

SESSION OF 2006

**CONFERENCE COMMITTEE REPORT BRIEF  
HOUSE BILL NO. 2748**

As Agreed to April 27, 2006

**Brief\***

HB 2748 would establish more severe penalties for leaving the scene of an accident and would require drivers to use their headlights during daylight hours during incimate weather and when certain other conditions exist.

The bill would require every vehicle at all times to display lighted head and other lamps and illuminating devices as required for different classes of vehicles, subject to exceptions with respect to parked vehicles:

- When, due to insufficient light or unfavorable atmospheric conditions, including smoke or fog, persons and vehicles on the highway are not clearly discernible at a distance of 1,000 feet ahead; or
- When windshield wipers are in continuous use as a result of rain, sleet, or snow.

A driver who violates the windshield wiper provision could not be stopped by a law enforcement officer unless the driver violates another law; nor could the law enforcement officer issue a citation unless the officer cites the violation that initially caused the officer to stop the driver.

The bill would make it a class A, person misdemeanor to leave the scene of an injury accident or an accident with property damage in excess of \$1,000. The bill also would increase the crime to a severity level 10, person felony to leave the scene of an accident involving great bodily harm. Finally, the crime of leaving the scene of an accident involving a death would be considered a severity level 9,

---

\*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. The conference committee summary report may be accessed on the Internet at <http://www.kslegislature.org>

person felony. Under current law, the crime of leaving the scene of an injury accident under any circumstance is a class A misdemeanor.

An adult passenger in the car involved in these accident situations, when the driver is incapable of giving notice would be required to give notice.

The bill also would extend the issuance of United States Military Veterans' license plates to owners or lessees of travel trailers. Currently, these plates may be issued to owners or lessees of passenger vehicles, trucks with a gross weight of 20,000 pounds or less, or motorcycles.

### **Conference Committee Action**

The Conference Committee agreed to the following:

- Insert the provisions regarding U.S. Military Veterans' licenses for travel trailers. This provision is from SB 396, as passed by the Senate.
- Add the provisions regarding windshield wipers. These provisions are from SB 81, as amended by the House.
- Deleted all references to "serious bodily injury" and replace with "great bodily harm."

### **Background**

The sponsor of the original bill, Representative Becky Hutchins, spoke in favor of the bill. Marin Brown, a hit and run investigator for the Topeka Police Department, submitted written testimony in support of the measure. Others who expressed support for the measure included Karen Wittman with the Shawnee County District Attorney's Office, Cindy Thompson, Clayton Gurwell, Myrl Gurwell, and Craig Miller, citizens and relatives of victims.

The Senate Committee added provisions of SB 81 dealing with the use of headlights and struck the definitions of "injury" and "serious bodily injury" from the bill.

Conferees who testified in support of the bill included Dan Ramlow, Executive Vice President, Kansas Contractors Association,

and Nelson Olinger, Independence, Kansas. Conferees who submitted written testimony included, James R. Hanni, Executive Vice President, Kansas Region and Public Affairs, Automobile Association of America of Kansas, and Tom Whitaker, Executive Director, Kansas Motor Carriers Association. Lt. John Eichkorn, Kansas Highway Patrol, testified in support of the bill but preferred that violations be primary offenses rather than secondary offenses.

Other Senate Committee amendments were clarifying in nature.

The fiscal note prepared by the Division of Budget on the original bill indicates that passage of the bill could result in an increase in traffic violation revenue. However, there is no way to estimate the number of resulting citations.

The fiscal note indicates that, according to the Kansas Sentencing Commission, no information currently is available on the number of individuals leaving the scene of accidents. As a result, the agency cannot estimate the effect of HB 2748 on correctional facilities. However, with the creation of a new felony crime, correctional facility admissions would likely increase. The Office of Judicial Administration states that HB 2748 would potentially bring more cases before the court, but has no estimate on the number of cases. Any fiscal effect resulting from the passage of this bill is not included in *The FY 2007 Governor's Budget Report*.

On SB 396, the Director of Vehicles appeared before the Committee to express support for the bill. The other conferee, Willie L. Jones, a veteran, Independence, Kansas, also appeared in support of the bill.

The fiscal note prepared by the Director of the Budget indicates that passage of the bill would have no fiscal effect.

On SB 81, the House Transportation Committee removed the provision which would have made it a secondary offense to have violated the windshield wiper provision. Instead, the House amendment would provide that a driver violating the windshield wiper provision would be issued a warning citation for a period of one year.

The fiscal note prepared by the Division of Budget indicates that passage of the bill could result in an increase in traffic violation revenue. However, there is no way to estimate the number of resulting citations.

Leaving the scene of an accident; Windshield wiper violations; U.S. Military veterans' license plate