

Approved \_\_\_\_\_ Date March 18, 1991

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS

The meeting was called to order by Representative Kathleen Sebelius at \_\_\_\_\_  
Chairperson

1:30 ~~xxx~~/p.m. on Wednesday, February 20, 1991 in room 526-S of the Capitol.

All members were present except:

Representative Joan Wagnon - Excused  
Representative Elizabeth Baker - Excused  
Representative Arthur Douville - Excused

Committee staff present:

Mary Galligan - Kansas Legislative Research Department  
Lynne Holt - Kansas Legislative Research Department  
Mary Torrence - Office of the Revisor, State of Kansas  
Connie Craig - Secretary to the Committee

Conferees appearing before the committee:

HB 2130 - PROPONENTS

Representative Mark Parkinson, 14th District, Olathe, KS  
Dr. Ronald J. Karlin  
Ed Klumpp, Kansans For Highway Safety  
Helen Stevens, Blue Valley School District  
Debbie Lynn, Teacher at Olathe South High School, Olathe, KS  
Brian Wilhite, Student at Olathe South High School, Olathe, KS  
Kerry Koenig, Student at Olathe South High School, Olathe, KS  
Mary Turkington, Kansas Motor Carriers Association  
Craig Grant, KNEA

HB 2130 - OPPONENTS

Representative Eugene Shore, 124th District, Johnson, KS  
Bill Fuller, Asst. Director of Public Affairs, Kansas Farm Bureau  
Delbert Ekart, Safety Director, Kansas Farm Bureau  
Dee McKee, Spearville, KS  
Howard Tice, Kansas Wheatgrowers Association  
Nancy Kantola, Committee of Kansas Farm Organizations

Chair Sebelius called the meeting to order.

Representative Mark Parkinson thanked the Committee for hearing House Bill 2130, and presented testimony that supported the bill's favorable passage, Attachment #1. He also handed out to each Committee member a copy of the balloon for HB 2130, Attachment #2.

Dr. Ronald J. Karlin gave testimony in support of HB 2130, in which he told the Committee that he was raised on a farm in rural Kansas and that he drove, but not out of necessity, Attachment #3.

Ed Klumpp came before the Committee as a proponent for HB 2130, and gave testimony that supported the favorable passage of this bill, Attachment #4.

Helen Stevens urged the Committee to pass HB 2130 as she felt it would save our children from death and injury and make all roads safer. She removed her lobbyist badge so that she could speak as a parent. She stated that she did not feel that fourteen and fifteen year old children were mature enough to handle the responsibility of driving. No written testimony was available.

Debra Lynn supported HB 2130 because of her devotion to preparing young people for a successful life. Her testimony gave reasons for the favorable passage of this bill, Attachment #5.

Brian Wilhite, a sophomore at Olathe South High School, felt that fourteen-year olds are not mature enough to drive and asked the Committee to support HB 2130, Attachment #6.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS,  
room 526-S, Statehouse, at 1:30 ~~xxx~~/p.m. on Wednesday, February 20, 1991.

Kerry Koenig gave testimony supporting HB 2130; and told the Committee that driving is not a necessity, but a privilege, Attachment #7.

Mary Turkington presented testimony in support of HB 2130 and urged the Committee to pass the bill, Attachment #8.

Craig Grant presented testimony in support of moving the age of driving back to age 16, Attachment #9.

COMMITTEE DISCUSSION:

1. One Committee member stated that he felt that parents should learn to say no to the child instead of asking for legislation to prohibit driving before the age of 16.
2. One Committee member asked whether or not this legislation would favorably impact insurance rates. Representative Parkinson said that he would look into this.
3. One Committee member asked if anyone had looked at the accident rate of drivers past the age of 70. It was pointed out that many people past the age of 65 or 70 are afflicted with disabling conditions that may affect driving.
4. It was pointed out that state law requires school busses to pick up students living outside two miles from the school bus or to provide reimbursement for supplying transportation.
5. One Committee member pointed out that on page 5, line 14 of HB 2130 pickup truck should be added, as well as requiring the driver to have a regular license before allowing the driver to operate a motorcycle.

Representative Eugene Shore presented testimony that opposed HB 2130, as this would prove to be a burden to rural Kansans, Attachment #10.

Dee McKee urged the Committee to vote no on HB 2130 and added that it is necessary for 14 and 15 year olds to have the legal opportunity to drive because of the hardship to rural schools and farm families, Attachment #11.

Howard Tice came before the Committee as an opponent to HB 2130, saying that there is a need for the help of the younger drivers in the rural areas, Attachment #12.

Bill Fuller asked the Committee to oppose HB 2130, based upon the policy developed by the farmers and ranchers who are members of the 105 County Farm Bureaus in Kansas, Attachment #13.

COMMITTEE DISCUSSION:

1. One Committee member pointed out that the economies of the surrounding agricultural states do not appear to have economical problems even though driving ages are higher.
2. It was pointed out that some rural school districts prefer to reimburse drivers to come to school rather than run school busses.
3. Accident statistics include three and two-wheel vehicles only if they occurred on the roadway.

Chair Sebelius brought the Committee's attention to a statement that Jim Conant, Acting Director of Alcoholic Beverage Control Division, handed out to Committee members, Attachment #14, and a report on the "Overview of the Kansas Liquor Industry" on file with the House Committee of Federal and State Affairs and with the Kansas Department of Revenue, Alcoholic Beverage Control Division. She also mentioned written testimony from Carla Dugger, ACLU, on HB 2089, Attachment #15.

The meeting adjourned at 3:16 p.m..

Jon Hanson  
No

GUEST LIST

FEDERAL & STATE AFFAIRS COMMITTEE

DATE 2/20/91

(PLEASE PRINT)

NAME	ADDRESS	WHO YOU REPRESENT
JOHN W. SMITH	TOPEKA	Dir of Vehicles
Bill Ingle	Manhattan	Kansas Farm Bureau
Robert East	"	"
Ron Karlin	Clathe KS	—
Helen Stephens	O.P.	B.V. USD. 229
Dee McKee		Family Farm Operator FB
Ellen Clark	Julia Ks	—
Linda Kelly	Rossville Ks.	—
Margaret Zullinger	Topoka, Ks.	—
Laura Schmeigle	Atell Ks	St. Mary's of Plains Nursing School
Nancy E Kantola	Topoka	CKFO
HOWARD W. TEE	Hutchinson	KAAU
Warren Walker	Manhattan	Ks. Farm Bureau
Amy Johnson	Manhattan	Intern
Ed Kumpf	TOPEKA Ks	KANSAS FOR HISTORY SOCIETY
Russ WILLBOURN	"	KDOT
Chesterne Confield	"	OFFICE OF TRAFFIC SAFETY
Mike Beam	Topoka	Ks. LUSTK. ASSN.
" Shields	"	Harris News
Scott Carter	K.C.	K.C. SKA I
Stacy Parkinson	Clatke	—
Marcia Stern	Clatke	—
Sandra Dexter	Docking Bldg	Dir of Veh/Revenue
Marti Anzales	Docking Office Bldg.	KOOR
Mary E. Turkin	Topoka	Ks. Motor Carriers Assn.
T. M. E. McDaniel	Lawrence	Observer

GUEST LIST

FEDERAL & STATE AFFAIRS COMMITTEE

DATE 2/20/91

(PLEASE PRINT)

NAME	ADDRESS	WHO YOU REPRESENT
Mark Parkins	16000 W. 136th Ter. Olathe, Ks. 66062	Self
Lanina Ornburn	1144 W 11th Lawrence, KS 66062	Intern
Brian Wilhite	1920 E 144 Terr Olathe KS, 66062	<del>OSHS</del> student
Kerry Koenig	2124 Farmington Olathe, ks	OSHS Student
Debbie Lynn	14417 Summertree Olathe, ks 66062	OSHS Teacher

MARK PARKINSON

REPRESENTATIVE, 14TH DISTRICT

REPRESENTING OLATHE AND OVERLAND PARK

16000 W. 136TH TERRACE  
OLATHE, KANSAS 66062  
913-829-5044

TOPEKA

HOUSE OF  
REPRESENTATIVES

COMMITTEE ASSIGNMENTS

MEMBER: ELECTIONS  
JUDICIARY  
TRANSPORTATIONTESTIMONY TO THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEEHOUSE BILL NO. 2130

February 20, 1991

At the outset, I want to express my appreciation to Representative Sebelius and the other members of this committee for hearing this bill today. I know that this committee never lacks for important and controversial issues. For that reason, I am particularly grateful that you have found the time to consider this bill.

