

Approved September 19, 1988
Date

MINUTES OF THE House COMMITTEE ON Transportation

The meeting was called to order by Rex Crowell at
Chairperson

1:30 ~~xxx~~/p.m. on March 1, 1988 in room 519-S of the Capitol.

All members were present except: Representatives Laird and Mead

Committee staff present:

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

Conferees appearing before the committee:

Representative Nancy Brown
Mr. David Rosenthal, Kansas Department of Social & Rehabilitation Services
Lt. Bill Jacobs, Kansas Highway Patrol
Representative David Heinemann
Mr. James D. Mankin, Kansas Department of Health & Environment
Ms. Cynthia K. Lutz, Kansas Association of School Boards
Representative Marvin Smith
Mr. Wayne Newell, North Plaza State Bank, Topeka, Kansas

The meeting was called to order by Chairman Crowell, and the first order of business was a hearing on HB-2988 providing for a symbol to be attached to motor vehicles driven by the deaf and hearing impaired.

Representative Nancy Brown briefed the Committee on the contents of the bill.

Mr. Rosenthal, State Department of Social and Rehabilitation Services, testified in support of HB-2988. (See Attachment 1)

He said this bill is similar to a bill which became law in Texas, as a result of an incident involving a deaf person and the local police department in which the officers used the intercom from the patrol car to direct the driver to get out of his car. Mr. Rosenthal said the anxiety levels of both parties were heightened before it was discovered that the driver of the car matching the description of a wanted vehicle was deaf.

Lt. Bill Jacobs, Kansas Highway Patrol, testified in favor of HB-2988. (See Attachment 2)

He said officers sometimes encounter hearing impaired drivers, and if the vehicle those drivers are operating displayed the proposed symbol, the officer would be aware of the situation and be prepared to converse so the individual could read their lips or by written communication.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Transportation,
room 519-S Statehouse, at 1:30 ~~am~~ p.m. on March 1, 1988

Lt. Jacobs added that the symbol would also be valuable to other emergency workers such as ambulance attendants, fire fighters, etc., if a hearing impaired driver required those services.

Committee discussion ensued concerning the size of the symbols and where they would be located on the vehicle.

The hearing on HB-2988 ended.

Chairman Crowell appointed a subcommittee consisting of Representative Sallee, Chairman, and Representatives Empson and Russell, to further study HB-2988.

The next order of business was a hearing on HB-2791 concerning certain speeding violations being a part of the public record.

Representative David Heinemann, sponsor of the bill, briefed the Committee on the contents of the bill.

The hearing on HB-2791 ended.

The next order of business was a hearing on HB-3012 concerning requiring the use of passenger safety restraining systems in school buses equipped with passenger safety restraining systems.

Mr. James D. Mankin, Kansas Department of Health and Environment, testified in favor of HB-3012. (See Attachment 3)

Mr. Mankin said that each year some 21 million school children are transported to and from school each weekday in school buses. He said in 1983 there were 69 school bus related fatalities, with 50 of those deaths being pedestrians, 17 deaths were on-board passengers and an additional 2 were bus drivers.

Mr. Mankin stated that according to the Kansas Department of Transportation, in 1985 there were 22 school bus passenger injuries reported, and in 1986 there were 53 school bus passenger injuries reported.

He stated an additional \$1,500 per bus is needed for installation of seat belts on new buses, and said the cost is well worth it since the cost per case over a lifetime when someone is permanently injured or disabled in a vehicle accident is estimated to be \$2,500,000. The cost to Kansas for all accidental deaths for one year is about \$650,000,000 with an average amount per accident of \$516,666.

Ms. Cynthia K. Lutz, Kansas Association of School Boards, spoke concerning HB-3012. (See Attachment 4)

She said they have no objection to the requirement for students to wear safety belts while riding in buses which are already equipped with safety belts. Ms. Lutz stated they do not believe that evidence of the failure of a student to wear a seat belt should be admissible in any action for the purpose of determining any aspect of comparative negligence if an accident occurs and a student is injured. She requested HB-3012 be amended in this manner.

The hearing on HB-3012 ended.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Transportation

room 519-S, Statehouse, at 1:30 ~~am~~/p.m. on March 1, 1988.

The next order of business was a hearing on HB-3065 concerning the filing of monthly reports under the Vehicle Dealers and Manufacturers Licensing Act.

