

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. a.m./p.m. on Thursday, March 29, 1984 in room 254-E of the Capitol.

All members were present except:

Senator Hein

Committee staff present:

Fred Carman, Hank Avila, Rosalie Black

Conferees appearing before the committee:

SB 840 - Tom Kennedy, ABC, Dept. of Revenue; John Smith, Dept. of Revenue

The meeting was called to order by Senator Talkington, Chairman, for hearing on Senate Bill 840.

SENATE BILL 840 - HEARING AND ACTION

Tom Kennedy explained that SB 840 provides for a different background color on photographs on drivers licenses or identification cards issued to minors. He added the red background on the license or card would discourage alteration of date of birth. (Attachment 1.)

Senator Morris moved to amend SB 835 into SB 840; seconded by Senator Burke. The amendment was adopted.

Senator Morris moved that SB 840 be reported favorable for passage as amended; seconded by Senator Burke. No vote was taken.

Senator Morris asked for reconsideration of his motion to amend SB 835 into SB 840; seconded by Senator Norvell. The motion carried.

Senator Morris moved for a conceptual amendment providing for a one-year suspension of drivers license for drivers falsifying date of birth on their drivers license when purchasing alcoholic beverages; seconded by Senator Johnston. No vote was taken.

After discussion of possible penalties, John Smith said there are currently so many ways in which an individual can incur suspension of drivers license that enforcement is difficult.

Senator Norvell moved for a substitute motion that SB 840 be reported favorable

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES,
room 254-E, Statehouse, at 9:00 a.m. a.m./p.m. on March 29, 1984

SENATE BILL 840 - HEARING AND ACTION

for passage; seconded by Senator Johnston and passed.

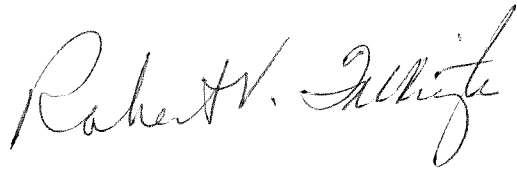
HOUSE BILL 2855 - ACTION

The Chairman distributed testimony from Jerry Palmer who testified in committee yesterday, March 28, for the Kansas Trial Lawyers Association suggesting an amendment in Line 47 by adding the words "nor shall such person's fault be compared."
(Attachment 2.) There was no motion for the amendment.

Senator Burke moved for an amendment suggested by Representative Fry to reinsert striken Section 2 deleting the words "disposing" and "dispose" in Lines 39 and 40, and deleting Subsection (d) and new Section 2; seconded by Senator Thiessen.
The amendment was adopted.

Senator Burke moved that HB 2855 be reported favorable for passage as amended; seconded by Senator Hayden and passed.

The meeting adjourned at 9:58 a.m.



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

S 840

NAME	ADDRESS	ORGANIZATION	BILL NO.
John W. Smith	Topeka	Revenue, Driver License	840
Nancy Zielke-Bigsby	Topeka	KDOT	
Richard Hodson	Lawrence	ABC	840
Tom Kennedy	TOPEKA	ABC	840

MEMORANDUM

TO: Honorable Robert V. Talkington
Chairman, Senate Transportation and Utilities Committee

FROM: THOMAS J. KENNEDY, Director, ABC Division

RE: Senate Bill No. 840

DATE: March 29, 1984

PURPOSE

Senate Bill 840 is an act concerning driver's licenses and nondriver's identification cards, amending K.S.A. 1983 Supp. 8-243 and 8-1328 to provide for a different background color on photographs on driver's licenses or identification cards that are issued to minors.

PERSPECTIVE

Senate Bill 840 provides that at the time a driver's license is issued, the photograph of the licensee shall have a background of one color if the licensee is then a minor and a background of a different color if the licensee is not a minor. Such background colors shall be selected by the director of vehicles and the colors selected shall be used consistently.

COMMENTS AND/OR RECOMMENDATIONS

Senate Bill 840 is intended to make it more difficult for a minor to alter his or her own driver's license. One of the more popular methods utilized by minors is to alter only the date of birth. Thus the picture, name, etc. remain accurate. The use of a different colored background on the photograph should eliminate this particular problem.

