

MINUTES OF THE House COMMITTEE ON Transportation

The meeting was called to order by Rep. Rex Crowell at _____
Chairperson

1:37 ~~XXX~~ a.m./p.m. on February 7, 19 83 in room 519-S of the Capitol.

All members were present ~~XXXXX~~

Committee staff present:

- Fred Carman, Revisor of Statutes
- Hank Avila, Legislative Research
- Pam Somerville, Committee Secretary

Conferees appearing before the committee:

- Rep. Norman Justice
- Ed DeSoignie, Kansas Department of Transportation

Others Present:

- W. M. Lackey, Kansas Department of Transportation
- Bill Green, State Corporation Commission
- Merle Hill, Kansas Good Roads Association
- Tom Whitaker, Kansas Motor Carriers Association
- Paul W. Matthews, Highway Users Federation
- Mary Turkington, Kansas Motor Carriers Association

The meeting was called to order and Fred Carman presented bill drafts as requested by the committee.

The first draft, requested by the Kansas Corporation Commission, is to reconcile two bills passed during the 1982 session (SB 511 and HB 2717). (Attachment 1).

Rep. Johnson made a motion to introduce the draft bill as a committee bill. The motion was seconded by Rep. David Webb. Motion passed.

Mr. Carman briefed the committee on five drafts which the Department of Revenue had requested the committee introduce. These requests were included in a memo dated January 18, 1983. (Attachment 2).

3 RS 0549 (Attachment 3) is a clean up bill relating to revocations as well as suspensions amending K.S.A. 8-253, 8-254, 8-255 and 8-262.

Rep. David Webb made a motion to introduce the proposal as a committee bill. The motion was seconded by Rep. Johnson. Motion passed.

The next request deals with appearance bonds for certain violations; amending K.S.A. 8-2107. (Attachment 4). It was moved by Rep. David Webb to introduce the proposal as a committee bill. The motion was seconded by Rep. Schmidt. Motion passed. Rep. Erne voted no.

Mr. Carman reviewed Item #3 (Attachment ⁵2). This is a clean up bill amending 8-2409 to prohibit the use of a temporary registration permit under laden conditions. It was moved by Rep. Erne to introduce the proposal as a committee bill. The motion was seconded by Rep. Sutter. Motion passed.

The next item presented pertained to the dealer licensing law and would add a criminal penalty provision inadvertently left out when two prior laws were combined in 1980. (Attachment 6). Rep. David Webb moved to introduce the proposal as a committee bill. Motion was seconded by Rep. Shelor. Motion passed.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Transportation

room 519-S, Statehouse, at 1:37 ~~am~~/p.m. on February 7, 1983

2-7-83
The final item presented by Mr. Carman dealt with renewal of driver licenses, late renewals, and amending K.S.A. 8-247. Essentially the bill provides that if a person fails to apply to renew a drivers' license within 90 days after the expiration date that person is subject to a complete examination and payment of fees required to obtain an original license. However, the Division may waive the driving test if the application is made within six months of the expiration date. Rep. Johnson made the motion to introduce the proposal as a committee bill. Rep. Fuller seconded. Motion passed.

The next order of business was HB 2122. Rep. Justice addressed the committee and indicated that HB 2122 as currently drafted has a problem in that the portion of the highway he was desirous of naming the Martin Luther King, Jr. Memorial Highway has already been designated as the Lewis and Clark Expedition Route.

8-2-83
Ed DeSoignie addressed the committee on HB 2122 reiterating Rep. Justice's testimony. He stated that more than one highway in the state could be designated with the same name, but a highway may not have two or more names.

The Chairman stated that if Rep. Justice would like to select another route to be designated the Martin Luther King, Jr. Memorial Highway, the committee would give him an opportunity to amend his bill at a later time. This discussion concluded the hearing on HB 2122.

Rep. Campbell requested that the Department of Revenue provide information to the committee regarding why it takes so long to receive automobile registrations.

Rep. David Webb polled the committee on their feelings regarding whether the headlights law should be changed to require use from sunrise to sunset as opposed to 30 minutes before and after. The committee was not desirous of pursuing the issue.

Meeting adjourned at 2:05 p.m.


Rex Crowell, Chairman

HOUSE BILL NO. _____

By Committee on Transportation

AN ACT concerning notice and hearing procedures of the state corporation commission in regulation of motor carriers; amending K.S.A. 1982 Supp. 66-1,112b and 66-1,114 and repealing the existing sections; also repealing K.S.A. 1982 Supp. 66-1,112i and 66-1,114a.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 1982 Supp. 66-1,112b is hereby amended to read as follows: 66-1,112b. The commission, upon the filing of an application for contract-carrier permit, shall fix a time and place for hearing thereon, which shall be not less than 20 days nor more than 60 days after ~~such filing. The commission shall give notice of such hearing at least 10 days prior thereto to parties of interest as required by rules and regulations adopted by the commission~~ the filing. Notices of hearings shall be published bimonthly in the first and third issues of the Kansas register. Hearings shall be held no earlier than 10 days after publication of notice. Any other common carrier or any interested party is hereby declared to be an interested party to ~~said~~ the proceedings and may offer testimony for or against the granting of ~~such~~ a permit at the hearing. If the commission finds that the proposed service or any part thereof is proposed to be performed by the applicant and that the applicant is fit, willing and able to perform such service, the commission shall issue the permit, except that if the commission finds that evidence shows that the proposed service is inconsistent with the public convenience and necessity, the commission shall not issue the permit. The commission may attach to the exercise of the privilege granted by ~~such~~ the permit such terms and conditions as in its judgment will carry out the purposes of this act. Application for ~~such~~ a permit

Atch. 1

shall be made in writing, stating the ownership, financial condition, equipment to be used and physical property of the applicant, and contain such other information as the commission may require.