Bruce Kinzie briefed the Committee on the bill. He said HB-3065 excludes lending agencies from the monthly reporting requirements if they sell five or fewer repossessed automobiles annually.

Representative Marvin Smith spoke concerning HB-3065 and said the bill is a method of encouraging lending agencies to continue to keep a \$250 license if they are not repossessing more than five vehicles. (See Attachment 5)

Mr. Wayne Newell, North Plaza State Bank, Topeka, Kansas, testified in favor of HB-3065. He said it would be much easier if they did not have to turn in a vehicle dealers' monthly sales report, since they sell so few vehicles.

The hearing on HB-3065 ended.

The next bill taken up was HB-3064 concerning issuance of securities by motor carriers.

A motion was made by Representative Shore that HB-3064 be amended to be effective on publication in the Kansas Register. The motion was seconded by Representative Snowbarger. Motion carried.

A motion was made by Representative Shore that HB-3064 be recommended as amended favorable for passage. The motion was seconded by Representative Sallee. Motion carried.

The next bill taken up was HB-3066 concerning multiyear trailer registrations.

A motion was made by Representative Wilbert that HB-3066 be recommended favorable for passage. The motion was seconded by Representative Dillon. Motion carried.

The next bill taken up was HB-2969 concerning blocking railroad crossings.

A motion was made by Representative Russell that HB-2969 be reported favorable for passage. The motion was seconded by Representative Dillon.

Committee discussion was held concerning the amount of the fine which should be charged in HB-2969.

A substitute motion was made by Representative Spaniol that the fine be localized to Montgomery County. The motion was seconded by Representative Freeman.

Further discussion was held, and Representative Spaniol withdrew his substitute motion with permission of his second.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Transportation

room 519-S, Statehouse, at 1:30 ~~am~~/p.m. on March 1, 1988

A substitute motion was made by Representative Freeman that HB-2969 be amended so that the fine would not exceed \$500 for blocking a railroad crossing. The substitute motion was seconded by Representative Wilbert. Motion passed 12-5 on a division.

A motion was made by Representative Dillon that HB-2969 be recommended as amended favorable for passage. The motion was seconded by Representative Wilbert.

A motion was made by Representative Spaniol that HB-2969 be tabled. The motion was seconded by Representative Snowbarger. Motion failed 9-8 on a division.

The original motion to recommend HB-2969 favorable as amended passed 9-7 on a division.

The next bill taken up was HB-2600 concerning the transfer of responsibility for the port of entries in Kansas, to the Highway Patrol. Further information on HB-2600 from Secretary Harley T. Duncan was distributed to Committee members. (See Attachment 6)

After brief discussion, Chairman Crowell indicated it would be taken up at a future Transportation Committee meeting.

The meeting was adjourned at 3:05 p.m.


Rex Crowell, Chairman

STATE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

TESTIMONY IN SUPPORT OF HOUSE BILL 2988

Mr. Chairman, committee members, thank you for the opportunity to testify on behalf of House Bill 2988. I am the Executive Director of the Kansas Commission for the Deaf and Hearing Impaired, which is within Rehabilitation Services, under the Social and Rehabilitation Services umbrella.

The Kansas Commission for the Deaf and Hearing Impaired coordinates services and disseminates information related to the well-being of Kansans who experience deafness or hearing impairment. The Commission serves as an advocate for services for the deaf and hearing impaired citizens of Kansas, collecting facts and statistics to encourage and assist public and private agencies and units of local, state, and federal government to cooperate in the delivery of services to respond to the needs of this population.

This bill is similar to the bill that became law in Texas recently. It was a result of an incident in Amarillo, Texas involving a deaf person and the local police department in which the officers used the intercom from the patrol car to direct the driver to get out of his car. As you can imagine, the anxiety level of both parties were heightened before it was discovered that the driver of the car matching the description of a wanted vehicle was deaf.

The Commission has heard of similar incidents here in our state. We were involved in a situation recently involving a deaf man who was arrested on a DUI

Attach. 1

charge in southeastern Kansas. The arresting officer had no idea the was deaf until they attempted to interrogate him. In this process, they may have unwittingly violated his civil rights. A letter from the city attorney is attached to illustrate the dilemma facing law enforcement officials.

