

SESSION OF 2019

**SECOND CONFERENCE COMMITTEE REPORT BRIEF
SENATE BILL NO. 63**

As Agreed to April 4, 2019

Brief*

SB 63 would amend the Uniform Act Regulating Traffic on Highways (Uniform Act) regarding use of certain lights by a transportation network company driver, driver responsibilities when on-track equipment is nearby, sun screening material on vehicle windows, regulating electric-assisted scooters (e-scooters), and operations of all-terrain vehicles (ATVs) and work-site utility vehicles.

Transportation Network Company Lights

The bill would authorize the governing body of a city to adopt an ordinance to allow a driver for a transportation network company, when the driver is logged on to the transportation network company's digital network, to equip the vehicle with a device capable of displaying light visible from directly in front of the center of the vehicle. The bill would specify the lighting device could display steady light and light of any color except red. Terms would have the meanings provided in the Kansas Transportation Network Company Services Act.

The bill would add the above provisions to the Uniform Act.

*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at <http://www.kslegislature.org/klrd>

The bill would amend provisions prohibiting lights visible from the center front on vehicles to authorize lights meeting the provisions that would be added by the bill (as described above).

Stopping When On-track Equipment Is Nearby

The bill would require a driver to stop a vehicle at least 15 feet, but not more than 50 feet, before crossing a railroad track under certain circumstances if other on-track equipment, in addition to a railroad train as in current law, is nearby. The circumstances under which such a stop would be required would be the same as those for which a stop is required for a railroad train under current law:

- A clearly visible electric or mechanical signal device gives warning of the approach of the train or other on-track equipment;
- A crossing gate is lowered or when a human flagman gives a signal that a train or on-track equipment is approaching or passing;
- The railroad train or on-track equipment approaching within approximately 1,500 feet emits a signal audible from such distance and is, by reason of speed or proximity, an immediate hazard; or
- The approaching railroad train or on-track equipment is plainly visible and is in hazardous proximity to such crossing.

Sun Screening Material on Vehicle Windows

The bill would authorize the installation of a clear, colorless, and transparent material on a vehicle's

windshields, side wings, side windows, or rear windows if the following conditions are met:

- The material has a minimum visible light transmittance of 78 percent;
- The window glazing with the applied material meets federal motor vehicle safety standards regarding window glazing materials;
- The material is designed and manufactured to block the sun's ultraviolet A or B rays by enhancing the vehicle's existing window glass;
- The driver or occupant of the vehicle possesses a signed statement from a licensed physician or optometrist that:
 - Identifies the driver or occupant; and
 - States the installation of the material on the vehicle windows is, in the physician's or optometrist's professional opinion, necessary for the safety or health of the driver or occupant; and
- The material is removed or replaced if it tears, bubbles, or otherwise prohibits clear vision through the window.

The bill would state any driver who is issued a citation for failure to possess a signed statement from a licensed physician or a licensed optometrist (as outlined above) shall have 60 days to either produce such a signed statement in court or remove the material. If the driver does either of those things within 60 days, the bill would require the court to dismiss the citation.

The bill also would amend an exclusion for a law enforcement motor vehicle from a requirement that light transmission through vehicle windows not be less than 35 percent, to remove a requirement the law enforcement

vehicle be clearly identified as such on the outside of the vehicle.

Operation of All-terrain Vehicles and Work-site Utility Vehicles

The bill would authorize operation of ATVs and work-site utility vehicles to cross a federal highway or a state highway.

The bill also would authorize a person engaged in agricultural purposes to operate an ATV or work-site utility vehicle on a federal highway or state highway outside the corporate limits of any city under the following conditions:

- The operator must be a licensed driver and operating within the restrictions of the operator's license;
- The posted speed limit on the federal highway or state highway must be 65 miles per hour or less;
- The vehicle must be operated as near to the right side of the roadway as practicable, except when making or preparing to make a left turn; and
- The trip must be for agricultural purposes.

Regulation of Electric-assisted Scooters

The bill would regulate the use of e-scooters, which would be defined by the bill as every self-propelled vehicle having at least two wheels in contact with the ground, an electric motor, handlebars, a brake, and a deck designed to be stood upon while riding.

The bill would amend the Uniform Act to prohibit any person from operating an e-scooter on any interstate highway, federal highway, or state highway. The bill would

permit the governing body of a city or county to adopt an ordinance or resolution further restricting or prohibiting the use of e-scooters on public highways, streets, or sidewalks within such cities or counties. The bill would apply traffic regulations applicable to bicycles to e-scooters. The bill would not prohibit e-scooters from crossing a federal or state highway.