House Bill No. 2130 raises the driver's license age in Kansas from 14 to 16. Kansas law currently allows 14 and 15 year olds to obtain restricted driver's licenses. Those restricted licenses allow a 14 and 15 year old to drive to and from school, to and from work, and during work. Unfortunately, thousands of Kansas young persons have taken advantage of these restricted licenses. In 1989 there were in excess of five thousand 14 year olds with driver's licenses and over fifteen thousand 15 year olds.

While most of these young people are law abiding, it is clear that many are not. My discussions with students, educators, and law enforcement officials have revealed that frequently 14 and 15 year olds drive outside these state restrictions. The current restrictions are so broad that they are difficult to enforce and substantial non-compliance is the result.

The price that we pay for the convenience of 14 and 15 year olds driving is an annual toll of deaths and serious injuries to these young people. Traffic safety information reveals that 14 year olds are over two and one half times more likely to be involved in a fatal or serious injury accident than a 16 year old driver. A 15 year old driver, while safer than a 14 year old driver, still poses a substantial safety risk. In Kansas that translates into scores of deaths or serious injuries that we can count on every single year.

The rationale provided for 14 and 15 year old driving boils down to a matter of convenience. Some argue that it is important to have 14 and 15 year olds drive in farm areas. Others claim it is necessary for them to drive to and from school. Still others want the convenience of not having to load their children around. While some of these arguments may have made sense many years ago, they no longer ring true. Several other farm states, most notably Iowa and Nebraska, do not have the wide use of 14 and 15 year old driving, and yet still survive. The school argument is equally invalid, because of the wide availability of publicly provided transportation. The convenience argument is perhaps the most unjustified. While it may be inconvenient to have to cart around 14 and 15 year old children, no amount of inconvenience is too great to justify a policy that virtually guarantees deaths and serious injuries of 14 and 15 year old children.

The time is right for this proposal. Much credit must go to Representative Dale Sprague for clearing the way with the important work he has done in this area for the last several years. What has impressed me in my discussions with everyone involved in this area is a clear resolve that 14 and 15 year old driving is archaic and now is the time to make the change. I encourage you to take this important action and adopt House Bill No. 2130.

## OVERVIEW OF HOUSE BILL 2130

The purpose of this document is to briefly explain the technical aspects of this bill and also some suggested amendments.

In short, the bill raises the driving age from 14 to 16. The first suggested amendment occurs on page 2 of the bill and strikes the vast majority of Section 2(a). This language that we are requesting the committee strike explains what a restricted license is. We had originally felt that we needed to leave the language explaining what a restricted license is, because there are other provisions of the Kansas statutes that from time to time allow the division of revenue or a court to order a restricted license. We were concerned that if we did not keep this language, there would be no explanation of what a restricted license is. That concern was eliminated upon further examination of Kansas statutes and our finding that in K.S.A. 8-292 there is already a definition of restricted licenses, so this language on pages 2 and 3 of the bill is no longer necessary.

The most important suggested amendment occurs on page 5 where I have requested that the committee allow a learner's permit at the age of 15. This learner's permit would be granted to persons that are enrolled in driver education programs. The reason for this request is that I have been contacted by several people in the driver education profession. In order to insure that the most number of students take driver education as possible, it is necessary to make that age 15 for scheduling reasons at schools. I am thoroughly convinced of this and request that the committee make that change.

There are some fairly complicated sections of the bill that need an explanation. Section 5 raises the age at which a driver is responsible for an occupant who is not in compliance with the safety restraint law. That age is raised from 14 to 16. In order to understand the rationale for that change, it is important to look at Section 7. Section 7 provides that traffic court will have jurisdiction over any driver over 16. Under our prior law, traffic court had jurisdiction over any child over 14 because of the rationale that 14 and 15 year olds could obtain driver's licenses. By increasing the driver's age to 16, we are also increasing the jurisdiction of juvenile court under child offenders to age 16.

Once we changed the jurisdiction of traffic court to only those over 16, it became important to make the change in Section 5 where we provide that a driver is responsible for an unbelted occupant up until the age of 16. If we did not do so, and made the 15 and 16 year old personally

responsible for not being buckled up, then they would have to be handled in the juvenile court system. Experience has shown that prosecutors don't feel it is worth getting into the juvenile court system for a safety restraint violation. For that reason, we have increased the age that the driver is responsible for an unbelted passenger to 16, so that the driver can be handled in traffic court if there is a violation.

The last two sections of the bill are pretty complicated and I am more than willing to discuss them with anybody at any time.



1 a trial of such person's character and habits. The matter shall be  
2 heard by the court *de novo* in accordance with the code of civil  
3 procedure. The cost of such appeal shall be assessed in such manner  
4 as the court may direct.

5 (c) Any person operating in this state a motor vehicle, except a  
6 motorcycle, which is registered in this state other than under a  
7 temporary fifteen-day permit shall be the holder of a driver's license  
8 which is classified for the operation of such motor vehicle, and any  
9 person operating in this state a motorcycle which is registered in  
10 this state shall be the holder of a class D driver's license, except  
11 that any person operating in this state a motorcycle which is reg-  
12 istered under a temporary fifteen-day permit shall be the holder of  
13 a driver's license for any class of motor vehicles.

14 (d) No person shall drive any motorized bicycle upon a highway  
15 of this state unless: (1) Such person has a valid driver's license which  
16 entitles the licensee to drive a motor vehicle in any class or classes;  
17 or (2) such person is at least 14 16 years of age and has passed the  
18 written and visual examinations required for obtaining a class C  
19 driver's license, in which case the division shall issue to such person  
20 a class C license which clearly indicates such license is valid only  
21 for the operation of motorized bicycles.

22 (e) Violation of this section shall constitute a class B  
23 misdemeanor.