The benefits of this symbol program extends further than just law enforcement. Emergency medical technicians and fire department personnel should also benefit in being aware of potential communications problems in advance.

To merely issue a sticker and recognize that a person has a hearing impairment is not enough. The Commission has done in-service training on hearing impairments and communication strategies in emergency situations for law enforcement agencies, EMTs, and fire personnel in the past. Occasionally, we are invited to speak to cadets in a law enforcement academy. To the best of my knowledge, only the Kansas State Highway Patrol and a law enforcement training academy in Kansas City, Kansas have a portion of their program covering hearing impairment for a length of about an hour to an hour and a half. There is a definite need to extend this type of information and training on the various degrees of hearing impairment and communication needs to all law enforcement academies, fire/emergency medical technician training programs, in service training sessions, and community training programs. This combination of training and utilization of the symbol would prevent the situations I illustrated earlier from happening again.

An additional staff person is necessary to administer the program since it entails training responsibilities in order to make the program successful. The fiscal impact is roughly expected to be approximately \$41,000. In addition to

the staff, funds will be needed to pay for travel, training materials, printing, and manufacturing the symbols.

Thank you for your time and attention.

David S. Rosenthal
Executive Director
Kansas Commission for the Deaf
and Hearing Impaired
296-2874
March 1, 1988

SEP 16 1987

City of
Cherryvale, Kansas



CHERRYVALE, KANSAS

67335

September 15, 1987

Robert Hiller
SRS Fraud & Recovery Section
5th Floor
Docking State Office Bldg.
Topeka, KS 66612

Re: [REDACTED] - Interpreter Fee

Dear Mr. Hiller;

To confirm our discussion by phone 9/14/87, the City of Cherryvale admits that an attempt was made to interrogate Mr. [REDACTED] prior to appointment of an interpreter. Given Mr. [REDACTED] condition, it was only after such attempts were made that it was discovered that he was, infact, deaf, instead of merely heavily intoxicated, as he first appeared to the investigating officers.

After it was ascertained that Mr. [REDACTED] was deaf, but also having the ability to read lips, the only question posed to him upon which action was taken was when he was asked if he wished to be returned home. According to the officers, he quickly and repeatedly indicated that was what he wanted. And that was what was done.

Until such time as all deaf persons (or anyone else who may qualify for use of an interpreter) who may, at some time or other get roaring drunk, start wearing obvious identifying insignia, the only way investigation officers will have of ascertaining that need will be through attempted interrogation. If there are other alternatives, we would appreciate having them.

If there is anything further I may help with in this matter, please feel free to contact me.

Very truly yours,

Terry P. Todd
City Attorney

TPT/mt

CC David S. Rosenthal

Mr. & Mrs. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

A-2

SUMMARY OF TESTIMONY

Before the House Transportation Committee

House Bill 2988

Presented by the Kansas Highway Patrol

(Lieutenant William Jacobs)

March 1, 1988

Appeared in Support of House Bill 2988

The Kansas Highway Patrol supports House Bill 2988 which would provide for a symbol to be attached to motor vehicles driven by the deaf and hearing impaired.

Officers, through the nature of their occupation, sometimes encounter hearing impaired drivers. If the vehicle those drivers are operating displayed the proposed symbol, the officer would be aware of the situation and be prepared to converse so the individual could read their lips or by written communication.

The symbol would also be valuable to other emergency workers (ambulance attendants, fire fighters, etc.) if a hearing impaired driver required those services.

We feel that the symbol would only benefit all concerned and cannot think of any adverse affects. We urge this Committee to give favorable consideration to this bill.

Att. 2

STATE OF KANSAS



DEPARTMENT OF HEALTH AND ENVIRONMENT

Forbes Field

Topeka, Kansas 66620-0001

Phone (913) 296-1500

Mike Hayden, *Governor*

Testimony Presented to
House Transportation Committee

Stanley C. Grant, Ph.D., *Secretary*

Gary K. Hulett, Ph.D., *Under Secretary*

by

The Kansas Department of Health and Environment

HOUSE BILL 3012

This bill enables local boards of education to provide transportation for pupils while requiring the students to use passenger safety restraining systems in buses equipped with such systems. The important component of this bill is the inclusion and requirement of seat belts usage in school buses.

