

ROADS AND HIGHWAYS COMMITTEE MEETING - FEBRUARY 21, 1972

The Roads and Highways Committee met in room 510 S at 2:45 P. M. on February 21, 1972. Chairman Dierdorff called the meeting to order and all members were present except Mr. Ratner.

The meeting was called to consider the remainder of the House Bills that had previously been heard.

A roster of those who registered their attendance is attached.

HOUSE BILL 1974 - AN ACT relating to drivers' licenses; concerning revocation of suspension thereof; amending KSA 1971 Supp. 8-255 and repealing the existing section.

The Chairman requested the secretary to read the amendment as proposed in the minutes of February 9, 1972.

Mr. Dugan made a motion that the wording be changed and that the bill be amended as follows: "On page 1, in line 15, by inserting after "committed", "on separate occasions"; in line 16, by adding a period after "period"; also by striking the remainder of line 16 and all of lines 17, 18, 19, 20; on page 2, by striking all of lines 1 and 2; also on page 2, by re-numbering lines 1 through 31;"

Mr. Ossmann made a second to the motion and it carried.

Mr. Dugan made a motion, second by Mr. Allison, that House Bill 1974 be passed as amended. The motion carried. (Spotts, Jacobs and Nowlin voted NO.)

HOUSE BILL 2129 - AN ACT providing for the installation of safety devices at certain railroad grade crossings designated by the state corporation commission; and providing for the apportionment and payment of the costs thereof.

Mr. Hayes explained the bill on behalf of the sub-committee. He said the sub-committee was in agreement on the bill and felt it

is needed legislation.

Mr. Hayes made a motion, second by Mr. Lady, that House Bill 2129 be passed. The motion carried.

HOUSE BILL 2082 - AN ACT amending and supplementing the liquefied petroleum motor fuel tax law;.....

The members of the committee decided there were too many areas of the bill that were not clear. They feel that the people in the industry need to get together with the Revenue Department and work out in more detail what the intent is.

The Chairman suggested we try to get a resolution permitting further study on this.

Mr. Steffes made a motion, second by Mr. Davis, that the committee recommend a resolution permitting an interim study and report back to the 1973 legislature. The motion carried.

HOUSE BILL 1918 - AN ACT concerning express highways or freeways; providing for a corridor located along US highway 281 through the state; amending KSA 1971 Supp. 68-2301 and repealing the existing section.

Mr. Bush made a motion, second by Mr. Arbuthnot, that House Bills 1918 and 1236 be reported adversely. The motion carried.

(Mr. Davis had made a substitute motion that HB 1918 be reported favorably. There was no second to the motion and Mr. Davis withdrew it.)

HOUSE BILL 1666 - AN ACT relating to taxation of motor-vehicle fuels, special fuels and LP gas fuel used in motor vehicles;

Mr. Davis made a motion, second by Mr. Nowlin, that HB 1666 be reported adversely. The motion carried.

Except as otherwise noted, the individual remarks recorded herein have not been transcribed verbatim and this record has not been approved by the committee or by the individuals making such remarks

HOUSE BILL 1691 - AN ACT amending the uniform act regulating traffic on highways; requiring bicycles to be equipped with certain lamps and equipment; amending KSA 1971 Supp. 8-587 and repealing the existing section.

Mr. Davis made a motion, second by Mr. Lady, that HB 1691 be reported adversely. The motion carried. (NO - Wilson, Dempsey and Rosenau)

HOUSE BILL 1942 - AN ACT relating to railroad crossings in counties having a population of 300,000 and over.

Mr. Lady made a motion, second by Mr. Davis, that HB 1942 be reported adversely. The motion carried.

(Mr. Dugan attempted to make a substitute motion that the bill be amended by striking sub-section a, striking "unpaved" in line 11, and eliminating sub-section c. For lack of a second the chairman referred to the original motion for a vote.)

The meeting was adjourned.

Fran Stafford, Recording Secretary

APPROVED:

Arden Dierdorff
ARDEN DIERDORFF, CHAIRMAN
February 22, 1972 66

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ROADS AND HIGHWAYS COMMITTEE

GUESTS

NAME

ADDRESS

FIRM OR CORPORATION REPRESENTED

Bud Grand

Topeka

KACI

Nancy Tunington

Topeka

Kansas Motor Carrier Assn -
Lunda Fe By Co

John C Allen

Topeka

KANSAS MOTOR CARRIERS ASSN.

RAY W. HINDBERG

- (b) Every court exercising jurisdiction over offenses committed under this act, or any other act of this state or municipal ordinance regulating the operation of motor vehicles on highways, shall forward to the department a record of the conviction of any person in said court for a violation of any said laws, other than regulations governing standing or parking. Such record of conviction shall be upon forms furnished by the department and shall include the name and address of the party charged, his operator's or chauffeur's license number, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment or whether bail forfeited and the amount of fine or forfeiture as the case may be.
- (c) For the purpose of this act, the term "conviction" shall mean a final conviction and without regard to whether sentence was suspended or probation granted after such conviction. Also, for the purposes of this act, a forfeiture of bail or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated, shall be equivalent to a conviction.
- (d) The clerk of any court of record to which a conviction for violation of any law described in subsection (b) of this section has been appealed shall within ten (10) days of the final disposition of said appeal forward a notification of such final disposition to the department.

