

SESSION OF 2021

**SUPPLEMENTAL NOTE ON HOUSE SUBSTITUTE FOR
SENATE BILL NO. 167**

As Recommended by House Committee on
Transportation

Brief*

House Sub. for SB 167 would create a “move over” requirement for drivers related to a stationary authorized utility or telecommunication vehicle (authorized utility vehicle) under certain circumstances.

The bill would prohibit a driver from overtaking or passing another vehicle when within 100 feet of a stationary authorized utility vehicle.

The bill would require a driver to yield the right-of-way to any authorized utility vehicle or pedestrian engaged in work on the highway when the vehicle displays flashing lights meeting requirements of the Uniform Act Regulating Traffic on Highways (Uniform Act).

Upon approaching the authorized utility vehicle that is obviously and actually engaged in work on a highway and displaying required flashing lights, the driver of a motor vehicle would be required to do one of the following:

- Change into a lane nonadjacent to the authorized vehicle, if on a highway with at least two lanes carrying traffic the same direction, and if road conditions permit; or
- In all other circumstances, proceed with due caution, reduce the speed of the motor vehicle and

*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>

maintain a safe speed for the road, weather, and traffic conditions.

The bill would not relieve the driver of an authorized utility vehicle from the duty to drive with safe regard for the safety of all using the highway.

The bill would define an authorized utility vehicle to mean a vehicle displaying flashing lights meeting certain requirements that is:

- Being operated by authorized personnel (as defined in public utility law) for an electric or natural gas public utility or municipal-owned utility and being used for repairs needed to restore necessary services or ensure public safety; or
- Being operated by a local exchange carrier, telecommunications carrier, video service provider, or wireless infrastructure or service provider, and being used for repairs.

The bill would create a \$105 fine for the traffic violation of unlawful passing of an authorized utility vehicle.

The provisions of the bill would be part of and supplemental to the Uniform Act.

Background

The bill was introduced by Senator Corson. As introduced, the bill would have extended the definition of an authorized emergency vehicle to include utility vehicles under certain circumstances.

Senate Committee on Transportation

In the Senate Committee hearing, Senator Corson and a representative of the International Brotherhood of Electrical

Workers, Local Union 304 provided **proponent** testimony. A representative of Evergy provided written-only proponent testimony. The proponents described the bill as a step to improve safety for utility workers. They noted the Kansas “move over” law requires drivers of motor vehicles approaching a stationary authorized emergency vehicle that is flashing its warning lights to move into a lane not adjacent to the authorized emergency vehicle or, if not on a highway with multiple lanes of traffic in the same direction, to reduce the speed of the vehicle and proceed with due caution (KSA 2020 Supp. 8-1530).

Representatives of the Kansas Association of Counties (KAC) and the League of Kansas Municipalities (LKM) provided written-only neutral testimony, noting the rights and responsibilities of drivers of emergency vehicles.

No other testimony was provided.

Senate Committee of the Whole

The Senate Committee of the Whole amended the bill to add provisions regarding vehicles used by providers of telecommunications and wireless services.

House Committee on Transportation

In the House Committee hearing, Senator Corson and a representative of the International Brotherhood of Electrical Workers, Local Union 304, provided **proponent** testimony, indicating the bill would help reduce the risk utility workers face, give utility workers a greater sense of security when performing emergency tasks, and would align Kansas with 20 other states that include utility and telecommunications vehicles in their “move over” law, including Missouri and Nebraska. A representative of Evergy on behalf of Evergy, Atmos Energy, Black Hills Energy, Kansas City Board of Public Utilities, Kansas Electric Cooperatives Inc., Kansas

Electric Power Cooperative Inc., Kansas Gas Service, Kansas Municipal Utilities, and Sunflower Electric Power Corp. provided written-only proponent testimony.

Representatives of the KAC and the LKM provided neutral testimony, indicating the bill would grant unnecessary exemptions for utility vehicles, would remove local oversight, and should be more narrowly tailored.

A representative of the Kansas Association of Chiefs of Police, the Kansas Peace Officers Association, and the Kansas Sheriffs Association provided **opponent** testimony. The conferee stated support for the intent of the bill, but indicated the bill would authorize broad authority regarding operation of utility vehicles while both stopped and moving. He suggested the objective could be accomplished with “move over” provisions.

The House Committee amended the bill to remove the contents as introduced and add “move over” provisions, and it recommended the amended contents as a substitute bill.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill as introduced, the KAC states enactment of the bill would have a negligible fiscal effect on counties.

Utilities; telecommunications; Uniform Act Regulating Traffic on Highways; authorized emergency vehicle; move over