

MINUTES OF THE SENATE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Les Donovan at 8:30 A.M. on February 22, 2005 in Room 527-S of the Capitol.

All members were present except:  
Anthony Hensley- excused

Committee staff present:  
Hank Avila, Kansas Legislative Research Department  
Bruce Kinzie, Revisors of Statutes  
Maggie Breen, Committee Secretary

Conferees appearing before the committee:  
Senator Pat Apple

Others attending:  
See attached list.

**SB 210 - Requiring strobe lights on school buses.**

Proponent:

Senator Apple said he spent about 12 years on the Louisburg School Board. During that time they asked the people they leased their buses from for white strobe lights on the top of the buses. They have had the system for 5 or 6 years now. He talked to the superintendent last night and found that they are still working well for the area. When you have a late night event, or if you have a highway with a 60 mph speed limit and are picking up children in all kind of inclement weather, the white strobe lights stand out. People soon relate a white flashing light to a school bus. The cost is minimal and most of the new buses are wired for them, it's just a matter of screwing the strobe light in the top. The bill states the new buses would be required to have the strobe lights by January 1, 2006 and all buses by January 1, 2008. He thinks **SB 210** presents an opportunity to create a safe environment for school kids across the state. (Attachment 1)

Chairman Donovan noted that the fiscal note states that according to the Department of Education, the bill would have negligible costs to local districts and would not require any additional state appropriations to the Department.

Senator Wilson moved to pass SB 210 bill favorably. Senator O'Connor seconded the motion. Motion carried.

**Final action:**

**SB 35 - School zones, disobeying crossing guard, speeding in zone, fines doubled**

Senator Journey explained a balloon he had on the bill. (Attachment 2) Basically it defines crossing guards. It expands the definition so that if the crossing guards are minors under adult supervision it is a violation. It also make it clear that crossing guards do not have the power to issue citations or arrest people other than provided by other statutes. It also authorizes the various governmental bodies in nonpublic schools to train and authorize crossing guards if they wish.

Senator Journey moved to adopt the amendment to SB35. Senator Petersen seconded the motion. Motion carried. Senator Journey moved to pass the bill out favorably as amended. Senator Gilstrap seconded the motion. Motion carried. Senator Journey will carry the bill.

**SB 81- Traffic regulation, use of headlamps, windshield wipers**

Chairman Donovan reminded the committee that the bill dealt with requiring the use of headlights and time windshield wipers are in full mode.

CONTINUATION SHEET

MINUTES OF THE Senate Transportation Committee at 8:30 A.M. on February 22, 2005 in Room 527-S of the Capitol.

Bruce Kinzie said he received the draft for the bill that was prepared by someone else and he thinks he can reword it and make it a little more precise. On line 25 , add "continuous" before the word use and out "smoke, fog". On line 30 and 31, strike our the words "except when such windshield wipers are used intermittently in misting rain, sleet, or snow". And then on line 21, add ", including smoke or fog,"after the word conditions.

Senator Schmidt moved to adopt the above amendment. Senator Petersen seconded the motion. Motion carried. Senator Schmidt moved to pass the bill as amended. Senator Petersen seconded the motion. Motion carried.

**SB184 - Repealing K.S.A. 75-5010, the division of aviation**

Senator Wilson moved to table the bill. Senator Palmer seconded the motion. Motion carried.

**SB 253 - Highway advertising control act of 1972, amendments**

Senator Wilson moved to table the bill. Senator Palmer seconded the motion. Motion carried.

Chairman Donovan said the committee had worked all of the bills referred to the committee except **SB 2 - Kansas consumer protection act, disclosure by dealer that motor vehicle was leased or rented, not required**, and **SB 88 -Kansas turnpike authority, speed based tolls**. After much consideration, he decided not to hear these bills.

Senator O'Connor moved to approve the committee minutes of February 2, 3, 9, and 15. Senator Wilson seconded the motion. Motion carried.