24 Sec. 2. K.S.A. 1990 Supp. 8-237 is hereby amended to read as  
25 follows: 8-237. The division of vehicles shall not issue any driver's  
26 license to any person:

27 (a) Who is under the age of 16 years, except that, ~~The division~~  
28 ~~may issue a restricted class C or D license, as provided in this act,~~  
29 ~~to any person who is at least 14 16 years of age upon the written~~  
30 ~~application of the person's parent or guardian. Except as here-~~  
31 ~~after provided, the application of the parent or guardian shall~~  
32 ~~be submitted to the division. The governing body of any city,~~  
33 ~~by ordinance, may require the application of any person who~~  
34 ~~is under 16 years of age and who resides within the city to be~~  
35 ~~first submitted to the chief law enforcement officer of the city.~~  
36 ~~The board of county commissioners of any county, by resolu-~~  
37 ~~tion, may require the application of any person who is under~~  
38 ~~16 years of age and who resides within the county and outside~~  
39 ~~the corporate limits of any city to be first submitted to the chief~~  
40 ~~law enforcement officer of the county. No ordinance or reso-~~  
41 ~~lution authorized by this subsection shall become effective un-~~  
42 ~~til a copy of it is transmitted to the division of vehicles. The~~  
43 ~~chief law enforcement officer of any city or county which has~~

1 adopted the ordinance or resolution authorized by this sub-  
2 section shall make a recommendation on the application as to  
3 the necessity for the issuance of the restricted license, and the  
4 recommendation shall be transmitted, with the application, to  
5 the division of vehicles. ~~If the division finds that it is necessary~~  
6 ~~to issue the restricted license, it shall issue a driver's license to the~~  
7 ~~person.~~

8 ~~A restricted class C license issued under this subsection shall~~  
9 ~~entitle the licensee, while possessing the license, to operate any~~  
10 ~~motor vehicle in class C, as designated in K.S.A. 8-234b, and amend-~~  
11 ~~ments thereto. A restricted class D license shall entitle the licensee,~~  
12 ~~while possessing such license, to operate a motorcycle. The restricted~~  
13 ~~license shall entitle the licensee to operate the appropriate vehicle~~  
14 ~~at any time: (1) While going to or from or in connection with any~~  
15 ~~job, employment or farm-related work; (2) on days while school is~~  
16 ~~in session, over the most direct and accessible route between the~~  
17 ~~licensee's residence and school of enrollment for the purposes of~~  
18 ~~school attendance; (3) when the licensee is operating a passenger~~  
19 ~~car, at any time when accompanied by an adult who is the holder~~  
20 ~~of a valid commercial driver's license, class A, B or C driver's license~~  
21 ~~and who is actually occupying a seat beside the driver; or (4) when~~  
22 ~~the licensee is operating a motorcycle, at any time when accompanied~~  
23 ~~by an adult who is the holder of a valid class D driver's license and~~  
24 ~~who is operating a motorcycle in the general proximity of the~~  
25 ~~licensee.~~

26 ~~A restricted driver's license issued under this subsection is subject~~  
27 ~~to suspension or revocation in the same manner as any other driver's~~  
28 ~~license. In addition, the division may suspend the restricted driver's~~  
29 ~~license upon receiving satisfactory evidence that: (1) The licensee~~  
30 ~~has violated the restriction of the license, or (2) the licensee has~~  
31 ~~been involved in two or more accidents chargeable to the licensee~~  
32 ~~or (3) the recommendation of the chief law enforcement officer~~  
33 ~~of any city or county requiring the recommendation has been~~  
34 ~~withdrawn. The suspended license shall not be reinstated for one~~  
35 ~~year or until the licensee reaches the age of 16-17, whichever period~~  
36 ~~is longer.]~~

37 (b) Who is under the age of 18 years for the purpose of driving  
38 a commercial or class A or B motor vehicle.

39 (c) Whose license is currently revoked, suspended or canceled  
40 in this or any other state, except as provided in K.S.A. 8-256, and  
41 amendments thereto.

(d) Who is a habitual drunkard, habitual user of narcotic drugs  
or habitual user of any other drug to a degree which renders the

1 user incapable of safely driving a motor vehicle.

2 (e) Who has previously been adjudged to be afflicted with or  
3 suffering from any mental disability or disease and who, at the time  
4 of making application for a driver's license, has not been restored  
5 to capacity in the manner provided by law, except that this limitation  
6 shall apply to any person known to have suffered any seizure dis-  
7 order, until the procedure specified in paragraph (7) of subsection  
8 (f) of K.S.A. 8-247, and amendments thereto, has been complied  
9 with.

10 (f) Who is required by the motor vehicle drivers' license act to  
11 take an examination, unless the person has successfully passed the  
12 examination.

13 (g) Who is at least 16 years of age and less than 17 years of age,  
14 who is applying for a driver's license for the first time since reaching  
15 16 years of age and who, three times or more, has been adjudged  
16 to be a traffic offender under the Kansas juvenile code or a juvenile  
17 offender under the Kansas juvenile offenders code, by reason of  
18 violation of one or more statutes regulating the movement of traffic  
19 on the roads, streets or highways of this state, except that, in the  
20 discretion of the director, the person may be issued a ~~restricted~~  
21 driver's license ~~which is restricted in the same manner as drivers'~~  
22 licenses issued to persons under the age of 16 years. No person  
23 described by this subsection shall be eligible to receive a driver's  
24 license which is not restricted until the person has reached the age  
25 of 17 years.

} restricted in accordance with the provisions of  
subsubsection (a) of K.S.A. 8-292, and amendments  
thereto

26 Sec. 3. K.S.A. 1990 Supp. 8-239 is hereby amended to read as  
27 follows: 8-239. (a) Any person who is at least ~~14~~ 16 years of age  
28 may apply to the division for an instruction permit. The division  
29 may in its discretion, after the applicant has successfully passed all  
30 parts of the examination other than the driving test, issue to the  
31 applicant an instruction permit which shall entitle the applicant while  
32 having such permit in such person's immediate possession to drive  
33 a passenger car upon the public highways for a period of six months  
34 subject to the restrictions herein contained. The division may issue  
35 an instruction or restricted instruction permit to any person who is  
36 at least ~~14~~ 16 years of age ~~and under the age of 16 years only~~  
37 upon ~~the~~ written application of a parent or guardian of the minor.  
38 The one having the instruction permit may operate a passenger car  
39 at any time when accompanied by an adult who is the holder of a  
40 valid commercial driver's license, class B or C driver's license, who  
41 has had at least one year of driving experience and who is occupying  
42 a seat beside the driver. Any person who is at least ~~14~~ 16 years of  
43 age may apply for an instruction permit to operate a motorcycle

1 either separate from or in conjunction with an instruction permit to  
2 operate a passenger car, and such permit shall entitle the permittee  
3 to operate a motorcycle if such person is accompanied by an adult  
4 who is the holder of a valid class D driver's license and who is  
5 riding a motorcycle in the general proximity of the permittee.

6 (b) The division upon receiving proper application may issue in  
7 its discretion a restricted instruction permit effective for a school  
8 year or for a more restricted period to an applicant who is at least  
9 ~~14~~16 years of age and who is enrolled in a driver-education program

15

10 which includes practice driving and which is approved by the di-  
11 vision; ~~even though the applicant has not reached the legal age~~  
12 ~~to be eligible for a driver's license.~~ Such instruction permit shall  
13 entitle the permittee when the person has such permit in such  
14 person's immediate possession to operate a passenger car only on a  
15 designated highway or within a designated area but only when an  
16 approved instructor is occupying a seat beside the permittee or when  
17 such permit has been endorsed by an approved instructor to operate  
18 a passenger car with a parent or guardian who is the holder of a  
19 valid commercial driver's license, class A, B or C driver's license,  
20 who has had at least one year of driving experience and who is  
21 occupying a seat beside the driver.

, even though the applicant has not reached the  
legal age to be eligible for a drivers license

22 (c) The division, in its discretion, may issue a temporary driver's  
23 permit to an applicant for a classified driver's license permitting the  
24 applicant to operate a motor vehicle within such classification while  
25 the division is completing its investigation and determination of all  
26 facts relative to such applicant's right to receive a driver's license.  
27 The division may issue such a temporary driver's permit to any  
28 applicant whose employer certifies that such permit is necessary to  
29 complete seasonal agricultural operations of the employer. Any such  
30 temporary driver's permit issued pursuant to this subsection shall  
31 be in the immediate possession of the permittee while operating a  
32 motor vehicle, and it shall be invalid on the date specified thereon,  
33 which shall not be more than 15 days after its issuance, or when  
34 the applicant's license has been issued or for good cause has been  
35 refused.