Sec. 2. K.S.A. 1982 Supp. 66-1,114 is hereby amended to read as follows: 66-1,114. Except as hereinafter provided, it shall be unlawful for any public motor carrier to operate as a carrier of intrastate commerce within this state without first having obtained from the corporation commission a certificate of convenience and necessity. The corporation commission, upon the filing of an application for such a certificate, shall fix a time and place for hearing thereon, which shall be not less than 20 and not more than 60 days after ~~such~~ the filing. The corporation commission shall give notice of hearing at least 10 days prior ~~thereto~~ to the hearing to parties of interest as required by rules and regulations adopted by the commission. Notices of hearings shall be published bimonthly in the first and third issues of the Kansas register. Any person may offer testimony at such hearing.

If the commission finds that the proposed service or any part thereof is proposed to be performed by the applicant and that the applicant is fit, willing and able to perform such service, the commission shall issue the certificate, except that if the commission finds that evidence shows that the proposed service is inconsistent with the public convenience and necessity, the commission shall not issue the certificate.

Prior to a formal hearing, and upon the filing of an application and showing of an immediate and urgent need for service to afford relief, temporary authority to a point or points within a territory having no carrier service capable of meeting such immediate need, may be granted, in the discretion of the commission. ~~Such~~ The temporary authority, unless suspended or revoked, shall be valid for such time as the commission shall specify but for not more than 60 days, ~~except that such.~~ The temporary authority may be extended or renewed for such time as

the commission shall specify, but ~~in no event shall such temporary authority shall not~~ be extended or renewed for a period of time which exceeds the date on which an order granting or denying permanent authority shall become final. The granting of temporary authority shall create no presumption that corresponding permanent authority will be granted thereafter. The service rendered under ~~such~~ the temporary authority shall be subject to all applicable provisions of law and the rules and regulations of the commission pertaining to such motor carrier operations.

Sec. 3. K.S.A. 1982 Supp. 66-1,112b, 66-1,112i, 66-1,114 and 66-1,114a are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the Kansas register.

MEMORANDUM

Draft just 5

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.

3RS0549

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.

3RS 0604

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.

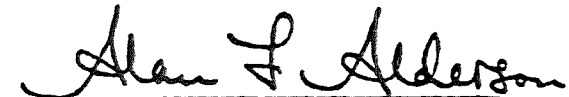
3RS 0538

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.

3RS0548

Att. b. 2

- 3RS0603
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
General Counsel

HOUSE BILL NO. _____

By Committee on Transportation

AN ACT concerning drivers' licenses; suspension, restriction and revocation of drivers' licenses; amending K.S.A. 8-253, 8-254, 8-255 and 8-262 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 8-253 is hereby amended to read as follows: 8-253. (a) ~~Whenever~~ When any person is convicted of any offense for which this act makes mandatory the suspension or revocation of the driver's license of such person by the division, the court in which such conviction is had shall require the surrender to it of all driver'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 division, within ~~ten (10)~~ 10 days from the date the conviction becomes final.

(b) Every court having jurisdiction over offenses committed under the motor vehicle drivers' license act, shall forward to the division a record of the conviction of any person ~~in said~~ by such court for a violation of ~~said~~ that act. Such record ~~of conviction~~ shall be made upon any form approved by the division and shall include the name and address of the ~~party charged, his or her~~ violation, the violator's driver'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 or bond was forfeited and the amount of the fine or forfeiture ~~as the case may be~~.

(c) For the purpose of this act, the term "conviction" ~~shall mean~~ means 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, bond 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)~~ 10 days of the final disposition of ~~said~~ the appeal forward a notification of such final disposition to the division.

Sec. 2. K.S.A. 8-254 is hereby amended to read as follows:
8-254. (a) Subject to the provisions of subsection (b), the division shall ~~forthwith~~ revoke a person's driver's license to operate a motor vehicle upon receiving a record of such person's conviction of any of the following offenses when such conviction has become final:

1. Vehicular homicide;
2. 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;
3. Conviction, or forfeiture of bail not vacated, upon three charges of reckless driving committed within a period of 12 months within the state of Kansas;
4. Conviction, or forfeiture of bail not vacated of any felony in the commission of which a motor vehicle is used; or
5. Fleeing or attempting to elude a police officer as provided in K.S.A. 8-1568, ~~as amended~~ and amendments thereto, or conviction of violation of an ordinance of any city or a law of another state which is in substantial conformity with such statute.

