

SESSION OF 2006

SUPPLEMENTAL NOTE ON SENATE BILL NO. 411

As Amended by House Committee on Transportation

Brief*

SB 411 would amend current law by adding language that would require drivers to move away from vehicles that display flashing lights while working on a highway. The bill would require that:

- The driver of a vehicle not overtake or pass another vehicle when approaching within 100 feet of a stationary vehicle that displays flashing lights while working on a two lane highway carrying traffic in opposite directions;
- The driver, when approaching a stationary vehicle that is obviously working on a highway and is displaying flashing lights, will proceed with caution and, if possible, change lanes, if the driver is traveling on a highway that consists of two lanes that carry traffic in the same direction as that of the driver;
- If it is not possible to change lanes, the driver proceed with caution and reduce the speed of the motor vehicle;
- A law enforcement officer issue a warning citation to anyone violating the provisions of the bill for one year after it takes effect; and
- The fine for failure to yield to vehicles working on roadways be increased from \$30 to \$90.

The bill also would amend existing law to make most motor carrier safety violations traffic infractions except for those violations set forth as follows:

- All hazardous materials violations;
- False report of drivers' record of duty status;
- Driver uses or is in possession of drugs;

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

- Possession, use or under influence of alcohol four hours prior to duty;
- Violation of out-of-service order for alcohol violation;
- Fraudulent records;
- Failing to comply with an unsatisfactory safety rating, out-of-service;
- Failing to comply with an imminent hazard, out-of-service;
- Operating in interstate commerce on or after out-of-service order;
- Refusal to submit to a required alcohol or controlled substance test;
- Assistance in investigations and special studies;
- Refusal to allow inspections of motor vehicles in operation;
- Interstate driver under 21 years of age;
- Non-English speaking driver;
- Driving a commercial motor vehicle while disqualified;
- Unsafe operations of commercial motor vehicle forbidden;
- Failure to correct defects noted on inspection report;
- Carrier requiring or allowing operation of vehicle driver under influence of alcohol or drugs;
- Railroad grade crossing, stop required;
- Driving commercial motor vehicle after placed out-of-service; and
- Inspection, repair and maintenance, parts and accessories.

Background

Senator Laura Kelly and representatives of the Kansas Department of Transportation (KDOT) and the Kansas Highway Patrol appeared as proponents of the bill. There was no testimony in opposition to the bill.

The House Transportation Committee amendment was proposed by the Kansas Motor Carrier Association in response to the manner which a court in Sumner County handles motor carrier safety violations. The court was requiring over the road truck drivers to appear for motor carrier safety violations which in most instances was difficult for these drivers to return to Kansas to appear in court.

The original fiscal note for SB 411 was submitted to the Committee after the hearing on the bill. It indicated that SB 411 would increase expenditures from federal safety funds for KDOT by \$16,000 for the production of twelve new highway signs and the implementation of a public awareness program. The fiscal note also stated that because the bill would allow warning citations through July 1, 2007,

there would be no fiscal impact until FY 2008. For FY 2008 and subsequent years, there could be an increase in fines and docket fees which would in turn increase revenues to designated agency fee funds and the State General Fund. However, the effect cannot currently be estimated.