

SESSION OF 2016

**SUPPLEMENTAL NOTE ON HOUSE SUBSTITUTE FOR
SENATE BILL NO. 245**

As Recommended by House Committee on
Transportation

Brief*

House Sub. for SB 245 would require the Secretary of Transportation to establish and implement a DUI memorial signage program, on highways under the Secretary's jurisdiction that are not city connecting links. The bill would require the Secretary to design a memorial sign indicating the names and ages of victims killed in an accident in which the driver of the other vehicle was under the influence of alcohol or drugs, the date of the accident, and other information as determined by the Secretary. The bill also would require the Secretary to design a logo, to be copyrighted, for use in public service announcements or programs to increase awareness of the dangers of driving under the influence of drugs or alcohol (DUI).

The bill would require the application for such a sign include the date of the accident, the names and ages of the victims, and other information required by the Secretary. An application for a memorial sign could be filed by an immediate family member (defined in the bill to mean father, mother, child, sibling, grandparent, grandchild, or spouse). Also, if an immediate family member requests denial of the application or removal of the sign, the bill would require the application be denied or the sign removed.

Upon confirmation that the driver of the other vehicle was under the influence of drugs or alcohol and that the driver of the vehicle the victim was in was not in violation of

*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>

any Kansas law that was the cause of the accident, the Secretary would be required to place a memorial sign along the highway right-of-way reasonably near to the location of the accident. Such a sign could not be placed until the Secretary has received sufficient moneys from gifts and donations to cover the cost of placing the sign plus an additional 50 percent of the initial cost to defray future maintenance or replacement costs. The bill would authorize the Secretary to require a maintenance and renewal fee for such a sign every ten years after the sign was first placed and could remove any sign for which the maintenance and renewal fee was charged but remained unpaid past 90 days of the renewal fee request.

The bill would authorize the Secretary to adopt rules and regulations to implement the provisions.

The bill would name the section created by the bill the Kyle Thornburg and Kylie Jobe Believe Act.

Background

As introduced, SB 245 would have repealed a statute requiring approval by a county engineer or the State Transportation Engineer of certain highway bridge or culvert plans. Those contents were enacted in 2015 SB 127.

At a hearing before the House Transportation Committee on HB 2601, Representative Hutton requested a substitute bill with the contents described above. He stated 38 percent of the 1,957 fatalities on Kansas roads in 2010 through 2014 were related to impaired or drunk driving, that Kylie Jobe and Kyle Thornburg were killed in a collision with a vehicle driven by someone found to have a blood alcohol level almost three times the legal limit, and that their families have been active in promoting awareness of the dangers of driving under the influence of drugs or alcohol. He requested the new law be named for Miss Jobe and Mr. Thornburg.

The House Committee recommended a substitute bill, replacing the contents of SB 245 with the requested language and naming the section that would be created.

No fiscal note was available on the substitute bill. According to testimony, federal approval would be needed for use of any logo.