

MINUTES OF THE House COMMITTEE ON Transportation

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

1:30 ~~xxx~~/p.m. on March 20, 1984 in room 519-S of the Capitol.

All members were present except: Representative Moomaw - Excused

Committee staff present:

Hank Avila, Legislative Research Department
Fred Carman, Office of the Revisor of Statutes
Donna Mulligan, Committee Secretary

Conferees appearing before the committee:

Mr. Harley Duncan, Secretary of Revenue
Sgt. Bill Jacobs, Highway Patrol of Kansas
Col. Bert Cantwell, Kansas Highway Patrol

Chairman Rex Crowell called the meeting to order and the first order of business was a hearing on SB-489. Mr. Harley Duncan, Secretary of Revenue explained that the subject matter of SB-489 is commonly referred to as the "Points System" for restricting, suspending or revoking drivers' licenses upon the accumulation of a variety of tickets. Mr. Duncan reported that inconsistencies in the way drivers with similar records were handled both within the Department and in the counties have brought about this suggested use of a "Points System" wherein a number of points would be assigned for each violation and upon the accumulation of a specific number of points, certain sanctions would be taken against the individual's drivers license. (See Attachment 1)

Sgt. Bill Jacobs of the Highway Patrol testified favorably in support of SB-489. (See Attachment 2) Sgt. Jacobs stated the Highway Patrol supports the concept of a system which would result in administrative action against the licensee when an established point value is reached. He pointed out that they have reservations with Section 12 of SB-489 and requested it be eliminated from the bill.

This ended the hearing on SB-489.

The next order of business was a hearing on SB-745. Col. Bert Cantwell of the Kansas Highway Patrol was introduced, and told the committee this bill basically changes the required age of a trooper to 21 years at the time of appointment.

Discussion ensued between members of the committee and Col. Cantwell.

This ended the hearing on SB-745.

The next order of business was committee discussion and action on SB-737 dealing with antique license plates. Representative Schmidt made the motion to pass SB-737 favorably and place it on the consent calendar. The motion was seconded by Representative Fuller. Motion passed.

The next bill taken up for discussion and action was SB-738. Representative Johnson made a motion to amend SB-738 to read \$5.00 on line 424 instead of \$10.00. The motion was seconded by Representative Shelor. Representative Fuller questioned the advisability of reducing the amount due to the administrative costs involved. Motion passed.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Transportation,
room 519-S, Statehouse, at 1:30 ~~a.m.~~/p.m. on March 20, 1984.

Representative Johnson made the motion to pass SB-738 favorably as amended. The motion was seconded by Representative Justice. Motion passed.

The next order of business was SB-772 which deals with motor fuel tax refunds on loss of fuel. The motion was made by Representative Campbell to recommend SB-772 favorable for passage. The motion was seconded by Representative Sutter. Motion passed.

The next order of business was committee discussion and action on SB-809 concerning submission of reports by the Division of Vehicles on computer tape. It was moved by Representative Johnson to approve SB-809 favorably and place it on the consent calendar. The motion was seconded by Representative Shelor. The motion passed.

The next bill taken up for committee discussion and action was SB-633 concerning temporary registration permits for motor vehicles. The motion was made by Representative Shelor to recommend SB-633 favorable for passage. The motion was seconded by Representative Adam. Motion passed. Representative Erne requested to be recorded as voting "No".

Chairman Crowell announced the appointment of a sub-committee on SB-494 consisting of Representative David Webb, Chairman, Representative Erne, and Representative Fuller.

The meeting was adjourned at 2:20 p.m.


Rex Crowell, Chairman



Kansas
DEPARTMENT OF REVENUE

State Office Building
TOPEKA, KANSAS 66626

SUBSTITUTE FOR SENATE BILL NO. 489

This proposal is submitted by the Department of Revenue in collaboration with the Highway Patrol at the request of the interim committee on transportation and as suggested by the legislative post audit report of the Driver Control Bureau.

The purpose of this proposal is designed to accomplish the following goals:

- 1. Establish a point system for traffic violations by assigning an increasing number of points the more serious the offense.*
- 2. Impose increased mandatory penalties for repeat offenders and those convicted of serious violations.*
 - a. Four to five points: Driver must attend a Driver Improvement Clinic.*
 - b. Six to seven points: Driver is restricted to driving only when absolutely necessary.*
 - c. Eight or more points: Driver is suspended ten days for each point.*
 - d. Three serious convictions in five years: Driver is revoked for three years.*
- 3. Retain the right of a driver to an administrative hearing to challenge the validity of a conviction and the right of appeal to District Court.*
- 4. Eliminate the confusion under the present system because of duplicate or contradictory orders issued by the courts and the division by vesting restriction, suspension and revocation requirements solely on the Division of Vehicles. This will provide for:*
 - a. Better enforcement and administration.*
 - b. A more consistent and equitable assessment of driver license sanctions.*
 - c. Better and easier legislative review of administrative actions.*
- 5. Enable the driving public to comprehend the penalties for incurring traffic violations.*

ATTACH 1

VIOLATION	POINTS
(1) Operating a vehicle while the privilege to do so is revoked, suspended or cancelled;	12
(2) vehicular homicide;	10
(3) commission of a felony while using a motor vehicle;	10
(4) operating a motor vehicle while under the influence of alcohol or drugs;	10
(5) operating or permitting the operating of an uninsured motor vehicle;	10
(6) violating restrictions imposed as a result of traffic violations;	3
(7) fleeing or attempting to elude a police officer;	6
(8) leaving the scene of an accident;	6
(9) reckless driving;	6
(10) transporting an open container of alcoholic liquor or cereal malt beverage;	6
(11) perjury or fraud in obtaining a driver's license or motor vehicle title or registration;	4
(12) failing to report an accident involving a vehicle;	4
(13) exceeding the posted speed limit in a school zone;	42
(14) failing to stop for a stopped school or church bus; <i>when sign is required by</i>	4
(15) careless or inattentive driving;	2
(16) all other convictions of moving traffic violations as defined by rules and regulations of the secretary of revenue.	1

SUMMARY OF TESTIMONY
BEFORE THE HOUSE TRANSPORTATION COMMITTEE

SENATE BILL 489

Presented by the Kansas Highway Patrol
(Sergeant William A. Jacobs)

March 20, 1984

APPEARED IN SUPPORT

The Patrol supports the concept of a system which would result in administrative action against the licensee when an established point value was reached.

The Patrol has met several times with the Department of Revenue (DOR) and we are in agreement with them on their proposals.

The DOR has expressed a grave concern with the provisions added to the bill in new section 12. We also have reservations with section 12, because this reverts back to the system we have now which allows restriction, suspension and revocation power to the DOR and the courts. We agree with the DOR that this causes confusion due to actions taken at times by the court and the DOR which conflict. An example would be if the court felt restrictions were in order for a person's drivers license, and due to a failure in communications, the DOR would suspend the license. This would cause a very confusing situation if the licensee is stopped by a law enforcement officer.

The DOR has indicated that they will ask this committee to eliminate new section 12 from the bill and we ask for your favorable consideration of their request.

ATT 2