(b) ~~Whenever any~~ In lieu of revocation of a person's driver's license under subsection (a), when a person is convicted of violating any of the offenses ~~prescribed by~~ listed in subsection (a), the judge of the court in which such person ~~was~~ is convicted may enter an order which restricts such person to

operating a motor vehicle on the highways of this state only: (1) In going to or returning from such person's place of employment; or (2) when the operation of a motor vehicle is essential to performing the duties of such person's employment. Such order may be entered only upon a finding by the judge that such person's continued operation of a motor vehicle on the highways of this state under such restrictions is essential to such person's ability to maintain gainful employment, upon which such person or such person's family are dependent for their livelihood, and that such operation is not inimical to the public safety and welfare. Any such order shall prescribe the duration of the restrictions imposed, which ~~in no event~~ shall be for a period of not more than one year.

Upon entering an order restricting a person's driver's license under this section, the judge shall require such person to surrender such person's driver's license to the ~~judge who~~ court which shall cause ~~the same~~ it to be transmitted to the division of vehicles, together with a copy of the order. Upon receipt thereof, the division of vehicles shall issue, without charge ~~therefor~~, a new driver's license containing the restrictions imposed by the order. If the person convicted ~~pursuant to this section~~ is a nonresident, the judge shall cause a copy of the order to be transmitted to the division, who shall forward a copy thereof to the motor vehicle administrator of such person's state of residence. ~~Such~~ The judge also of such court shall furnish to any person whose license is restricted ~~hereunder~~ under this section a copy of the order, which shall be recognized as a valid license to operate a motor vehicle until such time as the division ~~shall issue~~ issues the restricted license as provided ~~herein~~ for by this section.

Upon expiration of the period of time for which restrictions are imposed pursuant to this subsection, the licensee may apply to the division for an unrestricted license, which shall be issued ~~forthwith~~ by the division upon payment of the proper fee and satisfaction of the other conditions established by law,

unless the restricted license has been suspended or revoked prior thereto. If any person shall violate any of the restrictions imposed hereunder under this section, such person's driver's license or license to operate a motor vehicle on the highways of this state shall be revoked in the manner provided in subsection (a).

Sec. 3. K.S.A. 8-255 is hereby amended to read as follows: 8-255. (a) The division is hereby authorized to suspend a person's driver's license upon a showing by its records or other sufficient evidence the licensee:

(1) Has been convicted with such frequency of serious offenses against traffic regulations governing the movement of vehicles as to indicate a disrespect for traffic laws and a disregard for the safety of other persons on the highways;

(2) has been convicted of three or more moving traffic violations committed on separate occasions within a twelve-month period;

(3) is incompetent to drive a motor vehicle;

(4) has been convicted of a moving traffic violation, committed at a time when the licensee's driver's license was suspended or revoked; or

(5) is a member of the armed forces of the United States stationed at a military installation located in the state of Kansas, and the authorities of the military establishment certify that such person's on-base driving privileges have been suspended, by action of the proper military authorities, for violating the rules and regulations of the military installation governing the movement of vehicular traffic or for any other reason relating to the person's inability to exercise ordinary and reasonable control in the operation of a motor vehicle.

(b) Upon suspending or revoking the license of any person as authorized by this act, the division ~~immediately~~ shall immediately notify the licensee in writing. Upon the licensee's written request made within 30 days after such notice of suspension or revocation is mailed, the division shall afford the

licensee an opportunity for a hearing as early as practical ~~within~~ not sooner than 5 days nor more than 30 days after ~~receipt~~ of the such request is mailed. If the division has not revoked or suspended the driver's license or vehicle registration of such person prior to the hearing, the hearing may be held within not to exceed 45 days. Except as provided by K.S.A. 8-1001 and amendments thereto, the hearing shall be held in the licensee's county of residence or a county adjacent thereto, unless the division and the licensee agree that the hearing may be held in some other county. Upon the hearing, the director or the director's duly authorized agent may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require an examination or reexamination of the licensee. Upon the hearing, the division shall either rescind its order of suspension or, good cause appearing therefor, extend the suspension of the driver's license, modify the terms of the suspension or revoke the driver's license. If the licensee fails to request a hearing within the time prescribed or if, after a hearing, the order of suspension or revocation is upheld, the licensee shall surrender to the division, upon proper demand, any Kansas driver's license in the licensee's possession.

(c) In case of failure on the part of any person to comply with any subpoena issued in behalf of the division or the refusal of any witness to testify to any matters regarding which the witness may be lawfully interrogated, the district court of any county, on application of the division, may compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from the court or a refusal to testify in the court. Each witness who appears before the director or the director's duly authorized agent by order or subpoena, other than a state officer or employee, shall receive for the witness' attendance the fees and mileage provided for witnesses in civil cases in courts of record, which shall be audited and paid upon the presentation of proper vouchers sworn

to by the witness.