36 Sec. 4. K.S.A. 1990 Supp. 8-240 is hereby amended to read as  
37 follows: 8-240. (a) Every application for an instruction permit shall  
38 be made upon a form furnished by the division of vehicles and  
39 accompanied by a fee of \$2 for class A, B or C, and \$5 for all  
40 commercial classes. Every other application shall be made upon a  
41 form furnished by the division and accompanied by an examination  
42 fee of \$3, unless a different fee is required by K.S.A. 8-241, and  
43 amendments thereto, and by the proper fee for the license for which

9 February 1991

Federal and State Affairs Committee  
House of Representatives  
State Capitol  
Topeka, KS 66612

Dear Members of the Committee:

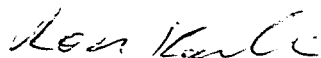
I would like to express, on behalf of my wife and myself, support for House Bill 2130 which would raise the legal driving age from 14 to 16 years of age and impose restrictions on young drivers wishing to keep their driving priveleges. I work in a hospital emergency room and frequently see the damage to persons and property by drivers not yet mature enough to understand the tremendous potential for harm whenever they get behind a steering wheel.

I was raised on a farm in rural Kansas and understand that young teenagers can be quite helpful by driving farm vehicles. However, that can be done on the farm, and not on public roadways where there are risks to other drivers, as well as increased risks to themselves.

I also drove to school as is allowed by the present law. This was not out of necessity, since a multitude of buses passed my house each day. Rather, it was the "in" thing to do--which I now know does not justify the law.

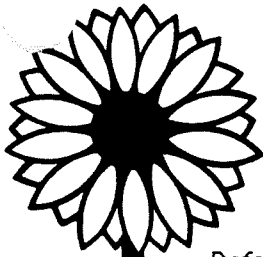
Thank you for your time.

Sincerely,



Ronald J. Karlin, M.D.  
10855 W. 176th Terrace  
Olathe, KS 66062

HOUSE FEDERAL AND STATE AFFAIRS  
February 20, 1991  
ATTACHMENT #3 - Page 1



## **Kansans for Highway Safety** **HOUSE BILL 2130**

February 20, 1991

Reference: MINIMUM DRIVING AGE

Kansans for Highway Safety support raising the minimum driving age. This change in the driving law will result in reducing the loss of life and loss of the future productivity of our states most vital resource, its youth. The 14 year old driver is more than two and a half times as likely to be involved in a fatal or incapacitating injury accident as a 17 year old driver. And a 15 year old driver is more than one and a half times as likely to be involved in a fatal or incapacitating injury accident as a 17 year old driver. It is not our belief that this increase is due to inexperience since two thirds of the 15 year old drivers are new drivers and one third of the 16 year old drivers are new drivers. The accident rates in Iowa and Nebraska, both states that do not have 14 and 15 year old drivers, show that their 16 and 17 year old drivers are having fewer accidents than their 18 year old drivers.

In Kansas, every 48 minutes a driver under the age of 18 is involved in a motor vehicle collision. One in six of those persons will be under the age of 16.

In Kansas, once every two weeks a driver under the age of 18 will be involved in a fatal accident. Three in ten of these will be under the age of 16.

In Kansas, more than 400 drivers under the age of 18 each year will be involved in an accident resulting in a fatality or incapacitating injury. One fourth of these will be under the age of 16.

In Kansas, nearly 250 collisions every year involve drivers under 18 who were drinking and nearly 8% of those involve drivers under the age of 16.

The current restrictions for drivers under 16 years of age are not enforceable. It is nearly impossible to prove in court that a driver is not driving "To, from, or during work." As a result, many of the drivers under age 16 drive all hours of the day and night despite the restrictions imposed by the current law. There is also widespread confusion among young drivers and parents about when the licensed driver under age 16 can and can not legally operate a motor vehicle. This is evidenced by numerous Attorney General opinions and interpretations by law enforcement agencies. In deed many courts and attorneys around the state disagree on the interpretation of this important law.

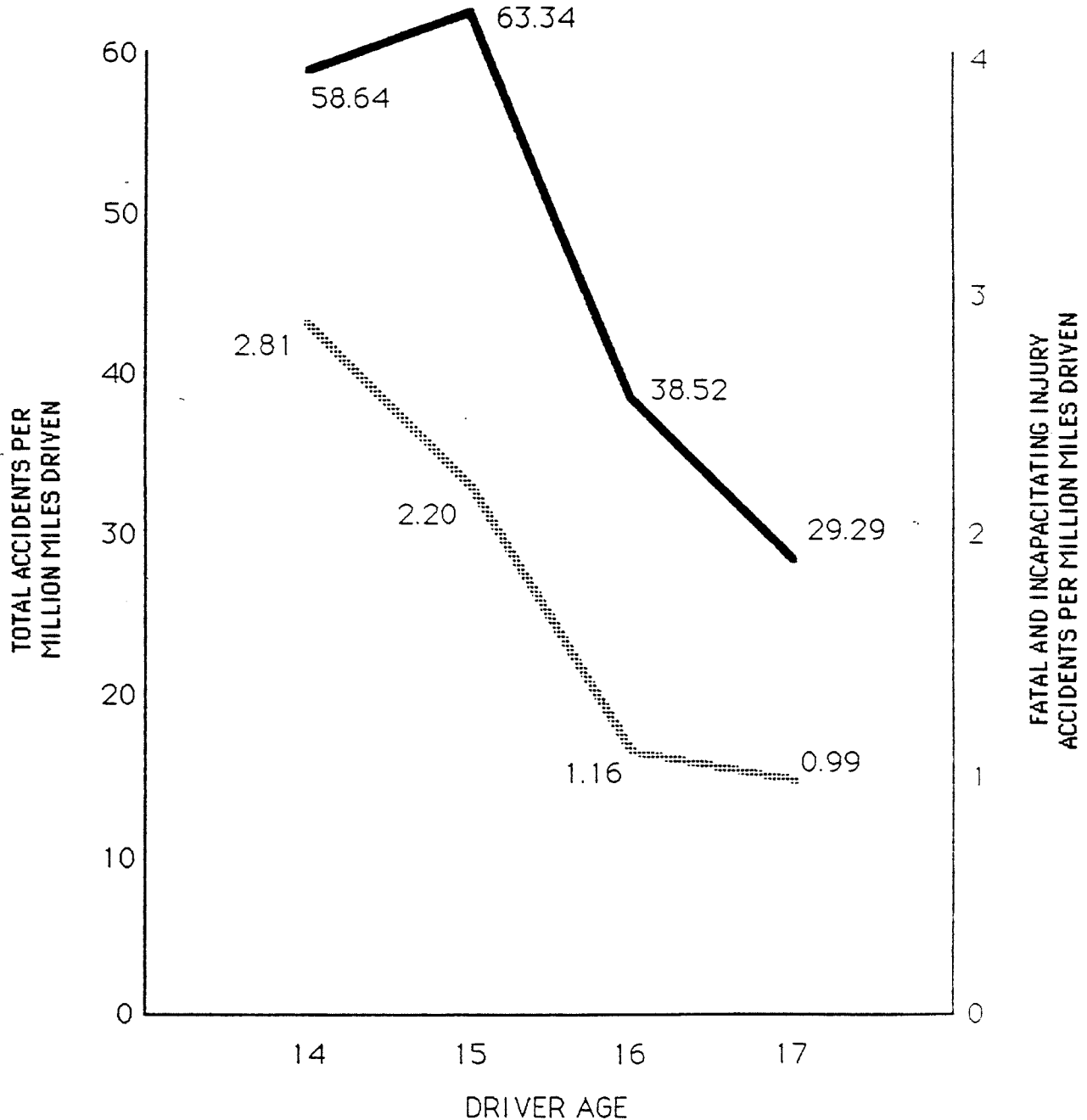
Our organization conducted a survey of students currently licensed to drive to attempt to determine and understand the needs of Kansas youths today. The results of that survey are attached.

