

SESSION OF 2009

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2147

As Amended by House Committee on
Transportation

Brief*

HB 2147 would require the driver or owner of a vehicle involved in a non-injury, non-fatal accident to make every reasonable effort to move the vehicle out of the roadway, if that vehicle could be moved safely and without causing damage to the vehicle, the roadway, or other vehicles or persons. The bill also would authorize employees or agents of the Kansas Department of Transportation (KDOT) or any law enforcement agency, including the Kansas Highway Patrol, to require or cause the removal of such a vehicle unless the accident involved death, apparent injury of any person, or the movement of hazardous materials.

The bill would include the following additional provisions:

- No state, county, or municipal agency or its employees or agent would be liable for any damages resulting from the reasonable exercise of the authority that would be granted.
- Violators of this requirement for moving a vehicle would receive a warning for the first year the requirement would be in effect, until July 1, 2010.
- The fine for failing to remove vehicles involved in crashes would be \$60.

Background

Captain Arthur Wilburn, Kansas Highway Patrol, and Mike Floberg, Bureau of Transportation Safety and Technology, KDOT, testified in favor of the bill. Ed Klumpp, Kansas Association of Chiefs of Police and Kansas Peace Officers

*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>

Association, presented written testimony in favor of the bill. There was no other testimony on the bill.

The House Transportation Committee amended the bill to use the term “roadway” rather than “state highway” and to add an exception for an accident involving the movement of hazardous materials.

According to the fiscal note from the Division of the Budget, KDOT estimated costs of \$23,680 from the State Highway Fund: \$13,680 to design, fabricate and install 12 signs and \$10,000 to develop approximately 40,000 pamphlets on the bill’s requirements. KDOT states that, if the bill is enacted, KDOT would need an increase in expenditure authority within the agency operations account of the State Highway Fund. No estimate of the amount of monies that could be generated by the new fine can be provided, because the number of violators is unknown. Any fiscal effect resulting from the passage of the bill was not included in amounts recommended in *The FY 2010 Governor’s Budget Report*.