

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2522**

As Amended by House Committee on Transportation

**Brief\***

HB 2522 pertains to traffic control preemption devices.

**Definition** The bill defines "traffic control signal preemption device" as any device, instrument, or mechanism designed, intended, or used to interfere with the operation or cycle of a traffic-control signal.

**Violations and penalties regarding possession, use, sale, or purchase of traffic control preemption devices.**

| Type of Violation   | Penalty   |
|---|---|
| Possession of a preemption device.  | Class B misdemeanor - confinement in the county jail for not more than 6 months.  |
| Use of a preemption device.   | A severity 9, nonperson felony.<br><br>A severity level 7, person felony when the violation results in a traffic accident causing injury to a person or damage to a vehicle or other property.<br><br>A severity level 5, person felony in which the violation results in a traffic accident that causes the death of a person. |
| Sale of a device to persons other than operators, passengers, or owners of authorized emergency vehicles. | A severity level 9, nonperson felony.   |
| Purchase of a device for use other than for authorized emergency vehicle duty purposes.                   | A severity level 9, nonperson felony.   |

---

\*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>

## **Exemptions**

The provisions of the bill would not apply to the operator, passenger, or owner of the following emergency vehicles:

- publicly owned fire department vehicles;
- publicly owned police vehicles; or
- motor vehicles operated by ambulance services permitted by the emergency medical services board.

## **Effective Date of the Act**

The bill would take effect upon publication in the statute book.

## **Background**

HB 2522, as introduced, pertained to the possession, use, sale, or purchase of a mobile infrared transmitter. The bill was requested and supported by Representative Huff. Also appearing in support of the bill in its original form was Lt. John Eichkorn of the Kansas Highway Patrol; David Lake, Administrator, Board of Emergency Medical Services; Dennis Meyers, Fire Chief, Overland Park, Kansas; and Steve Kearney, Fraternal Order of Police, Kansas State Lodge. Among other things, conferees expressed concern that mobile infrared transmitters (MIRTs) would allow motorists to preempt traffic lights, thereby creating safety problems on city streets. Concerns were also expressed that MIRTs may now be purchased by any person over the Internet.

No one testified against the bill.

The House Transportation Committee amendment would more accurately describe traffic signal preemption systems. The term "mobile infrared transmitter" is actually the name given to the device by a company, FAC of America.

The original fiscal note from the Division of Budget notes that, according to the Office of Judicial Administration (OJA), enactment of the bill would have a fiscal effect on the courts. The OJA indicates that it is not known how many additional cases would be filed, thus, no

estimate of additional costs is available. The Kansas Sentencing Commission also reports that passage of the bill will have minimal or no effect on the offender population and no effect on prison admissions or prison bed usage.