

Approved January 31, 1984
Date

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 31, 1984 in room 254-E of the Capitol.

All members were present except:

all members present.

Committee staff present:

Fred Carman, Hank Avila, Rosalie Black

Conferees appearing before the committee:

SB 489 - John Smith, Driver Control Bureau, Department of Revenue.

The meeting was called to order by Senator Talkington, Chairman, who announced that Tom Hatten and John Smith, Department of Revenue, were present to answer questions pertaining to Senate Bill No. 490 and Senate Bill No. 489.

SENATE BILL 489 - DISCUSSION

Senator Talkington explained recommendations by the Department of Revenue which would constitute a substitute bill for Senate Bill No. 489, first heard by the Committee on January 24, 1984. He referred to the Department's comparison of penalties under current law and the list of penalties that would occur under the proposed point system substitute bill. (See Attachment 1.)

Senator Kerr indicated that DWI penalties would be more severe under the proposed legislation than in current statutes which usually result in diversion for a first offender.

John Smith and Fred Carman pointed out that sentences, fines, and due process hearings would be unchanged by the proposed legislation which addresses suspension and revocation rather than crimes or sentences. Mr. Smith said that a judge would still make the conviction; the Department would arrange to conduct a suspension hearing in the offender's county or an adjacent county.

Senator Burke moved to introduce the substitute bill for SB 489 and bring it back to the Committee; seconded by Senator Hein. The motion carried.

The Chairman in cancelling the Hearing for SB 564 on February 2, indicated that SB 490 and the Substitute Bill for SB 489 would be further considered at that time.

The meeting adjourned at 10:02 a.m.



Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

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

1-31-84

NAME	ADDRESS	ORGANIZATION	BILL NO.
ED MULLINS	TOPEKA	BUDGET	489, 490
M. Hawver	"	Cap. Journal	
Joel McDonald	Topeka	KS St Att Gen Office	489, 490
Quinn Clark	Topeka	KS Co Dist Attys	" "
John W Smith	Topeka	Dept of Revenue	489-490
Tom Hetter	TOPEKA	KEU	489-490
Ron Welch	Topeka	AAA Auto Club	489-490
Stan Stensen	Topeka	leg. Post Audit	
Tom Whitaker	Topeka	KS MOTOR CARRIERS ASSN	
Denise Kalwein	Topeka	Office of Judicial Admin	489-490
L. Hinonberger	"	API	
Don Henning	"	AP	
Chris McKelvie	"	League of Municipalities	489



Kansas

DEPARTMENT OF REVENUE

State Office Building
TOPEKA, KANSAS 66626

COMPARISON OF PROPOSED POINT SYSTEM WITH PRESENT SYSTEM

In general, the proposed point system provides for shorter but mandatory driver license penalties for repeat offenders and serious violations. The present system provides minimum penalties or alternatives to suspension and permits considerable discretion by the courts and the division in imposing penalties. The minimum sanctions and alternatives have become the rule.

SPECIFIC VIOLATIONS

DRIVING UNDER THE INFLUENCE

FIRST OFFENSE

<u>PRESENT</u>	<u>PROPOSED</u>
MAXIMUM: 1 year revocation	100 day suspension plus additional days if driver has other points
MINIMUM: 90 day restriction	Same as above
ALTERNATIVE: Diversion (No Sanctions)	None

SECOND OFFENSE

<u>PRESENT</u>	<u>PROPOSED</u>
MAXIMUM: 1 year revocation	200 day suspension plus additional days if driver has other points
MINIMUM: 1 year suspension	Same as above
ALTERNATIVE: Until completion of Alcohol Program	None

THIRD & SUBSEQUENT OFFENSES

<u>PRESENT</u>	<u>PROPOSED</u>
MAXIMUM: Not less than 1 year revocation. Division certifies for prosecution and if convicted driver loses privileges for 3 years.	3 year revocation
MINIMUM: Same as above	Same as above
ALTERNATIVE: Diversion from 3 years loss of privileges	None

Attch. 1

SPECIFIC VIOLATIONS (CONT'D)

VEHICLE HOMICIDE, FELONY USING VEHICLE, LEAVING SCENE OF INJURY ACCIDENT, ELUDING, 3 CONVICTIONS OF RECKLESS DRIVING IN 1 YEAR

PRESENT

The division is required to revoke driving privileges unless the court grants restricted driving privileges which it normally does. There is no minimum period of time for such restrictions.

PROPOSED

Homicide & Felony: 100 day suspension
Leaving scene of any accident, eluding or one (1) reckless driving:
60 day restriction

NO LIABILITY INSURANCE

*PRESENT

No penalties for conviction
*DIVISION ALSO SUSPENDS INDEFINITELY UNDER K.S.A. 40-3104 OR K.S.A. 40-3118.

*PROPOSED

100 day suspension for conviction

DRIVING WHILE REVOKED, SUSPENDED OR CANCELLED

PRESENT

WHILE REVOKED: Additional six (6) months
WHILE SUSPENDED: Additional like period of time
WHILE CANCELLED: None as this is an indefinite period

PROPOSED

Additional 120 day suspension for all convictions

VIOLATION OF RESTRICTIONS

PRESENT

60 day minimum revocation

PROPOSED

80 day suspension

TRANSPORTING AN OPEN CONTAINER

PRESENT

90 day minimum restriction or suspension

PROPOSED

60 day restriction

PERJURY OR FRAUD

PRESENT

No penalty but counts as one of three (3) for prosecution as habitual violator

PROPOSED

Attendance at a Driver Improvement Clinic

SPECIFIC VIOLATIONS (CONT'D)

SPEEDING IN SCHOOL ZONE - FAILING TO STOP FOR STOPPED SCHOOL OR CHURCH BUS

PRESENT

No drivers license penalty

PROPOSED

Attendance at a Driver Improvement Clinic

CARELESS OR INATTENTIVE DRIVING

PRESENT

No drivers license penalty. No state statute corresponding to city ordinance.

PROPOSED

Assess 2 points

OTHER CONVICTIONS

(SPEEDING, PASSING, LANE VIOLATIONS, TURNING VIOLATIONS, TRAFFIC SIGNAL VIOLATIONS, DEFECTIVE EQUIPMENT ETC.)

PRESENT

All convictions-including serious-are counted but the driver is not penalized until convicted of three violations within a one (1) year period.

PROPOSED

Serious violations will require a restriction or suspension. Other violations will be assessed one (1) point. Driver must accrue four (4) points in two (2) years before subject to sanctions.

FOUR TO FIVE POINTS: MUST ATTEND A DRIVER IMPROVEMENT CLINIC
SIX TO SEVEN POINTS: RESTRICTED TO DRIVING WHEN ABSOLUTELY REQUIRED
EIGHT OR MORE POINTS: SUSPENDED 10 DAYS FOR EACH POINT