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Testimony to the House Committee on Transportation in Support of SB 40

March 7, 2019

Chairman Proehl, Vice Chairman Thimesch, Ranking Member Helgerson, and Members of the Committee:

The Johnson County Sheriff's Office asks for your support for Senate Bill 40. This bill was brought at the request of our Traffic and Patrol Division. K.S.A 8-1530 mandates the duties of a person operating a motor vehicle upon approaching a stationary authorized emergency vehicle, when the authorized emergency vehicle is making use of visual signals

When this provision of the law was passed a mandatory warning period was placed in the statute that states: *(c) From and after the effective date of this act and prior to July 1, 2001, a law enforcement officer shall issue a warning citation to anyone violating the provisions of subsection (b).*

Paragraph (b) explains the duty of a person operating a motor vehicle encountering a stationary emergency vehicle, such as a police vehicle that has made a traffic stop. That duty is to change lanes away from the emergency vehicle, if that can be done safely, or to reduce speed, if a lane change cannot be made. This provision of the law was passed in 2000.

It seems clear from the language that after July 1, 2001 a citation may be issued by an officer instead of a warning citation. However, we are experiencing an issue where judges are of the opinion the statute mandates a warning citation in all circumstances, regardless of when the violation occurred. We are asking that paragraph (c) be stricken to eliminate this confusion.

SB 40 was placed on the Senate consent calendar and passed with 40-0 vote.

We ask that you recommend Senate Bill 40 favorably for passage.

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