

Approved 3-18-86
Date

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES

The meeting was called to order by Sen. Bill Morris at
Chairperson

9:00 a.m./~~p.m.~~ on March 6, 1986 in room 254-E of the Capitol.

All members were present ~~except~~.
Sen. Vidricksen was excused.

Committee staff present:

Arden Ensley, Revisor of Statutes
Ben Barrett, Legislative Research Department
Hank Avila, Legislative Research Department
Louise Cunningham, Secretary

Conferees appearing before the committee:

Harley T. Duncan, Secretary, Department of Revenue
Dr. James A. McHenry, Commissioner of Alcohol and Drug Abuse Services, SRS
Elaine Brady Rogers, Kansas Association of Prevention Professionals, SRS
Chris Edmonds, Kansas Club and Tavern Association
Richard Schlegel, ABATE

HEARING ON S.B. 675 - Increase in drivers' license fees.

Harley T. Duncan, Secretary of Revenue, said the purpose of the bill was to increase driver license fees and also change the procedure for establishing the expiration date for first-time licensees in Kansas. He said there had been no increase in the fees since 1973 and the driver licensing and control operations were draining the State Highway Fund of \$1 million annually. This should really be self-supporting. A copy of his statement is attached. (Att. 1).

Dr. James A. McHenry, Commissioner of Alcohol and Drug Abuse Services, SRS, appeared in support of S.B. 675 and also had an amendment which would direct some of the funds to a school alcohol and drug abuse prevention fund. He said money is currently going to the drivers' education fund but there is no specific training for alcohol and drug abuse. A copy of his statement and the proposed amendment is attached. (Att. 2).

The committee discussed the funds from the liquor taxes which were currently going into the alcohol abuse programs. Dr. McHenry said 80% is going into treatment and intervention programs. There was need for a prevention program because they do work. They were asking for \$500,000 from the increase in drivers' license fees to be credited to the school alcohol and drug abuse prevention fund.

Elaine Brady Rogers, Kansas Association of Prevention Professionals, spoke of the effectiveness of intervention programs and how necessary it was to reach youth before alcohol and drug problems are evident. She supported the amendment to provide funds for the program. A copy of her statement is attached. (Att. 3).

Chris Edmonds, Kansas Club and Tavern Association said they support programs for alcohol and drug abuse and these programs should start in elementary and secondary schools. They have a problem with I.D. cards and this was especially true in college towns such as Lawrence, Manhattan and Wichita. Some of these towns are picking up 300 to 800 false I.D. cards every week. Several rings are operating that produce what looks like a legal driver's license. He thought perhaps the department could come up with some kind of a magnetic card which would help tavern owners enforce the law. He asked them to address this problem.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES,
room 254-E Statehouse, at 9:00 a.m./~~PM~~ on March 6, 1986

There was some discussion that since this would help the tavern owners, perhaps their license fees should be raised to help pay for different cards.

Richard Schlegel, ABATE, said they support the increase and asked for an increase in the motorcycle fund with the money generated by the increase. He submitted copies of the statutes pertaining to the motorcycle fund. A copy is attached. (Att. 4).

A motion was made by Sen. Hayden and was seconded by Sen. Martin to adopt the amendments submitted by Dr. McHenry. Motion carried.

Sen. Francisco suggested that signs be placed in drivers' license examination rooms to remind people to donate organs. This did not have to be a part of S.B. 675 but the signs should be put up.

It was also felt that the Department should look into coming up with some kind of a tamper-proof driver's license to assist tavern owners in being sure they were looking at valid licenses. It was decided that this could be done by Resolution.

A motion was made by Sen. Martin and was seconded by Sen. Walker to recommend S.B. 675 as amended favorably for passage. Motion carried.

ACTION ON S.B. 624 - Concerning disposition of certain property.

A motion was made by Sen. Walker and was seconded by Sen. Francisco to recommend S.B. 624 favorably for passage. Motion carried.

DISCUSSION ON S.B. 616 - Height of head lights.

It was decided to hold this bill over.

ACTION ON S.B. 469 - Personalized license plates.

A motion was made by Sen. Francisco and was seconded by Sen. Walker to recommend S.B. 469 adversely. Motion carried.

Meeting was adjourned at 10:00 a.m.

SENATE TRANSPORTATION AND UTILITIES COMMITTEE

Date 3-6-86 Place _____ Time _____

GUEST LIST

NAME	ADDRESS	ORGANIZATION
George Barber	Topeka	Ks Consulting Engrs
John V. Harding	Dodge City	Ford Co. Ind. Dev. Corp.
Wick Frealey	PO Box 939 Dodge City	Dodge City Area Chamber of Commerce
Edna J. Ota	PO Box 1382 Dodge City	Western Ks Mfg Assn.
Don Woodwyne	Pratt	PRATT Industrial Development Inc.
Harold B. Teruta	Topeka	Dept of Rev.
BRUCE GRAHAM	TOPEKA	Ks MOTOR CARRIERS ASSN.
NR SHEARBERT	Den.	G.M.
LEIGH NICHOLS	OKC	MOTOR VEHICLE MFG.
Peggy McCreighton	Topeka	AAUW
BUD CORNELL	"	KCCI

