

Approved August 4, 1989

Date

MINUTES OF THE House COMMITTEE ON Transportation

The meeting was called to order by Rex Crowell at
Chairperson

1:30 ~~xm~~/p.m. on February 28, 1989 in room 519-S of the Capitol.

All members were present ~~except~~

Committee staff present:

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

Conferees appearing before the committee:

Mr. Brian Cox, Kansas Department of Revenue
Mr. Gary Robbins, Kansas Optometric Association
Mr. Mark Wettig, Kansas Department of Revenue
Ms. Rebecca Rice, Kansas State Ophthalmological Society
Mr. Scott Rothe, Legislative Research Department
Mr. Horace B. Edwards, Secretary, Kansas Department of Transportation

The meeting was called to order by Chairman Crowell, and the first order of business was a hearing on HB-2483 concerning standards for vision examinations for drivers' licenses.

Mr. Brian Cox, Kansas Department of Revenue, briefed the Committee on HB-2483.

Mr. Gary Robbins, Kansas Optometric Association, testified in support of HB-2483. (See Attachment 1)

Mr. Mark Wettig, Kansas Department of Revenue, testified concerning HB-2483. (See Attachment 2)

Ms. Rebecca Rice, Kansas State Ophthalmological Society, testified in support of HB-2483. (See Attachment 3)

The hearing on HB-2483 was concluded.

The next order of business was HB-2014 concerning the maintenance, building and financing of highways.

Mr. Scott Rothe, Legislative Research Department, briefed the Committee on further details of the comprehensive plan. (See Attachment 4)

Chairman Crowell explained that during the Special Session of 1987, the \$1.7 billion did not reflect the full size of the highway program but it was merely a number which described the new initiatives portion of the program.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Transportation,
room 519-S Statehouse, at 1:30 ~~am~~ p.m. on February 28, 19 89

Representative Dillon requested further information regarding the adequate maintenance program.

Chairman Crowell distributed further information concerning the highway program. (See Attachment 5)

Chairman Crowell called on each Committee member, allowing them to comment or make requests for further information concerning the comprehensive highway program.

Secretary of Transportation, Horace B. Edwards defined what is meant by adequate levels of maintenance.

The meeting was adjourned at 3:10 p.m.



Rex Crowell, Chairman

PLEASE PRINT

NAME	ADDRESS	COMPANY/ORGANIZATION
FRANCES KASTNER	Topoka	Ks. Food Dealers Assn
William M. Munny	Coffeyville	Attila Jeans Sew.
Janette Bengtson	Topoka	Kansas Public Transit
Mark Intermill	Topoka	Kansas Coalition on Aging
Shelley Sutton	Topoka	KES
Lynden Drew	Topoka	KDOT
Ed DE SOIGNE	TOPEKA	Ks. CONTRACTORS Assoc
Del. Milk	Topoka	KDOT
Jim Jones	Topoka	KDOT
Buck Jones	Topoka	KDOT
Andru Ruten	Topoka	Dept of Rev
Harold C. Pitts	Topoka	KCOA
John W. Smith	Topoka	KDOR
GARY Robbing	Topoka	Ks Cpt Assn
PAT BARNES	Topoka	Ks Dept of Revenue
W. Mayberry	Kansas Ks.	Student
BENNY VANATTA	Tulsa - OK	Dillon, Road & Co
Chet Vanatta	Laurence	Dillon, Road & Co
R.W. Rypke	New York	Times
Tom Whitaker	Topoka	Ks Motor Carriers Assn
Mike Gog -	"	KDOT
Rebecca Fier	Topoka	KSOS & Assoc
Carl Hill	Topoka	Ks Motor Carriers Assn
Bernie Koch	Wichita	Wichita Chamber
Amy Burdick	Atchison	Benedictine College
Coleen Bailey	Dallas, Tx	Benedictine College
al maxwell	Ks Topoka	KCC

