

SESSION OF 2011

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2192

As Amended by Senate Committee on
Transportation

Brief*

HB 2192 would allow the driver of a motorcycle or the rider of a bicycle to proceed through a steady red signal, subject to other traffic rules governing right of way, if the red light has failed to change to green within a reasonable period of time because the signal has malfunctioned or has failed to detect the vehicle. The driver or rider must yield the right of way to any vehicle in the intersection or approaching so as to constitute an immediate hazard, to any pedestrian lawfully within an adjacent crosswalk, and to any other traffic lawfully using the intersection.

The bill also would require the driver of a vehicle overtaking a bicycle to pass that bicycle on the left no less than three feet away from the bicycle. It would allow the vehicle to pass a bicycle in a no-passing zone only when it is safe to do so.

Background

The original contents of HB 2192 would have moved the Safety Belt Use Act into the Uniform Act Regulating Traffic. Representatives Tom Burroughs, Rich Proehl, and Vince Wetta testified in support of the original bill, and Representative Gary Hayzlett submitted written testimony as a proponent. A representative of AAA Kansas presented neutral testimony. A representative of the League of Kansas Municipalities submitted testimony opposing the bill. Moving

*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>

the Safety Belt Use Act into the Uniform Act Regulating Traffic would make penalty provisions for seat belt violations uniform throughout Kansas. The fine is \$10, and no court costs would have been added.

The House Committee on Transportation amended the bill to insert contents of HB 2058 as introduced but amended to include bicycles. HB 2058 was proposed by ABATE of Kansas, and proponent testimony on that original bill was provided by six ABATE representatives. A representative of the United Transportation Union provided neutral testimony. A representative of the Kansas Association of Chiefs of Police and the Kansas Peace Officers Association provided opposition testimony.

The House Committee of the Whole amended the bill to clarify when a motorcycle driver or bicycle rider must yield the right of way before proceeding through an intersection.

The Senate Committee on Transportation amended the bill to remove the original contents of HB 2192; add the contents of HB 2174, regarding vehicles passing bicycles; and change the effective date to publication in the statute book. The Senate Committee on Transportation received proponent testimony from several representatives of ABATE regarding the "dead red" portions of the bill (portions originally in HB 2058); proponent testimony from Senator Francisco and from representatives of the Kaw Valley Bicycle Club on the portion of the bill dealing with vehicles passing bicycles (from HB 2174); and opponent testimony on the original contents of HB 2192 (regarding seat belts) from a representative of the League of Kansas Municipalities and a representative of the City of Lenexa.

A fiscal note prepared by the Division of the Budget on HB 2058 as introduced states the portion of the bill allowing a motorcycle to proceed through a red light would have no effect on state budgets and was not expected to have an effect on any local budget. According to the fiscal note for HB 2174, regarding overtaking and passing of bicycles, that

portion of the bill would have no fiscal effect on the Kansas Department of Transportation.