SENATE TRANSPORTATION AND UTILITIES COMMITTEE

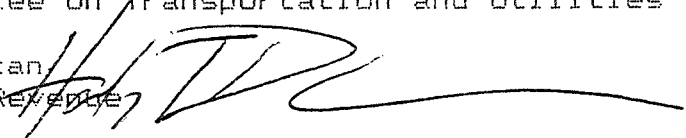
Date 3-6-86 Place 254-E Time 9:00

GUEST LIST

NAME	ADDRESS	ORGANIZATION
Jim McHenry	Topeka	SRS/Alcohol + Drug Abuse Services
Elaine Brady Rogers	Topeka	Ks. Assn. of Prevention Professionals
John W. Smith	Topeka	Dept of Revenue
Warren Moorhead	Topeka	Dept of Revenue
John Hanna	Topeka	Associated Press
Keyf Peter	Topeka	Dept. of Education
Ina Roth	Topeka	KS Club + Taverna Assn
Chris Edwards	Topeka	KS Club + TAN Assn.
RON CALBERT	NEWTON	UNITED TRANSPORTATION UNION
Andy Duncan	Topeka	Dept of Revenue
Richard P. Schlegel	ABATE ↔	Manhattan, KS
Tom Whitaker	Topeka	Ks Motor Carriers Assn

MEMORANDUM

TO: The Honorable Bill Morris, Chairman
Senate Committee on Transportation and Utilities

FROM: Harley T. Duncan, Secretary of Revenue 

RE: Senate Bill 675 - Driver License Fees

DATE: March 6, 1986

Thank you for the opportunity to appear before you today on Senate Bill 675 which would increase driver license fees and changing the procedure for establishing the expiration date for first-time licensees in Kansas. The Department of Revenue supports enactment of this measure.

Driver License Fees

Senate Bill 675 would increase driver license fees as follows:

DRIVER LICENSE FEES		
CLASS OF LICENSE	CURRENT	PROPOSED
LEARNER PERMITS	\$.50	\$2.00
CLASS A and B	\$10.00	\$15.00
CLASS C	\$6.00	\$10.00
CLASS D (MOTORCYCLE)	\$3.00	\$5.00

We propose to increase the fees because at the current levels they do not cover the cost of administering the Driver License Examining and Control Bureau. FY 1985 receipts from all sources (approximately 75 percent of which are from driver licenses) totalled \$4.0 million. Our actual 1985 expenditures in this Bureau amounted \$5.1 million and \$5.3 million has been requested for FY 1987. Thus, our driver licensing and control operations constitute a net drain on the State Highway Fund in excess of \$1.0 million annually. We believe this activity should be self-supporting. Driver license fees have not increased since 1973, and we do not think the proposed fees are exorbitant for a 4-year driving privilege. Other fees generated in the Driver Licensing Bureau include reinstatement fees (\$25), driver record checks (\$1) and the photo fee associated with the license (\$1).

ATT. ①
S.T.U. 3/6/86

We estimate that the proposed increases will generate approximately \$2.1 million annually. Under current law, receipts from driver license fees are distributed as follows:

DISTRIBUTION OF FEES

CLASS OF LICENSE	SAFETY FUND	M-CYCLE FUND	HIGHWAY FUND
LEARNER PERMITS			100.0%
CLASS A and B	25.0%		75.0%
CLASS C	50.0%		50.0%
CLASS D	33.3%	33.3%	33.3%

Based on this distribution, approximately \$1.1 million of the increased fees will be deposited to the State Highway Fund, \$1.0 million to the State Safety Fund and \$40,000 to the Motorcycle Safety Fund. The increase will bring driver-related fees deposited to the Highway Fund or directly to the Motor Vehicle Operating Fund to about \$5.6-5.7 million, compared to our recommended \$5.3 million budget.

The increase will bring total receipts to the two safety funds to roughly \$2.5 million. Receipts in the safety funds are distributed to school districts for driver education and motorcycle education programs.

Expiration Date Changes

Under current law, the term of the driver license for persons being licensed for the first time in Kansas may extend from as little as six months to as long as 59 months depending on the year and month of the person's birth. (Costs of the license are prorated accordingly.) This system was established to even out the number of licenses coming up for renewal in any one year when the state moved from a two-year license to a four-year license in 1970.

While such a staggering mechanism was necessary during the transition from a two-year to a four-year license, it no longer serves any useful purpose. All new licensees (new drivers and new residents) should be randomly distributed by month and year so that no build-up of renewals should occur.

Most importantly, this staggering of terms and fees creates difficulty and confusion for the public and the Department. It takes extra time to serve the clients and makes the reconciliation of examiner and station accounts quite difficult and time consuming. It also does not make any sense to the driving public.

Senate Bill 675 would allow us to issue all first-time licenses for a four-year period. The license will still expire on the driver's birthday, and the initial period will be four years from the birthday nearest to the application date. That is if I have a March birthday and receive a license in May 1985, it will expire in March 1989. If I receive the license in December 1985, it will expire in March 1990. The fee for all first-time licenses will be the same--\$10 if the proposal outlined above is adopted.

Thank you for the opportunity to appear. I would be glad to answer any questions.



STATE OF KANSAS

JOHN CARLIN, GOVERNOR

STATE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

ALCOHOL AND DRUG ABUSE SERVICES

ROBERT C. HARDER, SECRETARY

2700 WEST 6TH STREET
TOPEKA, KANSAS 66606
(913) 296-3925
KANS-A-N 561-3925

TESTIMONY FOR SB 675 INCREASE IN DRIVER'S LICENSE FEE
March 6, 1986

I am speaking today in favor of SB 675. I am also presenting an amendment to the bill to direct some of the resulting increased funding from the state safety fund to a school alcohol and drug abuse prevention fund.

