: TRANSPORTATION
MEMBER: AGRICULTURE
LOCAL GOVERNMENT

**TESTIMONY BEFORE THE
SENATE TRANSPORTATION COMMITTEE**

HB 2143
Representative Gary Hayzlett
March 8, 2001

Mr. Chairman and Members of the Committee:

HB 2143 was requested by me to alleviate a problem on our highways, especially two lane, that is caused by the auxiliary or fog lamps on many vehicles. The people that choose to run with these lights on, along with their dim headlamps, cause a safety problem. Many of these lights cause a blinding effect almost as bad as the high beams. All of the vehicles equipped with such lights have an off and on switch. There is no real need for these lights under normal driving conditions. People who claim they may see objects or animals on the roadway with such lights on will still be able to do so, only they will have to use the same law that applies to your high beams. You must turn them off when meeting a vehicle within 500 feet and 300 feet when following.

For the first year following the effective date of this bill an officer could only issue a warning to any one violating the new requirement.

I will be happy to stand for questions.

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SENATE TRANSPORTATION
COMMITTEE-DATE: 3-8-01
ATTACHMENT: 1

KANSAS HIGHWAY PATROL

Service—Courtesy—Protection

Bill Graves
Governor



Col. Donald W. Brownlee
Superintendent

Kansas Highway Patrol Summary of Testimony 2001 House Bill 2143

Senate Transportation Committee

presented by
Second Lieutenant John Eichkorn
March 8, 2001

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 2143, 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 2143 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.

House Bill 2143 contains a graduated enforcement clause much like Kansas' original seatbelt, window tint and emergency vehicle safety laws. This clause restricts law enforcement officers to issuing only warnings to violators for the first year after the 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.

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 2143. 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.

On behalf of the Kansas Highway Patrol, I thank you for the opportunity to provide testimony on House Bill 2143.

SENATE TRANSPORTATION
COMMITTEE-DATE: 3-8-01 - 2-1
ATTACHMENT: 2

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