

February 3, 2021

The Honorable Richard Proehl, Chairperson  
House Committee on Transportation  
Statehouse, Room 581B-W  
Topeka, Kansas 66612

Dear Representative Proehl:

**SUBJECT:** Fiscal Note for HB 2164 by House Committee on Transportation

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2164 is respectfully submitted to your committee.

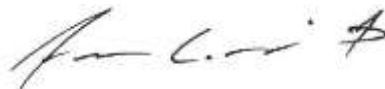
HB 2164 would require the driver of a motor vehicle traveling on a highway that has at least two lanes carrying traffic in the same direction to move over when approaching a stationary vehicle that is displaying hazard warning lights. If the conditions do not allow the driver to safely change lanes, or if the highway does not have two lanes carrying traffic in the same direction, the driver would be required to reduce speed and proceed with caution. The bill would add a \$45 fine for unlawful passing of a stationary vehicle. The bill would add a fine of \$45 for the unlawful operation of an electric-assisted scooter, which is already established in current law.

The Office of Judicial Administration states enactment of HB 2164 could increase the number of cases filed in district court because it creates a new violation for unlawful passing of a stationary vehicle, which could result in more time spent by court employees and judges processing and hearing these cases. According to the Office, a fiscal effect cannot be estimated. The Office estimates that enactment of the bill could result in the collection of docket fees and fines assessed in cases filed under the provisions of the bill.

The Kansas Department of Transportation (KDOT) indicates enactment of the bill would create a new traffic infraction with a fine of \$45. The agency's Traffic Records Enhancement Fund currently receives 2.23 percent of all district court fines, penalties, and forfeitures, while the agency's Seat Belt Safety Fund receives 2.20 percent. KDOT estimates enactment of the bill could

increase the amount of fines collected because of the new traffic infraction, which would increase revenues to both funds; however, KDOT is unable to estimate a fiscal effect because the agency does not have enough information to estimate how many citations would be issued. Any fiscal effect associated with HB 2164 is not reflected in *The FY 2022 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Proffitt", with a stylized flourish at the end.

Adam Proffitt  
Director of the Budget

cc: Ben Cleeves, Transportation  
Debbie Thomas, Judiciary