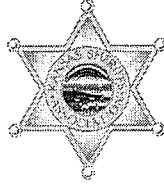




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**Testimony to the Senate Transportation Committee
Regarding SB465
March 16, 2012**

Chairman Umbarger and Committee Members,

We are not taking a position on this bill. However, as you consider this policy decision we would like to point out the bill goes beyond just right-of-way violations. Listed traffic infractions in SB465 are: 8-1526 right-of-way; approaching or entering intersection; 8-1527 right-of-way turning left; 8-1528 stop signs and yield signs; 8-1529 vehicle entering or crossing roadway; 8-1531 highway construction or maintenance operations; duty of driver. You will note these violations include violations in addition to right-of-way violations. For example, they will apply to all stop sign violations including stopping beyond or on the crosswalk or stop line, as well as for failing to stop even when no right-of-way violation or collision occurs.

Additionally the suspension periods are very lengthy. They are longer than those imposed for DUI. Suspension sanctions for these violations will be large in number and do not always produce the intended results.

Right-of-way infractions are usually acts of lack of prudence or just a poor driving decision, not acts committed with intent. A question worth asking is whether these additional sanctions will result in better compliance and fewer accidents. There is a good reason these cases are referred to as "accidents." Those that are the result of DUI, reckless driving, or other egregious acts while driving may be subject to prosecution under existing criminal law such as vehicular homicide or possibly even manslaughter or reckless battery depending upon the circumstances.

A significant number of traffic accidents are the result of right-of-way violations. According to the 2008 KDOT Accident Facts Book about 10% of all traffic collisions involve a right-of-way violation. I was unable to determine how many involved injury or death. That is about 7800 accidents per year caused by right-of-way violations. Of course there are many citations written for these violations where no accident occurred.

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Senate
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3-16-12