

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES

The meeting was called to order by SENATOR ROBERT V. TALKINGTON at  
Chairperson

9:00 a.m./p.m. on Tuesday, January 24, 1984 in room 254-E of the Capitol.

All members were present except:

Senator Burke

Committee staff present:

Fred Carman, Hank Avila, Rosalie Black

Conferees appearing before the committee:

SB 489 - Representative Larry Erne; Harley Duncan, Secretary of Revenue;  
John Smith, Dept. of Revenue; Stan Stenersen, Leg. Div. of Post Audit;  
Capt. Donald Pickert, KS Highway Patrol.

Proposal - Larry Magill, Independent Insurance Agents.

The meeting was called to order by Senator Talkington, Chairman, who announced that several requests had been made for proposals to be considered for introduction into Committee. He also indicated that Substitute for Senate Bill No. 489 submitted by the Department of Revenue in collaboration with the Highway Patrol, at the request of the interim committee, and as suggested by the legislative post audit report of the driver control bureau, makes a major change of taking authority away from the Courts and putting traffic restrictions, suspension and revocation requirements under the Department of Revenue.

PROPOSAL - Motor Car Dealers Licensing and Temporary Permits

The Chairman mentioned two measures requested for introduction into the Committee from representatives of motor car dealers involving the extension of 15 day temporary permits to thirty days and allowance of annual licensing of motor car dealer sales people. SB 309 concerning similar legislation passed as amended in the Committee March 1, 1983.

Senator Meyers moved to introduce both motor car dealer proposals into the Committee; seconded by Senator Norvell. The Committee voted favorably for introduction.

PROPOSAL - Confidentiality Records

Larry Magill, Independent Insurance Agents, asked that the proposal be re-introduced as a separate amendment. During the 1983 Session, the Committee

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MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES,  
room 254-E, Statehouse, at 9:00 a.m./p.m. on January 24, 1984.

PROPOSAL - Confidentiality Records (con't)

passed SB 310 as amended March 4, 1983, concerning confidentiality records.

Senator Johnston moved to introduce the proposal into the Committee; seconded by Senator Norvell. The Committee voted favorably for introduction.

PROPOSAL - GASOHOL

Senator Morris moved to introduce the change of differential tax on gasohol proposal into the Committee; seconded by Senator Meyers. The Committee voted favorably for introduction.

SENATE BILL 489 - HEARING

Representative Larry Erne, substituting for Representative Ken Francisco, favored the establishment of a point system as a means of driver control in which points would weigh traffic offenses according to their seriousness. One of the greatest values emphasized by Representative Erne of the point system is the educational feature of publicity which produces a psychological effect on drivers which results in less careless driving since drivers would know what the points are, how they are assessed and accumulated and exactly what will happen when specific quantities are accumulated. (See Attachment 1.)

Harley Duncan testified that the Department of Revenue favors the point system for traffic violations because it accomplishes mandatory penalties for repeat offenders and those convicted of serious violations and it enables the driving public to comprehend penalties. (See Attachment 2.)

John Smith, as head of the driver control bureau, wishes to eliminate current confusion under the present system between Courts and the Department of Revenue by vesting restrictions, suspension and revocation requirements solely on the division of vehicles.

Captain Don Pickert, Kansas Highway Patrol, said the Patrol is not generally in agreement with the bill as presently written, however, after meeting with representatives of the Department of Revenue, both agencies have agreed on the amended version. (See Attachment 3.)

Stan Stenersen pointed out that the performance audit of the driver control bureau found major problems with identifying repeat offenders which consisted of delays in receiving information from Courts, problems in recording information

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MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES,  
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SENATE BILL 489 (con't)

on drivers' records and greater leniency in the system than surrounding states. He noted that the Legislative Division of Post Audit found major problems under the current penalty system which involved no record keeping for probations, limited success of driver improvement clinics and continued driving (and committing of violations) by drivers whose licenses are suspended or revoked.

(See Attachment 4.)

The Chairman asked Fred Carman to draft information for the Committee concerning how policy changes in Substitute for SB 489 could affect present statutes involving traffic violations.

The meeting adjourned at 9:53 a.m.