The bill would add a fine of \$45 for unlawful operation of an e-scooter.

The bill would also include the new definition of e-scooter in vehicle registration statutes. The bill would exclude e-scooters from registration.

Conference Committee Action

The second Conference Committee agreed to the provisions of SB 63 as amended by the House Committee on Transportation (which includes provisions of HB 2225 regarding stopping for on-track railroad equipment) and further agreed to add the contents of three bills:

- HB 2126 as amended by the Senate Committee on Transportation and passed by the Senate, regarding electric-assisted scooters;
- HB 2087 as amended by the Senate Committee on Transportation and passed by the Senate, regarding sun screening material for vehicle windows, with these modifications:
 - Reinserting a requirement the driver or occupant of the vehicle possess a signed statement from a licensed physician or licensed optometrist identifying the person and stating a professional opinion that the material is necessary to safeguard that person's health; and

- Adding a requirement for a court to dismiss a citation issued to a driver for not having such signed statement from a licensed physician or licensed optometrist if, within 60 days, the driver produces the signed statement or removes the material; and
- HB 2248 as amended by the Senate Committee of the Whole and passed by the Senate, regarding operations of ATVs and work-site utility vehicles.

Background

SB 63, as amended by the House Committee, included provisions of SB 63 and HB 2225. The second Conference Committee added contents of HB 2126, HB 2087, and HB 2248.

SB 63 (Transportation Network Company Lights)

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

At the hearing of the Senate Committee on Transportation, Senator Petersen provided proponent testimony. He stated the light would help the customer to find the transportation network company vehicle in a crowded location, if a city authorizes the use. Written-only proponent testimony was provided by a representative of Lyft. No neutral or opponent testimony was provided.

Senator Petersen also provided testimony at the hearing of the House Committee on Transportation. No neutral or opponent testimony was provided.

The House Committee amended the bill to include the contents of HB 2225 as introduced.

According to the fiscal note prepared by the Division of the Budget on SB 63, as introduced, the League of Kansas Municipalities (LKM) indicates enactment of the bill would have no fiscal effect on cities.

HB 2225 (Stopping When On-track Equipment Is Nearby)

HB 2225 was introduced by the House Committee on Transportation at the request of Representative Ballard on behalf of Representative Helgerson.

At the House Committee hearing, a representative of the Brotherhood of Maintenance of Way Employees Division of the International Brotherhood of Teamsters provided proponent testimony. He stated on-track maintenance equipment cannot stop within a reasonable distance (like a train engine or train engine with cars) and the bill would clarify motorist responsibilities. He also stated similar legislation had been enacted in 19 other states.

No neutral or opponent testimony was provided.

At the hearing of the Senate Committee on Transportation, the representative of the Brotherhood of Maintenance of Way Employees Division of the International Brotherhood of Teamsters provided proponent testimony. Written-only proponent testimony was provided by a representative of Operation Lifesaver. No neutral or opponent testimony was provided.

The fine in continuing law for failure to stop or obey a road crossing signal is \$195 (KSA 2018 Supp. 8-2118).

According to the fiscal note prepared by the Division of the Budget, enactment of HB 2225 would have no fiscal effect.

HB 2087 (Sun Screening Material on Vehicle Windows)

HB 2087 was introduced by the House Committee on Transportation at the request of Representative Schreiber.

In the hearing before the House Committee, Representative Schreiber testified as a proponent to introduce constituents, a family from El Dorado, who testified as proponents of the bill. The parents and their son spoke about the son's rare genetic disorder that causes extreme skin and eye sensitivity to ultraviolet A and B rays. They testified the window film that would be allowed by the bill would prevent exposure to ultraviolet A and B rays. No neutral or opponent testimony was provided.

The House Committee amended an exclusion from a provision prohibiting total light transmission from being less than 35 percent. As amended, the bill would extend the exclusion to all law enforcement vehicles, regardless of whether the vehicle is clearly identified as a law enforcement vehicle. [*Note:* The Conference Committee retained this amendment.]

At the Senate Committee on Transportation hearing, the same family from El Dorado testified as proponents of the bill. No neutral or opponent testimony was provided. A representative of the Kansas Association of Chiefs of Police, Kansas Sheriffs Association, and Kansas Peace Officers Association provided additional information on the topic.

The Senate Committee amended the bill to require the transparent material to have a minimum visible light transmittance of 78 percent rather than 88 percent and to remove provisions requiring the driver or occupant of the vehicle to possess a signed statement from a licensed physician or licensed optometrist identifying the driver or occupant and stating the physician's or optometrist's professional opinion that the material is needed to safeguard the health of the vehicle driver or occupant. [*Note:* The Conference Committee retained the amendment to minimum

visible light transmittance but reinserted the requirement for a signed statement from a physician or optometrist.]

