

Approved 4-11-86 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. ~~pm~~ on April 1, 1986 in room 254-E of the Capitol.

All members were present ~~except~~.

Committee staff present:

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

Conferees appearing before the committee:

Lt. Bill Jacobs, Kansas Highway Patrol  
Jim Clark, Kansas County and District Attorneys Association  
Jim Sullins, Kansas Motor Car Dealers Association  
Harold Turntine, Department of Revenue  
Larry Ross, Bicycle, Kansas - Wichita

On a motion from Sen. Francisco and a second from Sen. Frey the Minutes of March 25, 26, 27 and 28 were approved. Motion carried.

HEARING AND ACTION ON H.B. 3058 - Offenses for which traffic citation may be issued.

Lt. Jacobs explained the bill and said the Highway Patrol strongly supports it. It would establish the specific statutes for which a Notice to Appear (NTA) would suffice as a legal complaint. Most courts now accept this but there have been cases in the last several months where charges have been dismissed because the judges felt that NTA was not a legal complaint. These involved transporting open containers. Lt. Jacobs said they are understaffed at present and taking people off the roads to appear in court is a hindrance. They are already sworn in when they become officers. A copy of his statement is attached. (Att. 1).

Jim Clark, Kansas County and District Attorneys Association, said they were in support of the bill but he felt an amendment was necessary to put a criminal complaint definition in the bill showing a valid complaint. S.B. 498 gave the Fish and Game division authority to issue tickets but some judges said that a Notice to Appear did not constitute a criminal complaint and cases were dismissed, so therefore this amendment was necessary. Sen. Frey agreed with this statement.

A conceptual motion was made by Sen. Hayden and seconded by Sen. Frey to adopt the amendment to do what had been suggested by Mr. Clark. Motion carried.

A motion was made by Sen. Frey and was seconded by Sen. Hayden to recommend H.B. 3058 as amended, favorable for passage. Motion carried.

HEARING AND ACTION ON H.B. 3095 - Motor vehicle dealers and manufacturers licensure, salesmen.

Jim Sullins, Kansas Motor Car Dealers Association, explained the bill and said it would change from 2 years to 5 years the period of time considered when issuing a license to a dealer or salesperson who has been convicted of a felony. It would also raise the license fee from \$5.00 to \$10.00. A copy of his statement is attached. (Att. 2).

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES,  
room 254-E, Statehouse, at 9:00 a.m./~~pm~~ on April 1, 1986

Harold Turntine, Department of Revenue, said they had originally asked for \$15.00 but it was amended by the House to \$10.00. The \$10.00 amount is closer to a break-even point.

Sen. Francisco said S.B. 470, the bonding bill, was still in the House Transportation Committee and he made a motion to amend S.B. 470 into H.B. 3095. The motion did not receive a second.

The Chairman said the House committee has asked for an interim study on the bonding bill. They do not plan to take action on S.B. 470.

Harold Turntine, Department of Revenue, said they support H.B. 3095. A copy of his statement is attached. (Att. 3).

A motion was made by Sen. Hayden to amend S.B. 470, the bonding bill, into H.B. 3095. Motion was seconded by Sen. Francisco.

Sen. Martin said he had reservations about the bonding bill. He wanted to know how it would affect the people in his district and wanted to be assured that bonding would be available. He supported the interim study on the bill. The committee discussed the bonding situation.

A substitute motion was made by Sen. Norvell and seconded by Sen. Martin to amend H.B. 3095 on line 83 to have the license fee \$15 instead of \$10. Motion carried.

A motion was made by Sen. Norvell and was seconded by Sen. Martin on line 0275, page 8, to delete "five" years and insert "two" years.

The Chairman explained that the bill was permissive and the director may deny application of a license.

Sen. Norvell withdrew his motion.

A motion was made by Sen. Francisco and was seconded by Sen. Hayden to amend S.B. 470 into H.B. 3095.

A substitute motion was made by Sen. Thiessen and was seconded by Sen. Frey to recommend H.B. 3095 as amended (to the \$15 fee) favorable for passage. Motion carried.

ACTION ON H.B. 2559 - Bicycle Bill.

The Chairman said he had requested KDOT, the Highway Patrol and the people requesting the bill to get together and reach a compromise. They could not do this and still had irreconcilable differences.

The Chairman said while most of the cyclists appearing before the committee were expert and had very expensive vehicles, many of the bicycle riders were children or young people and he thought the bill opened up unsafe practices.

Lt. Jacobs said the bicyclists had the left-hand turn now that they were asking for and if this bill were passed tricycles wouldn't be allowed on sidewalks because they would be classified as vehicles.