In 1985, HB 2142 was signed into law by Governor John Carlin. The bill encourages school districts to implement alcohol and drug prevention and intervention programs, and provide for obtaining treatment services that may be needed for their students.

The Interdepartmental Coordinating Committee on Alcohol and Drug Abuse is a body composed of representatives from state agencies with an interest in alcohol and drug abuse. An educational subcommittee is drafting a report making recommendations for the development and implementation of comprehensive alcohol and drug prevention and intervention programs in Kansas schools as suggested by HB 2142. The drivers' license fee increase and proposed school alcohol and drug abuse prevention fund were suggested by representatives of the Department of Revenue and other members of the ICC subcommittee as a viable source of funds to assist prevention and intervention programs in schools.

SRS Alcohol and Drug Abuse Services wishes to expand the very positive relationships existing with the state Department of Education and school districts across the state. ADAS provides funding for school based prevention programs in Shawnee Mission USD 512, Salina Public Schools, and Cowley County Special Services Cooperative. In addition, six ADAS funded community based prevention programs provide services to schools. Wichita Public Schools receives funding to provide School Team Training to representatives of schools from across the state. Since 1983, 75 teams from 39 districts have received training. Forty-four teams will be trained in 1986. ADAS has provided technical assistance, information and materials to many more schools. We have assisted Students Against Driving Drunk (SADD) in expanding from 27 chapters in 1984 to over 100 at this time.

Expanded funding through the proposed school alcohol and drug abuse prevention fund should result in expanded private sector involvement in prevention and intervention programs in our schools. Ewing Kauffman of Marion Laboratories and the Kansas City Royals, funds Project STAR, a Kansas City area youth alcohol and drug prevention project, through the Ewing M. and Muriel I.

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S. TJU 3/6/86

Kauffman Foundation. In a recent conversation with me, he indicated an interest in expanding Project STAR to other Kansas communities. Expansion would be contingent on assistance from other sources of funding. In this and other cases, the proposed school alcohol and drug abuse prevention fund would help leverage an expansion of private funding of prevention and intervention programs in our schools.

To be successful in reducing alcohol and drug abuse, there must be comprehensive school-based prevention strategies. Comprehensive strategies include: 1) alcohol and drug information, 2) education in life skills, 3) alternatives to alcohol and drug use, and 4) health promotion.

A recently released study by Gene Smith, associate professor at Harvard Medical School, strongly suggests that substance abuse is not a random development and indicates that teenage alcohol, cigarette, and drug use can be predicted and prevented. Adolescents with personality traits including obedience, responsibility and self-confidence tend to shun drugs. Comprehensive prevention programming is designed to foster and enhance these positive traits.

We believe the proposed school alcohol and drug abuse prevention fund is a viable method of supporting the intent of HB 2142. A continuum of comprehensive alcohol and drug prevention, intervention, and treatment must be in place if we are to limit alcohol and drug abuse among the young people of our state.

Thank you for the opportunity to make this presentation.

LH:kh
7101C

SENATE BILL No. 675

By Committee on Transportation and Utilities

2-20

0017 AN ACT concerning motor vehicle drivers' licenses; amending
0018 K.S.A. 8-240/and K.S.A. 1985 Supp. 8-247 and repealing the
0019 existing sections. and 8-267

0020 *Be it enacted by the Legislature of the State of Kansas:*

0021 Section 1. K.S.A. 8-240 is hereby amended to read as fol-
0022 lows: 8-240. (a) Every application for an instruction permit shall
0023 be made upon a form furnished by the division of vehicles and
0024 accompanied by a fee of ~~\$1.50~~ \$2. Every other application shall be
0025 made upon a form furnished by the division and accompanied by
0026 an examination fee of \$3 and by the proper fee for the license for
0027 which the application is made. If the applicant is not required to
0028 take an examination the examination fee shall not be required.
0029 The examination shall consist of three tests, as follows: (1)
0030 Vision; (2) written; and (3) driving. If the applicant fails the
0031 vision test, the applicant may have correction of vision made and
0032 take the vision test again without any additional fee. If an
0033 applicant fails the written test, the applicant may take such test
0034 again upon the payment of an additional examination fee of
0035 \$1.50. If an applicant fails the driving test, the applicant may take
0036 such test again upon the payment of an additional examination
0037 fee of \$1.50. If an applicant fails to pass all three of the tests
0038 within a period of six months from the date of original applica-
0039 tion and desires to take additional tests, the applicant shall file an
0040 application for reexamination upon a form furnished by the
0041 division, which shall be accompanied by a reexamination fee of
0042 \$3. Upon the filing of such application and the payment of such
0043 reexamination fee, the applicant shall be entitled to reexamina-
0044 tion in like manner and subject to the additional fees and time
0045 limitation as hereinbefore provided for examination on an origi-

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

0051 (b) Every application shall state the name, date of birth, sex
0052 and residence address of the applicant, and briefly describe the
0053 applicant, and shall state whether the applicant has theretofore
0054 been licensed as a driver, and, if so, when and by what state or
0055 country, and whether any such license has ever been suspended
0056 or revoked, or whether an application has ever been refused,
0057 and, if so, the date of and reason for such suspension, revocation
0058 or refusal.