Ed Klumpp, President  
4339 SE 21st St.  
Home: 913-235-5619  
Work: 913-354-9450

HOUSE FEDERAL AND STATE AFFAIRS  
February 20, 1991  
ATTACHMENT #4 - Page 1

# KANSAS MOTOR VEHICLE ACCIDENTS

PER MILLION MILES DRIVEN  
1986 THROUGH 1989



— ALL ACCIDENTS  
..... FATAL AND INCAPACITATING INJURY ACCIDENTS

# KANSAS TEENAGE DRIVING

## ACCIDENTS PER MILLION MILES DRIVEN 1986-1989

AGE	AVG. MILES PER YR PER DRIVER	AVE. NO. OF LICENSED DRIVERS	MILLION MILES DRIVEN/YEAR	AVE. ACCIDENTS PER YEAR	ACCIDENTS PER MILLION MILES	AVE. FATAL AND INCAPACITATING INJURY ACCIDENTS PER YEAR	FATAL AND INCAPACITATING ACCIDENTS PER MILLION MILES
14	1178	5692	6.70	378.00	56.42	18.13	2.71
15	1781	16309	29.05	1418.50	48.83	49.25	1.70
14 & 15		22001	35.75	1796.50	50.25	67.38	1.88
16	4386	24314	106.64	4282.00	40.15	128.88	1.21
17	5163	28287	146.04	4598.00	31.48	154.88	1.06

Drivers license statistics from Kansas Department of Revenue.

Accident statistics from Kansas Department of Transportation.

Average miles driven from student survey conducted by Kansans for Highway Safety during the fall of 1990.

Prepared 1/21/91 by Kansans for Highway Safety, Rt. 4 Box 241A, Leavenworth, Kansas 66048



# RESULTS OF TEENAGE DRIVING SURVEY FALL 1990

AGE	AVERAGE ANNUAL MILES PER DRIVER <sup>1</sup>	STUDENTS OWNING VEHICLES <sup>1</sup>	WORK TO SUPPORT DRIVING EXPENSES <sup>1</sup>	LATEST SCHOOL ACTIVITY <sup>1</sup>					LATEST WORK TIME <sup>2</sup>				
				Before 10pm	10:00	10:30	11:00	After 11:00	Before 10pm	10:00	10:30	11:00	After 11:00
14	1133	8.8%	31.6%	36.0%	17.5%	6.1%	3.5%	7.0%	79.2%	11.3%	0.0%	5.7%	3.8%
15	1373	13.8%	16.7%	33.9%	21.3%	4.6%	6.3%	2.3%	63.3%	20.0%	3.3%	5.6%	7.8%
16	4572	31.6%	15.3%	29.2%	32.5%	7.2%	6.2%	4.8%	57.9%	19.8%	4.1%	7.4%	10.7%
17	5548	32.8%	19.4%	30.0%	37.8%	5.6%	7.8%	2.8%	53.3%	18.1%	5.3%	9.3%	14.0%
18	5992	45.2%	12.3%	19.2%	38.4%	9.6%	5.5%	0.0%	54.7%	21.9%	7.8%	7.8%	7.8%
TOTAL		25.6%	42.5%	30.5%	40.3%	6.9%	10.9%	9.3%	59.4%	18.6%	4.4%	7.5%	10.0%

<sup>1</sup>PERCENTAGE BASED ON TOTAL RESPONDANTS.

<sup>2</sup>PERCENTAGE BASED ON TOTAL RESPONDANTS STATING THEY WORK.

Survey includes students from rural and urban homes. Half of the surveys were conducted in western Kansas and half were conducted in eastern Kansas.

Latest school activities is based on the percentage of the total students responding to that question on the survey.

Latest work time is based on total students responding as working and responding to the latest hours worked question.

Survey conducted by Kansans for Highway Safety, Rt. 4 Box 241A, Leavenworth, Kansas 66048.

RESTRICTIONS IMPOSED ON 14 YEAR OLD DRIVERS

STATE	REST. LIC.	RESTRICTIONS
ALASKA	14	PARENTAL CONSENT REQUIRED IF UNDER 18. UNDER 16 ONLY FOR HARDSHIP CASES.
ARKANSAS	14	UNDER 16 ONLY WITH LICENSED ADULT.
IDAHO	14	UNDER 16 DAYLIGHT HOURS ONLY.
KANSAS	14	TO, FROM, DURING WORK; TO, FROM SCHOOL; WITH ADULT LICENSED DRIVER.
MICHIGAN	14	AGES 14 THROUGH 17 FOR EXTENUATING CIRCUMSTANCES ONLY.
MONTANA	14	UNDER 14 HARDSHIP CASES ONLY.
NEVADA	14	UNDER 16 ONLY WITH VERIFIED NEED.
NORTH DAKOTA	14	PARENT OR GUARDIAN VEHICLE ONLY.
OHIO	14	UNDER 16 ONLY FOR EXTENUATING CIRCUMSTANCES.
OREGON	14	UNDER 16 ONLY FOR EXTENUATING CIRCUMSTANCES.
SOUTH DAKOTA	14	UNDER 16 6AM TO 8PM; OTHER TIMES WITH PARENT OR GUARDIAN.
TENNESSEE	14	EXTENUATING CIRCUMSTANCES ONLY.
WISCONSIN	14	EXTENUATING CIRCUMSTANCES ONLY.

SOURCE: JANUARY 1990 POLK'S MOTOR VEHICLE REGISTRATION MANUAL, VOLUME I.

RESTRICTIONS IMPOSED ON 15 YEAR OLD DRIVERS

STATE	REST. LIC.	RESTRICTIONS
FLORIDA	15	UNDER 16 DAYTIME ONLY. UNDER 16 ONLY WITH LICENSED ADULT.
LOUISIANA	15	UNDER 17 ONLY 5AM TO 11 PM SUNDAY-THURSDAY; 5AM TO 12 MIDNIGHT FRIDAY & SATURDAY
MINNESOTA	15	UNDER 16 FOR EXTENUATING CIRCUMSTANCES ONLY, INCLUDING FARM WORK BASED ON NEED.
NORTH CAROLINA	15	ONLY WITH PARENT OR GUARDIAN IN VEHICLE. PERMIT OBTAINED BY PARENT OR GUARDIAN.
RHODE ISLAND	15	UNDER 18 WITH PARENTS APPROVAL.
SOUTH CAROLINA	15	UNDER 16 6AM TO 6PM; 6PM TO 6AM WITH LICENSED ADULT.
TEXAS	15	EXTENUATING CIRCUMSTANCES ONLY.

SOURCE: JANUARY 1990 POLK'S MOTOR VEHICLE REGISTRATION MANUAL, VOLUME I.

