

SESSION OF 2018

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2534

As Amended by House Committee of the Whole

Brief*

HB 2534, as amended, would create the traffic infraction of excessive acceleration, which would prohibit any person from operating any vehicle under normal road conditions in a manner that, whether from a stationary position or while the car is in motion, intentionally causes the tires of the vehicle to break traction with the surface of the road, the tires to spin leaving marks on the road, or the tires to squeal.

The uniform fine schedule for traffic infraction violations would be amended to make the new infraction subject to a fine of \$100, and the definition of the existing misdemeanor of racing on highways would be amended to remove the phrase “exhibition of speed or acceleration.”

Background

The bill was introduced by the House Committee on Corrections and Juvenile Justice at the request of Representative Eric Smith. As introduced, the bill would have amended the racing on highways statute to provide a definition of “exhibition of speed or acceleration.”

In the House Committee hearing, a representative of the Kansas Association of Chiefs of Police, Kansas Peace Officers Association, and Kansas Sheriffs’ Association testified in support of the bill, stating the bill was introduced in response to the Kansas Supreme Court’s recent decision in *State v. Sharp*, 305 Kan. 1076 (2017). Representatives of the

*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>

Johnson County Sheriff's Office and the League of Kansas Municipalities also testified in support of the bill. No neutral or opponent testimony was provided.

The House Committee amended the bill to create the new infraction and remove the phrase "exhibition of speed or acceleration" from the racing on highways statute.

The House Committee of the Whole adopted a technical amendment.

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Kansas Department of Transportation indicates any fiscal effect on fines that may result from enactment of the bill would be negligible. The Office of Judicial Administration indicates enactment of the bill could increase Judicial Branch expenditures for and docket fee revenues from additional filings for the crime of exhibition of speed or acceleration, but a precise estimate cannot be determined.