

SESSION OF 2021

**CONFERENCE COMMITTEE REPORT BRIEF
SENATE BILL NO. 67**

As Agreed to April 6, 2021

Brief*

SB 67 would create law regarding the right-of-way for funeral processions and for certain vehicles involved in utility repairs.

Funeral Escorts and Processions

The bill would define “funeral procession,” “funeral lead vehicle,” and “funeral escort.”

The bill would authorize funeral escorts to reasonably direct vehicle and pedestrian traffic to allow funeral processions to pass through intersections and disregard traffic control devices, notwithstanding any state law, city ordinance, or county resolution relating to traffic control devices or right-of-way provisions.

The bill would permit vehicles in a funeral procession to follow a funeral lead vehicle through an intersection regardless of traffic control devices or any right-of-way provision in state law, city ordinance, or county resolution if the funeral lead vehicle lawfully entered the intersection through a traffic control device when directed by a funeral escort.

*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. Conference committee report briefs may be accessed on the Internet at <http://www.kslegislature.org/kldr>

The bill would state funeral processions have the right-of-way at intersections regardless of traffic control devices if operators of vehicles in the funeral procession:

- Yield the right-of-way to approaching authorized emergency vehicles;
- Yield the right-of-way when directed by a police officer; and
- Exercise due care when participating in the funeral procession to avoid colliding with any other vehicle or pedestrian.

The bill would state the operator of a vehicle in a funeral procession would not have the right-of-way if such vehicle is more than 300 feet behind the immediately preceding vehicle in such procession.

The bill would require all vehicles in a funeral procession to follow the preceding vehicle in the procession as closely as is safe and practical. The bill would exempt vehicles in a funeral procession from any state law, city ordinance, or county resolution prohibiting a vehicle from following another vehicle too closely.

The bill would require each vehicle in a funeral procession to have lighted the vehicle's headlights (high beam or low beam) and taillights and would permit flashing hazard lights.

The bill would state a city or county could require a law enforcement or non-law enforcement funeral lead vehicle or funeral escort for a funeral procession. The bill would allow cities or counties to require prior notice of any planned funeral procession be given to the city police department or county sheriff. The bill would further state none of its provisions would prohibit cities or counties from requiring compliance with any city ordinance or county resolution not in conflict with provisions of the bill.

“Move Over” Law for Authorized Utility Vehicles

The bill would create a “move over” requirement for drivers related to a stationary authorized utility or telecommunication vehicle (authorized utility vehicle) under certain circumstances.

The bill would prohibit a driver from overtaking or passing another vehicle when within 100 feet of a stationary authorized utility vehicle.

The bill would require a driver to yield the right-of-way to any authorized utility vehicle or pedestrian engaged in work on the highway when the vehicle displays flashing lights meeting requirements of the Uniform Act Regulating Traffic on Highways (Uniform Act).

Upon approaching the authorized utility vehicle that is obviously and actually engaged in work on a highway and displaying required flashing lights, the driver of a motor vehicle would be required to do one of the following:

- Change into a lane nonadjacent to the authorized vehicle, if on a highway with at least two lanes carrying traffic the same direction, and if road conditions permit; or
- In all other circumstances, proceed with due caution, reduce the speed of the motor vehicle, and maintain a safe speed for the road, weather, and traffic conditions.

The bill would not relieve the driver of an authorized utility vehicle from the duty to drive with safe regard for the safety of all using the highway.

The bill would define an authorized utility vehicle to mean a vehicle displaying flashing lights meeting certain requirements that is:

- Being operated by authorized personnel (as defined in public utility law) for an electric or natural gas public utility or municipal-owned utility and being used for repairs needed to restore necessary services or ensure public safety; or
- Being operated by a local exchange carrier, telecommunications carrier, video service provider, or wireless infrastructure or service provider, and being used for repairs.

The bill would create a \$105 fine for the traffic violation of unlawful passing of an authorized utility vehicle.

The provisions of the bill would be part of and supplemental to the Uniform Act.

Conference Committee Action

The Conference Committee replaced the contents of SB 67 with the contents of SB 131, as passed by the Senate, regarding funeral processions and the contents of House Sub. for SB 167 regarding “move over” law for utility vehicles. [Note: The previous contents of SB 67, regarding the definitions of all-terrain and recreational off-highway vehicles were placed into the Conference Committee report for SB 95.]

