

CALVIN H. HAYDEN  
SHERIFF



DOUGLAS G. BEDFORD  
UNDERSHERIFF

DUTY HONOR SERVICE

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## Testimony to the Senate Committee on Transportation in Support of SB 40

February 5, 2019

Chairman Petersen, Vice Chairman Goddard, Ranking Member Pettey, 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 when they encounter an emergency vehicle using its lights and siren, or a police vehicle using its siren only.

When this 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.

This law can prevent tragedies where officers are struck by a motor vehicle while simply doing their job. We had an officer killed in 2016 due to a vehicle that struck our officers car. The resulting collision resulted in our deputy's car exploding. The deputy was burned to death. This tragic incident profoundly affected the members of our sheriff's office.

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

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