## DRIVERS LICENSE LAWS

STATE	LEARNING PERMIT	MINIMUM AGE FOR REST. LIC.	MINIMUM AGE FOR FULL LICENSE	RESTRICTIONS	DRIVER'S ED
ALABAMA	15		16	NONE	RECOMMENDED BUT NOT REQUIRED.
ALASKA	14	14	16	PARENTAL CONSENT REQUIRED IF UNDER 18. UNDER 16 ONLY FOR HARDSHIP CASES.	NOT REQUIRED.
ARIZONA	15 7mos		18	PARENTAL CONSENT REQUIRED IF UNDER 18.	NOT REQUIRED.
ARKANSAS	14	14	16	UNDER 16 ONLY WITH LICENSED ADULT.	NOT REQUIRED.
CALIFORNIA	18		18	UNDER 18 FOR HARDSHIP CASES. FULL LICENSE AT 16 WITH DRIVER'S EDUCATION.	NOT REQUIRED.
COLORADO	15 6mos	16	18	STEP PROGRAM. MINOR (16-17), PROVISIONAL (18-20), ADULT (21 AND OVER).	REQUIRED UNDER 18.
CONNECTICUT	16 1mo	16 1mo	18	NONE	REQUIRED UNDER 18.
DELEWARE	18		18	AGE 16 AND ABOVE WITH DRIVERS ED.	REQUIRED UNDER 18.
DIST. OF COL.	16		16	UNDER 18 ONLY WITH PARENTAL PERMISSION.	NOT REQUIRED.
FLORIDA	15	15	16	UNDER 16 DAYTIME ONLY. UNDER 16 ONLY WITH LICENSED ADULT.	NOT REQUIRED.
GEORGIA	15		16		NOT REQUIRED.
HAWAII	15		15		NOT REQUIRED.
IDAHO	16	14	16	UNDER 16 DAYLIGHT HOURS ONLY.	REQUIRED UNDER 16.
ILLINOIS	15		16		REQUIRED UNDER 18.
INDIANA	16		16		NOT REQUIRED.
IOWA	14	16	18	UNDER 18 ONLY FOR JOB RELATED WITH VERIFIED EMPLOYMENT.	REQUIRED UNDER 18.
KANSAS	14	14	16	TO, FROM, DURING WORK; TO, FROM SCHOOL; WITH ADULT LICENSED DRIVER.	NOT REQUIRED.
KENTUCKY	16		16		NOT REQUIRED.
LOUISIANA	15	15	17	UNDER 17 ONLY 5AM TO 11 PM SUNDAY-THURSDAY; 5AM TO 12 MIDNIGHT FRIDAY & SATURDAY	NOT REQUIRED.
MAINE	15		15		REQUIRED UNDER 17.
MARYLAND	15 9mos	15 9mos	16	UNDER 18 NO NIGHT DRIVING UNLESS WITH ADULT LICENSED DRIVER OR COMPLETED ONE YEAR OF CONVICTION FREE DRIVING.	REQUIRED UNDER 18.
MASSACHUSETTS	16	16	18	UNDER 18 NO DRIVING BETWEEN 1AM AND 4AM WITHOUT PARENT OR GUARDIAN.	REQUIRED UNDER 21.
MICHIGAN	16	14	18	AGES 14 THROUGH 17 FOR EXTENUATING CIRCUMSTANCES ONLY.	REQUIRED UNDER 18.
MINNESOTA	15	15	16	UNDER 16 FOR EXTENUATING CIRCUMSTANCES ONLY, INCLUDING FARM WORK BASED ON NEED.	REQUIRED UNDER 18.
MISSISSIPPI	15		15		NOT REQUIRED.
MISSOURI	16		16		NOT REQUIRED.
MONTANA	14	14	15	UNDER 14 HARDSHIP CASES ONLY.	REQUIRED UNDER 16.
NEBRASKA	15		16		NOT REQUIRED.
NEVADA	15 6mos	14	16	UNDER 16 ONLY WITH VERIFIED NEED.	NOT REQUIRED.
NEW HAMPSHIRE			18		REQUIRED UNDER 18.
NEW JERSEY	16	16	17	UNDER 17 DAYLIGHT ONLY, WITH LICENSED ADULT DRIVER.	REQUIRED UNDER 17.
NEW MEXICO			15		REQUIRED UNDER 16.
NEW YORK	16	16	18		REQUIRED TO APPLY FOR LICENSE.
NORTH CAROLINA	15	15	16	ONLY WITH PARENT OR GUARDIAN IN VEHICLE. PERMIT OBTAINED BY PARENT OR GUARDIAN.	REQUIRED UNDER 18.
NORTH DAKOTA	14	14	16	PARENT OR GUARDIAN VEHICLE ONLY.	REQUIRED UNDER 16.
OHIO	14	14	16	UNDER 16 ONLY FOR EXTENUATING CIRCUMSTANCES.	REQUIRED UNDER 18.
OKLAHOMA	15 6mos		16		NOT REQUIRED.
OREGON	15	14	16	UNDER 16 ONLY FOR EXTENUATING CIRCUMSTANCES.	NOT REQUIRED.
PENNSYLVANIA	16	16	18	UNDER 18 5AM TO MIDNIGHT WITH PARENTS, GUARDIAN, OR SPOUSE.	NOT REQUIRED.
RHODE ISLAND	16	15	18	UNDER 18 WITH PARENTS APPROVAL.	REQUIRED UNDER 18.
SOUTH CAROLINA	15	15	16	UNDER 16 6AM TO 6PM; 6PM TO 6AM WITH LICENSED ADULT.	NOT REQUIRED.

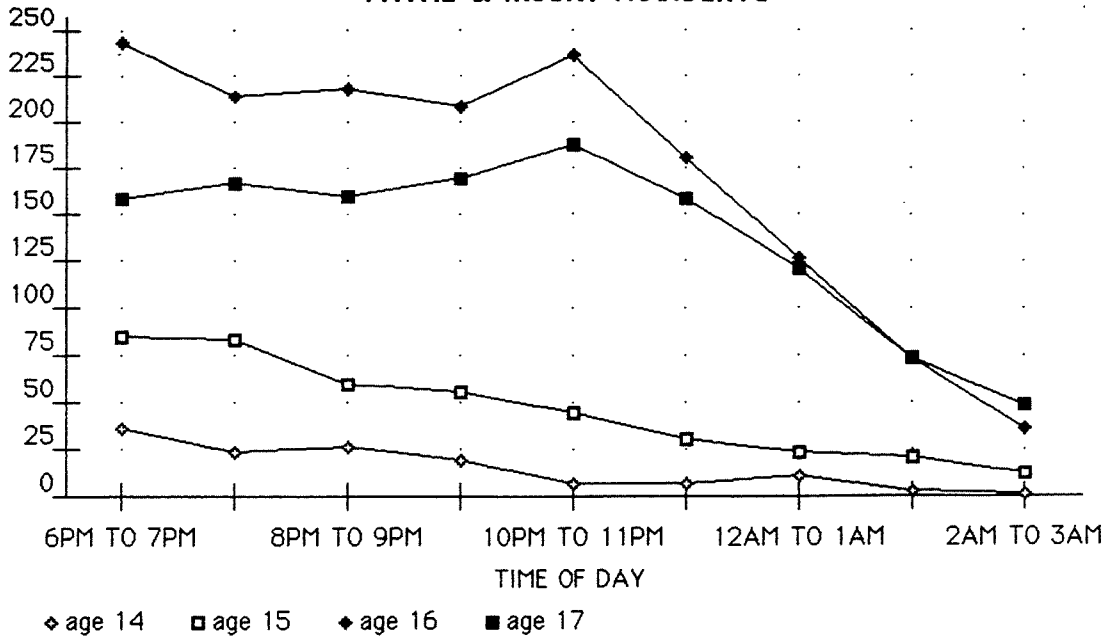
## DRIVERS LICENSE LAWS

STATE	LEARNING PERMIT	MINIMUM AGE FOR REST. LIC.	MINIMUM AGE FOR FULL LICENSE	RESTRICTIONS	DRIVER'S ED
SOUTH DAKOTA	14	14	16	UNDER 16 6AM TO 8PM; OTHER TIMES WITH PARENT OR GUARDIAN.	NOT REQUIRED.
TENNESSEE	15	14	16	EXTENUATING CIRCUMSTANCES ONLY.	NOT REQUIRED.
TEXAS	15	15	16	EXTENUATING CIRCUMSTANCES ONLY.	REQUIRED UNDER 18.
UTAH	16		16		REQUIRED TO APPLY FOR LICENSE.
VERMONT	15	16	18	PARENTAL CONSENT.	REQUIRED UNDER 18.
VIRGINIA	15 8mos		16		REQUIRED UNDER 18.
WASHINGTON	15		16		REQUIRED UNDER 18.
WEST VIRGINIA	16		18	UNDER 18 MUST BE IN SCHOOL.	REQUIRED UNDER 18.
WISCONSIN	15 6mos	14	16	EXTENUATING CIRCUMSTANCES ONLY.	REQUIRED UNDER 18.
WYOMING	15		16		REQUIRED.
PUERTO RICO	16	16	18	ONLY WITH PARENTAL CONSENT. UNDER 18 PASSENGER CAR ONLY.	REQUIRED.