Background

The Conference Committee report would contain the contents of SB 131 as passed by the Senate and House Sub. for SB 167.

SB 131 (Funeral Escorts and Processions)

The bill was introduced by Senator Pittman.

[*Note*: SB 131 contains provisions similar to those of HB 2107 and 2020 HB 2608, as amended by the House Committee.]

Senate Committee on Transportation

In the Senate Committee hearing, Senator Pittman, a representative of the Kansas Funeral Directors Association, and two representatives of Patriot Guard Riders, Kansas, provided **proponent** testimony, indicating the bill would be an important safety measure to formally recognize and clarify the right-of-way privileges of funeral processions and protect the safety of funeral escorts. A representative of the Kansas Association of Chiefs of Police, the Kansas Peace Officers Association, and the Kansas Sheriffs' Association; a representative of the League of Kansas Municipalities (LKM); a licensed funeral director; and four private citizens who identified themselves as motorcycle escorts for funeral processions for veterans provided written-only **proponent** testimony.

No other testimony was provided.

SB 167 (“Move Over” for Authorized Utility Vehicles)

The bill was introduced by Senator Corson. As introduced, the bill would have extended the definition of an authorized emergency vehicle to include utility vehicles under certain circumstances.

Senate Committee on Transportation

In the Senate Committee hearing, Senator Corson and a representative of the International Brotherhood of Electrical Workers, Local Union 304 provided **proponent** testimony. A representative of Evergy provided written-only **proponent** testimony. The proponents described the bill as a step to

improve safety for utility workers. They noted the Kansas “move over” law requires drivers of motor vehicles approaching a stationary authorized emergency vehicle that is flashing its warning lights to move into a lane not adjacent to the authorized emergency vehicle or, if not on a highway with multiple lanes of traffic in the same direction, to reduce the speed of the vehicle and proceed with due caution (KSA 2020 Supp. 8-1530).

Representatives of the Kansas Association of Counties (KAC) and the LKM provided written-only neutral testimony, noting the rights and responsibilities of drivers of emergency vehicles.

No other testimony was provided.

Senate Committee of the Whole

The Senate Committee of the Whole amended the bill to add provisions regarding vehicles used by providers of telecommunications and wireless services. [*Note:* The Conference Committee retained these amendments.]

House Committee on Transportation

In the House Committee hearing, Senator Corson and a representative of the International Brotherhood of Electrical Workers, Local Union 304, provided **proponent** testimony, indicating the bill would help reduce the risk utility workers face, give utility workers a greater sense of security when performing emergency tasks, and would align Kansas with 20 other states that include utility and telecommunications vehicles in their “move over” law, including Missouri and Nebraska. A representative of Evergy on behalf of Evergy, Atmos Energy, Black Hills Energy, Kansas City Board of Public Utilities, Kansas Electric Cooperatives Inc., Kansas Electric Power Cooperative Inc., Kansas Gas Service,

Kansas Municipal Utilities, and Sunflower Electric Power Corp. provided written-only **proponent** testimony.

Representatives of the KAC and the LKM provided neutral testimony, indicating the bill would grant unnecessary exemptions for utility vehicles, would remove local oversight, and should be more narrowly tailored.

A representative of the Kansas Association of Chiefs of Police, the Kansas Peace Officers Association, and the Kansas Sheriffs' Association provided **opponent** testimony. The conferee stated support for the intent of the bill, but indicated the bill would authorize broad authority regarding operation of utility vehicles while both stopped and moving. He suggested the objective could be accomplished with "move over" provisions.

The House Committee amended the bill to remove the contents as introduced and add "move over" provisions, and it recommended the amended contents as a substitute bill.

Fiscal Information

SB 131

According to the fiscal note prepared by the Division of the Budget on SB 131, the Office of Judicial Administration indicates it cannot estimate a fiscal effect until given the opportunity to operate under the bill's provisions. The KAC and LKM state enactment of the bill would have a negligible fiscal effect on local governments. Any fiscal effect associated with the bill is not reflected in *The FY 2022 Governor's Budget Report*.

SB 167

According to the fiscal note prepared by the Division of the Budget on SB 167 as introduced, the KAC states enactment of the bill would have a negligible fiscal effect on counties.

Funeral procession; funeral escort; traffic safety; right of way; utilities; telecommunications; Uniform Act Regulating Traffic on Highways; move over law

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