Sec. 4. K.S.A. 8-262 is hereby amended to read as follows:
8-262. (a) Any person who drives a motor vehicle on any highway of this state at a time when such person's privilege so to do is canceled, suspended or revoked shall be guilty of a class B misdemeanor on the first conviction, a class A misdemeanor on the second conviction and for third and subsequent convictions shall be guilty of a class E felony. No person shall be convicted under this section if such person was entitled at the time of arrest under K.S.A. 8-257 and amendments thereto, to the return of such person's driver's license or was, at the time of arrest, eligible under K.S.A. 8-256 and amendments thereto, to apply for a new license to operate a motor vehicle. Every person convicted under this section shall be sentenced to at least five days imprisonment and fined at least \$100 and upon a second or subsequent conviction shall not be eligible for parole until completion of five days imprisonment.

(b) The division upon receiving a record of the conviction of any person under this section or any ordinance of any city or a law of another state which is in substantial conformity with this section, upon a charge of driving a vehicle while the license of such person ~~was~~ is suspended for a specifically designated period, shall extend the period of such suspension for an additional like period, and if the conviction ~~was~~ is upon a charge of driving while a license ~~was~~ is revoked the division shall not issue a new license for an additional period of six months from and after the date such person would otherwise have been entitled to apply for a new license.

Sec. 5. K.S.A. 8-253, 8-254, 8-255 and 8-262 are hereby repealed.

Sec. 6. This act shall take effect and be in force from and after its publication in the statute book.

HOUSE BILL NO. _____

By Committee on Transportation

AN ACT concerning motor vehicles; appearance bond for certain violations; amending K.S.A. 8-2107 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 8-2107 is hereby amended to read as follows: 8-2107. (a) Notwithstanding any other provisions of this act, whenever any person shall be halted by a member of the state highway patrol or any other police officer for any of the violations described in subsection (e) of this section and such person is not given an immediate hearing as hereinbefore provided, the officer may require the person so halted, subject to the provisions of subsection (c), to deposit with the officer a valid Kansas driver's license in exchange for a receipt therefor issued by such officer, the form of which shall be approved by the division of vehicles. Such receipt shall be recognized as a valid temporary Kansas driver's license authorizing the operation of a motor vehicle by the person halted to the date of the hearing stated on the receipt. Such license and a written copy of the notice to appear shall be rendered by the halting officer to the court having jurisdiction of the offense charged as soon as reasonably possible. If the hearing on such charge is continued for any reason, the judge may note on the receipt the date to which such hearing has been continued and such receipt shall be recognized as a valid temporary Kansas driver's license until such date, but in no event shall such receipt be recognized as a valid Kansas driver's license for a period longer than 30 days from the date set for the original hearing. Any person who has deposited a driver's license with the officer shall have such license returned upon final

Atch. 4

determination of the charge against such person.

In the event the person halted deposits a valid Kansas driver's license with the halting officer and fails to appear in court on the date set for appearance, or any continuance thereof, and in any event within 30 days from the date set for the original hearing, the court shall forward such person's driver's license to the division with an appropriate explanation attached thereto. Upon receipt of such person's driver's license, the division shall suspend such person's privilege to operate a motor vehicle in this state until such person appears before the court having jurisdiction of the offense charged, the court makes a final disposition thereof and notice of such disposition is given by the court to the division. No new or duplicate license shall be issued to any such person until such notice of disposition has been received by the division and the provisions of K.S.A. 8-256, and amendments thereto, limiting the suspension of a license to one year, shall not apply to suspensions for failure to appear as provided herein.

(b) It shall be unlawful for any person to apply for a duplicate or new driver's license prior to the return of such person's original license which has been deposited in lieu of bond as provided in this section. The filing of any such application shall constitute a class C misdemeanor and shall constitute sufficient cause for the division to suspend such person's driver's license for a period of not to exceed one year from the date the division receives notice of the disposition as provided in subsection (a).

(c) In lieu of depositing a valid driver's license with the halting officer as provided in subsection (a), the person halted may elect to give bond in the amount specified in subsection (e) of this section for the offense for which the person was halted, and in the event such person does not have a valid driver's license, such person shall be required to give such bond. Such bond shall be subject to forfeiture if said person halted does not appear at the court and at the time specified in the written

notice provided for in K.S.A. 8-2106 and amendments thereto. Such bond may be a cash bond, a bank card draft from any valid and unexpired credit card approved by the division or a guaranteed arrest bond certificate issued by either (1) a surety company authorized to transact such business in this state or (2) an automobile club authorized to transact business in this state by the commissioner of insurance. If any of the approved bank card issuers redeem the bank card draft at a discounted rate, such discount shall be charged against the amount designated as the fine for the offense. In the event such bond is not forfeited, the amount of the bond less the discount rate shall be reimbursed to the person providing the bond by the use of a bank card draft. Any such "guaranteed arrest bond certificate" must be signed by the person to whom it is issued and must contain a printed statement that such surety company or automobile club guarantees the appearance of such person and will, in the event of failure of such person to appear in court at the time of trial, pay any fine or forfeiture imposed on such person not to exceed an amount to be stated on such certificate.

