

Approved 10/11/83  
Date

MINUTES OF THE House COMMITTEE ON Transportation

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

1:30 a.m./p.m. on February 23, 1983 in room 519-S of the Capitol.

All members were present except: Rep. David Webb, excused.

Committee staff present:

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

Conferees appearing before the committee:

Rep. Wanda Fuller  
Steve Montgomery, DOR  
Michael Byington, Kansas Association for the Blind & Visually Impaired  
Dick Charlton, Kansas Association for the Blind and Visually Impaired  
Rep. Bob VanCrum  
Rep. Vic Miller  
Michael Lechner, Kansas Advisory Committee on Employment of the Handicapped

Others Present: See attachment 1.

The meeting was called to order by the Chairman. First order of business was HB 2297. Rep. Wanda Fuller, sponsor of HB 2297, briefed the committee on the contents of the bill. HB 2297 would increase the age limit for restricted drivers licenses from 14 to 15 and increase the age limit for permanent licenses from 16 to 17. Rep. Wanda Fuller explained that parents in her district were concerned about the young age at which children were driving.

The Chairman opened the meeting to committee questions. Chairman Crowell asked Rep. Wanda Fuller if the sole purpose of the bill was to raise the age. Rep. Wanda Fuller affirmed. The Chairman asked Rep. Wanda Fuller if the Department of Education favored the increased age limit. Rep. Wanda Fuller replied it was her understanding the Department of Education was in favor of raising the restricted license from 14 to 15, but not in favor of increasing the permanent licenses from 16 to 17.

Chairman Crowell expressed concern regarding 14 year olds who currently have restricted licenses. Rep. Wanda Fuller responded she assumed they would be "grandfathered" in.

The next order of business was HB 2312 dealing with the same subject matter as HB 2297. Rep. Meacham, sponsor of the bill, was not present to testify.

Mr. Steve Montgomery, Department of Revenue, testified before the committee stating the Department had no position. The Chairman asked Mr. Montgomery if there were any figures as to the percentage of accidents involving 14 year olds. Mr. Montgomery stated there was no data available in the Department of Revenue, but possibly KDOT had the statistics.

Michael Byington, Kansas Association for the Blind and Visually Impaired, testified before the committee in opposition to HB 2312. Mr. Byington explained to the committee that raising the age could present real problems for handicapped parents who could not transport their children. Mr. Dick Charlton, Kansas Association for the Blind and Visually Impaired, also testified in opposition reiterating Mr. Byington's comments.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Transportation

room 519-S, Statehouse, at 1:30 axx/p.m. on February 23, 1983

The next order of business was HB 2383. Rep. Vancrum, sponsor of the bill testified before the committee. Rep. Vancrum explained to the committee that HB 2383 was introduced due to numerous constituent complaints concerning 14 and 15 year old drivers driving in violation of restricted licenses. The bill would make two changes in existing law. First, on line 27, the bill adds a provision that any person must pass the written examination prior to receiving a restricted license. Secondly, on line 109, a new section is created which would, for the first time, permit a court to impose suspension of a driver's license up to two years and a \$250 fine on the first offense. (Attachment 2).

There were no questions and the meeting turned to hearings on HB 2346. Rep. Vic Miller, sponsor of the bill, presented testimony. HB 2346 would strike Section 6 which allows the Division of Vehicles to require the taking of examinations as the Division deems necessary for anyone applying for renewal if the examiner feels they have a mental or physical disability which would cause the applicant to operate a motor vehicle in a manner inimical to the public safety and welfare. Rep. Vic Miller expressed his concerns that some examiners had too much authority in determining that a handicapped person must retake the examination year after year.

The Chairman opened the meeting to committee questions. Chairman Crowell asked Rep. Vic Miller if he objected to reinserting the stricken language on line 115, and changing the language on lines 116 and 117 so it would read "when the division has reason to believe that an applicant for renewal of a driver's license is incapable of operating a motor vehicle in a manner..." Rep. Vic Miller responded he had less objection to that language than current language. Rep. Shelor asked if an examiner missed a situation which might make a driver unsafe and the individual was involved in an accident would the state be liable. Rep. Vic Miller replied that Mr. Steve Montgomery could address that issue. The next conferee on HB 2346 was Nancy Belohvek. Ms. Belohvek testified in support of HB 2346. (Attachment 3).

Mr. Michael Lechner, The Kansas Advisory Committee on Employment of the Handicapped, testified in support of HB 2346. (Attachment 4).

Mr. Michael Byington, representing himself, presented brief testimony in support of HB 2346. (Attachment 5).

Mr. Dick Charlton, representing himself, presented brief testimony in support of HB 2346. (Attachment 6).

The last conferee on HB 2346 was Mr. Steve Montgomery, Department of Revenue. Mr. Montgomery testified before the committee in opposition to HB 2346. Mr. Montgomery explained to the committee that K.S.A. 8-241 has almost identical language to that proposed by the Chairman and that HB 2346 would not accomplish what the authors had intended. In addition, Mr. Montgomery stated that driving was a privilege, not a right and it was the Department's responsibility to ensure the protection of the public.

The hearing was closed on HB 2346.