Meeting adjourned at 9:02 a.m.

The date of the next meeting is unknown at this time.



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PAT APPLE

SENATOR, TWELFTH DISTRICT

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February 22, 2005

The Honorable Les Donovan  
Senate Committee on Transportation  
Statehouse, Room 120-S  
Topeka, KS 66612

Dear Senator Donovan and Committee Members:

Thank you for allowing me to testify in support of SB 210. I had the privilege of serving on the USD 416 Board of Education from 1991-2003. During that time we implemented a policy that school buses in our district must be equipped with white strobe lights on the top of the bus that would operate whenever children were on board. School buses operate in all types of weather and visibility and the lights serve as a warning that a school bus is near. Whether coming home from an away game in the fog or seeing a school bus stopped early in the morning on a busy highway, it was nice to know that the students were in a well marked vehicle. My request is that we implement this program statewide to add to the level of protection for our school children.

It is my understanding buses are prewired for the strobe lights. The cost of implementing this program would be minimal compared to the level of safety that would be achieved for our children.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Pat Apple'. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Pat Apple  
Kansas Senate  
District 12

PA:ab

SENATE TRANSPORTATION  
2-22-05  
ATTACHMENT 1

SENATE BILL No. 35

By Senator Journey

I-13

authorizing school crossing guards;

9 AN ACT regulating traffic; concerning school zones; amending K.S.A. 8-1486 and  
10 2004 Supp. 8-2118 and repealing the existing section.  
11 sections

12 *Be it enacted by the Legislature of the State of Kansas:*

13 New Section 1. (a) No person shall willfully fail or refuse to comply  
14 with any lawful order or direction of any uniformed adult school crossing  
15 guard invested by law with authority to direct, control or regulate traffic.

16 (b) This section shall be part of and supplemental to the uniform act  
17 regulating traffic.

18 Sec. ~~27~~, K.S.A. 2004 Supp. 8-2118 is hereby amended to read as fol-  
19 lows: 8-2118. (a) A person charged with a traffic infraction shall, except  
20 as provided in subsection (b), appear at the place and time specified in  
21 the notice to appear. If the person enters an appearance, waives right to  
22 trial, pleads guilty or no contest, the fine shall be no greater than that  
23 specified in the uniform fine schedule in subsection (c) and court costs  
24 shall be taxed as provided by law.

25 (b) Prior to the time specified in the notice to appear, a person  
26 charged with a traffic infraction may enter a written appearance, waive  
27 right to trial, plead guilty or no contest and pay the fine for the violation  
28 as specified in the uniform fine schedule in subsection (c) and court costs  
29 provided by law. Payment may be made by mail or in person and may be  
30 by personal check. The traffic citation shall not have been complied with  
31 if a check is not honored for any reason, or if the fine and court costs are  
32 not paid in full. When a person charged with a traffic infraction makes  
33 payment without executing a written waiver of right to trial and plea of  
34 guilty or no contest, the payment shall be deemed such an appearance,  
35 waiver of right to trial and plea of no contest.

36 (c) The following uniform fine schedule shall apply uniformly  
37 throughout the state but shall not limit the fine which may be imposed  
38 following a court appearance, except an appearance made for the purpose  
39 of pleading and payment as permitted by subsection (a). The description  
40 of offense contained in the following uniform fine schedule is for refer-  
41 ence only and is not a legal definition.

| Description of Offense                         | Statute | Fine |
|--|---------|------|
| Refusal to submit to a preliminary breath test | 8-1012  | \$90 |

New Sec. 2. "School crossing guard" means any person 18 years of age and older or any person under 18 years of age who is being directly supervised by a person at least 18 years of age, acting with or without compensation and who is authorized under section 1, and amendments thereto, to supervise, direct, monitor or otherwise assist school children at a street or intersection in the vicinity of a school crosswalk or bus stop.