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NAME	ADDRESS	COMPANY/ORGANIZATION
Jim 17. B. Miller	Topeka	DBS 21 101
Kay Colas	Topeka	K-NEA
Jim Ludwig	TOPEKA	KPL
FRANK EATON	Manhattan	SE KANSAS
Dorothy Pedersen	Density	
Jim Harrison	Gerard	SE/KS Community Action
Mike Swant	Gerard	SEK-CAP INC.
Phil Farnsworth	Atlanta	Conley Co. Farm Bureau
Gerald Lawrence	Winfield	Loan Bureau
Ed Hensley	Watersville	Twin Valley
yo Bestgen	Topeka	KARF
Tom Leslie	Gannett	Gen Bank
Jim Bush	TOPEKA	KDOT
Charles Nicolay	Topeka	KOMA

Robbins

Kansas Optometric Association

400 Kansas Ave. Suite A, Topeka, KS 66603
913-232-0225

TESTIMONY ON HOUSE BILL 2483
BEFORE THE HOUSE TRANSPORTATION COMMITTEE

February 28, 1989

Thank you, Mr. Chairman, for the opportunity to appear to discuss H.B. 2483. I am Gary Robbins, Executive Director of the Kansas Optometric Association. I represent optometrists practicing across the state of Kansas. I am appearing to suggest two technical amendments to H.B. 2483. In 1987, the Vehicle Division proposed several rules and regulations which inadvertently caused some confusion in the drivers' license vision standards. This bill is drafted from those regulations which were corrected with K.A.R. 92-52-1 in May of 1988. Our concern is that, subsection (a) discriminates against individuals who have only one eye. The result of the 1987 changes was that individuals who have 20/40 or better vision with one eye were forced to have an eye examination from an optometrist or ophthalmologist. Previously, the law stated 20/40 in at least one eye. These individuals were unhappy and vented their frustration on the doctors and the drivers' license examiners. To avoid re-creating this situation, we propose amending subsection (a) on line 21 to read: Each applicant testing 20/40 or better in each at least one eye separately with or without corrective lens at the examination station shall meet the vision requirements. The second amendment is in line 25.



Att. 1

Robbins

Kansas Optometric Association

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Affiliated with
American Optometric Association

The driver's license examiner shall give each applicant failing to meet this test a vision form and refer the applicant to a vision specialist of ~~their~~ the applicant's choice. Again, this amendment is directly from 92-52-1. I have attached a copy of 92-52-1 for the committee's reference. Thank you for the opportunity to appear on H.B 2483.

92-52-1. Vision standards for drivers. Each driver's license examiner shall use the following vision standards for driver's license applicants:

(a) Each applicant testing 20/40 or better in each at least one eye separately with or without corrective lens at the examination station shall meet the vision requirements. The driver's license examiner shall give each applicant failing to meet this test a vision form and refer the applicant to a vision specialist of their the applicant's choice.

(b) Each applicant who has received a vision report from a vision specialist shall have 20/60 or better vision in at least one eye with or without corrective lens as determined by the vision specialist in order to be eligible to be issued a driver's license.

(c) The driver's license examiner shall require each individual with a reading of 20/60 or less in at least one eye with or without corrective lens; to submit to a driver's test for the proper restrictions.

(d) Any applicant failing to meet any of the above standards may request an administrative review by the the director of vehicles.

(Authorized by and implementing K.S.A. 8-234b; effective Jan. 1, 1966; amended, E-71-9, Jan. 1, 1971; amended Jan. 1, 1972; amended May 1, 1979; amended, E-82-26, Dec. 16, 1981; amended May 1, 1982; amended May 1, 1987; effective, amended May 1, 1988.)

ATTORNEY GENERAL

NOV 02 1987

APPROVED BY [Signature]

DEPT. OF ADMINISTRATION

OCT 23 1987

APPROVED BY FDL

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MEMORANDUM

TO: The Honorable Rex Crowell, Chairman
House Transportation Committee

FROM: Mark E. Wettig
Special Assistant to the Secretary

DATE: February 28, 1989

SUBJECT: House Bill 2483, As Introduced

I appreciate the opportunity to appear before this committee today to discuss House Bill 2483.