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Office of Judicial Administration indicates the bill could reduce expenditures if the crime of installation of light screening material on motor vehicles is restricted because fewer offenders would be supervised, but the fiscal effect could not be determined. [Note: Violation of the statute being amended by the bill is a misdemeanor.] The fiscal note indicates the bill would have no fiscal effect on the Kansas Highway Patrol (KHP). Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2020 Governor's Budget Report*.

HB 2248 (Operation of All-terrain Vehicles and Work-site Utility Vehicles)

HB 2248 was introduced by the House Committee on Transportation at the request of Representative Highland on behalf of a constituent. At the House Committee hearing, Representative Highland and representatives of the Kansas Livestock Association (KLA) and the Kansas Farm Bureau (KFB) provided proponent testimony, with the former proposing amendments also supported by the latter. Representative Highland stated the bill had been reviewed by the KHP. No neutral or opponent testimony was provided.

At the Senate Committee on Transportation hearing, the Deputy Secretary of Transportation, testifying in support of the bill, stated the Kansas Department of Transportation (KDOT) had worked with the KHP and the KLA on amendatory language, and she reviewed the proposed amendments. Representatives of the KLA and the KFB also testified in support of the bill and the proposed amendments; the KLA representative suggested a change to the proposed amendments. Written-only proponent testimony was provided by representatives of the Kansas Corn Growers Association

and the Kansas Pork Association. No neutral or opponent testimony was provided.

As introduced, the bill would have authorized operation of an ATV to cross, by the most direct route, a federal or state highway that separates property owned or leased by such person. The Senate Committee amended the bill to include work-site utility vehicles, authorize the vehicles to cross a federal highway or state highway, and authorize operation for persons engaged in agricultural purposes to operate on federal highways or state highways under the conditions stated above. [Note: A further KDOT-proposed amendment, to require the operation be between the person's residence and agricultural property owned or leased by that person or by an employee, was not included in the Senate Committee amendments. The Conference Committee retained the Senate Committee amendments, as modified by the Senate Committee of the Whole.]

The Senate Committee of the Whole amended the bill to specify the provisions to be added by the bill authorizing certain operation of ATVs and work-site utility vehicles for agricultural purposes would not apply within the corporate limits of a city. [Note: A city must authorize operation of an ATV or work-site utility vehicle within the city's corporate limits. The Conference Committee retained these amendments.]

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the KHP reports enactment of the bill would have no fiscal effect on agency operations.

HB 2126 (Electric-assisted Scooters)

HB 2126 was introduced in the House Committee on Transportation at the request of the LKM.

In the House Committee hearing, a representative of the LKM testified as a proponent. The representative testified e-scooters have been introduced in several major cities but current Kansas law does not clearly define e-scooters. A representative of the Association of Chiefs of Police, the Kansas Sheriffs Association, and the Kansas Peace Officers Association; the mayor of the City of Manhattan; the City of Overland Park; and the transit director for the City of Wichita submitted written-only proponent testimony. No neutral or opponent testimony was provided.

The House Committee amended the bill to remove a section classifying e-scooters as nonhighway vehicles at the request of the revisor; to clarify that e-scooters are not required to be registered or insured; to permit the use of e-scooters on public highways, streets, or sidewalks within cities and also to permit cities or counties to adopt ordinances further restricting or prohibiting the use of e-scooters within such cities or counties; to apply law applicable to bicycle operation to e-scooters; and to reduce the proposed penalty for the unlawful use of e-scooters from \$75 to \$45 (to match penalties in current law for violations relating to bicycles). [Note: The Conference Committee retained these amendments.]

At the hearing of the Senate Committee on Transportation, a representative of the LKM testified as a proponent. Written-only proponent testimony was provided by a representative of the Association of Chiefs of Police, the Kansas Sheriffs Association, and the Kansas Peace Officers Association and by the City of Overland Park. No neutral or opponent testimony was provided.

The Senate Committee adopted a technical amendment requested by the Committee's revisor.

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Department of Revenue indicates the bill would require costs totaling \$2,180 from the State General Fund in FY 2020, including \$1,940 for systems testing and other information technology costs and

\$240 for updating policies and procedures. The KHP indicates the bill would have no fiscal effect on the agency. The LKM indicates the bill would have a negligible fiscal effect on local government revenues and expenditures. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2020 Governor's Budget Report*.

vehicle; lights; transportation network company; transparent material; windshield; sunscreen; scooter; city; county; all-terrain vehicle; work-site utility vehicle; highway

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