0059 (c) ~~Whenever~~ *When an* application is received from a person
0060 previously licensed in another jurisdiction, the division shall
0061 request a copy of the driver's record from the other jurisdiction.
0062 When received, the driver's record shall become a part of the
0063 driver's record in this state with the same force and effect as
0064 though entered on the driver's record in this state in the original
0065 instance.

0066 (d) ~~Whenever~~ *When* the division receives a request for a
0067 driver's record from another licensing jurisdiction the record
0068 shall be forwarded without charge.

0069 (e) A fee of ~~\$6~~ *\$10* shall be charged for a class C driver's
0070 license, a fee of ~~\$3~~ *\$5* shall be charged for a class D driver's
0071 license and a fee of ~~\$10~~ *\$15* shall be charged for a class A or B
0072 driver's license. ~~In the case of the issuance of an original class C~~
0073 ~~driver's license the fee to be paid therefor shall be as specified in~~
0074 ~~the following schedule, based on the length of the period be-~~
0075 ~~tween the date of the issuance of an original license and the~~
0076 ~~expiration date of the license issued:~~

0077	6 calendar months to and including 12 calendar months	.....	\$1.50
0079	13 calendar months to and including 18 calendar months	.....	2.25
0081	19 calendar months to and including 24 calendar months	.....	3.00
0083	25 calendar months to and including 31 calendar months	.....	3.75
0085	32 calendar months to and including 36 calendar months	.....	4.50
0087	37 calendar months to and including 42 calendar months	.....	5.25
0089	43 calendar months to and including 48 calendar months	.....	6.00
0091	49 calendar months to and including 54 calendar months	.....	6.75
0093	55 calendar months to and including 59 calendar months	.....	7.50

0095 In case of the issuance of an original class A or B driver's license,
 0096 the fee to be paid therefor shall be as specified in the following
 0097 schedule, based on the length of the period between the date of
 0098 issuance of an original license and the expiration date of the
 0099 license issued:

0100 6 calendar months to and including 12 calendar months	.....	\$2.50
0102 13 calendar months to and including 18 calendar months	.....	3.75
0104 19 calendar months to and including 24 calendar months	.....	5.00
0106 25 calendar months to and including 31 calendar months	.....	6.25
0108 32 calendar months to and including 36 calendar months	.....	7.50
0110 37 calendar months to and including 42 calendar months	.....	8.75
0112 43 calendar months to and including 48 calendar months	.....	10.00
0114 49 calendar months to and including 54 calendar months	.....	11.25
0116 55 calendar months to and including 59 calendar months	.....	12.50

0118 If one fails to make an original application or renewal application
 0119 for a driver's license within the time required by law, or fails to
 0120 make application within 60 days after becoming a resident of
 0121 Kansas, a penalty of ~~\$.50~~ \$1 shall be added to the fee charged for
 0122 the driver's license.

0123 Sec. 2. K.S.A. 1985 Supp. 8-247 is hereby amended to read as
 0124 follows: 8-247. (a) All original licenses, ~~and all~~ shall expire on the
 0125 fourth anniversary of the date of birth of the licensee which is
 0126 nearest the date of application. All renewals thereof, shall expire
 0127 on every fourth anniversary of the date of birth of the licensee.
 0128 No driver's license shall expire in the same calendar year in
 0129 which the original license or renewal license is issued, except
 0130 that if the foregoing provisions of this section shall require the
 0131 issuance of a renewal license or an original license for a period of
 0132 less than six calendar months, the license issued to the applicant
 0133 shall expire at midnight on every fourth anniversary of the date
 0134 of birth of the applicant.

0135 (b) If the driver's license of any person shall expire while
 0136 such person is outside of the state of Kansas and on active duty in
 0137 the armed forces of the United States, the license of such person
 0138 shall be renewable, without examination, at any time prior to the
 0139 end of the sixth month following the discharge of such person
 0140 from the armed forces, or within 90 days after reestablished
 0141 residence within the state, whichever time is sooner. If the
 0142 driver's license of any person shall expire while such person is
 0143 outside the United States, the division shall provide for renewal

0144 by mail.

0145 (c) At least 30 days prior to the expiration of a person's
0146 license the division shall mail a notice of expiration or renewal
0147 application to such person at the address shown on the license.
0148 The division shall include with such notice a copy of the eye-
0149 sight examination form and a copy of the written examination
0150 prescribed by subsection (e). In addition, a copy of the Kansas
0151 driver's manual, prepared pursuant to K.S.A. 8-266b and amend-
0152 ments thereto also shall be included.

0153 (d) Every driver's license shall be renewable on or before its
0154 expiration upon application and payment of the required fee and
0155 successful completion of the examinations required by subsec-
0156 tion (e). Application for renewal of a valid driver's license shall
0157 be made to the division in accordance with rules and regulations
0158 adopted by the secretary of revenue. Such application shall
0159 contain all the requirements of subsection (b) of K.S.A. 8-240 and
0160 amendments thereto. Upon satisfying the foregoing require-
0161 ments of this subsection, and if the division makes the findings
0162 required by K.S.A. 8-235b and amendments thereto for the is-
0163 suance of an original license, the license shall be renewed
0164 without examination of the applicant's driving ability. If the
0165 division finds that any of the statements relating to revocation,
0166 suspension or refusal of licenses required under subsection (b) of
0167 K.S.A. 8-240 and amendments thereto are in the affirmative, or if
0168 it finds that the license held by the applicant is not a valid one, or
0169 if the applicant has failed to make application for renewal of such
0170 person's license on or before the expiration date thereof, the
0171 division may require the applicant to take an examination of
0172 ability to exercise ordinary and reasonable control in the opera-
0173 tion of a motor vehicle as provided in K.S.A. 8-235d and amend-
0174 ments thereto.