Such cash bond shall be taken in the following manner: The officer shall furnish the person halted a stamped envelope addressed to the judge or clerk of the court named in the written notice to appear and the person shall place in such envelope the amount of the bond, and in the presence of the officer shall deposit the same in the United States mail. After having complied with such, the person halted need not sign the written notice to appear, but the officer shall note the amount of the bond mailed on the notice to appear form and shall give a copy of such form to the person. If the person halted furnishes the officer with a guaranteed arrest bond certificate or bank card draft, the officer shall give such person a receipt therefor and shall note the amount of the bond on the notice to appear form and give a copy of such form to the person halted. Such person need not sign the written notice to appear, and the officer shall present the notice to appear and the guaranteed arrest bond certificate or

bank card draft to the court having jurisdiction of the offense charged as soon as reasonably possible.

(d) Whenever any motor carrier, truck or truck tractor is halted by an agent or employee of the department of revenue duly authorized under K.S.A. 8-1910 or 66-1319 and amendments thereto to stop such motor carrier, truck or truck tractor for those violations described in subsection (e) of this section which relate to the regulation of motor carriers, trucks or truck tractors, such agent or employee may require the driver of the motor carrier, truck or truck tractor so halted to give a driver's license or bond in the same manner and to the same extent as in subsections (a) and (c).

(e) The offenses for which appearance bonds may be required as provided in subsection (c) and the amounts thereof shall be as follows:

Speeding, minimum bond.....	\$20
Eleven to fifteen over limit.....	30
Sixteen to twenty over limit.....	40
Twenty-one to twenty-five over limit.....	50
Twenty-six to thirty over limit.....	60
Thirty-one to forty over limit.....	80
Forty-one and over the limit.....	100
Reckless driving.....	50
Fail to comply with lawful order of officer.....	25
Fail to yield right-of-way to emergency vehicle.....	25
Fail to obey official traffic-control signal.....	20
Driving less than posted minimum speed, or impeding the normal and reasonable flow of traffic.....	20
Driving left of center, in wrong lane or in wrong direction on one-way.....	20
Illegal passing.....	20
Failure to yield right-of-way.....	20
Failure to stop at stop sign.....	20
Illegal turn, turn approach or failure to signal.....	20
Following too close.....	20

Illegal stop, stand or park.....	20
Illegal backing.....	20
Fail to stop for railroad electric or mechanical signal devices.....	20
Depositing or throwing trash or destructive or injurious material on highway.....	50
Passing school bus which is displaying stop signal.....	25
Brakes inadequate or defective.....	20
Registration violation.....	20
No operator's or chauffeur's license or violation of restrictions.....	20
Driving while license suspended or revoked.....	100
Spilling load on highway.....	20
Failure to dim headlights.....	20
Illegal or defective lights.....	20
Overload:	
Gross weight of vehicle or combination of vehicles.....	an amount equal to the fine to be imposed if convicted
Gross weight upon any axle or tandem, triple or quad axles.....	an amount equal to the fine to be imposed if convicted
Failure to obtain proper registration, clearance or to have current certification as required by K.S.A. 66-1324 and amendments thereto.....	250
<u>Insufficient liability insurance for motor carriers pursuant to K.S.A. 66-1,128 or 66-1314 and amendments thereto.....</u>	<u>100</u>
<u>Failure to obtain interstate motor fuel tax authorization pursuant to K.S.A. 79-34,122 and amendments thereto.....</u>	<u>100</u>
Improper equipment (horn, muffler, rear vision mirror, wiper, glass, safety devices, fire extinguishers,	

flares, reflectors, flags, or other required equipment).....	20
No authority as private, contract or common carrier....	100
No drivers daily log.....	20
Invalid or no physical examination card.....	20
Transporting open container of alcoholic liquor or cereal malt beverage accessible while vehicle in motion.....	200

(f) In the event of forfeiture of any of the bonds set forth in this section, then \$10 of said forfeited bond shall be regarded as court costs in any court having jurisdiction over said violation of state law.

Sec. 2. K.S.A. 8-2107 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

HOUSE BILL NO. _____

By Committee on Transportation

AN ACT concerning vehicles; limitations on temporary vehicle registration; amending K.S.A. 8-2409 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 8-2409 is hereby amended to read as follows: 8-2409. (a) Any licensed vehicle dealer may purchase from the division of vehicles fifteen-day temporary registration permits, in multiples of five ~~(5)~~ permits valid for ~~fifteen-(15)~~ 15 days at a cost of ~~two-dollars-(\$2)~~ \$2 each. Such licensed vehicle dealer shall have completed the application and permit as required by the division and mail a copy of such application to the division within ~~twenty-four-(24)~~ 24 hours from the date of issuance. Such registration shall not extend the date when registration fees are ~~determined-as-being~~ due, but shall be valid registration for a period of ~~fifteen-(15)~~ 15 days from date of issuance. The vehicle dealer upon presentation of evidence of ownership in the applicant and evidence that the sales tax has been paid, if due, shall issue a sticker or paper registration as ~~may-be~~ determined by the division. ~~Under no circumstances may a~~ No licensed vehicle dealer, or county treasurer, as authorized by K.S.A. 8-143(c)(3), subpart (c)(3) of K.S.A. 8-143 and amendments thereto, shall issue more than one ~~(1)~~ fifteen-day temporary registration permit to the purchaser of a vehicle.