Each year some 21 million school children are transported to and from school each weekday in school buses. While school buses have the highest safety record compared to other forms of surface transportation, school bus fatalities do occur. In 1983, there were 69 school bus related fatalities with 50 of those deaths being pedestrians. Seventeen deaths were on-board passengers and an additional two were bus drivers. According to the Kansas Department of Transportation in 1985, 22 passenger injuries were reported and one of those injuries was incapacitating. The figures for 1986 increased over 100 percent to 53 school bus passenger injuries with 13 being incapacitating.

Preventable injuries and deaths are the major issue when considering safety restraints on school buses. Many states have passed or are considering passing seat belt safety laws for school buses. All 50 states and the District of Columbia have mandatory child passenger safety laws for automobiles so many children at the pre-school level have learned to travel in safety restraints. Furthermore, John States, M.D., Chairman of the New York Coalition for Safety Belt Use, Inc. asserts that the educational benefit to school children is a principal reason for requiring seat belt use in school buses. Dr. States reports that "Buses will not increase the risk of injury for children using lap belts but will actually reduce the risk and that it is essential that children continue the habit (using seat belts) while riding in school buses" (December, 1985).

The National Highway Traffic Safety Administration reports that driver inattention is a major cause of school bus accidents. According to the school bus seat belt coalition passenger conduct improves on buses with safety belt use thus curtailing distractions and increasing the driver's concentration.

Rollover accidents account for 50 percent of school bus occupant fatalities and 14.7 percent occur in side impact accidents. These types of accidents are the

most likely to decrease with the use of seat belts since belts prevent ejections from the vehicle.

On the national scene since 1984, 200 school districts have installed seat belts in some or all school buses and the trend is growing. In Hays, Kansas USD 489 a 66 passenger bus with seat belts has been ordered and Shawnee Mission USD 512 is conducting a pilot project using belts in large buses. The van-type school buses (under 10,000 pounds gross weight) are required, the same as passenger cars, to have safety belts.

An additional \$1,500 per bus is needed for installation of seat belts on new buses. The investment in school bus seat belts seems well worth it when one considers that in Kansas an estimated 450-500 persons are permanently and severely disabled from motor vehicle accidents per year. The cost per case over a lifetime for this type of accident is estimated at \$2,500,000. The cost to Kansas for all accidental deaths for one year is about \$650,000,000 with an average amount per accident of \$516,666.

While child restraint and mandatory seat belt laws have been enacted in Kansas, the state does not require seat belts in school district vehicles. Both the American Medical Association and the American Academy of Pediatrics support the concept of seat belts in school buses.

We recommend passage of House Bill 3012.

Presented by:

James D. Mankin
Director of Local Health Services

March 1, 1988

KANSAS
ASSOCIATION



OF
SCHOOL
BOARDS

5401 S. W. 7th Avenue Topeka, Kansas 66606
913-273-3600

TESTIMONY ON HOUSE BILL NO. 3012
BEFORE HOUSE TRANSPORTATION COMMITTEE

By

CYNTHIA K. LUTZ, STAFF LEGAL COUNSEL
Kansas Association of School Boards

March 1, 1988

Mr. Chairman, members of the committee, I appreciate the opportunity to appear before you today on behalf of our member school districts. House Bill No. 3012 requires a school district to require students to wear safety belts while riding in buses which are already equipped with safety belts. We have no objection to this requirement. However, we do not believe that evidence of the failure of a student to wear a seat belt should be admissible in any action for the purpose of determining any aspect of comparative negligence if an accident occurs and a student is injured. We therefore ask that you amend House Bill No. 3012, Section (3) (c) to include the following language:

"Evidence of failure of any student to use a safety belt shall not be admissible in any action for the purpose of determining any aspect of comparative negligence or mitigation of damages."

This language echoes a similar provision in the Safety Belt Use Act, K.S.A. 78-2501, et. seq.

With the amendment we would support the passage of House Bill 3012.

Att. 4

STATE OF KANSAS

MARVIN E. SMITH
REPRESENTATIVE, FIFTIETH DISTRICT
SHAWNEE AND JACKSON COUNTIES
123 N E 82ND STREET
TOPEKA, KANSAS 66617-2209



TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS

MEMBER EDUCATION
TAXATION
TRANSPORTATION

HOUSE TRANSPORTATION COMMITTEE

House Bill 3065

March 1, 1988

Mr. Chairman and Committee Members:

Lending agencies which have vehicle dealers licenses for convenience for handling repossessed vehicles, now find that they are required to file monthly reports even if they have no sales.


