

MINUTES OF THE House COMMITTEE ON Transportation

The meeting was called to order by Rex Crowell at
Chairperson

1:30 ~~8:30~~ p.m. on March 31, 1986 in room 519-S of the Capitol.

All members were present ~~except~~:

Committee staff present:

Bruce Kinzie, Revisor of Statutes
Hank Avila, Legislative Research
Donna Mulligan, Committee Secretary

Conferees appearing before the committee:

United States Representative Bob Whittaker
Secretary John B. Kemp, Kansas Department of Transportation

The meeting was called to order by Representative Crowell and the first order of business was Committee discussion and action on SB-675 concerning drivers' license fees.

Representative Joan Adam briefed the Committee concerning proposed changes set out in a balloon on SB-675, which would reduce the charge for a Class C driver's license to \$8 and \$12 for a Class A or B driver's license. (See Attachment 1)

A motion was made by Representative Adam that the amendments in the balloon be adopted. The motion was seconded by Representative Knopp. Motion passed.

Representative Ott made a conceptual motion to delete funding for the Motorcycle Safety Program and use the money on the Alcohol and Drug Abuse Program. The motion was seconded by Representative Shore. The motion failed 10-9 on a division.

A motion was made by Representative Ott to delete the Motorcycle Safety Fund and insert Driver's State Safety Fund. The motion was seconded by Representative Patrick. The motion failed 11-8 on a division.

A motion was made by Representative Dillon to recommend SB-675 favorable for passage as amended. The motion was seconded by Representative Wilbert. Motion passed.

The next order of business was a hearing on HB-2985 concerning financing of construction, improvement and maintenance of roads and highways.

Chairman Crowell briefed the Committee concerning HB-2985.

United States Representative Bob Whittaker, spoke in support of HB-2985, and said that much of the economic growth in Kansas over the past 20 years had taken place along the "golden triangle," formed by Interstates 35, 70 and 135. He said that the average income in counties along those highways was \$1,000 higher than the average income in counties without access to a four-lane highway.

Representative Whittaker said he endorses HB-2985 because of its ultimate result, being the construction of a four-lane highway across southern Kansas from east to west.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Transportation,
room 519-S, Statehouse, at 1:30 ~~am~~ p.m. on March 31, 1986

John B. Kemp, Secretary, Kansas Department of Transportation, testified in opposition to HB-2985. (See Attachment 2)

Secretary Kemp stated he prefers Governor Carlin's plan to finance the proposed Economic Development Highway Program, which would use \$30 million from money raised from a proposed increase in the state's sales tax from 3 percent to 4 percent.

Chairman Crowell said he would like to have the bill put into the form in which he thought it was introduced, that being money from the current sales tax transfer would go to fund the Governor's Economic Development Program, and the 2 cent increase that would go into effect July 1, 1986, would go to the state.

Representative Knopp made a conceptual motion to amend HB-2985 to reflect the way Chairman Crowell had stated. The motion was seconded by Representative Erne. Motion passed.

The hearing on HB-2985 was concluded, and Chairman Crowell stated it would be continued on April 1, 1986.

The next order of business was on SB-276 concerning the axle weight limitations on refuse vehicles.

A motion was made by Representative Wilbert that SB-276 be recommended favorable for passage. The motion was seconded by Representative Erne.

A substitute motion was made by Representative Patrick to conceptually amend SB-276 to read that no political subdivision could exempt out their refuse haulers from the axle weight limitations. The motion was seconded by Representative Smith. The motion passed 12-8 on a division.

A motion was made by Representative Knopp to raise the axle weight limitation to the level that reflects the gross weight requirement. The motion was seconded by Representative Erne.

Representative Spaniol made a substitute motion that SB-276 be reported adversely. The substitute motion was seconded by Representative Dillon.

Discussion ensued.

Representative Spaniol withdrew his substitute motion with permission of the second.

A substitute motion was made by Representative Ott that SB-276 be recommended favorable for passage as amended. The substitute motion was seconded by Representative Wilbert. Substitute motion passed.

