

MINUTES OF THE SENATE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Les Donovan at 8:30 A.M. on February 26, 2008 in Room 527-S of the Capitol.

All members were present.

Committee staff present:

Hank Avila, Kansas Legislative Research Department
Jill Shelley, Kansas Legislative Research Department
Mike Corrigan, Revisor of Statutes
Mary Jane Brueck, Committee Assistant

Conferees appearing before the committee:

Rep. Rpbert Olson
Chris Maurich, ABATE of Kansas
Capt. Mark Bruce, Kansas Highway Patrol
Sen. Phil Journey
Roger Werholtz, Secretary of Corrections

Others attending:

See attached list.

Chairman Donovan opened the hearing on **HB 2622 – Motor vehicles, display of certain license plates.**

Proponents:

Captain Mark Bruce was unable to attend today's hearing. Lt. A.L. Wilburn gave the testimony on behalf of the Kansas Highway Patrol. Lt. Wilburn told the committee the Patrol feels this is a safety issue, and explained the passage of this bill would make the Patrol's job easier. When the Patrol is looking for a particular Kansas license plate number, a vehicle with a front plate from another state may inadvertently be ignored when the back plate is the wanted Kansas license number. There could also be situations when someone reports a crime involving a vehicle with an out of state front license plate and a Kansas plate on the back. (Attachment 1)

Sen. Schmidt asked if license plates with university symbols would be illegal. Lt. Wilburn explained vanity plates in support of local high school and college teams are okay. The bill is to prevent license plates from other states being on the front of a car registered in Kansas. Sen. Schmidt asked what the penalty would be. Lt. Wilburn did not have that information.

Sen. Peterson asked if antique vehicles would still be allowed to have their front plates. Yes, for vehicles thirty-five years old or older.

Chris Maurich, with ABATE of Kansas, spoke to the bill as it might relate to motorcycle license plates that are not usually twelve inches from the ground. Mr. Maurich thought if that were to be an issue, perhaps changes to the bill should be made now. Lt. Wilburn said motor cycle back licenses need to be easily visible to officers, and this bill should not interfere with their placement on the back of the cycle. (Attachment 2)

Sen. Peterson asked if this would preclude license plates from another country and was told, yes, it would preclude licenses from any jurisdiction other than Kansas.

Seeing no others with questions on the bill the hearing on **HB 2622** was closed by Chairman Donovan, and he reopened the hearing on **HB 2071 – Designating certain highways as memorial highways.**

Proponent:

Rep. Robert Olson said he had talked to the Kansas Department of Transportation about the sign Operation Enduring Freedom and Operation Iraqi Freedom. That designation is too long to fit on one sign. The decision was made to divide the highway and use two signs. The highway from Jetmore west would be named Operation Enduring Freedom, and from Jetmore east would be Operation Iraqi Freedom. Rep. Olson said he did check with research, and those are the proper names for the conflicts. He presented the new

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amendment to be adopted to make this happen.

There were no further questions. Since a hearing on this bill was held February 19, Chairman Donovan asked for a motion. Sen. Schmidt moved the adoption of the amendment. Sen. Peterson seconded the motion. The motion passed.

On the bill, Sen. Peterson moved that the bill as amended be moved out favorably. Sen. Wilson seconded the motion. The motion passed.

Chairman Donovan next opened the hearing on **SB 4 – Driver improvement clinics, fees, disposition thereof.**

Proponents:

Sen. Journey spoke to the bill. He explained this bill amends two existing statutes. He feels this bill is needed to improve the quality of drivers and their skills in the state of Kansas through attending the clinics. It would also raise money by a fee of three-hundred-fifty dollars (\$350.00) paid by the driver attending the clinic. One hundred-fifty dollars (\$150.00) would go to Kansas Division of Vehicles to implement the clinics. The remaining two-hundred (\$200.00) would be credited to the Community Corrections of Special Revenue fund for use in various post release programs they manage. Clinics would allow a driver whose has three traffic infractions on his or her record to enter into this program once every two years, it would not apply to commercial drivers. Upon completion of the clinic, one moving citation, only minor infractions, would be removed from the driver's records. (Attachment 3)

Sen. Donovan asked if this bill would mainly affect teenage drivers. Sen. Journey said a large number would likely be teenagers, but everybody does get tickets and would be included.

