

Approved 2/2/83  
Date

MINUTES OF THE House COMMITTEE ON Transportation

The meeting was called to order by Representative Rex Crowell at  
Chairperson

1:33 ~~am~~ p.m. on January 18, 1983 in room 519-S of the Capitol.

All members were present except: Larry Erne, excused.

Committee staff present:

Hank Avila, Legislative Research Department  
Fred Carman, Office of the Revisor of Statutes  
Pam Somerville, Committee Secretary

Conferees appearing before the committee:

Steve Montgomery, Kansas Department of Revenue  
Alan Alderson, Kansas Department of Revenue


Others present: See Attachment 1.

The meeting was called to order by Chairman Crowell and the minutes of January 12th were approved. The Chairman then made an announcement, requested by Mr. Merle Hill, Kansas Good Roads Association, that a dinner scheduled for January 26th had been cancelled and would be rescheduled at a later date.

Chairman Crowell then introduced Alan Alderson and Steve Montgomery of the Kansas Department of Revenue. Mr. Alderson proceeded to outline the Department of Revenue's request as summarized in Attachment 2.

After discussion on the items presented, Chairman Crowell then expressed to the committee that Mr. Carman could draft up bills to reflect the first five requests and bring them to the committee for possible introduction.

Rep. Webb moved that the bills be drafted; seconded by Rep. Dillon. Motion passed. The meeting was adjourned at 2:08.

  
Rex Crowell, Chairman



January 18, 1983

Transportation Committee

Others present:

Edward R. DeSoignie, Kansas Department of Transportation

Arthur J. Boyle, Atchison, Kansas

Merle Hill, Kansas Good Roads Association

Paul W. Matthews, Highway Users Federation

Jim Sullins, Kansas Motor Car Dealers Association

Charles Nicolay, Kansas Oil Marketers

Attachment 1.

M E M O R A N D U M

To: Members of the House  
Transportation Committee

Date: January 18, 1983

From: Department of Revenue

Re: Proposed Legislative changes

The following is a brief explanation of several bills the Department of Revenue requests for introduction by this committee. Several other requests will be made through the Senate Transportation and Utilities Committee.

1. Cleanup amendments to K.S.A. 1982 Supp. 8-253, 8-254, 8-255 and 8-262.
  - a. 8-253 should be amended to require Courts to report convictions for which "revocations" as well as "suspensions" are made mandatory. For example, technically a third conviction under the new DWI law, which requires revocation, would not have to be reported.
  - b. 8-254(a)(5) should be amended to include "attempting to elude a police officer" as prescribed by municipal ordinance.
  - c. 8-255 should be amended to allow the Department to hold hearings within 45 days of the request when the Division has not revoked or suspended the license prior to a hearing. If revocation or suspension has occurred prior to hearing, the statute would still require a hearing within 30 days. Significant cost savings could be effected by this amendment, with no prejudice to the licensee.
  - d. 8-262(b) should be amended to include municipal ordinance convictions as well as records of convictions under 8-262. Absent the amendment, we can't technically add a like period of suspension to municipal court convictions.
2. Amend 8-2107 to require posting appearance bonds for failure to maintain insurance under 66-1,140 and 66-1314 and for failure to be properly licensed for interstate motor fuel tax purposes under 79-34,122. Absent the amendment, law enforcement officers issue the citations but convictions are seldom obtained because the carrier fails to appear. We recommend at least a \$100 bond for each type of offense. Penalties now range up to \$500 fines for first offenses.
3. Amend 8-2409 to prohibit the use of a dealer's temporary registration permit under laden conditions. The purpose of the law is to allow sufficient time to get to the County Treasurer's office, but many persons are hauling commodities on a \$2 permit. Convictions are not often obtained for citations presently being written.
4. Add a criminal penalty provision, similar to that found in K.S.A. 8-189 (now repealed), to the dealer licensing law. The old section was apparently inadvertently repealed when the two prior laws were combined in 1980.

ATTACHMENT  
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5. Add a new provision to the driver's license act which would require a complete re-examination on renewals which expired 90 days prior to application, but allow the Department to waive the driving portion of the examination if application is made within one year of expiration. The first part of this provision was in a regulation which was found to be without proper authority by the Attorney General's Office when we attempted to amend it to allow the waiver.
6. On any bill passing out of this Committee which amends K.S.A. 1982 Supp. 8-143, a cleanup correction should be made to remove the 12,000 pound or less category in the local truck or truck tractor registration fee schedule since local trucks must, by definition, be registered for more than 12,000 pounds.



Alan F. Alderson  
Alan F. Alderson  
General Counsel