

SESSION OF 2021

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2164**

As Recommended by House Committee on  
Transportation

**Brief\***

HB 2164 would establish a “move over” requirement for a driver approaching any stationary vehicle displaying flashing warning lights.

The bill would require the driver of a motor vehicle traveling on a highway with at least two lanes carrying traffic in the same direction to change into a nonadjacent lane upon approaching a stationary vehicle displaying vehicular hazard warning signal lamps. If the conditions do not allow the driver to safely change lanes, or if the highway does not have two lanes carrying traffic in the same direction, the driver would be required to proceed with due caution, reduce speed, and maintain a safe speed for the road, weather, and traffic conditions. The provisions would be added to the Uniform Act Regulating Traffic on Highways.

A violation would be a traffic infraction. The bill would amend the uniform fine schedule to add a fine of \$45 for unlawful passing of a stationary vehicle. It also would make a technical correction in the fine schedule.

**Background**

The bill was introduced by the House Committee on Transportation at the request of Representative Delperdang.

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\*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>

### ***House Committee on Transportation***

At the House Committee hearing, Representative Delperdang provided **proponent** testimony on the bill, sharing a personal experience of being stopped on the shoulder of the road in a hazardous situation with a majority of drivers failing to move over upon approaching.

No other testimony was provided.

### **Fiscal Information**

According to the fiscal note prepared by the Division of the Budget on the bill, the Office of Judicial Administration (Office) indicates enactment of the bill has the potential to increase litigation in the courts because it would create a new violation. The Office indicates increased litigation resulting from enactment of the bill could have a fiscal effect on the court system, but it is unable to estimate the fiscal effect. The Kansas Department of Transportation, which receives approximately 4.4 percent of district court fines, to be used for certain purposes, indicates enactment of the bill could increase revenues generated from new traffic infraction fines, but it does not have enough information to estimate a fiscal effect. Any fiscal effect is not reflected in *The FY 2022 Governor's Budget Report*.

Traffic safety; warning signal lamps; unlawful passing; stationary vehicles