Larry Ross, Bicycle, Kansas, said the cyclists had to dismount now to legally make a left-hand turn.

A motion was made by Sen. Hoferer and was seconded by Sen. Norvell to recommend H.B. 2559 favorable for passage. Motion carried.

Meeting was adjourned at 10:05 a.m.

SENATE TRANSPORTATION AND UTILITIES COMMITTEE

Date 4-1-86 Place 254-E Time 900

GUEST LIST

NAME	ADDRESS	ORGANIZATION
Lt. BILL JACOBS	TOPEKA	KANSAS HIGHWAY PATROL
Jim SULLIVAN	"	Ks. MOTOR CAR DEALERS ASSN.
PAT PARNES	"	"
Don Snodgrass	Topeka	Walker Enterprises Inc.
Byron Cerrillo	Topeka	Shawnee County Sheriff's Dept.
Larry Ross	Wichita	Bicycle Kansas
Harold B. Thurman	TOPEKA	DEPT OF REV.
Jim Clace	Topeka	Ko Co EPA Assoc.
BILL GREEN	TOPEKA	RCC

SUMMARY OF TESTIMONY

Before the Senate Committee on Transportation and Utilities

House Bill 3058

Presented by the Kansas Highway Patrol

(Lieutenant William A. Jacobs)

April 1, 1986

The Patrol strongly supports House Bill 3058.

House Bill 3058 would establish the specific statutes for which a Notice to Appear (NTA) would suffice as a legal complaint.

At present, most courts will accept an NTA as a legal complaint for any offense related to traffic upon a highway. However, in the last several months, at least two courts have dismissed charges of transporting open containers because they felt an NTA was not a legal complaint except for offenses of chapter 8 of the Kansas Statutes.

We think this particular bill would alleviate that problem in the future and would bring all courts into conformance.

If law enforcement officers are required to go to the court and file long form complaints on offenses that previously were accepted on an NTA, it would require many hours off the road and substantially hinder our patrolling activities.

S. THU 4/1/86  
ATT. (1)

Statement Before the  
SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES  
by the  
KANSAS MOTOR CAR DEALERS ASSOCIATION

Tuesday, April 1, 1986

RE: HOUSE BILL 3095

Mr. Chairman and Members of the Committee. I am Jim Sullins, Executive Vice President of the 392-member Kansas Motor Car Dealers Association, representing the franchised new car and new truck dealers of Kansas. We come before you this morning in support of HB 3095.

The provisions of the bill are quite simple. First, the bill changes from 2 years to 5 years the period of time which the Division of Vehicles may consider when issuing a license to either a dealer or salesperson who has been convicted of a felony. This is permissive language, and just because an individual has been convicted of a felony in the last 5 years does not necessarily mean that the Division will not issue a license. It just grants the division a broader period of time to review.

Secondly, the bill raised from \$5.00 to \$10.00 the cost of a salesman's license. In the original version of the bill, it was proposed to raise the fee to \$15.00, but as you can see, the House Committee on Transportation chose to lower the license cost to \$10.00. KMCDA supports the change to \$10.00.

S. TLU 4/1/86  
ATT. (2)

Other changes you see in the bill were either technical or were made to clarify the intent of the bill.


Mr. Chairman and Members of the Committee, KMCDCA supports HB 3095 as amended by the House Committee, and urges this Committee to recommend the bill favorably for passage.

If there are any questions, we would be happy to respond.

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MEMORANDUM

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

FROM: Harley T. Duncan, Secretary   
Kansas Department of Revenue

RE: House Bill 3095

DATE: April 1, 1986

Thank you for the opportunity to appear before you today on House Bill 3095. We support enactment of this measure.

HB 3095 makes two changes in current law as it relates to the licensing of motor vehicle sales personnel. First, as amended by the House, it raises the sales person license from \$5 to \$10 per year. This will essentially cover our costs for printing, mailing and scoring the exam plus conducting criminal background checks and producing a temporary and permanent license. License fees in surrounding states are Nebraska - \$7; Colorado - \$20; and Oklahoma - \$10 for a new vehicle sales person and \$5 for a used vehicle sales person.

The second change is to extend the number of years which must elapse between conviction for a felony and the point in time at which the conviction can no longer be considered in the licensing process from 2 to 5 years. The criminal record checks we run disclose the a number of sales persons have been convicted of felony crimes including violent crimes and crimes involving the motor vehicle business. We do not believe it is unreasonable to require that five years elapse after such convictions before receiving a State license to conduct vehicle sales.

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

S.T.U 4/1/86  
ATT. (3)