(b) The division of vehicles may deny any licensed vehicle dealer the authority to purchase fifteen-day temporary permits if ~~said~~ the vehicle dealer is delinquent in monthly sales reports to the division for two months or more.

(c) The temporary registration authorized by this section shall not entitle a truck, truck tractor or any combination of

Atch. 5

truck or truck tractor and any type of trailer or semitrailer to be operated under laden conditions.

Sec. 2. K.S.A. 8-2409 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

HOUSE BILL NO. _____

By Committee on Transportation

AN ACT concerning licensure of vehicle sales and manufacture; making violations thereof or rules and regulations adopted thereunder subject to criminal penalties; amending K.S.A. 8-2420 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

New Section 1. Violation of any provision of K.S.A. 8-2401 to 8-2424, inclusive, and amendments thereto, or rules and regulations adopted pursuant to authority of K.S.A. 8-2423 is a misdemeanor, and upon conviction thereof the violator shall be sentenced to a fine of not more than \$500 or imprisonment of not more than 90 days, or both such fine and imprisonment.

Sec. 2. K.S.A. 8-2420 is hereby amended to read as follows: 8-2420. This act is supplementary to the vehicle registration laws of Kansas, and nothing herein shall be construed as abridging or amending such laws. Criminal penalties of section 1 shall apply to violations therein specified and criminal penalties prescribed by K.S.A. 8-149 or any other vehicle registration statute shall not apply thereto.

Sec. 3. K.S.A. 8-2420 is hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.

Atch. 6

HOUSE BILL NO. _____

By Committee on Transportation

AN ACT concerning drivers' licenses; late renewals; amending K.S.A. 8-247 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 8-247 is hereby amended to read as follows: 8-247. (a) All original licenses, and all renewals thereof, shall expire on every fourth anniversary of the date of birth of the licensee. No driver's license shall expire in the same calendar year in which the original license or renewal license is issued, except that if the foregoing provisions of this section shall require the issuance of a renewal license or an original license for a period of less than six calendar months, the license issued to the applicant shall expire at midnight on every fourth anniversary of the date of birth of the applicant.

(b) If any person's birthday is February 29, the first day of March following shall be regarded as such person's birthday for the purposes of this section.

(c) If the driver's license of any person shall expire while such person is outside of the state of Kansas and on active duty in the armed forces of the United States, the license of such person shall be renewable, without examination, at any time prior to the end of the sixth month following the discharge of such person from the armed forces, or within 90 days after reestablished residence within the state, whichever time is sooner. If the driver's license of any person shall expire while such person is outside the United States, the division shall provide for renewal by mail.

(d) At least 30 days prior to the expiration of a person's license the division shall mail a notice of expiration or renewal

Atch. 7

application to such person at the address shown on the license. The division shall include with such notice a copy of the eyesight examination form and a copy of the written examination prescribed by subsection (f). In addition, a copy of the Kansas driver's manual, prepared pursuant to K.S.A. 8-266b and amendments thereto also shall be included.

(e) Every driver's license shall be renewable on or before its expiration upon application and payment of the required fee and successful completion of the examinations required by subsection (f). Application for renewal of a valid driver's license shall be made to the division in accordance with rules and regulations adopted by the secretary of revenue. Such application shall contain all the requirements of subsection (b) of K.S.A. 8-240 and amendments thereto. Upon satisfying the foregoing requirements of this subsection, and if the division makes the findings required by K.S.A. 8-235b and amendments thereto for the issuance of an original license, the license shall be renewed without examination of the applicant's driving ability. If the division finds that any of the statements relating to revocation, suspension or refusal of licenses required under subsection (b) of K.S.A. 8-240 and amendments thereto are in the affirmative, or if it finds that the license held by the applicant is not a valid one, or if the applicant has failed to make application for renewal of such person's license on or before the expiration date thereof, the division may require the applicant to take an examination of ability to exercise ordinary and reasonable control in the operation of a motor vehicle as provided in K.S.A. 8-235d and amendments thereto.

(f) (1) Prior to renewal of a driver's license, the applicant shall pass an examination of eyesight and a written examination of ability to read and understand highway signs regulating, warning and directing traffic and knowledge of the traffic laws of this state. Such examination shall be equivalent to the tests required for an original driver's license under

K.S.A. 8-235d and amendments thereto. A driver's license examiner shall administer the examinations without charge, and shall report the results of the examinations on a form provided by the division, which shall be submitted by the applicant to the division at the time such applicant applies for license renewal.

(2) In lieu of the examination of the applicant's eyesight by the examiner, the applicant may submit a report on the examination of eyesight by a physician licensed to practice medicine and surgery or by a licensed optometrist. The report shall be based on an examination of the applicant's eyesight not more than three months prior to the date the report is submitted, and it shall be made on a form furnished the applicant with the notice of the expiration of license under subsection (d).

(3) In lieu of the driver's license examiner administering the written examination, the applicant may complete the examination furnished with the notice of the expiration of license under subsection (d), and submit the completed examination to the division.