The next business was SB-674 which provides that used motor vehicle dealers do not have to carry evidence of liability insurance in each car. Bruce Kinzie briefed the Committee on SB-674, and the Chairman announced a hearing on this bill would be held on April 1, 1986.

The meeting was adjourned at 3:30 p.m.


Rex Crowell, Chairman

GUEST LIST

3-31-86

COMMITTEE: Transportation

DATE: _____

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Susan Monteverde	Washington DC	National Solid Waste Management Assoc.
Steve Montgomery	Topeka	Ks. Oil Marketers Assoc.
Bill Henry	Topeka	Ks Engineering Society
Ken Peterson	Topeka	KS Petroleum Council
Ruby Vane	Topeka	KS Limestone Assoc.
Dan Ramlow	Topeka	KS Contractors Assn
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RICHARD SCHLEGEL	MANHATTAN	A.B.A.T.E. of KS
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K. R. Rissler	"	KS L.P. Gas Assn.
Tom Robrahn	Topeka	Intern
Pat Wiechman	Topeka	K.A.D.R.A.
Charles Hisslay	Topeka	Ks Oil Marketers Assn.
Bob Coleman	Topeka	Ks. Oil Marketers Assoc.

SENATE BILL No. 675

By Committee on Transportation and Utilities

2-20

0018 AN ACT concerning motor vehicle drivers' licenses; amending
0019 K.S.A. 8-240 *and* 8-267 and K.S.A. 1985 Supp. 8-247 and
0020 repealing the existing sections.

0021 *Be it enacted by the Legislature of the State of Kansas:*

0022 Section 1. K.S.A. 8-240 is hereby amended to read as fol-
0023 lows: 8-240. (a) Every application for an instruction permit shall
0024 be made upon a form furnished by the division of vehicles and
0025 accompanied by a fee of ~~\$.50~~ \$2. Every other application shall be
0026 made upon a form furnished by the division and accompanied by
0027 an examination fee of \$3 and by the proper fee for the license for
0028 which the application is made. If the applicant is not required to
0029 take an examination the examination fee shall not be required.
0030 The examination shall consist of three tests, as follows: (1)
0031 Vision; (2) written; and (3) driving. If the applicant fails the
0032 vision test, the applicant may have correction of vision made and
0033 take the vision test again without any additional fee. If an
0034 applicant fails the written test, the applicant may take such test
0035 again upon the payment of an additional examination fee of
0036 \$1.50. If an applicant fails the driving test, the applicant may take
0037 such test again upon the payment of an additional examination
0038 fee of \$1.50. If an applicant fails to pass all three of the tests
0039 within a period of six months from the date of original applica-
0040 tion and desires to take additional tests, the applicant shall file an
0041 application for reexamination upon a form furnished by the
0042 division, which shall be accompanied by a reexamination fee of
0043 \$3. Upon the filing of such application and the payment of such
0044 reexamination fee, the applicant shall be entitled to reexamina-
0045 tion in like manner and subject to the additional fees and time

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Attach. 1*

0046 limitation as hereinbefore provided for examination on an origi-
0047 nal application. If the applicant shall pass such passes the reex-
0048 amination, the applicant shall be issued the classified driver's
0049 license for which the applicant originally applied, which license
0050 shall be issued to expire as if the applicant had passed the
0051 original examination.

0052 (b) Every application shall state the name, date of birth, sex
0053 and residence address of the applicant, and briefly describe the
0054 applicant, and shall state whether the applicant has theretofore
0055 been licensed as a driver, and, if so, when and by what state or
0056 country, and whether any such license has ever been suspended
0057 or revoked, or whether an application has ever been refused,
0058 and, if so, the date of and reason for such suspension, revocation
0059 or refusal.

0060 (c) ~~Whenever~~ When an application is received from a person
0061 previously licensed in another jurisdiction, the division shall
0062 request a copy of the driver's record from the other jurisdiction.
0063 When received, the driver's record shall become a part of the
0064 driver's record in this state with the same force and effect as
0065 though entered on the driver's record in this state in the original
0066 instance.