BACKGROUND

House Bill 2483 deals with driver's license vision standards. Below is a synopsis of current vision requirements and rights and what those requirements and rights would be if the bill is adopted.

Currently

Vision requirements of K.A.R. 92-52-1

- 20/40 or better in at least one eye, with or without corrective lense at station.
- 20/40 to 20/60 in at least one eye, with or without corrective lense needs vision report from specialist.
- 20/60 is required to submit to drive test - restrictions available under K.S.A. 8-245.

Rights

- Appeal of the Division's denial of license under K.S.A. 8-259.

Under House Bill 2483

Vision Requirements

- 20/40 or better in each eye, with or without corrective lense at station.

- 20/60 or better in at least one eye, with or without corrective lense needs vision report from specialist.
- 20/60 "or less" in at least one eye, with or without corrective lense is required to submit to drive test - restrictions available under K.S.A. 8-245.
- If can't meet above standards, license may be issued if: 1) applicant can demonstrate he/she can safely operate vehicle and 2) applicant has good driving record for previous three years.

Rights

- Hearing under K.S.A. 8-255 if applicant can't meet any of above-listed standards.
- Appeal of the Division's denial of license under K.S.A. 8-259.

Costs

The Department estimates that with the passage of House Bill 2983, we would incur yearly administrative costs of \$109,495, beginning in FY 1990, mainly through the increase in the number of drive tests administered.

Possible Problems

The requirements of paragraph (d), that the applicant "can demonstrate that the applicant can safely operate a vehicle "and" has had a good driving record for the previous three years" need to be defined. Also, the question of liability for negligence based on the Department's determination that the applicant has met both standards set out in paragraph (d) must be considered.

Thank you.

Recommendations and suggestions of the M.D.-O.D. Committee Meeting, December 9, 1985 in Hutchison, Kansas, to Mr. Robert Bugg, Director of Motor Vehicles Department of Kansas and his Medical Advisory Committee concerning the licensing of Kansas Drivers with impaired vision.

Rice

STATEMENT

There is a need in the State of Kansas to provide an opportunity for drivers with recorded vision less than 20/60 in the better eye with or without corrective lens (present Kansas law) to demonstrate their ability to drive a motor vehicle to a trained examiner.

RECOMMENDATIONS

A driver with visual acuity from 20/70 up to and including 20/200 in the better or both eyes with correction be permitted to demonstrate their ability to drive a motor vehicle with the following provisions:

1. A letter of recommendation to the Motor Vehicle department from a physician or optometrist that includes: a) the best visual acuity in each and both eyes, b) a diagnosis of the cause of the reduced vision, and c) specific recommendations as to any driving restrictions (e.g. day time only driving) or no restrictions be sent to the Director of the Kansas Motor Vehicle Department.
2. The Medical Advisory Committee of the Motor Vehicle Department to review the information and make a recommendation that a driving test should or should not be given.
3. The person who administers the driving test should have special training in the examination of persons with visual impairment and will know the driver being examined is visually impaired.
 - a) The drivers examiner may refuse to administer a driving test if, in their opinion, this would endanger the driver, examiner or the public.
 - b) The examiner will send a written report to the Medical Advisory Committee of the Motor Vehicle Department with specific recommendation as to whether a license is to be issued and any restrictions.
4. The Medical Advisory Committee will then provide the Director of Motor Vehicles a specific recommendation concerning the type of license that may be issued.
5. The final decision concerning the issuance of a drivers license will be made by the Director of Motor Vehicles or his designate.