0175 (e) (1) Prior to renewal of a driver's license, the applicant
0176 shall pass an examination of eyesight and a written examination
0177 of ability to read and understand highway signs regulating,
0178 warning and directing traffic and knowledge of the traffic laws of
0179 this state. Such examination shall be equivalent to the tests
0180 required for an original driver's license under K.S.A. 8-235d and

0181 amendments thereto. A driver's license examiner shall admin-
0182 ister the examinations without charge, and shall report the re-
0183 sults of the examinations on a form provided by the division,
0184 which shall be submitted by the applicant to the division at the
0185 time such applicant applies for license renewal.

0186 (2) In lieu of the examination of the applicant's eyesight by
0187 the examiner, the applicant may submit a report on the exami-
0188 nation of eyesight by a physician licensed to practice medicine
0189 and surgery or by a licensed optometrist. The report shall be
0190 based on an examination of the applicant's eyesight not more
0191 than three months prior to the date the report is submitted, and it
0192 shall be made on a form furnished the applicant with the notice
0193 of the expiration of license under subsection (c).

0194 (3) In lieu of the driver's license examiner administering the
0195 written examination, the applicant may complete the examina-
0196 tion furnished with the notice of the expiration of license under
0197 subsection (c), and submit the completed examination to the
0198 division.

0199 (4) The division shall determine whether the results of the
0200 written examination and the eyesight reported are sufficient for
0201 renewal of the license, and if the results of either or both of the
0202 examinations are insufficient, the division shall notify the appli-
0203 cant of such fact and return the license fee. In determining the
0204 sufficiency of an applicant's eyesight, the division may request
0205 an advisory opinion of the medical advisory board, which is
0206 hereby authorized to render such opinions.

0207 (5) An applicant who is denied a license under this subsec-
0208 tion (e) may reapply for renewal of such person's driver's license,
0209 except that if such application is not made within 90 days of the
0210 date the division sent notice to the applicant that the license
0211 would not be renewed, the applicant shall proceed as if applying
0212 for an original driver's license. If the applicant has been denied
0213 renewal of such person's driver's license because such applicant
0214 failed to pass the written examination, the applicant shall pay an
0215 examination fee of \$1.50 to take the test again.

0216 (6) When the division has good cause to believe that an
0217 applicant for renewal of a driver's license is incompetent or

0218 otherwise not qualified to operate a motor vehicle in accord with
 0219 the public safety and welfare, the division may require such
 0220 applicant to submit to such additional examinations as are nec-
 0221 essary to determine that the applicant is qualified to receive the
 0222 license applied for. Subject to subpart (7) of this subsection (e),
 0223 in so evaluating such qualifications, the division may request an
 0224 advisory opinion of the medical advisory board which is hereby
 0225 authorized to render such opinions in addition to its duties
 0226 prescribed by subsection (b) of K.S.A. 8-255b. Any such appli-
 0227 cant who is denied the renewal of such person's driver's license
 0228 because of a mental or physical disability shall be afforded a
 0229 hearing in the manner prescribed by subsection (b) of K.S.A.
 0230 8-255.

0231 (7) Seizure disorders which are controlled by prescribed
 0232 medication shall not be considered a disability under the pre-
 0233 ceding subpart unless the medical advisory board finds that the
 0234 applicant's condition is such that the applicant is likely to be a
 0235 danger to such applicant or others, while operating a motor
 0236 vehicle. In appropriate cases to which this subpart applies, the
 0237 medical advisory board may recommend that such person be
 0238 issued a driver's license to drive class C or D vehicles and
 0239 restricted to operating such vehicles at any time while going
 0240 directly to such person's place of employment or while coming
 0241 directly from such place, or in an emergency or on days while
 0242 school is in session, over the most direct and accessible route
 0243 between the licensee's residence and such person's school of
 0244 enrollment for the purposes of school attendance. Restricted
 0245 licenses issued pursuant to this subpart (7) shall be subject to
 0246 suspension or revocation as provided in subsection (a) of K.S.A.
 0247 8-237, and amendments thereto.

5. 0248 ~~Sec. 2.~~ K.S.A. 8-240 and K.S.A. 1985 Supp. 8-247 are hereby
 0249 repealed.

6. 0250 ~~Sec. 4.~~ This act shall take effect and be in force from and
 0251 after its publication in the statute book.

Sec. 3. K.S.A. 8-267 is hereby amended to read as follows: 8-267. (a) All moneys received under this act shall be paid over by the secretary of revenue to the state treasurer who shall, except as set forth in subsection (b), credit 50% of all moneys so received from class C driver's licenses and 33 1/3% of all moneys so received from class D driver's licenses and 25% of all moneys so received from class A or B driver's licenses to a special fund, which is hereby created and shall be known as the "state safety fund" and who shall credit 33 1/3% of all moneys so received from class D driver's licenses to a special fund which is hereby created and shall be known as the "motorcycle safety fund." Moneys in the state safety fund and in the motorcycle safety fund shall be distributed to provide funds for driver training courses in the schools of Kansas and for the administration of this act, as the legislature shall provide. The state treasurer shall credit the balance of all moneys received under this act to the state highway fund.