(4) The division shall determine whether the results of the written examination and the eyesight reported are sufficient for renewal of the license, and if the results of either or both of the examinations are insufficient, the division shall notify the applicant of such fact and return the license fee. In determining the sufficiency of an applicant's eyesight, the division may request an advisory opinion of the medical advisory board, which is hereby authorized to render such opinions.

(5) An applicant who is denied a license under this subsection (f) may reapply for renewal of such person's driver's license, except that if such application is not made within 90 days of the date the division sent notice to the applicant that the license would not be renewed, the applicant shall proceed as if applying for an original driver's license. If the applicant has been denied renewal of such person's driver's license because such applicant failed to pass the written examination, the applicant shall pay an examination fee of \$1.50 to take the test

again.

(6) When the division has reason to believe that an applicant for renewal of a driver's license has a mental or physical disability which would cause such applicant to operate a motor vehicle in a manner inimical to the public safety and welfare, the division may require such applicant to submit to such additional examinations as it deems necessary to insure that the applicant is qualified to receive the license applied for. Subject to subpart (7) of this subsection (f), in so evaluating such qualifications, the division may request an advisory opinion of the medical advisory board which is hereby authorized to render such opinions in addition to its duties prescribed by subsection (b) of K.S.A. 8-255b and amendments thereto. Any such applicant who is denied the renewal of such person's driver's license because of a mental or physical disability shall be afforded a hearing in the manner prescribed by subsection (b) of K.S.A. 8-255 and amendments thereto.

(7) Seizure disorders which are controlled by prescribed medication shall not be considered a disability under the preceding subpart unless the medical advisory board finds that the applicant's condition is such that the applicant is likely to be a danger to such applicant or others, while operating a motor vehicle. In appropriate cases to which this subpart applies, the medical advisory board may recommend that such person be issued a driver's license to drive class C or D vehicles and restricted to operating such vehicles at any time while going directly to such person's place of employment or while coming directly from such place, or in an emergency or on days while school is in session, over the most direct and accessible route between the licensee's residence and such person's school of enrollment for the purposes of school attendance. Restricted licenses issued pursuant to this subpart (7) shall be subject to suspension or revocation as provided in subsection (a) of K.S.A. 8-237, and amendments thereto.

(g) Except as provided in subsection (f), upon expiration

of a Kansas driver's license, any person failing to make application for renewal of such license within 90 days after the expiration date thereof, shall be subject to the examinations and fees required to obtain an original driver's license, except that the division may waive the driving examination if an application for renewal is made after 90 days from the license expiration date but within 180 days of such date.

Sec. 2. K.S.A. 8-247 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

Kansas Department of Transportation

February 7, 1983

MEMORANDUM TO: HOUSE TRANSPORTATION COMMITTEE

REGARDING: H. B. 2122

I. Summary of Bill:

H.B. 2122 if enacted would designate United States highways 24 and 73 from the west end of the intercity viaduct, through Washington Blvd. to 11th and Waterway Drive as the "Dr. Martin Luther King, Jr. Memorial Highway". The bill would also require the Secretary of Transportation to place markers along the highway's right-of-way with such designation.

II. Comments:

H.B. 2122 is similar to S.B. 589 which passed both Houses of the legislature and was signed into law by the Governor during the 1982 session. S.B. 589 resulted in the designation of I-470 in Topeka as the "Dr. Martin Luther King, Jr. Memorial Highway". Signs with this designation have been erected on I-470 by the KDOT.

The portion of highway specified in H.B. 2122 is currently designed as the "Lewis and Clark Expedition Route" in accordance with K.S.A. 68-1020. Additional naming of the highway would not conform with established Manual on Uniform Traffic Control Devices (MUTCD) policy on the naming of memorial highways (see attached).

Atch. 8

SENATE BILL No. 589

AN ACT designating Interstate 470 in Topeka as "the Dr. Martin Luther King Jr. memorial highway" and providing for signing thereof.

Be it enacted by the Legislature of the State of Kansas:

Section 1. Interstate highway I-470 from the east Topeka interchange of the Kansas turnpike to its intersection with I-70 west of Topeka is hereby designated as "the Dr. Martin Luther King Jr. memorial highway." The secretary of transportation shall place markers along the highway right-of-way at proper intervals to indicate that the highway is the Dr. Martin Luther King Jr. memorial highway.

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the SENATE, and passed that body.

President of the Senate.

Secretary of the Senate.

Passed the HOUSE _____

Speaker of the House.

Chief Clerk of the House.

APPROVED _____

History: L. 1963, ch. 337, § 1; April 8.

Research and Practice Aids:

Highways—103.

C.J.S. Highways § 179 et seq.

68-1018. Same; secretary of transportation to cooperate in placing of markers; marker requirements. It shall be the duty of the secretary of transportation to cooperate with any person or group of persons so interested in placing markers at proper intervals along any highway right-of-way indicating the points where said Smoky Hill trail runs parallel with or crosses any state highway. Said markers shall be made from the famous stone fence posts prominent in western Kansas, and said markers will be made showing a 30-inch shaft above a cement base and on the side facing any highway a panel is to be smoothed and the legend, B.O.D., 1865 (meaning Butterfield Overland Dispatch, the official title of the firm establishing this trail) sandblasted on in letters large enough to be easily read by anyone passing by on the highway.

