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**Testimony to the Senate Transportation Committee
Neutral on SB546
March 10, 2022**

Chairman Petersen and Committee Members:

We are presenting this testimony in a neutral position in order to point out areas of the bill we believe needs close scrutiny. We admit autonomous vehicles are outside our area of expertise, however there are things in this bill we believe have the potential to be problematic in our transportation safety function. We are not taking a position on the core issue of whether autonomous vehicles should be allowed in Kansas. Thus, our neutral position.

We have been engaged with the proponents since the hearing on SB379. We have come to some tentative agreements for amendments that are not included in SB546. At the time we are writing this testimony, we do not have a revisors balloon amendment to review and confirm if we believe those amendments will address our concerns.

We are still very concerned about the proposed process to hold the owners accountable for traffic violations when these vehicles are operated in autonomous mode. You will find the proposed fix in section 11 of the bill on page 7, lines 37-41. We do not believe the provisions will completely satisfy the legal requirements to bring a case against the vehicle owner for traffic violations under these conditions. But we recognize the prosecution legal processes are not in our area of expertise. We strongly encourage the committee to engage with the League of Kansas Municipalities and the Kansas County and District Attorneys Association to get an opinion from them on this important provision of the bill.

We also have the following concerns with SB546:

1. Page 2, lines 42-43. Section 2 subsection (b)(1): There needs to be a requirement for placement of direct contact information for a fleet specialist on the vehicle. This is important so that line officers can find it immediately and not have to track down a document to find it. We have a tentative agreement with the proponents to fix this.
2. Page 3, lines 1-2. Section 2 subsection (b)(2): We believe this provision creates liability for the law enforcement agency and officers. Law enforcement is not going to be towing the vehicle. We just call a tow company to do that. And if one isn't designated by the driver or owner, most of us have contracts for a "no-preference" rotation of tow companies. We do not want to be responsible for relaying towing instructions to the wrecker operator and our officers won't be carrying that information with them. What we do want is safety information in dealing with any unique electronics on the vehicle. We have a tentative agreement with the proponents to fix this. It is worth noting that if item 1 above is fixed, then a wrecker driver will have contact information to ask for towing information if necessary.
3. Page 3 lines 8-19. Section 2 subsection (c)(1): This appears to only cover the "conventional human driver" when "expected to respond to a request to intervene." It doesn't apply if the vehicle is not being operated in autonomous mode with a "conventional human driver" operating it? We have a tentative agreement with the proponents to fix this.

4. Page 3, line 39. Section 4 lead paragraph: We object to excluding 8-1607 and 8-1608 as they relate to the vehicle owner responsibilities for reporting an accident. We have a tentative agreement with the proponents to fix this.
5. Page 3, line 38 through page 4, line 7. Section 4: The provisions in paragraph (c) needs to be primary and required in every event. Plus, either (a) or (b) must be required. We have a tentative agreement with the proponents to fix this.
6. Page 4, lines 8-22. Section 5: We believe this replaced a section in the draft we were given by the proponents we had an issue with it concerning equipment requirements normally required for vehicles operated by people but not applicable if the vehicle is autonomous. If this is the replacement for that, we believe the first sentence on line 8-13 covers what we were concerned about. We have a tentative agreement on some alternative language to be more clear on what is exempted. We also note that if this sentence is intended to address that concern, the statute reference probably needs to be changed to KSA 8-1701 et seq.
7. Page 5, lines 8-10. Section 8, subsection (a): We are concerned this provision as written is too vague. We have a tentative agreement to remove the word “reasonably” on line 8. We also are questioning the use of the word “reasonably” on page 4, line 10. We are not sure if this change is sufficient to be clear on what those paragraphs are trying to exclude. But we believe it improves it.
8. We also are concerned that local weight limits for bridges and truck route requirements or limitations applicable to all trucks must be applicable to these vehicles. That is not addressed in the bill. We do not have language in the bill clearly addressing that issue.

Hopefully, we can get a balloon amendment quickly so that when you work the bill you can consider fixing the above issues. The proponents are working on such a balloon.

We also want to be clear the concerns we have worked with the proponents on are those of law enforcement. We have not attempted to represent the League of Municipalities or local road engineer concerns.

Ed Klumpp
Legislative Liaison