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Written Testimony in Opposition of Senate Bill 267
Senate Committee on Transportation

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The Kansas Highway Patrol appreciates the opportunity to provide written testimony in opposition of Senate Bill 267. We respectfully request the Committee consider our agency's concerns. This bill would classify a violation of K.S.A. 8-1906, relating to the securement of loads on vehicles, as a traffic infraction. We oppose this bill due to the ambiguous state of consequent fines for violating K.S.A. 8-1906.

The addition of K.S.A. 8-1906 in K.S.A. 8-2116(a) clarifies that every person convicted of violating K.S.A. 8-1906 is guilty of a traffic infraction. This removes K.S.A. 8-1906 from the misdemeanor classification provided by K.S.A. 8-2116(b). We stand neutrally on the result of this revision.

Instead, our concern stems from the absence of a specified fine amount in K.S.A. 8-2118, the Uniform Fine Schedule for Traffic Infractions. Since K.S.A. 8-1906 is not listed in K.S.A. 8-2118(c), and no fine amount is stated elsewhere in statute, this omission may result in the need for the violator to appear in court so a fine can be assessed. With the addition of K.S.A. 8-2503 in K.S.A. 8-2116(a) provided by Senate Bill 41 during the 2019 session, this issue was not present because another statute, K.S.A. 8-2504, established the fine amount. As a potential remedy, we would respectfully suggest the addition of K.S.A. 8-1906 to the fine schedule listed in K.S.A. 8-2118(c). The amount of the fine we would leave to the wisdom of the Committee.

Ensuring the safety of every motorist in Kansas is a goal the Kansas Highway Patrol takes very seriously. Seeing to the securement of loads on vehicles, particularly on commercial motor vehicles with large or hazardous loads, is an integral part of that goal. We sincerely thank members of this committee for their consideration of our testimony.

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