

SESSION OF 2018

**SUPPLEMENTAL NOTE ON SUBSTITUTE FOR SENATE
BILL NO. 272**

As Recommended by Senate Committee on
Transportation

Brief*

Sub. for SB 272 would require drivers of motor vehicles to take certain actions when approaching a stationary waste collection vehicle obviously and actually engaged in waste collection and displaying hazard warning signal lamps as required by KSA 8-1722. [Note: KSA 8-1722 requires every vehicle designed and used for collection of waste to be equipped with simultaneously flashing amber lights and to use those lights when collecting or transporting waste and traveling at 15 miles per hour or less.]

The bill would require a driver of a motor vehicle approaching a stationary waste collection vehicle to proceed with due caution and take one of two actions:

- Move into a lane not adjacent to that of the stationary waste collection vehicle, if the highway consists of at least two lanes in the same direction of travel as the driver's motor vehicle and road, weather, and traffic conditions permit; or
- Reduce the speed of the vehicle and maintain a safe speed for the road, weather, and traffic conditions.

[Note: These actions are the same as those required in KSA 2017 Supp. 8-1531 when the driver of a motor vehicle approaches an authorized road construction vehicle.]

*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>

The bill would define “waste collection vehicle” as a vehicle specifically designed, equipped, and used exclusively for garbage, refuse, recycling, or solid waste collection or disposal operations.

The bill would require a law enforcement officer to issue a warning citation prior to July 1, 2019, for the unlawful passing of a waste collection vehicle and would establish a fine of \$45 for such violation.

The bill would specify the section that would be added shall not operate to relieve the driver of a waste collection vehicle from the duty to drive with due regard for the safety of all persons using the highway.

Background

The bill was introduced by the Senate Committee on Federal and State Affairs at the request of the National Waste and Recycling Association. The bill was referred to the Senate Committee on Transportation. In the Senate Committee hearing, proponent testimony was provided by representatives of Hamm, Inc; Honey Creek Disposal; Inland Waste Solutions; the League of Kansas Municipalities; Republic Services; and Waste Management of Kansas. Written-only proponent testimony was provided by representatives of Blackstone Environmental, Inc.; the McPherson Area Solid Waste Utility; SM Ball Waste Disposal, Inc.; and the Kansas Sunflower Chapter of the Solid Waste Association of North America. Proponents stated waste and recycling collection as an occupation ranks fifth highest in the nation in fatality rates, noted increasing incidence of distracted and inattentive driving that places waste collection staff at risk, and described safety measures taken by waste collectors.

A representative of the Kansas Department of Transportation testified in opposition to the bill, as introduced, and requested clarifications.

The Senate Committee amended the bill to add a warning period and clarifications, and recommended those amendments be incorporated into a substitute bill.

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, enactment of the bill has the potential to increase litigation in the courts because of the new violation that would be created by the bill. If it does, the Office of Judicial Administration indicates there would be a fiscal effect on the operations of the court system, but a precise fiscal effect cannot be determined. Any effect likely would be accommodated within existing resources. Any fiscal effect associated with the bill is not reflected in *The FY 2019 Governor's Budget Report*.