0067 (d) ~~Whenever~~ When the division receives a request for a
0068 driver's record from another licensing jurisdiction the record
0069 shall be forwarded without charge.

8

0070 (e) A fee of ~~\$6 \$10~~ shall be charged for a class C driver's
0071 license, a fee of ~~\$3 \$5~~ shall be charged for a class D driver's
0072 license and a fee of ~~\$10 \$15~~ shall be charged for a class A or B

12

0073 driver's license. ~~In the case of the issuance of an original class C~~
0074 ~~driver's license the fee to be paid therefor shall be as specified in~~
0075 ~~the following schedule, based on the length of the period be-~~
0076 ~~tween the date of the issuance of an original license and the~~
0077 ~~expiration date of the license issued:~~

0078	6 calendar months to and including 12 calendar months	.....	\$1.50
0080	13 calendar months to and including 18 calendar months	.....	2.25
0082	19 calendar months to and including 24 calendar months	.....	3.00
0084	25 calendar months to and including 31 calendar months	.....	3.75
0086	32 calendar months to and including 36 calendar months	.....	4.50
0088	37 calendar months to and including 42 calendar months	.....	5.25
0090	43 calendar months to and including 48 calendar months	.....	6.00
0092	49 calendar months to and including 54 calendar months	.....	6.75

0094 55 calendar months to and including 59 calendar months 7.50
0096 In case of the issuance of an original class A or B driver's license,
0097 the fee to be paid therefor shall be as specified in the following
0098 schedule, based on the length of the period between the date of
0099 issuance of an original license and the expiration date of the
0100 license issued:

0101	6 calendar months to and including 12 calendar months	.....	\$2.50
0103	13 calendar months to and including 18 calendar months	.....	3.75
0105	19 calendar months to and including 24 calendar months	.....	5.00
0107	25 calendar months to and including 31 calendar months	.....	6.25
0109	32 calendar months to and including 36 calendar months	.....	7.50
0111	37 calendar months to and including 42 calendar months	.....	8.75
0113	43 calendar months to and including 48 calendar months	.....	10.00
0115	49 calendar months to and including 54 calendar months	.....	11.25
0117	55 calendar months to and including 59 calendar months	.....	12.50

0119 If one fails to make an original application or renewal application
0120 for a driver's license within the time required by law, or fails to
0121 make application within 60 days after becoming a resident of
0122 Kansas, a penalty of ~~\$-50 \$1~~ shall be added to the fee charged for
0123 the driver's license.

0124 Sec. 2. K.S.A. 1985 Supp. 8-247 is hereby amended to read as
0125 follows: 8-247. (a) All original licenses, ~~and all~~ shall expire on the
0126 fourth anniversary of the date of birth of the licensee which is
0127 nearest the date of application. All renewals thereof, shall expire
0128 on every fourth anniversary of the date of birth of the licensee.
0129 No driver's license shall expire in the same calendar year in
0130 which the original license or renewal license is issued, except
0131 that if the foregoing provisions of this section shall require the
0132 issuance of a renewal license or an original license for a period of
0133 less than six calendar months, the license issued to the applicant
0134 shall expire at midnight on every fourth anniversary of the date
0135 of birth of the applicant.

0136 (b) If the driver's license of any person shall expire while
0137 such person is outside of the state of Kansas and on active duty in
0138 the armed forces of the United States, the license of such person
0139 shall be renewable, without examination, at any time prior to the
0140 end of the sixth month following the discharge of such person
0141 from the armed forces, or within 90 days after reestablished
0142 residence within the state, whichever time is sooner. If the
0143 driver's license of any person shall expire while such person is
0144 outside the United States, the division shall provide for renewal

0145 by mail.

0146 (c) At least 30 days prior to the expiration of a person's
0147 license the division shall mail a notice of expiration or renewal
0148 application to such person at the address shown on the license.
0149 The division shall include with such notice a copy of the eye-
0150 sight examination form and a copy of the written examination
0151 prescribed by subsection (e). In addition, a copy of the Kansas
0152 driver's manual, prepared pursuant to K.S.A. 8-266b and amend-
0153 ments thereto also shall be included.