MOTOR VEHICLE DEPARTMENT

STATE OF KANSAS



Drivers License

Suspension and Revocation Guide

E. D. LOBBAN
~~XXXXXXXXXXXX~~ SUPERINTENDENT
STATE OFFICE BUILDING
TOPEKA, KANSAS

CATEGORY "A" - 10 DAYS

- *1. Illegal turn
- *2. Exhibition driving
- *3. Disregard sign or signal
- *4. Careless-inattentive driving
- *5. Illegal passing
- *6. Fail to signal
(turn or lane change)
- *7. Violate school stop sign

-
- 8. Follow too close
 - 9. Illegal backing
 - 10. Fail to yield right of way
 - 11. Impede normal traffic or drive less than minimum speed
 - 12. Defective equipment (Brakes, lights, exhaust, muffler, etc.)
 - 13. Wrong way on one way street or roadway
 - 14. Fail to stop at railroad crossing
 - 15. Drive left of center
 - 16. Fail to reduce speed

* Any three of these items within a twelve month period and considered for suspension will carry a 10 day period on the first, 20 days on the second, and 30 days on the third offense.

CATEGORY "B" - 120 DAYS

- 1. Reckless driving
- 2. Leave scene of non-injury accident
- 3. Meeting, overtaking, or passing school bus stopped to load or unload passengers, with stop signal displayed.

SPEEDING

The number of days to determine the length of suspension time, when convictions of three or more moving violations committed within a 12 month period, are as follows:

- 1. First offense - One day for each mile over speed limit
- 2. Second offense - Two times each mile over speed limit
- 3. Third offense - Three times each mile over speed limit

Any person whose license is suspended, and has surrendered his license to the Motor Vehicle Department, shall be granted the privilege of a hearing within twenty (20) days after receipt of their request. Drivers under mandatory revocation are denied the privilege of a hearing, for the purpose of obtaining any modification of such revocation.

MANDATORY REVOCATION OF LICENSE BY DEPARTMENT

Section 8-254: The department shall forthwith revoke the license of any operator or chauffeur upon receiving a record of such operator's or chauffeur's conviction of any of the following offenses when such conviction has become final.

- 1. Negligent homicide resulting from the operation of a motor vehicle;
- 2. Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug, or under the influence of any other drug to a degree which renders him incapable of safely driving a motor vehicle;
- 3. Failure to stop and render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another;
- 4. Conviction, or forfeiture of bail not vacated, upon three (3) charges of reckless driving committed within a period of twelve (12) months within the State of Kansas;
- 5. Conviction, or forfeiture of bail not vacated of any felony in the commission of which a motor vehicle is used.

DUTY OF COURTS TO REPORT CONVICTIONS; FORMS CONTENTS; CONVICTIONS DEFINED; NOTICE OF DISPOSITION OF APPEAL.

Section 8-253:

- (a) Whenever any person is convicted of any offense for which this act makes mandatory the suspension of the operator's or chauffeur's license of such person by the department, the court in which such conviction is had shall require the surrender to it of all operator's and chauffeur's licenses then held by the person so convicted, and the court shall thereupon forward the same, or if such court has a clerk shall direct the clerk of said court to so forward the same, together with a record of such conviction to the department, within ten (10) days from the date of conviction.

TO: Whom It May Concern

The following guidelines are to be used in inviting a violator to attend a Driver Improvement Clinic.

1. Every person whose license is subject to suspension under K.S.A. 8-255 shall have the privilege of attending a Driver Improvement Clinic with the suspension held in abeyance except those persons who have committed an offense for which mandatory revocation of their license is required upon conviction as stated in 8-255(1) and those who are referred for suspension by the Review Board due to the severity of the nature of the violations.
2. Every person who has not suffered a suspension within the immediate past three (3) years shall have the privilege to attend.
3. Every person subject to suspension who hasn't suffered a revocation within the immediate past five (5) years shall have a like privilege.
4. Every person whose license is suspended but reinstated at the time of hearing regardless of the restrictions imposed, may be notified by the hearing officer that the reinstatement is subject to their future attendance at a Driver Improvement Clinic.

With further reference to those persons attending a Driver Improvement Clinic, the following guide should also be adhered to.

1. Through the driver's attendance of the Driver Improvement Clinic, the matter of suspension will no longer be a question unless they are convicted of a subsequent violation within four (4) months of the date they attended the Clinic. However, should they receive the subsequent violation, their record shall be reviewed by the Review Board and may result in suspension actions.
2. Should the driver receive two (2) convictions within an eight-month period, their record shall be reviewed in the same respect as in item (1) above.

Elton D. Lobban, Superintendent
MOTOR VEHICLE DEPARTMENT