SOURCE: JANUARY 1990 EDITION OF POLK'S MOTOR VEHICLE REGISTRATION MANUAL, VOLUME 1.

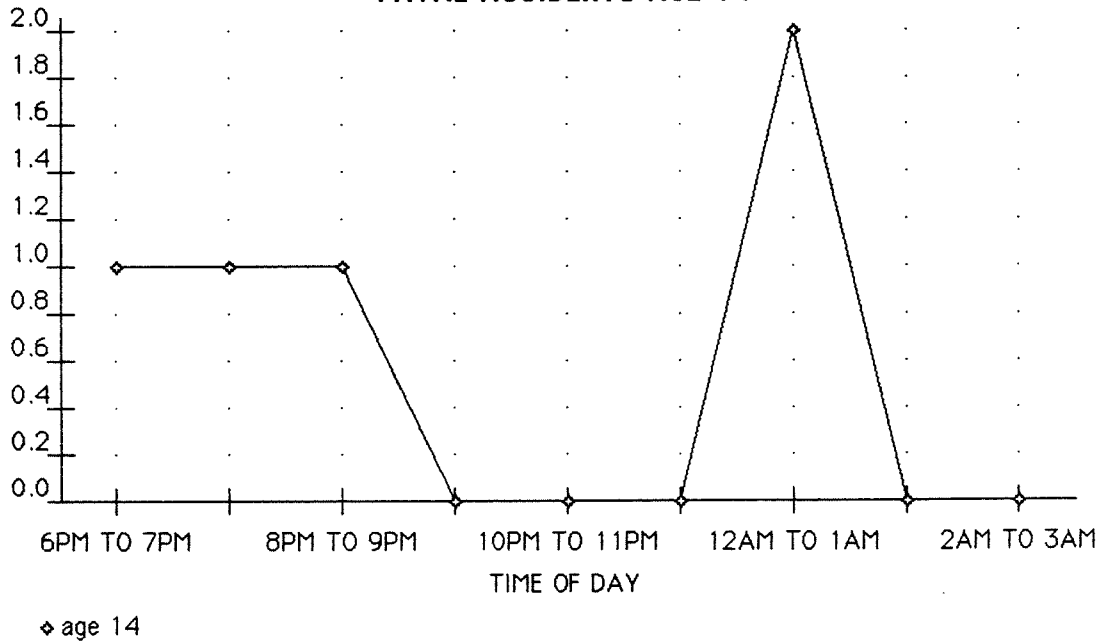
NUMBER OF ACCIDENTS

**FATAL & INJURY ACCIDENTS**



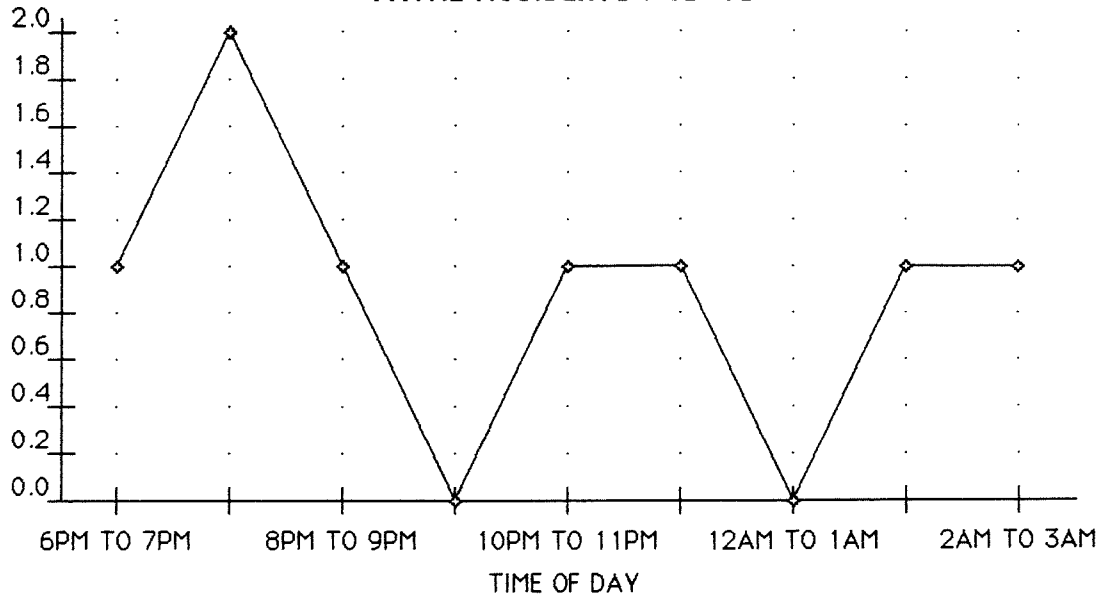
NUMBER OF ACCIDENTS

**FATAL ACCIDENTS AGE 14**



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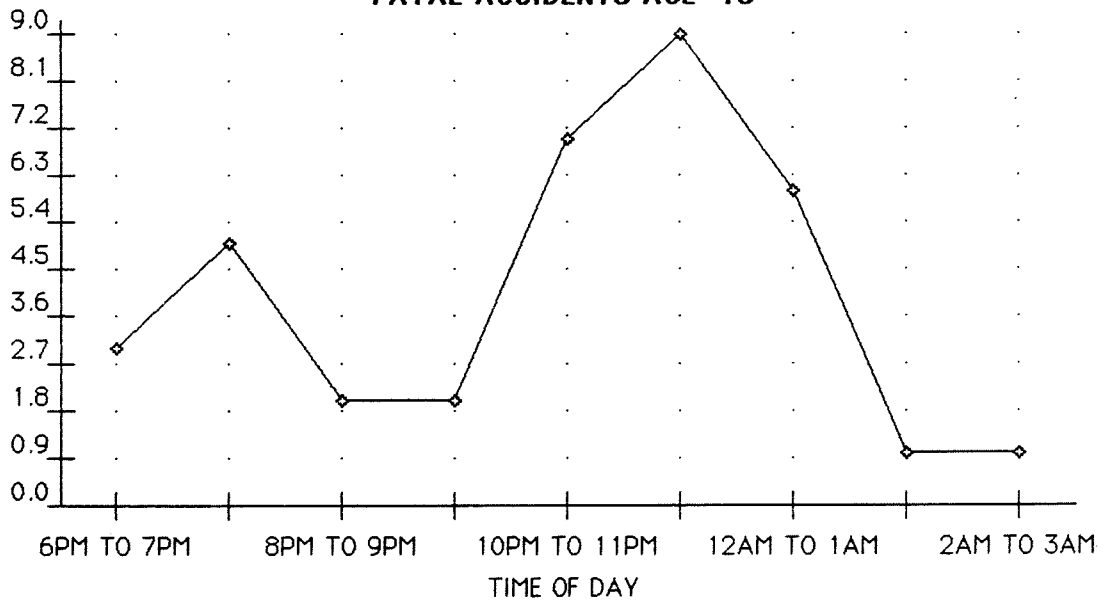
### FATAL ACCIDENTS AGE 15