Att. 3

SUGGESTIONS

1. Three types of drivers licenses be issued:
 - a) Unrestricted
 - b) Restricted - *20/40 to 20/60*
 - i) Day time only avoiding heavily traveled roads
 - ii) Highly restricted - Farm to home, shopping, church, etc. Daytime only in off hours. Restricted to communities of 25,000 or less.
2. Person with restricted license must send yearly vision report to Medical Advisory Committee for renewal of drivers license. If vision is unchanged for three years the Medical Advisory Committee may modify the yearly report.
3. The primary evidence for the issuance of a drivers license to persons with 20/70 to 20/200 vision will be in the recommendation of the examiners evaluation of the driving performance. A person requesting this special testing will be responsible for any expenses necessary to go to a regional area where trained examiners are available.
4. The establishment of a visual sub-committee to work under the Medical Advisory Committee consisting of at least 2 ophthalmologists and 2 optometrists (one member, a Low Vision specialist) would be desirable. At this time the M.D.-O.D. Committee of Kansas (members from the Kansas Optometric Association and the Ophthalmology Section of the Kansas Medical Society) would be able to recommend these members to the Director of Motor Vehicles.
5. The M.D.-O.D. Committee of the KOA-KMS will be willing to provide guidelines and train the special examiners for the Motor Vehicle Department.

SPECIFIC RECOMMENDATIONS

1. The present Kansas drivers license law not be changed at this time, if possible.
2. The suggested change for drivers with 20/70 to 20/200 vision be established with careful monitoring of the driver for:
 - i. Motor Vehicle violation
 - ii. Accidents
 - iii. Personal injury accidents
 - iv. Driving reports at least every 4 to 6 months to Motor Vehicle Department.

3. Establish a Committee of the ophthalmologist and optometrist on the Medical Advisory Committee of the Motor Vehicle Department, the subcommittee of ophthalmologists and optometrists and a lay representative of the Motor Vehicle Department selected by the Director of Motor Vehicles to study in detail and make recommendations to the Director of Motor Vehicles on the following:
 - a) Legislation in other States in reference to vision
 - b) The Role of Biotopic Telescopic Lenses
 - c) The significance of Visual Field defects and how to obtain information.
 - d) Review of the driving records of drivers in Kansas with restricted licenses.
 - e) Provide a detailed; written report to the Director of Motor Vehicles in a period not to exceed three years with specific recommendation for changes in Kansas Drivers License laws.

HIGHWAY PROGRAM COMPARISONS
(In Millions)

	1987 <u>Special Session</u>	1988 Interim <u>Committee</u>	1987 Proposal Annualized <u>FY 1988 to FY 1996</u>	1988 Proposal Annualized <u>FY 1990 to FY 2000</u>
Federal Aid	\$ 180 ^(a)	\$ 220 ^(b)	\$ 20	\$ 20
Substantial Maintenance ^(c)	\$ 639	\$ 886	\$ 71	\$ 81
New Initiative:				
Major Modifications ^(d)	\$ 1,471	\$ 1,404	\$ 163.4	\$ 127.6
System Enhancement	<u>246</u>	<u>700</u>	<u>27.3</u>	<u>63.6</u>
Subtotal -- New Initiative	<u>\$ 1,717</u>	<u>\$ 2,104</u>	<u>\$ 190.8</u>	<u>\$ 191.2</u>
Aid to Local Units:				
Special City and County	\$ 143	\$ 519	\$ 16	\$ 47
City Connecting Link	<u>5</u>	<u>9</u>	<u>.555</u>	<u>.800</u>
Subtotal Aid to Local Units	<u>\$ 148</u>	<u>\$ 528</u>	<u>\$ 16.6</u>	<u>\$ 48</u>
Elderly and Handicapped	\$ 3	\$ 3	\$.330	\$.300
TOTAL	<u><u>\$ 2,687</u></u>	<u><u>\$ 3,741</u></u>	<u><u>\$ 298.6</u></u>	<u><u>\$ 347.3</u></u>

- (a) Would provide sufficient state funds to match federal funds beyond FY 1996.
- (b) Would provide sufficient state funds to match federal funds through FY 2000.
- (c) Both programs assumed the same level of substantial maintenance. Because the 1988 Interim Committee's proposal begins two years later and ends four years later the average costs are higher.
- (d) The new initiative major modifications when combined with available federal aid is estimated to reconstruct 1,900 miles of roadway under the 1988 Committee proposal. The Governor's recommendation to the Special Session combined with available federal aid provided for the construction or reconstruction of 1,689 miles, of which 277 miles would be four-lane construction. Major modification for both programs includes bridge replacement and repair.