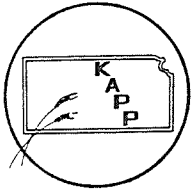
(b) The state treasurer shall credit the school alcohol and drug abuse prevention fund created under this act with the first \$500,000 in new moneys generated each fiscal year by the increase in fees authorized by this act which would otherwise be credited to the state safety fund.

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

(b) Moneys in the school alcohol and drug abuse prevention fund shall be used by the secretary of social and rehabilitation services to provide grants to school districts and special education cooperatives for the purpose of developing and implementing alcohol and drug abuse prevention programs.

(c) All expenditures from the school alcohol and drug abuse prevention fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of social and rehabilitation services or by a person designated by the secretary.

Kansas Association of Prevention Professionals



Box 4052
Topeka, Kansas 66604-0052

March 6, 1986

TESTIMONY SUPPORTING SCHOOL PREVENTION FUND - AMENDING SB 675

The Kansas Association of Prevention Professionals has existed in the state for four years. Our purpose is to "unite human disciplines interested in the prevention of destructive, self-defeating behaviors and the promotion and support of healthy lifestyles." Our membership consists of professionals, volunteers, and citizens interested in the prevention of child abuse, alcohol and other drug abuse, mental health, unwanted teenage pregnancy, public health, and other social/health issues.

KAPP believes it is cost effective to prevent or intervene in the progression of diseases such as alcohol and other drug abuse. The cost of treatment for any disease naturally exceeds the resources it takes to prevent it. KAPP supports the need for quality treatment services, because we know when good prevention and intervention services are provided, students will surface who are already experiencing problems with alcohol and other drugs and treatment may be indicated.

KAPP proposes as a matter of public policy, Kansas should begin to examine the cost effectiveness of developing strong, well evaluated prevention and intervention services. The amendment proposed to create and provide funding for a school alcohol and drug prevention fund to be used for school prevention services is one more step forward in reaching youth before alcohol and drug problems are evident, to provide them with the refusal skills they need, the communication skills to resist peer pressure, and the alternative activities that provide alcohol and drug free functions for youth so the keg party isn't the only option at graduation and prom times.

ATT. (3)

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One curriculum that is used in Kansas and was developed in Topeka is Get Set. Get Set costs \$8.00 per child. It starts in the elementary grades, when prevention must begin. Another strategy that is effective is School Team Training for the Prevention of Alcohol and Other Drug Abuse. Extensive evaluation is available on that program in the Wichita area, and statewide data is now being gathered.

We have learned through experience and research what is effective. Our next task is getting the strategies implemented throughout the state. Current services are fragmented and not available for thousands of Kansas students.

The development and implementation of the alcohol and drug continuum of care in Kansas is like assembling a jigsaw puzzle. Many of the treatment pieces (but not all) are in place. We now must begin to assemble the prevention and intervention pieces to complete the puzzle. I can assume you the picture will be worth seeing when that puzzle is complete, much suffering will be avoided, many lives will be saved.

It is true that our youth are our future. Your support of this amendment to provide funds for school alcohol and drug prevention programs will help secure that future.

Thank you.

Respectfully submitted,



Elaine Brady Rogers
KAPP President

affected by guest statute. Neilson v. Gambrel 214 K. 339, 342, 520 P.2d 1194.

8-265. Employing persons to operate vehicle; proper class of license required. No person shall employ any person to operate a motor vehicle, if the person so employed is not then licensed to operate the appropriate class of motor vehicles as provided in this act.

History: L. 1937, ch. 73, § 32; L. 1949, ch. 104, § 36; L. 1975, ch. 36, § 29; Jan. 1, 1976.

8-266. Renting motor vehicle to another; record. (a) No person shall rent a motor vehicle to any other person unless the latter person is then duly licensed hereunder to operate such motor vehicle or, in the case of a nonresident, then duly licensed under the laws of the state of his or her residence, except a nonresident whose home state does not require that a driver be licensed.

(b) No person shall rent a motor vehicle to another until such person has inspected the license of the person to whom the vehicle is to be rented and compared and verified the signature thereon with the signature of such person written in his or her presence.

(c) Every person renting a motor vehicle to another shall keep a record of the registration number of the motor vehicle so rented, the name and address of the person to whom the vehicle is rented, the number of the license of said latter person and the date and place when and where said license was issued. Such record shall be open to inspection by any police officer or officer or employee of the division.

History: L. 1937, ch. 73, § 33; L. 1949, ch. 104, § 37; L. 1975, ch. 36, § 30; Jan. 1, 1976.

Research and Practice Aids:

Automobiles 387.
C.J.S. Motor Vehicles §§ 760, 761.
Am. Jur. 2d Automobiles and Highway Traffic §§ 298 to 300, 579.

8-266a.

History: L. 1949, ch. 104, § 38; Repealed, L. 1959, ch. 49, § 35; July 1.

8-266b. Drivers' manual. The director of vehicles shall cause to be prepared and printed a suitable Kansas drivers' manual. It shall be the duty of the division to distribute the manual in such manner that each appli-

cant for a driver's license, upon request, may be presented with a copy thereof at the time of making application for a driver's license. The cost of such manuals shall be paid from the state highway fund.

History: L. 1949, ch. 104, § 39; L. 1975, ch. 36, § 31; Jan. 1, 1976.