Sen. Schmidt asked how it would work, so the Division would make sure criteria would be met by drivers' schools? Sen. Journey said the Department of Revenue, Division of Motor Vehicles would create the curriculum, and then accept bids or assign it to a private provider or provide the services themselves. Then they would present these classes around the state, and notify drivers who fit the requirements of the classes.

Sen. Schmidt asked if there was anything set forth about what the clinic would have to cover. What are the class requirements? Have to drive with someone? An eight week class? A one hour class? Sen. Journey said he thought it best to allow the experts in the Department of Revenue, Division of Motor Vehicles that regulate all the drivers licenses, to determine what that class should be. Sen. Schmidt asked where it says it is a one day class. Sen. Journey answered that is his envision of the class; maybe they will have a two day class. He feels they would do an excellent job of setting up this program. Sen. Schmidt asked if other states do this. Sen. Journey said many do. Texas has a similar program. There is a lot of information to draw from to implement a program for us.

Sen. Goodwin noticed in the original bill the word "may" is used, and it has been changed to "shall". She asked Sen. Journey if that is his change. He said it was.

Sen. Goodwin asked what Sen. Journey is anticipating the one-hundred-fifty dollar (\$150.00) fee will cover the fiscal aspects of this to the Department. Sen. Journey said it absolutely would. They can set class size and send a notice to those needing to attend. Currently these kinds of clinics are implemented by private entities; sometimes the court will order the defendant to go to this class to get a reduction in fines. That fee is fifty dollars (\$50.00) at this time. He intended to make this a revenue positive bill.

Sen. Goodwin asked about smaller rural communities that don't have the resources to do that. Sen. Journey said there are resources to have drivers license hearings out there. If we have a positive fiscal note for the department and the presenters it should not be a problem finding organizations who would want to do this as a way to supplement their income and continue their efforts.

Sen. Goodwin asked if we going to hear from the Department of Revenue on this. Chairman Donovan acknowledged a representative is in the meeting.

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There was discussion of the use of “may” and “shall” in the bill. Sen. Journey said the bill says “may” the balloon says “shall”. Sen. Goodwin pointed out on line 16 it says “shall” and on line 14 it says “may”. Sen. Journey said that is correct. That makes the bill work in the statutes.

Chairman Donovan recognized the Department of Revenue to hear their feelings about this bill. Carmen Alldritt explained she had not come to this meeting prepared to speak to this bill. She explained problems the department has had in the past in finding outside providers to hold these clinics. She is not certain what the cost may be to provide this service throughout the state. She does not have the resources available right now to know if the Department could dream up a way to put this into operation and what the cost would be.

Sen. Journey said when this bill was first submitted it had the okay from the Department of Motor Vehicles.

Chairman Donovan called upon Lt. Wilburn to get input on this issue from the prospective of law enforcement. He, too, was unprepared to speak to the bill. In concept, it sounds like it could be a good idea to forgive some things. He would hate to see all traffic infractions included in a lump sum because some that are more serious – like passing a school bus that is stopped, failure to yield to law enforcement officers or KDOT workers on the side of the road – should stay on the record. He agreed with excluding serious misdemeanors, such as reckless driving, fleeing and eluding, among others. They do receive inquiries from drivers coming from other states inquiring about a program such as the one being presented.

Secretary of Corrections Roger Werholtz had testimony to submit. It was included in each committee member’s packet of meeting information. Secretary Werholtz is in favor of this bill. (Attachment 4)

Chairman Donovan closed the hearing on **SB 4** and opened the hearing on **SB 543 – Definition of residency for registration of motor vehicles**.