History: L. 1963, ch. 337, § 2; L. 1975, ch. 427, § 133; Aug. 15.

68-1019. Designation of part of U.S. 36 as the pony express memorial highway. A portion of United States highway 36 where it enters the state on the Kansas-Missouri line on the east, thence west to the junction with state highway 15E in Washington county, be and is hereby designated as "the pony express memorial highway" in the state of Kansas.

History: L. 1964, ch. 28, § 1 (Budget Session); Feb. 18.

68-1020. Designation and marking of the Lewis and Clark expedition route. It shall be the duty of the secretary of transportation to designate and mark by suitable signs, following as nearly as possible the route of the historic Lewis and Clark expedition in Kansas, on the following described highways: From the Kansas-Missouri state line west on highway U.S. 24 and highway U.S. 40 through Kansas City, Kansas, to the intersection of highway U.S. 73; highway U.S. 73 north through Leavenworth to Atchison and the intersection of highway K-7; highway K-7 north through Troy to the Kansas-Nebraska state line.

History: L. 1967, ch. 361, § 1; L. 1975, ch. 427, § 134; Aug. 15.

68-1021. Designation and marking of the Chisholm trail. It shall be the duty of the secretary of transportation to designate and mark by suitable signs, following as nearly as possible the route of the historic Chisholm trail in Kansas, on the following described highways: Highway K-15 from Abilene south to Newton to the junction of highway U.S. 81; thence on highway U.S. 81 south to the Kansas-Oklahoma state line.

History: L. 1967, ch. 361, § 2; L. 1975, ch. 427, § 135; Aug. 15.

68-1022. Designation and marking of Prairie Parkway. It shall be the duty of the secretary of transportation to designate and mark by suitable signs, those portions of established highways which traverse the state from the historic Hollenberg pony express station near the city of Hanover to the old cattle shipping town of Elgin, and connecting historic sites on the Oregon trail and the cities of Council Grove and Cottonwood Falls, as the Prairie Parkway, which highways are described as follows: Beginning at the Hollenberg pony express station east of Hanover on highway K-243; thence west to highway K-15E and south on K-15E to its junction with highway U.S. 36; thence east on highway U.S. 36 to its junction with highway U.S. 77; thence south on highway U.S. 77 to that highway's junction with highway K-16 just north of Randolph; thence east on highway K-16 to a junction with Pottawatomie county federal aid secondary route 1208, one-half mile east of Olsburg, Pottawatomie county, Kansas; thence on F.A.S. route 1208 in a southerly direction approximately five and one-half miles; thence southeasterly to the junction of highway K-13 and F.A.S. route 1208; thence south and southwest on highway K-13 to that highway's junction with highway U.S. 24 and highway K-177 north of Manhattan; thence following K-177 to El Dorado; thence south on U.S. 77-U.S. 54 to a junction with K-96; thence east on K-96 to its junction with highway K-99 near Severy; thence south on K-99 to the southern Kansas border near the city of Chautauqua.

History: L. 1967, ch. 361, § 3; L. 1975, ch. 427, § 136; Aug. 15.

Law Review and Bar Journal References:

Mentioned in article on proposed Kansas Tallgrass Prairie National Park, George Cameron Coggins and Michael McCloskey, 25 K.L.R. 478, 486 (1977).

All General Information signs shall conform to the general standards for guide signs, and shall be reflectorized where required to provide nighttime visibility.

These signs shall be erected in accordance with the general specifications (secs. 2A-23, 24).

2D-50 Signing of Named Highways

Federal and State legislative bodies will from time to time adopt an act or resolution memorializing a highway, bridge or other component of highway. Such memorial names shall not appear on or along a highway, bridge or other component, but memorial plaques to recognize such a designation may be erected in rest areas, scenic overlooks or other appropriate points inconspicuously located relative to vehicle operators' viewing.

Guide signs may contain names if the purpose is to enhance driver communication and guidance; however, they are to be considered as supplemental information to route numbers. Highway names are not to replace official numeral designations. Memorial names shall not appear independently on supplemental signs nor on any other information sign either on or along the highway or its intersecting routes.

The use of route markers will be restricted to markers officially used for guidance of traffic in accordance with this Manual and the "Purpose and Policy" statement of American Association of State Highway and Transportation Officials which applies to Interstate and U.S. numbered routes.

The signing for unnumbered routes having major importance to the proper guidance of traffic is permissible if carried out in accordance with the aforementioned policies. For unnumbered highways, a name to enhance route guidance may be used where the name is applied consistently throughout its length. Not more than one name should be used to identify any highway whether numbered or unnumbered.

2D-51 Trail Markers

Trail Markers are informational plaques or shields designed to provide the traveling public with route guidance in following a trail of particular cultural, historical, or educational significance. These markers satisfy an information need on the part of certain travelers but primary guidance should be in the form of printed literature and strip maps rather than highway signing.

Except on the Interstate System, trail marker signs may be erected when they have been approved by and are under the control of the State highway organization. Control of such markers by a county or city highway department is also satisfactory. The installation must be consistent with highway safety practices and with practices governing signs of this general nature.