8-267. Disposition of moneys; state safety fund, motorcycle safety fund and state highway fund. All moneys received under this act shall be paid over by the secretary of revenue to the state treasurer who shall credit 50% of all moneys so received from class C driver's licenses and 33 1/3% of all moneys so received from class D driver's licenses and 25% of all moneys so received from class A or B driver's licenses to a special fund, which is hereby created and shall be known as the "state safety fund" and who shall credit 33 1/3% of all moneys so received from class D driver's licenses to a special fund which is hereby created and shall be known as the "motorcycle safety fund." Moneys in the state safety fund and in the motorcycle safety fund shall be distributed to provide funds for driver training courses in the schools of Kansas and for the administration of this act, as the legislature shall provide. The state treasurer shall credit the balance of all moneys received under this act to the state highway fund.

History: L. 1937, ch. 73, § 34; L. 1939, ch. 84, § 2; L. 1949, ch. 104, § 40; L. 1955, ch. 53, § 1; L. 1959, ch. 49, § 32; L. 1961, ch. 53, § 1; L. 1963, ch. 54, § 1; L. 1972, ch. 342, § 43; L. 1975, ch. 36, § 32; L. 1982, ch. 42, § 2; July 1.

Cross References to Related Sections:

Distribution of funds for drivers training courses, see 8-272.

Research and Practice Aids:

Automobiles 141.
C.J.S. Motor Vehicles § 158.

8-267a.

History: L. 1938, ch. 13, § 3; Repealed, L. 1949, ch. 104, § 53; July 1.

8-268. Penalties for violations. Any person who shall violate any provision of this act, unless otherwise specifically provided, shall be guilty of a misdemeanor, and on conviction, unless otherwise specifically provided, shall be fined not more than five hundred dollars (\$500) or be sentenced to

the county jail ninety (90) days or imprisonment.

History: L. ch. 104, § 42;

Research and Practice Aids: Automobiles 387.
C.J.S. Motor Vehicles

CA
1. Violation of state license revocation Herrick, 172 K. 63.
2. Mentioned: mentioned is administering statute 3 K.A.2d 697, 600

8-268a. I. parts of this act constitutional, shall not affect the validity of this act and declares that it voiding parts of the part or parts of constitutional

History: L. Research and Practice Statutes 64(2).
C.J.S. Statutes

8-269. U. This act shall be construed as to effect make uniform enact it.

History: L.

8-270. E. operation of complying with shall not be same unlawful to affect the policy of liability against liability damages to person insurance

History:

Law Review and Discovery of Joseph P. Jenks "Automobile Insured: A Series K.I.L.R. 651, 652

1. Cited in holding not be canceled v. Central National 352.

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the county jail for a period of not more than ninety (90) days or both such fine and imprisonment.

History: L. 1937, ch. 73, § 35; L. 1929, ch. 104, § 42; L. 1959, ch. 49, § 31; July 1.

Research and Practice Aids:

Automobiles—326.
C.J.S. Motor Vehicles §§ 638, 639, 651.

CASE ANNOTATIONS

1. Violation of section discussed in upholding liquor license revocation under G.S. 1949, 41-715. *Smith v. Herrick*, 172 K. 65, 69, 238 P.2d 557.

2. Mentioned; alcohol breath test sample lawfully obtained is admissible although driver incapable of exercising statutory right to refuse test. *State v. Garner*, 3 K.A.2d 697, 600 P.2d 1166.

8-268a. Invalidity of part. If any part or parts of this act shall be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this act and the legislature hereby declares that it would have passed the remaining parts of this act if it had known that such part or parts thereof would be declared unconstitutional.

History: L. 1949, ch. 104, § 52; July 1.

Research and Practice Aids:

Statutes—64(2).
C.J.S. Statutes §§ 96 et seq.

8-269. Uniformity of interpretation. This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

History: L. 1937, ch. 73, § 36; July 1.

8-270. Effect of noncompliance. The operation of a vehicle in this state without complying with the provisions of this act shall not be considered as operating the same unlawfully or in violation of law so as to affect the validity of any contract or policy of liability insurance or indemnity against liability for personal injuries or damages to property, or fire, theft or collision insurance carried on such vehicle.

History: L. 1937, ch. 73, § 37; July 1.

Law Review and Bar Journal References:

Discovery of automobile liability insurance limits, Joseph P. Jenkins, 14 K.L.R. 59, 81 (1965).

"Automobile Liability Insurance and the Deceased Insured: A Serbonian Bog," Joseph P. Jenkins, 18 K.L.R. 651, 652 (1970).

CASE ANNOTATIONS

1. Cited in holding automobile insurance policy cannot be canceled without actual notice to insured. *Koehn v. Central National Ins. Co.*, 187 K. 192, 202, 354 P.2d 352.

2. Purpose of section; not intended to fix rights between insurance carrier and operator of insured vehicle. *Prickett v. Hawkeye-Security Insurance Company*, 282 F.2d 294, 298, 299.

8-271. Title of act. This act and the acts of which this act is amendatory shall be known and may be cited as the motor vehicle drivers' license act.

History: L. 1937, ch. 73, § 38; L. 1974, ch. 38, § 6; July 1.