Chairman Donovan spoke to the bill on behalf of Tom Docking, who was not able to attend today’s meeting. There was written testimony in each member’s meeting packet. This would provide for people from out of state who have property in Kansas to pay registration fees, pay taxes, provide insurance and have a Kansas tag for a vehicle, and be able to leave the vehicle in Kansas for use when they return to that property. (Attachment 5)

Carmen Alldritt was not aware we would be hearing this bill today. She said this is already being done by the Department of Revenue. People from out of state who have places by lakes, near hunting fields, etc. do register their vehicles in the proper county and get a tag for the vehicle. They have to be sure notification for renewal of their license will be mailed to their permanent home, so they know to pay the fees and get the license renewed. She suggested Mr. Docking may not be aware this is something that can be done. Carmen will contact Mr. Docking to be sure there is not a need for this bill.

Mike Corrigan, Revisor of Statutes, pointed out on page 2, line 17, of the bill, there is wording about a stay of 90 days in the state. He suggested that might be Mr. Docking’s concern. Carmen will ask about that when she talks to Mr. Docking. This closed the hearing on **SB 543**.

Chairman asked if there is a motion on **SB 2622**. Mike Corrigan, Revisor of Statutes, commented that the bill encompasses motorcycles. There is not a problem with the placement of the tag as long as the tag is easily visible to law enforcement. Sen. Journey suggested making a change in wording of the bill. Chairman Donovan said he would hate to make a change to a subject that broad to accommodate only motorcycles. Sen. Journey agreed. Sen. Schmidt made a motion to move the bill out favorably. It was seconded by Sen. Wilson. The motion carried.

Back on **SB 4 – Driver improvement clinics, fees, disposition thereof**. Sen. Journey talked to the concern about which infractions should be eliminated from this bill. The infractions included in the balloon does not include the ones the Kansas Highway Patrol asked to be. Sen. Journey said he did not object to allowing the revisor to include those infractions. Sen. Schmidt asked Lt. Wilburn if there were more than 3 infractions that should be eliminated from this bill. He said he was not sure what other infractions might need to be included in the balloon to the bill at this time.

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Chairman Donovan said he thinks this bill had a lot of merits, but he thinks the committee is a little short of being ready to put it into action. Also, he felt the committee should be certain the Department of Revenue is ready to handle something like this. This could be beneficial to drivers if it is done right. He suggests we keep studying this and carry it over. Sen. Journey asked for a “blessing” on the bill.

Sen. Goodwin said she agrees with Chairman Donovan’s suggestion. She counted the assumptions that are in the bill and thinks they could cause problems later. She also thinks the program can be an asset, but there are presently too many holes that the committee will have to answer.

Sen. Journey said he wants to make the above correction and he will carry it on the floor. He suggested the committee adopt the amendment and move the bill out. There are a few days to work out any possible requirements, and he can do something on the floor if needed. Sen. Journey moved the adoption of the balloon amendment. Sen. Palmer seconded the motion. The motion carried. Sen. Goodwin voted no. (Attachment 6)

Sen. Wilson said if we adopt and move this bill there are too many problems and we need more time and input from the Department of Motor Vehicles and Kansas Highway Patrol.

Sen. Palmer said she agrees the committee needs time to work the bill. Sen. Journey asked, if the bill gets a “blessing”, could the committee meet at the rail tomorrow?

Sen. Peterson asked the Kansas Highway Patrol for a list they would allow and not allow as exemptions.

Carmen Alldritt said it looks like the Department of Revenue will do the work and somebody else will get all the money. Carmen explained convictions are recorded electronically. The report comes in with several infractions under one heading. It will be necessary to contact each court to learn what the specific infraction was.

Chairman Donovan asked what the committee’s wish is. Sen. Apple asked Chairman Donovan to see if he can get the bill blessed, and that be the recommendation of the committee. No objections.

Chairman Donovan asked for approval of the minutes of the February 19 meeting. Sen. Wilson moved for approval of the minutes. Sen. Peterson seconded the motion. The motion carried.

The meeting was adjourned at 9:29 a.m. No other meeting is scheduled at this time.