Please PRINT Name, Address, the organization you represent, and the Number of the Bill in which you are interested. Thank you.

1-24-84 SB 489

NAME	ADDRESS	ORGANIZATION	BILL NO.
Robert Fisher		Wichita Eagle	
Rep Lenny Erbe		House	489
Tom Whitaker		KS MOTOR CARRIERS ASSN	
Ed MULLINS		BUDGET	489
Jim Clark		Ks County & Dist Attys	489
Capt. Tom Dickert		Ko. Hwy. Patrol	489
Dennis Kalman		OJA	489

TESTIMONY ON SB489

GOOD MORNING, LADIES AND GENTLEMEN . I AM HERE TODAY TO SPEAK TO YOU IN FAVOR OF KANSAS ESTABLISHING A POINT SYSTEM AS A MEANS OF DRIVER CONTROL. A TRUE POINT SYSTEM OPERATES ON THE PRINCIPLE OF OBJECTIVELY WEIGHING TRAFFIC OFFENSES ACCORDING TO THEIR SERIOUSNESS. THE SYSTEM SHOULD NOT COMPETE WITH THE PROVISIONS REQUIRING SUSPENSION FOR SINGLE SERIOUS VIOLATIONS, BUT SHOULD SUPPLEMENT THEM BY PROVIDING A MEANS FOR ACCUMULATING CONVICTIONS NOT INDIVIDUALLY REQUIRING ACTION.

THE BILL IMPLEMENTING THE SYSTEM SHOULD BE WRITTEN AS CLEARLY AND UNDERSTANDABLY AS POSSIBLE. THE POINT VALUES SHOULD BE WRITTEN INTO THE STATUTES FOR SEVERAL REASONS. IT IS LESS ASSAILABLE ON LEGAL GROUNDS, AND WOULD BE MORE EFFECTIVE IF IT IS UNDERSTOOD BY THE MEDIA AND THE PUBLIC. POINT SYSTEMS ARE OFTEN HIGHLY PUBLICIZED. THIS GENERALLY HAS A PSYCHOLOGICAL EFFECT ON THE DRIVERS WHICH RESULTS IN THEM BEING MORE CAREFUL.

SENATE BILL 489 DOES NOT MEET THESE OBJECTIVES. IN SECTION 1, THE VALUE OF EACH POINT IS NOT CLEAR, BUT INSTEAD IS TO BE DEFINED BY RULES AND REGULATIONS. WE ALL KNOW HOW TIME CONSUMING IT IS TO KEEP ABREAST OF THE EVER CHANGING RULES & REGS. THE POINT SCHEDULE MUST BE EXPLICIT AND DIFFICULT TO CHANGE IF IT IS TO BE UNDERSTOOD. THE VALUE OF EACH POINT SHOULD BE BASED ON THE SERIOUSNESS OF THE TRAFFIC OFFENSE. FOR EXAMPLE, WHY SHOULD SOMEONE BE ASSESSED ONE POINT FOR DRIVING 10 MILES OVER THE SPEED LIMIT WHILE ANOTHER PERSON IS ASSESSED ONE POINT FOR DRIVING 40 MILES OVER THE SPEED LIMIT.

Atch. 1

THE PENALTIES FOR THE POINT TOTALS DO NOT APPEAR TO BE BASED ON SPECIFIC QUANTITIES, BUT RATHER IN BRACKETS OF UNCERTAIN QUANTITIES. IF THE POINT SYSTEM IS TO BE TRULY EFFECTIVE, IT MUST MEET THE FOLLOWING OBJECTIVES:

1. WHAT THE POINTS ARE
  - A. HOW THEY ARE ASSESSED
  - B. HOW THEY ARE ACCUMULATED
2. WHAT WILL HAPPEN WHEN SPECIFIC QUANTITIES ARE ACCUMULATED.

IN CLOSING I WOULD JUST LIKE TO SAY THAT ONE OF THE GREATEST VALUES OF THE POINT SYSTEM IS THE EDUCATIONAL FEATURE OF PUBLICITY GIVEN TO SUCH A SYSTEM.