HB 3065 is a method of encouraging lending agencies to continue to keep a \$250.00 license if they are not repossessing more than five vehicles.



KANSAS DEPARTMENT OF REVENUE
Office of the Secretary
Robert B. Docking State Office Building
Topeka, Kansas 66612-1588

MEMORANDUM

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

FROM: Harley T. Duncan 
Secretary of Revenue

RE: House Bill 2600 - Transfer of Motor Carrier Inspection Stations

DATE: February 23, 1988

During committee discussion on House Bill 2600 on February 10, 1988, a request for background information was made for a revenues/expenditures history report for individual motor carrier inspection stations.

Attached are three reports:

1. A graph of Total Revenues FY 1980 - FY 1987
2. A chart of MCI Stations-Revenues Versus Expenditures
3. A detailed breakdown of Revenues and Expenditures, By Station, For FY 1984-1987

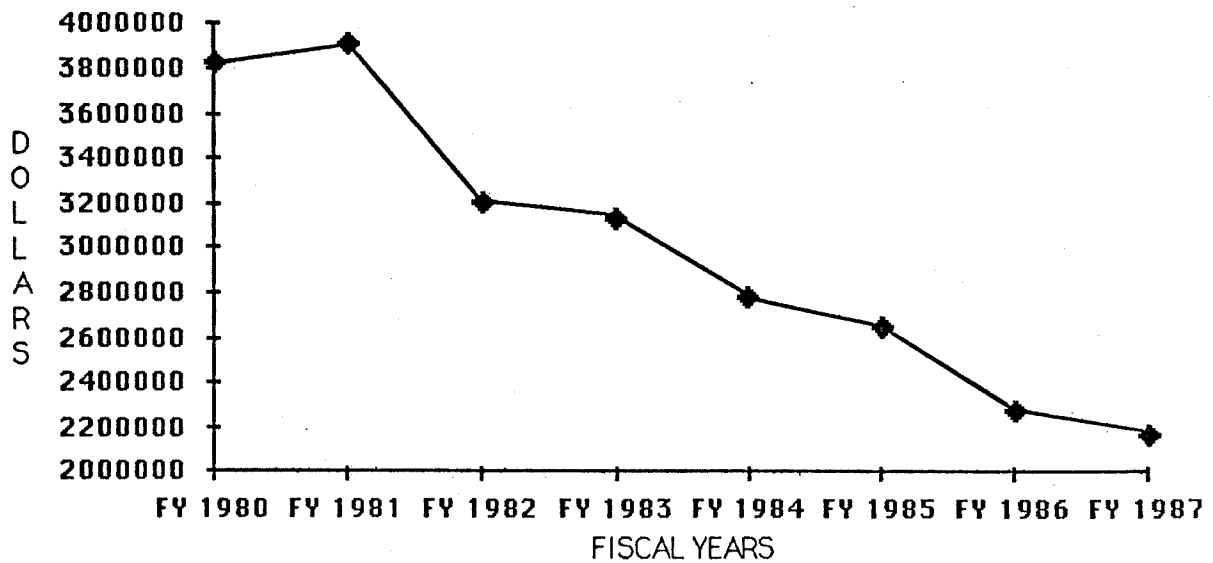
As you can see, revenues have declined overall due to the increased usage of annualized permits since FY 1981. Expenditures were greater than revenues collected until FY 1987. The trend was corrected by closing several unprofitable stations and reducing staffing at other locations to save on salaries and wages. Sales have more than doubled for the Central Permit Office growing from \$74,787 in FY 1984 to \$156,832 in FY 1987. This reflects the preferred use of the telephone permit issuance service by the motor carrier industry.

Last, I would like to remind the committee that House Bill 2600 does not change the internal organizational structure or alter staffing at any of the current station locations. It merely transfers the program to the Highway Patrol from the Department of Revenue. The Governor's Budget calls for the funding of current operations.

