

## MINUTES OF THE SENATE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Dwayne Umbarger at 8:30 a.m. on March 10, 2011, in Room 152-S of the Capitol.

All members were present except:

Senator Les Donovan  
Senator Anthony Hensley

Committee staff present:

Daniel Yoza, Office of the Revisor of Statutes  
Chris Courtwright, Kansas Legislative Research Department  
Jill Shelley, Kansas Legislative Research Department  
Toni Beck, Committee Assistant

Conferees appearing before the Committee:

John Faber, Lobbyist, ABATE  
Donald Boose, ABATE  
Tony McClelland, ABATE  
Tim Farr, ABATE  
Richard Goering, ABATE, Written Only  
Arthur Barnett, ABATE, Written Only  
Lynn Auernheimer, ABATE, Written Only  
Senator Marci Francisco, Written Only  
Bill Lucero, Kaw Valley Bike Club  
Alan Apel, Kaw Valley Bike Club  
Larry Baer, Assistant General Counsel, KS League of Municipalities  
Marcia Wright, Assistant City Attorney, Lenexa, Written Only

Others attending:

See attached list.

### **HB 2192 - Making seat belt regulations part of uniform act regulating traffic on highways**

Chairman Umbarger opened the hearing on **HB2192**.

Daniel Yoza, Revisor, presenting a ballooned amendment for review by the Committee on this bill. An act concerning safety belts; regulating traffic on highways (the original contents of HB 2192) would be stricken from the bill. Bicycles and motorcycles would be allowed to turn on red traffic lights that fail to change to a green light was amended into the bill. It would also require a vehicle to pass a bicycle with a distance of three feet for safety clearance. ([Attachment 1](#))

John Faber testified in support of the bill, stating it would be the cheapest fix to the problem of motorcycles not tripping an automatic green light instead of KDOT asking the city to change all lights. ([Attachment 2](#)) Donald Boose testified in support of the bill, when encountering a left turn at the intersection after stopping. ([Attachment 3](#)) Tony McClelland testified in support of the bill, stating the bill is aimed at addressing a frustrating issue that plagues motorcyclists at traffic controlled lights. ([Attachment 4](#)) Tim Farr testified in support of the bill, stating a vehicle must pull up behind you to trip the sensor for a light to change to green. ([Attachment 5](#)) Richard Goering provided written testimony in support of the bill, stating it would be a common sense procedure to have a Dead Red Bill for passage on red after stopping. ([Attachment 6](#)) Arthur Barnett provided written testimony in support of the bill, stating motorcycles are unable to trip the sensor for the change from red to green lights. ([Attachment 7](#)) Lynn Auernheimer provided written testimony in support of the bill stating the frustration at red traffic signals. ([Attachment 8](#)) Senator Marci Francisco provided written testimony in support of the change in statute that motorcycles may proceed through the intersection on red. ([Attachment 9](#))

Bill Lucero provided testimony in support of the bill by introducing Alan Apel to detail Tim Roberts' tragic story. ([Attachment 10](#)) Alan Apel provided informational testimony for the change in statute of the bill in regards to the untimely death of a fellow cyclist that could have been avoided with a "three feet law." ([Attachment 11](#))

Larry Baer, League of Kansas Municipalities, testified in opposition to **HB2192** stating KSA 8-2203

CONTINUATION SHEET

The minutes of the Senate Transportation Committee at 8:30 a.m. on March 10, 2011, in Room 152-S of the Capitol.

would not have any court costs imposed. However, he does believe that cities should be able to exercise their home rule authority as local policy. The League also opposes the change made by the House regarding motorcycles at red lights. Attachment 12) Marcia Knight provided written testimony in opposition to the bill stating assessing court cost should be left to the discretion of local authorities. (Attachment 13)

Chairman Umbarger closed the hearing on **HB2192**.

Senator Petersen moved to add **HB 2174's** "three feet rule" inserted into **HB 2192**. Seconded by Senator Huntington. Motion passed.

Senator Schmidt moved to remove the original contents from **HB 2192**. Seconded by Senator Reitz. Motion passed.

A motion by Senator Schmidt, seconded by Senator Kultala, to recommend HB 2192 favorably for passage as amended was made and withdrawn. Further discussion is expected on the bill.

**HB 2044 - Amending the requirements for action and notification upon motor vehicle accident**

Chairman opened discussion on **HB 2044**.

Daniel Yoza, Revisor, presented information amending KSA 8-1602, 8-1604, 8-1605, and 2010 SL Ch.136, Sec. 292 concerning required action and notification in a motor vehicle accident. The bill would amend the penalties for leaving the scene of an accident. **(Attachment 14)** Senator Kultala requested the language would read "up to" \$1,000 fine in an amendment.

Senator Schmidt moved to amend "up to" a \$1,000 fine for action and notification leaving an accident. Seconded by Senator Kultala. Motion passed.

Discussion continued in the Committee referencing page 1, line 27 for increase of the penalty fine. Level five is presumptive prison for discretion as opposed to level 6 as presumptive probation. Latitude should be allowed for a second driver that hit the same person, but leaving the scene of the accident would not relieve that person from responsibility to take action in assistance and reporting.

Senator Reitz made a motion to amend **HB2044** page 1, line 28 to a level 5 felony. Seconded by Senator Kultala. Motion passed.

Senator Schmidt made a motion to withdraw her previous motion on a fine of "up to" \$1,000. Seconded by Senator Kultala. Motion passed. Senator Schmidt requested a letter be drafted to tell the conferee about fines in current law and explain why a requested fine was not amended into the bill.

Daniel Yoza suggested a technical amendment with regard to page 5, lines 18-20: "or if the current crime of conviction was committed on or after July 1, 2011 and is a violation of KSA 8-1602 and amendments thereto."

Senator Schmidt made a motion to make the recommended technical amendment. Seconded by Senator Reitz. Motion passed.

Senator Reitz moved to recommend **HB 2044** as amended favorably for passage. Seconded by Senator Huntington. Motion carried.

The next meeting is scheduled for March 15, 2011.

The meeting was adjourned at 9:30 a.m.