

SESSION OF 2024

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 426**

As Amended by Senate Committee on  
Transportation

**Brief\***

SB 426, as amended, would increase penalties for drivers who fail, upon approaching a stationary authorized emergency vehicle displaying flashing lights, to proceed with due caution and to move into another lane away from the emergency vehicle or to slow the driver's vehicle (move-over law), in the Uniform Act Regulating Traffic on Highways.

The bill would increase the fine for this traffic infraction from \$195 to \$400.

However, if the stationary emergency vehicle is a fire department vehicle, police bicycle, police vehicle, or an ambulance and:

- Violation of the move-over law results in injury or great bodily harm to any person serving as a law enforcement officer, an emergency medical service provider, or a firefighter, violation would be a severity level 6, person felony, and the bill would require the court to impose a fine of not less than \$1,000; or
- Violation of the move-over law results in death to any person serving as a law enforcement officer, an emergency medical service provider, or a firefighter, violation would be a severity level 4, person felony, and the bill would require the court to impose a fine of not less than \$7,500.

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\*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 bill would make conforming amendments to additional statutes to clarify applicable penalties. [*Note:* The bill would not increase the fine of \$195 or impose an additional penalty for failing to yield the right of way and stop on the right of the roadway upon approach of an authorized emergency vehicle using an audible signal.]

## **Background**

The bill was introduced by the Senate Committee on Transportation at the request of Senator Kloos.

### ***Senate Committee on Transportation***

In the Senate Committee hearing, a representative of the Kansas Association of Chiefs of Police, the Kansas Peace Officers Association, and the Kansas Sheriffs Association provided **proponent** testimony, stating working along the highway is one of the most common ways by which an emergency responder is injured or killed and such crashes are completely preventable. Written-only proponent testimony was provided by a representative of the League of Kansas Municipalities.

No other testimony was provided.

The Senate Committee amended the bill to replace two duplicate references to “law enforcement officer” with “firefighter.”

## **Fiscal Information**

According to the fiscal note prepared by the Division of the Budget on the bill as introduced, the Office of Judicial Administration (OJA) indicates enactment of the bill could have a fiscal impact on Judicial Branch operations but that effect cannot be estimated until the courts have had an opportunity to operate under the bill’s provisions. The bill’s

enactment would increase criminal penalties, so there would be less supervision performed by court service officers and a decrease in supervision fee revenues, which would have been credited to the State General Fund. OJA also states enactment could increase fine revenues, which would be credited to other funds.

The Kansas Department of Transportation (KDOT) notes the agency's Traffic Records Enhancement Fund receives 2.23 percent of all district court fines, penalties, and forfeitures, and the agency's Seat Belt Safety Fund receives 2.20 percent. KDOT estimates enactment of the bill could increase the fines collected, but the agency does not have enough information to estimate how many citations would be issued.

The Kansas Sentencing Commission estimates enactment of the bill could increase prison admissions and the number of beds needed, but a precise effect cannot be determined at this time. The Department of Corrections states any effect would be absorbed within existing resources. The Department of Revenue states enactment of the bill would not have a fiscal effect on agency operations.

Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2025 Governor's Budget Report*.

The League of Kansas Municipalities states enactment of the bill would not have a fiscal effect on cities.

Move-over law; law enforcement; emergency vehicle; firefighter; emergency medical provider; crime; fine