0154 (d) Every driver's license shall be renewable on or before its
0155 expiration upon application and payment of the required fee and
0156 successful completion of the examinations required by subsec-
0157 tion (e). Application for renewal of a valid driver's license shall
0158 be made to the division in accordance with rules and regulations
0159 adopted by the secretary of revenue. Such application shall
0160 contain all the requirements of subsection (b) of K.S.A. 8-240 and
0161 amendments thereto. Upon satisfying the foregoing require-
0162 ments of this subsection, and if the division makes the findings
0163 required by K.S.A. 8-235b and amendments thereto for the is-
0164 suance of an original license, the license shall be renewed
0165 without examination of the applicant's driving ability. If the
0166 division finds that any of the statements relating to revocation,
0167 suspension or refusal of licenses required under subsection (b) of
0168 K.S.A. 8-240 and amendments thereto are in the affirmative, or if
0169 it finds that the license held by the applicant is not a valid one, or
0170 if the applicant has failed to make application for renewal of such
0171 person's license on or before the expiration date thereof, the
0172 division may require the applicant to take an examination of
0173 ability to exercise ordinary and reasonable control in the opera-
0174 tion of a motor vehicle as provided in K.S.A. 8-235d and amend-
0175 ments thereto.

0176 (e) (1) Prior to renewal of a driver's license, the applicant
0177 shall pass an examination of eyesight and a written examination
0178 of ability to read and understand highway signs regulating,
0179 warning and directing traffic and knowledge of the traffic laws of
0180 this state. Such examination shall be equivalent to the tests
0181 required for an original driver's license under K.S.A. 8-235d and

0182 amendments thereto. A driver's license examiner shall admin-
0183 ister the examinations without charge, and shall report the re-
0184 sults of the examinations on a form provided by the division,
0185 which shall be submitted by the applicant to the division at the
0186 time such applicant applies for license renewal.

0187 (2) In lieu of the examination of the applicant's eyesight by
0188 the examiner, the applicant may submit a report on the exami-
0189 nation of eyesight by a physician licensed to practice medicine
0190 and surgery or by a licensed optometrist. The report shall be
0191 based on an examination of the applicant's eyesight not more
0192 than three months prior to the date the report is submitted, and it
0193 shall be made on a form furnished the applicant with the notice
0194 of the expiration of license under subsection (c).

0195 (3) In lieu of the driver's license examiner administering the
0196 written examination, the applicant may complete the examina-
0197 tion furnished with the notice of the expiration of license under
0198 subsection (c), and submit the completed examination to the
0199 division.

0200 (4) The division shall determine whether the results of the
0201 written examination and the eyesight reported are sufficient for
0202 renewal of the license, and if the results of either or both of the
0203 examinations are insufficient, the division shall notify the appli-
0204 cant of such fact and return the license fee. In determining the
0205 sufficiency of an applicant's eyesight, the division may request
0206 an advisory opinion of the medical advisory board, which is
0207 hereby authorized to render such opinions.

0208 (5) An applicant who is denied a license under this subsec-
0209 tion (e) may reapply for renewal of such person's driver's license,
0210 except that if such application is not made within 90 days of the
0211 date the division sent notice to the applicant that the license
0212 would not be renewed, the applicant shall proceed as if applying
0213 for an original driver's license. If the applicant has been denied
0214 renewal of such person's driver's license because such applicant
0215 failed to pass the written examination, the applicant shall pay an
0216 examination fee of \$1.50 to take the test again.

0217 (6) When the division has good cause to believe that an
0218 applicant for renewal of a driver's license is incompetent or

0219 otherwise not qualified to operate a motor vehicle in accord with
0220 the public safety and welfare, the division may require such
0221 applicant to submit to such additional examinations as are nec-
0222 essary to determine that the applicant is qualified to receive the
0223 license applied for. Subject to subpart (7) of this subsection (e),
0224 in so evaluating such qualifications, the division may request an
0225 advisory opinion of the medical advisory board which is hereby
0226 authorized to render such opinions in addition to its duties
0227 prescribed by subsection (b) of K.S.A. 8-255b. Any such appli-
0228 cant who is denied the renewal of such person's driver's license
0229 because of a mental or physical disability shall be afforded a
0230 hearing in the manner prescribed by subsection (b) of K.S.A.
0231 8-255.