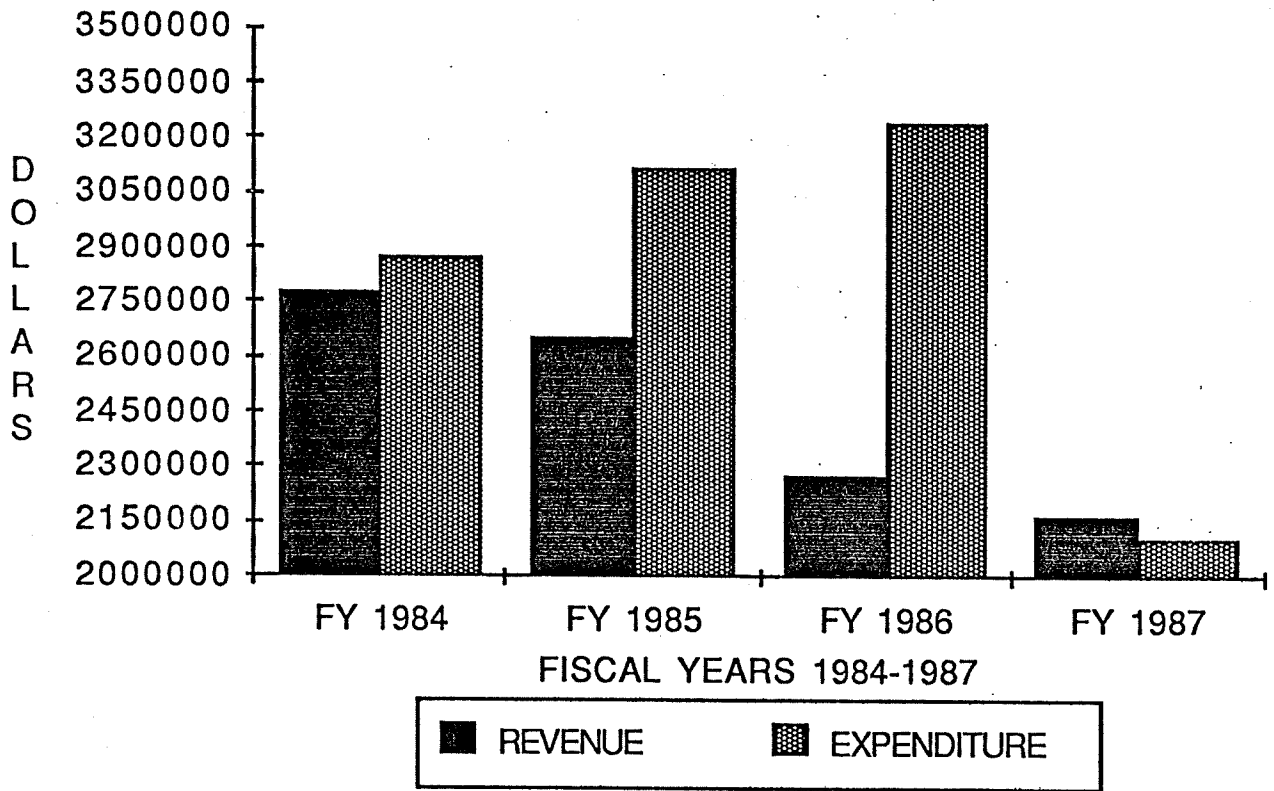
Total Revenues FY 1980 - FY 1987

FY 1980	\$3,824,529	FY 1984	\$2,778,515
FY 1981	\$3,919,769	FY 1985	\$2,652,799
FY 1982	\$3,203,414	FY 1986	\$2,275,512
FY 1983	\$3,136,829	FY 1987	\$2,166,293

