

SESSION OF 2019

**SUPPLEMENTAL NOTE ON SUBSTITUTE FOR SENATE
BILL NO. 62**

As Recommended by Senate Committee on
Transportation

Brief*

Sub. for SB 62 would authorize violation of certain rules of the road in the Uniform Act Regulating Traffic on Highways by the driver of a police vehicle who has reason to believe vehicle operation while using lights and audible signals could impede a law enforcement action under circumstances specified by the bill.

The bill would specify such operation would be permissible when:

- Approaching a location to deliver law enforcement services if the use of audible or visual signals may cause persons involved in the incident to flee, cause destruction of evidence, or cause injury to any person;
- Monitoring for indications of a crime or a need for law enforcement services;
- Engaging in surveillance of suspected criminal activity involving a vehicle, the occupants of a vehicle, or other persons suspected of involvement in a crime;
- Obtaining evidence for a speed limit violation; or

*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>

- Approaching a vehicle actually or suspected of violating the law when the vehicle is not attempting to evade a law enforcement officer.

When such operation can be done with a reasonable degree of safety, the bill would authorize the following actions that otherwise would constitute violation of certain rules of the road:

- Proceeding past a red or traffic control signal, but only after first coming to a stop;
- Exceeding maximum speed limits by not more than 15 miles per hour, except when obtaining evidence for someone exceeding the speed limit or when approaching a vehicle when the vehicle is not attempting to evade a law enforcement officer, so long as the driver of the police vehicle does not endanger life or property;
- Changing direction of movement or turning in specified directions, so long as such driver does not endanger life or property; or
- Proceeding through toll booths without stopping to pay tolls, but only after slowing down as necessary for safe operation.

The bill would authorize the driver of a police vehicle to park or stand, irrespective of other rules of the road, while performing law enforcement duties.

The bill would state the provisions shall not relieve the driver of an authorized emergency vehicle from the consequences of reckless disregard for the safety of others.

The bill would authorize any law enforcement agency to limit or prohibit application of any or all of these provisions by written policy.

Background

The bill was introduced by the Senate Committee on Transportation at the request of a representative of the Kansas Association of Chiefs of Police, the Kansas Sheriffs' Association, and the Kansas Peace Officers Association.

At the Senate Committee hearing, a representative of the above-named organizations provided proponent testimony. He described similar exemptions in Kansas law from some rules of the road when lights and sirens are activated, stated many states have exemptions like those proposed, and stated experts describe the proposed actions as acceptable police practices. Written-only proponent testimony was provided by a representative of the Kansas Highway Patrol.

Opponent testimony was provided by a representative of the Kansas Trial Lawyers Association (KTLA), who raised concerns about officer discretion and the potential for an increased number of crashes. Written-only opponent testimony was provided by a private attorney for himself and on behalf of the KTLA.

No neutral testimony was provided.

KSA 8-1506 provides similar but more extensive exceptions for drivers of authorized emergency vehicles under circumstances for which lights and audible signals are required.

The Senate Committee amended the bill to clarify and amend the circumstances under which such operation would be authorized, clarify and amend the exceptions to traffic laws that would be authorized, authorize the driver of a police vehicle to park or stand while performing law enforcement services rather than only during activities authorized by the bill as introduced, and authorize any law enforcement agency to limit or prohibit application of any or all provisions by

written policy. The Senate Committee also recommended the amended contents be placed into a substitute bill.

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Office of Judicial Administration estimates any fiscal effect on the Judicial Branch from enactment of the bill would be negligible. The Kansas Highway Patrol indicates enactment of the bill would have no fiscal effect on agency operations.