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Date

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

The meeting was called to order by Senator Robert Frey at
Chairperson

10:00 a.m./~~pm~~ on February 18, 1987 in room 514-S of the Capitol.

~~All~~ members ~~were~~ present ~~except~~: Senators Frey, Hoferer, Burke, Feleciano, Langworthy, Parrish, Steineger, Talkington, Winter and Yost.

Committee staff present:

Mike Heim, Legislative Research Department
Gordon Self, Office of Revisor of Statutes

Conferees appearing before the committee:

Senator Fred Kerr
Sergeant Bob Giffen, Kansas Highway Patrol
Jim Clark, Kansas County and District Attorneys Association
John W. Smith, Department of Revenue

Senate Bill 193 - Requiring bonding for certain violators of traffic infractions.

Senator Kerr, prime sponsor of the bill, explained he was visiting with the highway patrol last fall and one of their biggest problems is with states that are not part of the nonresident violator compact (NRVC), especially the truck drivers, who are flaunting our laws since they know they can get away with it. The State of California is the worse abuser.

Sergeant Bob Giffen, Kansas Highway Patrol, appeared in support of the bill. He testified when operators of vehicles, both passenger and commercial, reside in states that are not member of the compact, many of the violators flagrantly ignore the notice to appear, knowing that there is no recourse for the Kansas authorities in the matter. The courts can only summarily dismiss the notices to appear after the appearance date has passed. This legislation would greatly enhance our enforcement efforts and provide an equitable application to all violators regardless of their residence. A copy of his testimony is attached (See Attachment I).

During committee discussion Sergeant Giffen reported 37 states were members of the nonresident violator compact, and Oklahoma will be a member July 1, 1987. Their primary problem is with the States of Oklahoma and California. A committee member inquired if any other states who are members of the compact have passed similar legislation. Sergeant Giffen did not know. The chairman inquired if this would be contested on the basis of singling out people. He asked staff to check for states that have similar legislation.

Sergeant Giffen recommended the bill be amended to include drivers licensed in a foreign country.

Jim Clark, Kansas County and District Attorneys Association, testified the association is in support of the bill because there is a problem along the southern part of the state with Oklahoma and California drivers.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

room 514-S, Statehouse, at 10:00 a.m./~~p.m.~~ on February 19, 1987

Senate Bill 193 continued

During committee discussion a committee member inquired if the noncompact state treats this notice as a violation? John W. Smith, Department of Revenue, was recognized to respond to the question. He explained they have a lot of problems with that particular situation. The compact only exempts certain violations. Some noncompact states will send the notice back saying this is not a moving violation. He said, whether it goes on record in all instances, I can't say. Sergeant Giffen offered to contact the stated surrounding Kansas and are members of the compact, to see if they have similar legislation and report back to the committee.

Senator Burke moved to amend the bill to include drivers with a foreign license. Senator Hoferer seconded the motion, and the motion carried.

Senator Burke moved to report the bill favorably as amended. Senator Feleciano seconded the motion. During committee discussion John Smith reported his department does not get a notice the violator failed to appear in a noncompact state. The motion carried to report the bill favorably as amended.

The meeting adjourned.

A copy of the guest list is attached (See Attachment II).

SUMMARY OF TESTIMONY

BEFORE THE SENATE JUDICIARY COMMITTEE

February 18, 1987

Presented by the Kansas Highway Patrol

(Sergeant Bob Giffin)

Appeared in Support of Senate Bill 193

Since the adoption of the infractions classification for certain traffic offenses, the Patrol has totally complied with the statutes by simply issuing a notice to appear to those drivers committing an infraction and releasing them to continue their travels.

This concept works exceedingly well when the violator resides in a state which is a member of the non-resident violator compact (NRVC). In this instance, where there is no appearance or other arrangements made to answer the charge, the violator's home state is notified and the driving privileges of the violator are suspended until a disposition is effected with the court. This application has proven quite effective.

The reverse is true when the operators of vehicles, both passenger and commercial, reside in states that are not members of the compact. Many of these violators flagrantly ignore the notice to appear, knowing that there is no recourse for the Kansas authorities in the matter. We have documented instances where the violator has informed the trooper he or she is wasting both their own and the violator's time by writing the notice to appear. Additionally, the courts can only summarily dismiss the notices to appear after the appearance date has passed.

SB 193 would effectively address the problem by furnishing the officer the option to require a cash bond from these violators which would conform to the provisions of the uniform fine schedule adopted by the legislature, when the violator is a resident of a non-member state.

This legislation would greatly enhance our enforcement efforts and provide an equitable application to all violators regardless of their residence. For these reasons we recommend favorable consideration of SB 193.

A list of member states in the NRVC is appended for your review.

*Attach. I
Senate Judiciary
2-18-87*

NON-RESIDENT VIOLATOR COMPACT

MEMBER STATES

Alabama	Nebraska
Arkansas	New Hampshire
Colorado	New Jersey
Connecticut	New Mexico
Delaware	New York
Dist. of Columbia	North Carolina
Florida	North Dakota
Georgia	Ohio
Illinois	Oklahoma (7-1- 86 87)
Indiana	Pennsylvania
Iowa	Rhode Island
Kansas	South Carolina
Kentucky	South Dakota
Louisiana	Tennessee
Maine	Texas
Maryland	Utah
Minnesota	Vermont
Mississippi	Virginia
Missouri	West Virginia

Rev. 6-1-86

Verified 1-26-87

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