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**Neutral Testimony to the House Transportation Committee
HB2016 – Disability Information on Motor Vehicle Records
February 1, 2017**

Chairman Proehl and Committee Members,

Our associations are truly neutral on the concepts proposed in HB2016. The events leading to this bill are truly tragic, and everyone involved would love to turn back the hands of time. We believe everyone here today has the same goal of minimizing risk to all parties involved in contacts between law enforcement and our citizens.

The reality is that nothing in this bill or any similar proposal will assure similar incidents will never happen again. These interactions are far too fluid, all different, and with many unknown variables. Every option leaves gaps in assuring the officer will observe or access the information prior to contact with the persons involved due to the totality of these complicated circumstances. Not all contacts will be with persons while in a vehicle. Even if they are in a vehicle, it may or may not be in a vehicle normally operated by the person. It could be an employer's car, a friend's car, a relative's car, without the indicators proposed in this bill. There are many scenarios where an officer would not access registration information or driver's license information until after the initiation of the contact. This is particularly true of contacts with a person who is not driving a vehicle.

Officers must continually assess the situations they encounter based on observations and all information they possess leading up to and during the contact. We also recognize and appreciate any effort to make more information available to us. We must also consider any actions on the part of the persons we contact presenting immediate risk to the public, the officers, or the subject of the contact often without the opportunity to analyze the underlying cause of those actions. Of course, information about potential underlying causes can help officers de-escalate a situation when the conditions and time allows.

We are hesitant to embrace a program which may lead to false assumptions by our officers or by the people we contact. Likewise, we do not want to discount opportunities to access relevant information that may alter our assessment of given circumstances.

We are also well aware that some persons suffering from developmental disorders are very vulnerable to criminal victimization. We do not want a process which can create a higher risk of victimization by criminals who may prey on these vulnerable individuals by placing indicators on vehicles the criminal element can readily identify. A 2007 Autism Society survey of persons with autism and their families revealed that 35 percent have been the victim of a crime.

Efforts by the Division of Vehicles has not revealed any other state that place this information on vehicle registrations. The only state we are aware of placing the information on the driver's license is Virginia. In exploring this topic, we have communicated with the Division of Vehicles in Virginia, the Virginia Association of Chiefs of Police and the Virginia Sheriffs Association.

Those contacts led us to a different approach that we feel would come to the attention of officers more readily and more frequently than having the information in the registration files. It would use a placard, much like the disable parking hang tag, which could move from vehicle to vehicle and not be dependent on the officer running the tag through the computer prior to contact. Even this approach does not cover every possible scenario. But we believe it provides an increased opportunity for the officer to see an indicator earlier in a larger portion of our contacts.

If on the visor, it could be placed on the side of the visor that is up and the driver would be instructed to lower it if being stopped by law enforcement. If the degree of autism is such that there is a concern the driver may not remember to lower the visor under the stress of being stopped, the placard may be placed on the dash by the lower left edge of the windshield. In either of these positions, it would be in view for an officer approaching the driver. One of our concerns with the registration indicator is that we don't make a query on the tag prior to approaching the driver in every stop. In some cases, if the driver has their registration documents we never run it. The "autism" indicator on the card can be in small print or coded on the placard so it is not readily identifiable to persons other than law enforcement. Properly designed, it will be easily recognized by law enforcement. The proposal leaves the design to the Division of Vehicles so they can work with advocacy groups and law enforcement for an acceptable and effective design. We have vetted this proposal with the Division of Vehicles to be sure it was feasible for them to implement.

A copy of a proposed amendment to implement this plan, if the committee chooses to pursue it, is attached.

Advantages to the placard concept:

1. Ability to use on any vehicle the person is driving (relative, friend, rental, employer, etc.).
2. Ability to remove the indicator from a visible location in the vehicle when the autistic person is not driving the vehicle.
3. Officers will have consistent access to the information on approach to the vehicle regardless of whether they have already made an inquiry on the tag.
4. Proposal retains sections 2 and 3 of the bill for the driver's license or ID card designation instead of issuing a different related identification card as used in the handicap placard system. NOTE: Virginia only does the driver's license and ID card, not the registration.
5. Proposal retains a Division of Vehicle control over the process to help reduce fraudulent use by persons without a verified need for the placard.

We recognize this is a very complex issue and there does not appear to be a simple solution. We trust this committee will gather the information necessary from the conferees and other sources to make the proper determination of the future of this bill.

Ed Klumpp
Legislative Liaison

Proposed amendments to HB2016

Remove new section 1 and replace with the following:

- (a) Any person who submits satisfactory proof to the director of vehicles, on a form provided by the director, that such person needs assistance with cognition, including, but not limited to, persons with autism spectrum disorder, shall be issued a placard of a design to be determined by the director of vehicles for use in any motor vehicle operated or occupied by such person. The placard shall be suitable for attachment to the visor of the vehicle or placing on the dash of the vehicle. [Based on section 2 (f)]
- (b) Satisfactory proof that a person needs assistance with cognition shall include a statement from a person licensed to practice the healing arts in any state, an advanced practice registered nurse licensed under K.S.A. 65-1131, and amendments thereto, a licensed physician assistant or a Christian science practitioner listed in the Christian science journal certifying that such person needs assistance with cognition. [Based on section 2 (f)]
- (c) In addition to the placard, the director of vehicles shall issue to the person who needs assistance with cognition an individual identification card which must be carried by the person who needs assistance with cognition when the motor vehicle being operated or occupied by such person. [Based on KSA 8-1,125(a)]
- (d) Placards and individual identification cards issued pursuant to this section shall be valid as long as the person who needs assistance with cognition is eligible for a placard. [Based on KSA 8-1,125(c)]
- (e) In addition to such other information contained on individual identification cards, cards shall have the date of birth and the sex of the person to whom the card is issued. [Based on KSA 8-1,125(e)]
- (f) Permanent placards and individual identification cards shall be returned to the department of revenue upon the death of the person who needs assistance with cognition. [Based on KSA 8-1,125(f)]
- (g) Any person who willfully and falsely represents that such person has the qualifications to obtain a placard pursuant to this act shall be guilty of a class C misdemeanor. [Based on KSA 8-1,130(a)]
- (h) Any person authorized to certify a person who needs assistance with cognition under subsection (a) who willfully and falsely certifies that a person has the qualifications to obtain a placard and an individual identification card pursuant to this act shall be guilty of a class C misdemeanor. [Based on KSA 8-1,130(b)]
- (i) Any person who utilizes any placard or identification card issued to another person pursuant to this act shall be guilty of an unclassified misdemeanor punishable by a fine of not less than \$100 nor more than \$300. [Based on KSA 8-1,130a(b)]
- (j) The secretary of revenue may adopt such rules and regulations necessary to carry out the provisions of this act. [Based on KSA 8-1,131]