0232 (7) Seizure disorders which are controlled by prescribed
0233 medication shall not be considered a disability under the pre-
0234 ceding subpart unless the medical advisory board finds that the
0235 applicant's condition is such that the applicant is likely to be a
0236 danger to such applicant or others, while operating a motor
0237 vehicle. In appropriate cases to which this subpart applies, the
0238 medical advisory board may recommend that such person be
0239 issued a driver's license to drive class C or D vehicles and
0240 restricted to operating such vehicles at any time while going
0241 directly to such person's place of employment or while coming
0242 directly from such place, or in an emergency or on days while
0243 school is in session, over the most direct and accessible route
0244 between the licensee's residence and such person's school of
0245 enrollment for the purposes of school attendance. Restricted
0246 licenses issued pursuant to this subpart (7) shall be subject to
0247 suspension or revocation as provided in subsection (a) of K.S.A.
0248 8-237, and amendments thereto.

0249 ~~Sec. 3. K.S.A. 8-240 and K.S.A. 1985 Supp. 8-247 are hereby~~
0250 ~~repealed.~~

0251 **Sec. 3. K.S.A. 8-267 is hereby amended to read as follows:**
0252 **8-267. (a) All moneys received under this act shall be paid over**
0253 **by the secretary of revenue to the state treasurer who shall,**
0254 ~~except as set forth in subsection (b), credit 50% of all moneys so~~
0255 **received from class C driver's licenses and 33¹/₃% of all moneys**

37.5%
20%

0256 ~~so received from class D driver's licenses and 25% of all moneys~~
0257 ~~so received from class A or B driver's licenses to a special fund,~~
0258 ~~which is hereby created and shall be known as the "state safety~~
0259 ~~fund" and who shall credit 33¹/₃% of all moneys so received from~~
0260 ~~class D driver's licenses to a special fund which is hereby created~~
0261 ~~and shall be known as the "motorcycle safety fund." Moneys in~~
0262 ~~the state safety fund and in the motorcycle safety fund shall be~~
0263 ~~distributed to provide funds for driver training courses in the~~
0264 ~~schools of Kansas and for the administration of this act, as the~~
0265 ~~legislature shall provide. The state treasurer shall credit the~~
0266 ~~balance of all moneys received under this act to the state high-~~
0267 ~~way fund.~~

20%
20%

0268 ~~(b) Each year the state treasurer shall credit the school~~
0269 ~~alcohol and drug abuse prevention fund created under this act~~
0270 ~~with \$500,000 generated each fiscal year by the increase in fees~~
0271 ~~authorized by this act which would otherwise be credited to the~~
0272 ~~state safety fund.~~

0273 ~~New Sec. 4. (a) There is hereby created in the state treasury~~
0274 ~~the school alcohol and drug abuse prevention fund.~~

0275 ~~(b) Moneys in the school alcohol and drug abuse prevention~~
0276 ~~fund shall be used by the secretary of social and rehabilitation~~
0277 ~~services to provide grants to school districts for the purpose of~~
0278 ~~developing and implementing alcohol and drug abuse preven-~~
0279 ~~tion programs.~~

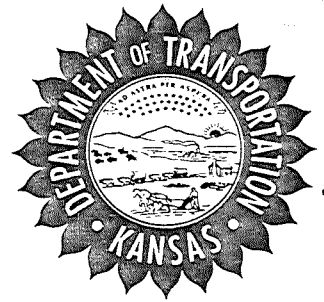
0280 ~~(c) All expenditures from the school alcohol and drug abuse~~
0281 ~~prevention fund shall be made in accordance with appropria-~~
0282 ~~tion acts upon warrants of the director of accounts and reports~~
0283 ~~issued pursuant to vouchers approved by the secretary of social~~
0284 ~~and rehabilitation services or by a person designated by the~~
0285 ~~secretary.~~

