

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY

The meeting was called to order by Vice Chairman Joe Knopp at
Chairperson

3:30 ~~am~~ p.m. on February 14, 1983 in room 526-S of the Capitol.

All members were present except:

Chairman Frey and Representative Solbach were excused.
Representative Whitaker was absent.

Committee staff present:

Mark Burghart, Legislative Research Department
Mike Heim, Legislative Research Department
Mary Ann Torrence, Revisor of Statutes Office
Nedra Spingler, Secretary

Conferees appearing before the committee:

Randy Hearrell, Kansas Judicial Council
James Waugh, Chairman of the Traffic Advisory Committee, Kansas Judicial Council
Steve Montgomery, Division of Vehicles

The minutes of the meeting of February 9, 1983, were approved.

Vice Chairman Knopp presented three proposals requested by the Attorney General to be introduced as bills pertaining to a victim impact statement, common law liens, and civil rights defense. Motions were made, seconded, and carried that the three proposals be introduced as Committee bills. (HB 2494, HB 2476, HB 2477)

HB 2163 - An act relating to the administration and enforcement of traffic laws.

A hearing was held on the bill which was requested by the Judicial Council. Randy Hearrell said traffic laws were studied by the Council's Traffic Advisory Committee. He introduced the chairman of that committee, James Waugh, who stated the bill was the result of a request by the Department of Transportation for a review of the traffic code to make more efficient use of the time of court employees and law enforcement officers. The committee believes the bill will result in better handling of traffic offenses. It has been discussed with the LEAA. A major change in the traffic laws is to allow traffic fines to be paid by mail. This will codify current practice. The bill sets uniform fines to apply statewide, and the judge may lift a driver's license for noncompliance to appear.

Mr. Waugh reviewed provisions of the bill, using the outline in Attachment No.1 and pointed out the most important changes in the code are noted on page one of the attachment.

There was discussion regarding the rationale for setting the fines. Mr. Waugh said this was judgmental on the part of the committee because of lack of information on the different types of violations, but most violations are for speeding. Concern was expressed by a member that the fines did not address the degree of violation.

The ramifications of tickets to non-residents issued in Kansas were discussed. Mr. Waugh said some of these would be covered by the non-resident compact with 30 other states. Solutions to losing control over non-residents, including requiring a bond, and penalties for those who do not respond were noted.

Steve Montgomery, Division of Vehicles, said there were more good changes than bad in the bill but noted that most of the consideration on the bill was done before the non-resident compact went into effect January 1, 1983. It should be made clear that provisions of the bill do not supercede the compact. In regard to requiring a bond for non-residents, Mr. Montgomery said the compact states that members cannot impose a bond unless it is specifically stated by law. He objected to the court rather than the Division of Vehicles being able to suspend licenses because it would result in a breakdown of information between the Division and DOT. Information may not be recorded with the Division that may be needed in court cases. Also, the Division might have additional information on drivers that was not available in the court. He stated a new section should be drafted to mandate an appearance requirement for the purpose of arraignment for specific offenses. He recommended that the current policy of the Highway Patrol for Kansas residents that does not require a cash bond or lifting a driver's license be used. Failure to appear would result in suspension of the license by the Division of Vehicles. Non-resident violators should come under provisions of the non-resi-

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY,
room 526-S, Statehouse, at 3:30 ~~a.m.~~^{XXX}/p.m. on February 14, 1983

dent compact. He noted the difference in failure to appear and failure to pay and suggested HB 2163 contain a definition of "appearance" to assist the court to address the problem.

Mr. Montgomery was requested to submit his suggestions in writing for the Committee's consideration.

The meeting adjourned at 5:00 p.m.

OUTLINE OF PRESENTATION ON H.B. 2163

<u>Section</u>	<u>Page</u>	<u>Subject</u>
28	33	Creates new classification of crime - the traffic infraction - for less serious traffic offenses; punishable by a fine only.
29	33	When criminal intent not required for traffic infraction.
30	33	Maximum fine for a traffic infraction.
26	31	Penalty provision for traffic offenses.
21	22	Procedure when person is stopped for a traffic offense.
1	1	Authorizes payment by mail; uniform fine schedule listing traffic infractions.
25	30	Enforcement of traffic citations; suspension of license; charge of failure to appear.
23	25	Bond schedule; traffic infractions taken out; other bonds increased.
24	29	Accident situations; no arrest where only a traffic infraction.
33	38	No arrest by law enforcement officer for traffic infraction.
34	39	No "citizen's arrest" for traffic infraction.

Most important changes

Sections Amended to Clarify Offense is a Traffic Infraction

10	14	Operation of bicycles.
14	15	Equipment of vehicles.
15	16	Equipment on farm tractors and slow-moving vehicles.
16	18	Tire restrictions.