DRIVER TRAINING

8-272. State safety fund and motorcycle safety fund; entitlements; certification of amounts; distribution; proration of insufficient appropriations; motorcycle safety courses and instructors. (a) Any school district conducting an approved course in driver training and any pupil attending a nonpublic school accredited by the state board of education conducting an approved course in driver training shall be entitled to participate in the state safety fund created by K.S.A. 8-267, and amendments thereto. In August of each year, the superintendent of each school district and the governing authority of each nonpublic school shall report to the state board of education the number of pupils who have been in attendance for a complete driver training course conducted by such school district or nonpublic school during the past school year. From the state safety fund in the state treasury, \$1,540,000 shall be distributed in the manner hereinafter provided to the respective school districts and nonpublic schools on order of the state board of education in the ratio that the number of pupils in each school district or nonpublic school in attendance for such complete courses bears to the total number of pupils in all such schools and nonpublic schools in attendance for such complete courses. The state board of education shall certify to the director of accounts and reports the amount due each school district and each pupil of a nonpublic school. The director of accounts and reports shall draw warrants on the state treasurer payable to the treasurer of each school district and to each pupil of a nonpublic school entitled to payment under this subsection upon vouchers approved by the state board and shall cause such warrants to be delivered to the respective school districts and nonpublic schools. If the amount appropriated in any year from the state safety fund shall be insufficient to

pay the full amount each school district and each pupil of a nonpublic school is entitled to receive under this subsection, then the entire amount appropriated for such year shall be prorated among all school districts and all pupils of nonpublic schools in proportion to the amount each school district and each pupil of a nonpublic school is entitled to receive. No moneys in the state safety fund shall be used for any purpose other than that specified in this subsection or for the support of driver improvement programs. The state board of education shall prescribe all forms necessary for reporting in connection with this act. The funds shall be distributed on or before November 1 each year.

(b) Any school district conducting an approved course in motorcycle safety as a part of an approved course in driver training and any pupil attending a nonpublic school accredited by the state board of education conducting an approved course in motorcycle safety as a part of an approved course in driver training shall be entitled to participate in the motorcycle safety fund created by K.S.A. 8-267, and amendments thereto. The state board of education may establish, by rules and regulations, standards for the conduct, operation and approval of courses in motorcycle safety and for the qualifications of instructors for such courses. Such standards shall not include the requirement that instructors be certificated by the state board of education. In August of each year, the superintendent of each school district and the governing authority of each nonpublic school shall report to the state board of education the number of pupils who have been in attendance for a complete course in motorcycle safety as a part of the driver training course conducted by such school district or nonpublic school during the past school year. From the motorcycle safety fund in the state treasury, \$210,000 shall be distributed in the manner hereinafter provided to the respective school districts and nonpublic schools on order of the state board of education in the ratio that the number of pupils in each school district or nonpublic school in attendance for such complete courses in motorcycle safety bears to the total number of pupils in all such schools and nonpublic schools in attendance for such complete courses. The state

board of education shall certify to the director of accounts and reports the amount due each school district and each pupil of a nonpublic school. The director of accounts and reports shall draw warrants on the state treasurer payable to the treasurer of each school district and to each pupil of a nonpublic school entitled to payment under this subsection upon vouchers approved by the state board and shall cause such warrants to be delivered to the respective school districts and nonpublic schools. If the amount appropriated in any year from the motorcycle safety fund shall be insufficient to pay the full amount each school district and each pupil of a nonpublic school is entitled to receive under this subsection, then the entire amount appropriated for such year shall be prorated among all school districts and all pupils of nonpublic schools in proportion to the amount each school district and each pupil of a nonpublic school is entitled to receive. No moneys in the motorcycle safety fund shall be used for any purpose other than that specified in this subsection or for the support of motorcycle driver improvement programs. The state board of education shall prescribe all forms necessary for reporting in connection with this act. The funds shall be distributed on or before November 1 each year.

History: L. 1959, ch. 312, § 1; L. 1969, ch. 310, § 1; L. 1971, ch. 20, § 1; L. 1974, ch. 40, § 1; L. 1977, ch. 39, § 1; L. 1978, ch. 35, § 1; L. 1979, ch. 39, § 1; L. 1982, ch. 42, § 3; July 1.

Cross References to Related Sections:

When license granted without examination, see 8-235b.

8-273. Drivers' training school license act; definitions. The following words and phrases when used in this act shall, unless the context otherwise requires, have the meanings respectively ascribed to them in this section:

(a) "Motor vehicle." Every vehicle which is self-propelled upon or by which any person or property is or may be transported or drawn upon a public highway except devices used exclusively upon stationary rails or tracks.

(b) "Drivers' training schools." Any person, partnership or corporation giving driving instruction to ten (10) or more persons

per calendar year requirements for vehicles in Kansas.

(c) "Partnership." A partnership, copartnership, or school.

(d) "Department of education." The department of education duly authorized.

(e) "State board of education." The state board of education.

(f) "Drivers' training schools." Any person, partnership or corporation giving driving instruction to ten (10) or more persons for the purpose of preparing for the purpose of examinations.

History: L. 1959, ch. 310, § 2; July 1.

8-274. Safety fund. No person shall operate a motor vehicle or engage in transportation for hire in or in the preparation for an examination for a driver's license or permit, unless secured from the state safety fund.

History: L. 1959, ch. 310, § 3; July 1.

8-275. Safety fund. Every person operating a motor vehicle shall be required to comply with the following requirements:

(a) Be of good moral character.

(b) Maintain a business to the

(c) Maintain a damage liability policy while using the vehicle insuring the liability for driving instruction.

amounts: One hundred thousand dollars for one person in to said limit; one thousand dollars for two or more persons; one thousand dollars for property of other persons; and one thousand dollars for the form of a certificate of liability insurance shall be filed with the department of education.