Motor Carrier Inspection Station Revenues



MCI Stations-Revenues Versus Expenditures



REVENUES AND EXPENDITURES, BY STATION, FOR FY 1984-1987

	FY 1984			FY 1985			FY 1986			FY 1987		
STATIONS	REVENUE	EXPENSES	OPERATING PROFIT/LOSS	REVENUE	EXPENSES	OPERATING PROFIT/LOSS	REVENUE	EXPENSES	OPERATING PROFIT/LOSS	REVENUE	EXPENSES	OPERATING PROFIT/LOSS
ELWOOD	25,666	122,238	-96,572	28,312	126,059	-97,747	17,071	82,939	-65,868	11,775	CLOSED 4/23/87	11,775
KANSAS CITY	440,605	215,230	225,375	402,822	207,422	195,399	302,377	277,888	24,489	295,305	211,215	84,090
FORT SCOTT	85,177	94,108	-8,931	76,991	98,142	-21,151	54,379	101,402	-47,023	57,475	73,175	-15,700
OPOLIS	43,628	91,692	-48,064	39,269	79,582	-40,313	32,740	82,389	-49,649	29,892	CLOSED 2/15/88	29,892
CRESTLINE	58,219	91,166	-32,946	56,493	94,295	-37,802	53,425	97,495	-44,069	52,795	38,665	14,130
CHECTOPA	34,244	106,026	-71,782	29,576	109,533	-79,957	28,620	113,255	-84,635	25,374	55,920	-30,546
COFFEYVILLE	59,967	91,323	-31,357	63,089	94,726	-31,637	54,609	81,843	-27,234	61,716	55,920	5,796
SOUTH HAVEN	545,843	239,823	306,020	509,503	248,692	260,812	408,057	288,897	119,160	376,763	193,960	182,803
KIOWA	99,070	91,253	7,816	72,279	79,226	-6,947	55,830	65,688	-9,859	53,461	38,665	14,796
ENGLEWOOD	85,715	91,130	-5,415	83,866	94,376	-10,510	59,916	96,991	-37,075	50,489	38,665	11,824
LIBERAL	134,467	92,455	42,011	129,599	95,242	34,357	104,014	98,761	5,253	91,376	73,175	18,201
LIBERAL	148,292	91,381	56,911	137,029	94,617	42,412	106,625	130,264	-23,640	110,543	73,175	37,368
ELKHART	34,748	91,683	-56,936	36,061	94,635	-58,575	22,075	97,525	-75,450	17,966	55,920	-37,954
COOLIDGE	29,580	31,265	-1,685	34,234	32,622	1,612	23,933	33,775	-9,842	28,947	55,920	-26,973
KANORADO	275,978	237,779	38,198	240,515	248,829	-8,314	210,487	257,637	-47,150	183,458	176,705	6,753
ST. FRANCIS	48,657	91,062	-42,404	49,052	94,274	-45,222	38,558	98,359	-59,801	32,296	CLOSED 7/17/87	32,296
OBERLIN	54,081	91,419	-37,339	71,451	95,019	-23,569	53,863	82,270	-28,407	34,771	38,665	-3,894
NORTON	57,396	91,686	-34,291	70,661	94,849	-24,187	51,400	113,963	-62,563	41,948	90,430	-48,482
LEBANON	54,954	91,587	-36,633	57,903	94,702	-36,799	46,495	97,696	-51,202	43,354	55,920	-12,566
BELLEVILLE	152,960	155,694	-2,733	141,258	145,581	-4,323	112,453	166,404	-53,952	114,319	107,685	6,634
MARYSVILLE	32,673	91,396	-58,723	31,486	94,628	-63,142	29,130	97,743	-68,613	27,195	55,920	-28,725
SABETHA	92,561	106,045	-13,484	80,889	126,332	-45,443	61,987	113,245	-51,258	55,269	55,920	-651
TOPEKA	74,787	84,708	-9,921	85,744	87,780	-2,036	107,802	90,510	17,292	156,832	159,450	-2,618
WABAUNSEE	49,698	78,157	-28,459	43,191	71,955	-28,765	56,375	74,369	-17,994	39,366	90,430	-51,064
WABAUNSEE	15,627	74,597	-58,970	15,276	87,048	-71,772	10,737	90,249	-79,512	8,442	69,020	-60,579
CLATHE	13,025	68,645	-55,620	5,839	147,426	-141,587	4,243	136,838	-132,596	6,366	51,765	-45,399
CLATHE	30,897	68,611	-37,714	46,003	147,408	-101,405	147,984	136,745	11,239	140,150	124,940	15,210
PHILLIPSBURG		410	-410	14,409	16,240	-1,831	19,847	16,844	3,003	18,050	21,410	-3,360
ST. MARYS		394	-394		16,867	-16,867	483	20,884	-20,402	603	21,410	-20,807
BALDWIN JUNCTION										142	NOT STAFFED	142
HIAWATHA										1,997	21,410	-19,413
ALL STATIONS	2,778,515	2,872,966	-94,452	2,652,799	3,118,106	-465,307	2,275,512	3,242,868	-967,356	2,166,293	2,084,045	82,248