Prepared by the Kansas Legislative Research Department with information
provided by the Kansas Department of Transportation

February 28, 1989

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FINANCIAL COMPARISON

	S.B. 1 Special Session	Interim Committee
Motor Fuels Tax:		
Initial Increase	5 cents - (FY 1989) Adjusted annually for inflation but limited to 1 cent each year (a little more than 1 cent shared with local unit)	4 cents (FY 1990) 2 cents (FY 1992) 1 cent (FY 1994)
Registration Fees:		
Initial Increase:		
-- Passenger	50% to 100%	52% average
-- Freight	50%	30% average
Subsequent:		
-- Passenger & Freight	Adjusted annually for inflation	
Sales Tax Transfer		Increase to 10%
Sales & Compensating Tax		Increase from 4.0% to 4.5% (62.5% Highway Fund) (37.5% Local Units)
Bond Issuance	\$1.299 billion	\$651 million
Total Interest on Bonds	\$1.396 billion 20 year term @ 8.25%	\$481 million 15 year term @ 7.875%

Prepared by the Kansas Legislative Research Department
with information provided by the Kansas Department
of Transportation

February 28, 1989

88-297b/SR

Ref 1

Ref 10

HIGHWAY FINANCE ALTERNATIVES

ALTERNATIVES		MOTOR FUEL TAX INCREASES	REGISTRATION FEE INCREASES	SALES TAX TRANSFER INCREASE	SALES AND COMPENSATING TAX INCREASE	27-Feb-89 INCREASE TO THE SPECIAL CITY & COUNTY FUND	10:00:42 AM BOND SALES	(MILLIONS) PROGRAM
HB 2014	4 c 7/1/89 2 c 7/1/91 1 c 7/1/93	1,033	52% PASSENGER 30% FREIGHT 318	10% OF SALES TAX COLLECTIONS 329	1/2% 62.5% FOR HIGHWAY FUND 865	37.5% OF SALES & COMPENSATING TAX INCREASE 519	LATE SALE AS NEEDED 15-YEAR @ 7.875% 651	
REQUEST VERSION 20 EIGHT-YEAR LET	4 c 7/1/89 2 c 7/1/91 1 c 7/1/93	740 (293)	52% PASSENGER 30% FREIGHT 348 30	12% OF SALES TAX COLLECTIONS 582 253	1/2% TO KDOT 1,544 679	35% OF MFT INCREASE 398 (121)	EARLY SALE 15-YEAR @ 7.00% (651)	PER HB 2014 EXCEPT EIGHT-YEAR LET

A44.5

Ref 2

HIGHWAY FINANCE ALTERNATIVES

ALTERNATIVES		MOTOR FUEL TAX INCREASES	REGISTRATION FEE INCREASES	SALES TAX TRANSFER INCREASE	SALES AND COMPENSATING TAX INCREASE	27-Feb-89 INCREASE TO THE SPECIAL CITY & COUNTY FUND	04:40:06 PM BOND SALES	(MILLIONS) PROGRAM
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REQUEST VERSION 21 (FY 2002) NINE-YEAR LET	4 c 7/1/89 2 c 7/1/91 1 c 7/1/93	746 (287)	52% PASSENGER 30% FREIGHT 378 60	12% OF SALES TAX COLLECTIONS 644 315	1/2% TO KDOT 1,709 844	40% OF MFT INCREASE 498 (21)	EARLY SALE 15-YEAR @ 7.00% (651)	PER HB 2014 EXCEPT NINE-YEAR LET THROUGH FY 2002