The Chairman then recognized Mr. Fred Allen, Kansas Association of counties, who presented additional information on HB 2125. The meeting was adjourned at 3:10 p.m.

  
Rex Crowell, Chairman

GUEST LIST

COMMITTEE: Transpiration

DATE: 4/12/83

PLEASE PRINT

NAME	ADDRESS	COMPANY/ORGANIZATION
Davey Williams	Rt. 3 Topeka	
Dick Leonard	1487 Topeka	KSPH
B. J. Brown	3304 1/2 S. 2nd	Central Telephone
R. B. Charles	401 W. 1st St.	A.D.A.P.T., KPI & KRA
Michael James	706 Buchanan	Sally
Janet Morgan	St. Off. Bldg	Transportation
David B. Hall	3113 McClure	Via Miller office
Donald Knight	Topeka	Governor's Office
Karen Carr	Wichita	Close-up Ks
Ronald Dillman	Wichita	Close-up Ks
Rudael Hewitt	Wichita	Close-up Kansas
Yvonne Williams	Wichita	Close-up Ks
Nieg Andersen	Wichita	Close-up Ks
Michael Smith	Wichita	Close-up Ks
Lisa Lohf	WICHITA	Kansas Close Up
Joia Huston	Wichita	Close-up Kansas
Pat Bissell	<del>Wichita</del> Topeka	Budget Division
Ray Fuller	El Dorado	Farm Bureau
Robert Fuller	El Dorado	Farm Bureau
Leonard Willhite	El Dorado	Farm Bureau
Dorothy Willhite	" "	" "
Lloyd Willhite	Leon Ks	" "
Mary C. Willhite	R.R. #1 Leon Ks	Rt. 1 "

ATL h. 1



BOB VANCURUM  
 REPRESENTATIVE, TWENTY-NINTH DISTRICT  
 OVERLAND PARK  
 9004 W. 104TH STREET  
 OVERLAND PARK, KANSAS 66212



TOPEKA

COMMITTEE ASSIGNMENTS  
 VICE CHAIRMAN FEDERAL AND STATE AFFAIRS  
 MEMBER ASSESSMENT AND TAXATION  
 EDUCATION

HB 2383

HOUSE OF  
 REPRESENTATIVES

Increased Requirements and Penalties Concerning Restricted Driver's Licenses

Testimony of Robert J. Vancrum

To: House Transportation Committee

Thank you Mr. Chairman and ladies and gentlemen for giving me the opportunity to appear this afternoon. I introduced HB 2383 in response to repeated complaints I have heard from constituents concerning 14 and 15 year old drivers driving in violation of restrictions on their license. I have asked this question on questionnaires twice, once as recently as three months ago, and nearly 88% have responded that they favored further restrictions on learner permits. Many stating that they should be abolished in urban areas.

Abuse of restricted licenses is widespread. We have had two accidents resulting in serious injury within the last year in Overland Park caused by 15 year old drivers driving after dark on Saturday evenings. In at least one case, the parents clearly knew the young man was driving on a date.

My bill makes two changes in existing laws. On line 27 it adds a requirement that any person must pass the written examination prior to receiving a restricted license. This would appear to at least insure that he knew something about the basic rules of the road before we let him take to the road. Secondly, on line 109 a new section is created which would for the first time permit a court to impose suspension of a driver's license up to two years and a \$250 fine on the first offense. Currently Section 8-2117 authorizes only a ten day jail sentence unless the

*Attachment 2*

licensee is 18. Even though there is a provision for administrative suspension in Section 8.237, it is hard to see how this would work unless the licensee has been involved in several accidents.

Your Chairman has asked me to comment also on HB 2297 and HB 2312 which both address minimum age for restricted licenses. I would support the concept of increasing an age for issuance of restricted license as proposed in both of these bills, but do not support at this time the concept of increasing the age for receiving an unrestricted license, as is proposed in HB 2297. My problem with HB 2312 is that not only does it increase the age for a restricted license, but strikes out language in lines 29, 53, 97 and 154 that appear to grant needed flexibility to localities and courts to respond to differing conditions in some of our communities. I hope this is helpful. Of course I will be happy to answer any questions you may have.

I would also support legislation imposing stiff penalties on parents who permit their 14 and 15 year old children in violation of the restrictions. I did not include this only because of the difficulty of avoiding constitutional problems, but am certain that it can be done if the parent knowingly permits violation.

Testimony for Bill 2346

To arbitrarily test one population based on visual appearance, that of being disabled and not because of driving record, serves to protect no one.

Available data (\*) shows: That in many instances disabled drivers were being placed in an assigned risk category (where they pay higher rates) when there is no empirical evidence that they are poorer risks. In fact, the available evidence suggests the opposite.

And the 1981 DuPont Survey (\*\*) confirms the safety record of handicapped employees was higher than that of the nonimpaired employees. 96% of the disabled rated average or above compared with 92% for nonimpaired employees.

Therefore, if testing is done to protect the citizens of this State of Kansas, perhaps we should base it on driving records -- a much better indicator of one's ability to be a safe driver rather than the fact that the person appears disabled.