New Sec. 3. (a) The governing body of any school district, nonpublic school, city or county is hereby authorized to appoint and equip volunteers and designated employees of such school district, nonpublic school, city or county, and may provide training to such volunteers as school crossing guards, as defined in section 2, and amendments thereto, to direct traffic at school crossings, streets and highways in the vicinity of schools and bus stops, by means of lawful orders, signs or semaphores. Such persons shall wear a distinctive garb or insignia indicating such appointment.

(b) School crossing guards shall not have the power to issue citations or the power to arrest provided to law enforcement officers.

Sec. 4. attached

5.

Sec. 4. K.S.A. 2004 Supp. 8-1486 is hereby amended to read as follows: 8-1486. K.S.A. 8-1402a, 8-1414a, 8-1439c, 8-1458a, 8-1459a, 8-1475a, 8-1487, 8-1488, 8-1489 and 8-1490 and amendments thereto, and K.S.A. 2004 Supp. 8-1491, and amendments thereto, and section 2, and amendments thereto, shall be a part of, and supplemental to, the uniform act regulating traffic on highways.



|   |   |          |       |
|---|---|----------|-------|
| 1 | No authority as private or common carrier | 66-1,111 | \$122 |
| 2 | Improper equipment                        | 66-1,129 | \$52  |
| 3 | No current driver's daily log             | 66-1,129 | \$52  |
| 4 | Invalid or no physical examination card   | 66-1,129 | \$52  |

5 (d) Traffic offenses classified as traffic infractions by this section shall  
6 be classified as ordinance traffic infractions by those cities adopting or-  
7 dinances prohibiting the same offenses. A schedule of fines for all ordi-  
8 nance traffic infractions shall be established by the municipal judge in the  
9 manner prescribed by K.S.A. 12-4305, and amendments thereto. Such  
10 fines may vary from those contained in the uniform fine schedule con-  
11 tained in subsection (c).

12 (e) Fines listed in the uniform fine schedule contained in subsection  
13 (c) shall be doubled if a person is convicted of a traffic infraction, which  
14 is defined as a moving violation in accordance with rules and regulations  
15 adopted pursuant to K.S.A. 8-249, and amendments thereto, committed  
16 within any road construction zone as defined in K.S.A. 8-1458a, and  
17 amendments thereto.

18 (f) For a second violation of K.S.A. 8-1908 or 8-1909, and amend-  
19 ments thereto, within two years after a prior conviction of K.S.A. 8-1908  
20 or 8-1909, and amendments thereto, such person, upon conviction shall  
21 be fined 1 ½ times the applicable amount from one, but not both, of the  
22 schedules listed in the uniform fine schedule contained in subsection (c).  
23 For a third violation of K.S.A. 8-1908 or 8-1909, and amendments thereto,  
24 within two years, after two prior convictions of K.S.A. 8-1908 or 8-1909,  
25 and amendments thereto, such person, upon conviction shall be fined  
26 two times the applicable amount from one, but not both, of the schedules  
27 listed in the uniform fine schedule contained in subsection (c). For a  
28 fourth and each succeeding violation of K.S.A. 8-1908 or 8-1909, and  
29 amendments thereto, within two years after three prior convictions of  
30 K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon  
31 conviction shall be fined 2½ times the applicable amount from one, but  
32 not both, of the schedules listed in the uniform fine schedule contained  
33 in subsection (c).

34 (g) Fines listed in the uniform fine schedule contained in subsection  
35 (c) relating to exceeding the maximum speed limit, shall be doubled if a  
36 person is convicted of exceeding the maximum speed limit in a school zone  
37 authorized under subsection (a)(4) of K.S.A. 8-1560, and amendments  
38 thereto.

39 Sec. ~~8~~ K.S.A. 2004 Supp. ~~8-2118~~ 8-1486 and 8-2118 are hereby repealed.

40 Sec. ~~8~~ This act shall take effect and be in force from and after its  
41 publication in the statute book.

8-1486 and 8-2118 are  
6.  
7.