

SESSION OF 2018

SUPPLEMENTAL NOTE ON SENATE BILL NO. 274

As Amended by Senate Committee on
Transportation

Brief*

SB 274, as amended, would create the traffic violation of negligent driving.

The bill would prohibit a person from operating or halting any vehicle in such a manner as to indicate a careless or heedless disregard for the right or safety of others, or inattentively in such a manner as to endanger, or likely endanger, any person or property, in a new section to be added to the Uniform Act Regulating Traffic on Highways.

The bill would establish a fine for negligent driving at \$45.

Background

The bill was introduced by the Senate Committee on Transportation at the request of the Kaw Valley Bicycle Club. In the Senate Committee hearing, representatives of ABATE of Kansas, Inc., BikeWalkKC, Bike Walk Wichita, Johnson County Sheriff's Office, Kansas Association of Chiefs of Police, Kansas Peace Officers Association, Kansas Sheriffs' Association, Kaw Valley Bicycle Club, and Topeka Community Cycle Project Board of Directors and three private citizens testified in support of the bill. The proponents generally stated negligent driving is the top contributor to traffic crashes in Kansas and the bill could protect road users, including cyclists, from injuries caused by negligent drivers.

*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>

Written-only proponent testimony was provided by three private citizens.

No neutral or opponent testimony was provided.

The Senate Committee amended the bill to replace language specifying what constitutes negligent driving to reflect language upheld by the Kansas Court of Appeals in 2009.

The fiscal note prepared by the Division of the Budget on the bill, as introduced, indicates enactment of the bill would have the potential for increasing litigation in the courts because of the creation of a new traffic violation. The Office of Judicial Administration indicates any increased litigation in the courts would have a fiscal effect on the operations of the court system. However, it is not possible to predict the number of additional court cases that would arise. Therefore, a precise fiscal effect cannot be determined, but would most likely be accommodated within the existing schedule of court cases and would not require additional resources. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2019 Governor's Budget Report*.