

Date: January 30, 2020

To: House Transportation Committee

From: Deborah Barnes, Staff Attorney

Re: Opposition Testimony HB 2458

I want to thank Chairman Proehl and the Committee members for allowing the League of Kansas Municipalities, on behalf of our member cities, to provide opposition testimony on HB 2458.

The League understands the reasoning behind HB 2458 and the desire to have the ability to charge something other than the higher-level crime of “reckless driving” and to introduce a new driving infraction which requires driving with “a careless or heedless disregard for the right or safety of others, or inattentively in such a manner as to endanger, or be likely to endanger, any person or property.”

The League publishes annually the Standard Traffic Ordinance for Kansas Cities which is adopted by many cities in this state. This contains the charge of “Inattentive Driving.” To convict a driver of inattentive driving the prosecution must show that because of his or her driving error or negligent inattention, the driver collides with another vehicle, a person or fixed object.

The League is concerned that, unlike the charge of inattentive driving, the new infraction proposed by HB 2458 is vague and does not provide drivers with a real understanding of what would subject them to this infraction. It is unclear what would qualify as a careless or heedless disregard for the rights of others while driving.

Rather than enact a potentially vague statute, we would ask that the Committee instead consider adopting the tested language used in the Standard Traffic Ordinance for several years “Every driver whose vehicle, because of his or her driving error or negligent inattention, collides with another vehicle, a person or fixed object, shall be guilty of inattentive driving and in violation of this section.” We believe this language solves the very real problem raised by the proponents in a way that is clear for both drivers and law enforcement.

We respectfully request the Committee to consider amending HB 2458 along the lines suggested before sending HB 2458 for consideration by the whole House