A minor qualifies for a driver's license in Kansas at age sixteen. Driver's licenses are good for four years. As a result, many Kansas driver's licenses issued to minors would expire on their 20th or 21st birthdays. For this reason, there should not be any significant inconvenience in converting driver's licenses at age twenty-one.

The purchasing of alcoholic liquor by minors is still a major problem in Kansas. In FY 1983, this agency alone issued 65 citations to retailers for selling to minors. Many of those incidents involved alleged or actual use of false or altered identification cards. In FY 1984, all indications are that the

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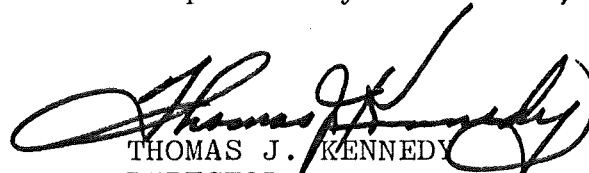
Mr. Talkington
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SB 840

number will increase significantly. We have no reliable figures for the number of incidents in which minors purchased liquor and were not caught.*

Senate Bill 840 will not completely solve the problem of minors purchasing and consuming alcoholic liquor. However, it will make it much more difficult for minors seeking to purchase alcoholic liquor to alter their driver's licenses or state identification cards and circumvent the law in that way.

For the foregoing reasons, we strongly urge passage of SB 840.

Respectfully submitted,


THOMAS J. KENNEDY
DIRECTOR

*Recently the Wichita Police Department assigned one officer to full time liquor law enforcement. That officer in one month arrested 29 minors for purchasing or attempting to purchase alcoholic liquor.

TJK:cjk

JERRY R. PALMER
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*CERTIFIED CIVIL TRIAL ADVOCATE
BY THE NATIONAL BOARD OF TRIAL ADVOCACY

Jerry R. Palmer, P.A.

ATTORNEYS AT LAW
TELEPHONE (913) 233-1836

March 28, 1984

Senator Robert V. Talkington
Chairman
Senate Transportation Committee
Capitol Building
Topeka, Kansas 66612

Re: HB2855 as Amended

Dear Bob:

Thank you very much for permitting us to express our views on HB2855. Kathleen Sebelius suggested that I put in writing our comments and our suggestions for the Committee's further consideration.

1. We do not oppose in concept the legislation that is proposed although we ordinarily oppose any bill which extends immunity. We do, though, think that in this case considering the out of state origin of various materials of a hazardous nature and the need for short term response by skilled persons within the state who are not otherwise stakeholders that some limited immunity clearly spelled out so that these people can be quickly advised by their attorneys of their status might be necessary rather than trying to second guess what the Supreme Court would do with the case if it was brought to their attention.

2. Although I understand that this started out as a model bill, it is to be enacted in Kansas. Kansas has a rather unique formulation of comparative fault and some attention needs to be paid to that fact in this enactment.

3. Our recommended language is to modify the current language in line 47 by adding the words "nor shall such person's fault be compared...". In the event old Section 2 became the operative language in line 41 the period should be changed to a comma and the same language inserted.

4. The need for the language is so that the remaining defendant or defendants do not enjoy a windfall by having the fault of the immune party compared a percentage assigned and then that percentage deducted from the recovery of the victim; which would occur under existing law. If we are going to take the immune party out of the formula for the immune party's benefit then we ought to do it and make it neutral as to the remaining parties, and this language will accomplish that task.

5. With respect to the language inserted by the House Committee we believe there is one important concept that should be preserved and any action taken by your committee and that is that the immunity only extends to those acts "at the scene of the emergency or accident" as specified in line 48. Hypothetically, a person who pulled out of their

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driveway with the intent to go to the scene and render emergency assistance would not be liable for an automobile accident on the way to the scene. The immunity you are trying to confer is to encourage people to assist if they have special knowledge, but, they should not be immune for their ordinary negligence which does not in some way relate to the rendering of the specific service within their skill area, and thus if there is a modification to their acts and omissions at the scene of the emergency or accident it will be much clearer as to what is intended by the legislation and anomalous results would become less likely.

6. As we stated before we have no position with respect to the eighteen hours specified in Subsection D.

Thank you very much for hearing us on this bill, and my best wishes to the Committee in their handling of this bill.

Yours truly,

A handwritten signature in cursive script, appearing to read "Jerry R. Palmer".

JERRY R. PALMER

JRP/sd

cc: Kathleen Sebelius