\* Research Utilization Branch, Division of Research and Demonstration, Office of Research and Demonstration, SRS, Research and Demonstration, Vol. IV, No. 8, (DHEW, 1971).

\*\* 1981 DuPont Survey of Employment of the Handicapped

TESTIMONY IN SUPPORT OF HB 2346

Prepared and presented by Michael Lechner, Executive Secretary,  
Kansas Advisory Committee on Employment of the Handicapped, 2-23-83.

The Kansas Advisory Committee on Employment of the Handicapped supports HB 2346 which would revoke drivers license examiners' discretion to administer the driving portion of the test to renew drivers licenses. Several incidences have come to our attention in which disabled drivers were required to take the driving portion of the test simply because they were disabled.

Drivers license examiners do not have the necessary medical qualifications nor expertise to determine a disabled person's fitness to drive. Therefore, decisions to administer the driving portion of the license renewal test are based solely on the presence of a disability. A more objective criterion upon which such decisions are made should be the driving record of the applicant, regardless of disability.

Thank you for this opportunity to comment before the House Committee on Transportation.

ATTACHMENT 4



February 21, 1983

TO: House Transportation Committee, Kansas Legislature

FROM: Michael J. Byington, private citizen

RE: HB2346

I am a handicapped individual. I make no secret of this fact. You who are members of the Kansas Legislature have seen and heard me provide consultation or lobby representing a number of organizations concerned with the interests of handicapped populations. In the writing of this document, however, I offered to represent no organization; I have some very strong personal feelings causing me to favor HB2346, and I am pleased to present them as a private citizen.

My disability is a visual one. I have congenital cataracts. That means I was born with the same type of eye problems many others develop during their later years. When a person is born with this problem, correction is more difficult. While such a person is seldom totally blind, it is also seldom that vision can be completely corrected. I happen to be one of the luckier ones in that I am able to use a very special and unique visual aide which gives me near normal distance vision in one eye.

I have a restricted Kansas Driver's Licence. I have been driving for nearly 12 years. When I got this licence, I went through extensive testing process. The restrictions under which I could drive with equal or better safty to that of others were determined by some of the most competent experts in the appropriate fields. Chief Driver's Licence Examiner W. W. Smith particapated, as did Deryl Cyr of the Cyr Driver Training School, and as did Congressman Robert Whittaker who was at the time practicing as a competent eye doctor rather than a competent Congressman.

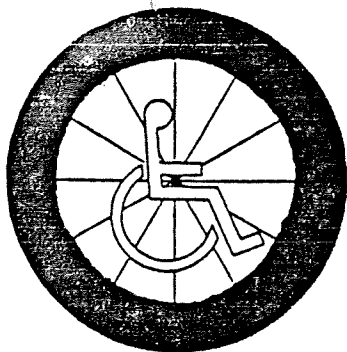
I will not tell you that my safty record over the 12 years I have been driving has been perfect. I am a human being, and I am capable of making the same types of errors as other, non-handicapped human beings. I will say that my record has been better than the average person of my age and sex, and that at this writing, my insurance shows a clear record. There is, as a matter of fact, no statistical data to suggest that the handicapped population overall have worse driving records than non-handicapped. To the contrary, it might be suggested that handicapped people are generally more careful than the average driver because they do not take the right to drive for granted.

Once a handicapped person has gone through what he or she has to in order to get a Driver's Licence, it does not seem appropriate that an examiner should be permitted to order additional testing again above and beyond that which normal drivers are required to take in order to renew their drivers' Licences. To single out handicapped drivers in this way is not a practice proven to make the streets safer, but only one which clearly allows for discrimination. HB2346 takes the first step toward stopping such discrimination. Please report it favorably.

Attachment 5



# A.D.A.P.T. INC.



ADVOCATES FOR DISABLED ACCESS TO PROGRAMS AND TRAINING INC.

POSITION PAPER

HOUSE BILL 2346  
Before

House Transportation Committee  
February 23, 1983

**Co-Directors**

Richard Charlton, Sr.  
Rt. 1, Box 348  
Warrego, KS 66547  
(913) 456-9203

Delbert Clark  
1056 Parklane  
Wichita, KS 67218  
(316) 684-1801

Mr. Chairman, Members of the Committee:

I am representing two state wide disabled consumer groups at this hearing, A.D.A.P.T. and KPC. A.D.A.P.T. is an all volunteer disabled consumer organization. Kansas Paralysis Chapter of the National Spinal Cord Injury foundation membership is composed of severely disabled persons, their friends and families.

We support House Bill 2346 as written. The deletion of KSA 8-247 Section 1 (f) 6 of the current statute is necessary to prevent the discrimination of the disabled population in the state of Kansas. Under the existing statute, there have been instances, of abuse, where disabled persons were required to take the driving test every time their license was renewed. These persons had an excellent driving record with their only problem that their impairment was obvious. We believe this type of incident is highly discriminatory. We also believe that this statute has been misused to cause an undue hardship on the disabled consumer.

Therefore, we respectfully urge your support of House Bill 2346 as written .

Respectfully submitted.

*Richard D. Charlton, Sr.*  
Richard D. Charlton, Sr.

President

Attachment 6