Local Government Mandate Statement Kentucky Legislative Research Commission 2020 Regular Session

Part I: Measure Information

Bill Request #: 186							
Bill #: HB 253 GA							
Document ID #: 6055							
Bill Subject/Title: AN ACT relating to the investigation of traffic accidents.							
Sponsor: Representative Daniel B. Elliott							
Unit of Government:XCityXCountyXUrban-CountyXCharter CountyXConsolidated LocalXGovernment							
Office(s) Impacted: Local Law Enforcement							
Requirement: X Mandatory Optional							
Effect on Powers & Duties: X Modifies Existing X Adds New Eliminates Existing							

Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

Section 1 of HB 253 GA creates a new section of KRS Chapter 189 requiring that local law enforcement agencies having jurisdiction to investigate all traffic accidents involving a fatality and that occur on state-maintained highways. If the local law enforcement agency does not have an accident reconstruction unit, or an officer trained to investigate traffic accidents, and does not have a working relationship with another law enforcement agency to perform those investigations, the Kentucky State Police (KSP) or any law enforcement agency properly trailed to investigate traffic accidents, shall perform the investigation.

These investigations shall occur during the initial response to the traffic accident while the responding officer is on the scene. Further, the responding agency shall preserve the scene until an investigator arrives, unless otherwise directed by the investigator or their agency.

KRS 16.065 is amended to conform.

According to the Kentucky State Police, there were 683 fatal collisions resulting in 749 traffic fatalities in 2019. Eighty-six percent of these occurred on state-maintained roadways.

The Kentucky Law Enforcement Council (KLEC) informed the KSP that there are 445 active law enforcement agencies in Kentucky and relatively few have accident reconstruction units or those capabilities.

The Kentucky Sheriffs Association, also indicated that most local law enforcement agencies do not have this expertise and would welcome and rely upon KSP to complete any required traffic accident reconstruction.

This fiscal impact of this bill on local law enforcement agencies is not determinable and is expected to be minimal. Cost impacts to city or county law enforcement agencies would be associated with time spent securing the scene and waiting on the traffic accident investigative team to arrive.

Part III: Differences to Local Government Mandate Statement from Prior Versions

The fiscal impact to HB 253 GA as amended by HCS 1 and HFA 2, remains unchanged.

The fiscal impact of HB 253 HCS 1 on local law enforcement remains the same as the initial impact statement on HB 253 as introduced.

HCS 1 adds the language regarding a local law enforcement agency having a working relationship with another law enforcement agency to perform traffic fatality investigations.

HFA 2 adds the requirement that the traffic accident investigation shall occur during the initial response to the traffic accident while the responding agency is on the scene. It also added that the responding agency shall preserve the scene until the investigator arrives or is released by the investigator or their agency.

Data Source(s):	Kentucky Sheriffs Association, Kentucky State Police, Kentucky Law
	Enforcement Council, LRC Staff

Preparer:	Mark Offerman	Reviewer:	KHC	Date:	2/28/20
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