0286 **Sec. 5. K.S.A. 8-240 and 8-267 and K.S.A. 1985 Supp. 8-247**
0287 **are hereby repealed.**

0288 **Sec. 46. This act shall take effect and be in force from and**
0289 **after its publication in the statute book.**

KANSAS DEPARTMENT OF TRANSPORTATION

STATE OFFICE BUILDING—TOPEKA, KANSAS 66612—1568



JOHN B. KEMP, Secretary of Transportation

JOHN CARLIN, Governor

March 31, 1986

MEMORANDUM TO: The Honorable Rex Crowell, Chairman
House Committee on Transportation

FROM: John B. Kemp, P.E.
Secretary of Transportation

REGARDING: House Bill 2985

Thank you Mr. Chairman for the opportunity to address the House Transportation Committee regarding House Bill 2985.

I am appearing before you today in opposition to House Bill 2985 which establishes the Southern Kansas Economic Development Freeway Program for purposes of constructing modern freeways in the southern portion of the State, from its eastern to western borders.

I am opposed to this bill - I do not disagree that the need for modern highways in the southern part of the State exists. Indeed, quite the contrary, there is a great need for modern highway facilities in Southeast Kansas. I do not support House Bill 2985 because it addresses a need in only one part of the State, not statewide needs.

As Secretary of Transportation, I visit with community leaders all across this state and what I hear over and over again from these community leaders is their need for a highway project which will

*H. Transp. 3/31/86
Attach. 2*

enhance their economic development activities. In some cases, the requests are for a bypass, in others for an interchange, and in still others for a four-lane facility. In each case though, the news that I have to deliver to these communities is bad. Our highway program is one which is based on preservation and modernization of the existing system. Our funds are not sufficient to do more than that. About half of our 10,000 mile state highway system is in need of modernization and we are able to get at less than 100 miles per year. Further, that amount is decreasing each year as our funds available for capital improvements decline. Even if we could get at 100 miles per year, it would take 50 years to correct existing deficiencies if nothing else enters the deficiency category in that time. The only current system expansion projects the Department is undertaking are the last of the freeway projects and interstate completion. The new construction requests we receive from cities and counties cannot even be seriously considered by the Department. Yet the message is clear, our communities throughout the State need and want new construction. They ask for it in the name of economic growth and development.

As a consequence of this recognition, the Governor agreed to establish a cabinet subcommittee comprised of the Secretaries of Transportation, Economic Development, and Revenue and chaired by me. Our recommendation to the Governor, which he adopted, was to establish the Kansas Economic Development Highway Program which will assist local

communities in pursuing highway construction for the purpose of enhancing and supporting the economic development of those communities through interest-free loans from the state.

One of the real pluses of the program is that it requires a locally directed effort but with a state incentive. This program is truly a local/state partnership.

The Governor's proposal allows for an initial investment of \$30 million in FY 1987 with subsequent investments each year as a percent of the proceeds from the one-cent increase in state sales tax. The combination of the annual investments plus repayment of the loans will create a revolving fund. The initial investment will allow the state to obligate almost \$125 million in highway projects the first year.

Senate Bill 653 which was introduced at the request of the Department, contains a provision that 10% of the funds will be set-aside for cities with populations under 10,000. Senate Bill 653 provides an outstanding mechanism for providing economic development highways. Those areas with potential for economic growth should have nothing to fear from competition for these funds. In my opinion, the routings cited in House Bill 2985 should be excellent candidates for consideration under Senate Bill 653. If the demand for funds should far exceed their availability, a future legislature could consider increasing the funding level for them.

In closing Mr. Chairman, I would ask the members of the House Transportation Committee to focus their sight on the needs confronting the entire State and not just one portion. As I stated earlier in my testimony, there are needs for improved highway facilities in the southeast and southwest parts of the State, however, there are also needs throughout the State which would not be addressed by House Bill 2985.

Thank you for this time Mr. Chairman, and I will be happy to answer any questions.