Attachment 2

*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 restrictions, 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.*

*Atch. 2*

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;	8
(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;	4
(14) failing to stop for a stopped school or church bus;	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 SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES  
1984 Legislative Session

Senate Bill 489

Presented by the Kansas Highway Patrol  
(Captain Don Pickert)

January 24, 1984

Appeared in Support of Senate Bill 489

The Patrol supports the concept of a system which would arbitrarily assign point values to traffic violations and which would result in administrative action against the licensee when an established point value was reached.

While we are not generally in agreement with the bill as presently written, we have reached substantial agreement with the Department of Revenue (DOR) on the amended version they will offer.

The Patrol, in recent weeks, has met with the DOR and, as a result of these sessions, considerable changes were made which we feel greatly enhanced the proposal.

We would solicit your consideration of the amended proposal.

**PERFORMANCE AUDIT—DRIVER CONTROL BUREAU**

The audit found these major problems with **identifying repeat offenders**:

1. Delays in receiving information from courts.
2. Problems in recording information on drivers' records.
3. Greater leniency in the system than surrounding states.

The audit found these major problems with **improving drivers' behavior**.

1. No record-keeping for probations.
2. Limited success of driver improvement clinics.
3. Continued driving (and committing of violations) by drivers whose licenses are suspended or revoked.

LAW OFFICES OF  
**SCOTT, QUINLAN & HECHT**  
3301 VAN BUREN  
"WHITE LAKES AREA"  
TOPEKA, KANSAS 66611  
TELEPHONE 267-0040  
AREA CODE 913

JAN 17 1984

JACK A. QUINLAN  
ROBERT D. HECHT

JAMES S. WILLARD  
ROBERT E. KEESHAN

GEORGE A. SCOTT (1979)

January 11, 1984

Senator Robert V. Talkington  
Chairman  
Senate Committee on Transportation  
and Utilities  
Office Room 357E  
Statehouse  
Topeka, Kansas 66612

RE: Prospective K.M.C.D.A. Legislation

Dear Senator Talkington:

The Kansas Motor Car Dealer's Association respectfully requests of you that you solicit the approval of your Committee on Transportation and Utilities to introduce legislation as follows:

1. Legislation which would reinstate the requirement that all motor vehicle salesman undergo an annual written examination and be licensed annually.
2. The fifteen (15) day temporary permit now permitted by law be extended to thirty (30) days, or in the alternative, the Motor Vehicle Division of the Kansas Department of Revenue be permitted in their discretion to issue one additional fifteen (15) day temporary permit.

These permits, as you know, are given until such time as a title is reissued. The temporary registration or temporary permit is now found in K.S.A. 8-135, as amended, subsection (b). It is also found in K.S.A. 8-2409. We have previously met with representatives of the Department of Revenue and the Motor Vehicle Division thereof and we would be pleased to cooperate with that agency in the drafting of this proposed legislation if requested to do so.

Senator Robert V. Talkington  
January 11, 1984  
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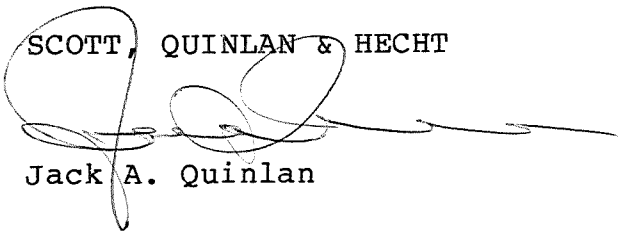
As you will recall, motor vehicle salesmen were required to be licensed under K.S.A. 1980 Supp. 8-2401. That requirement was subsequently repealed in a piecemeal manner. First, the written examination was eliminated and then secondly the licensure of such salesmen. The Kansas Motor Car Dealer's Association would expect that any expense involved with the agency in giving the written examinations and licensing of vehicle salesmen would be underwritten by an appropriate fee intended to cover such expenses.

I would appreciate hearing from you at your convenience and as I have heretofore said, would be pleased to work with the Revisor's Office or anyone else in drafting this proposed legislation. Thank you.

With kind personal regards, I remain,

Very truly yours,

SCOTT, QUINLAN & HECHT



Jack A. Quinlan

JAQ:djm  
cc: The Honorable Rex Crowell  
State Representative  
Chairman of the House Committee  
on Transportation