◆ age 15

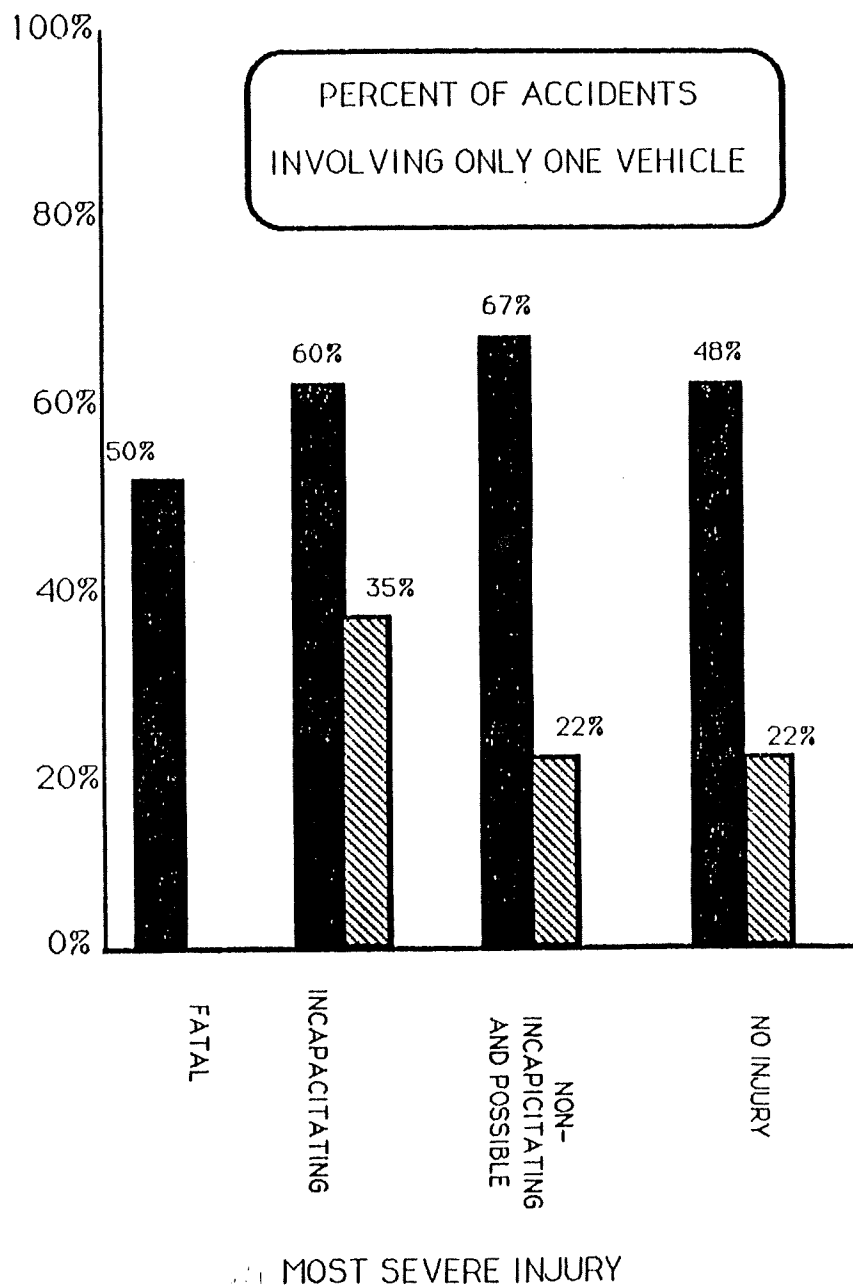
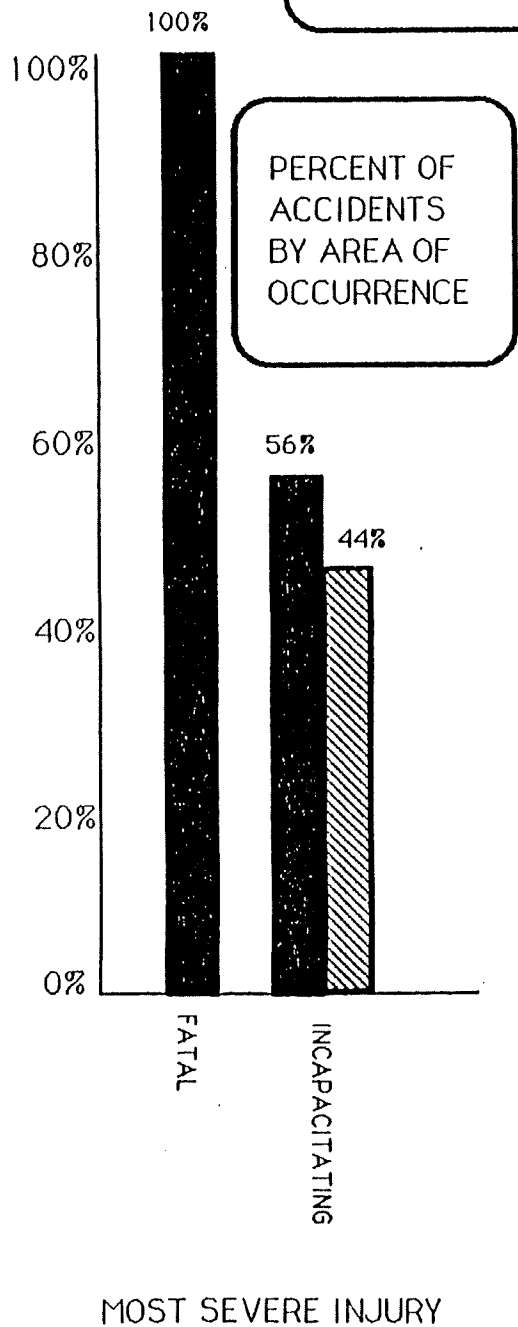
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### FATAL ACCIDENTS AGE 16



◆ age 16

KANSAS MOTOR VEHICLE ACCIDENTS  
1986-1988 14 AND 15 YEAR OLD DRIVERS



19 February 1991

Federal and State Affairs Committee  
House of Representatives  
State Capitol  
Topeka, KS 66612

Dear Members of the Committee:

I would like to commend your Committee on the proposal of House Bill 2130 and offer my support for this long needed change. In my view, this Bill will spare lives, money, and many hours of misery for the young and old.

As a Jr. High and High School teacher, I have devoted the last 12 years in helping prepare young people for a successful life. Along the way, I have become more aware of their strengths and weaknesses. I have also become a "Kid's Advocate." I feel strongly that most 14 and 15 year olds do not have the ability to consistently operate a vehicle safely. And it is in their best interest that the law does not allow them this opportunity. I have many students that support this feeling also.

After the tragic death of one of my students this year, I became more aware of how dependent these 14 and 15 years have become to their cars. They work long hours to support their cars and spend too few hours on their education. The only fun they know, is driving around town, many times under the influence of alcohol. Cars have provided a much easier access to alcohol and many students are developing drinking problems.

The current "Restrictive Driver License" is a difficult one to enforce. Students constantly abuse their driving privilage and this leads to trouble. After randomly sampling sophomore students at Olathe South High School, I learned that 76% of the licensed drivers had already had contact with the law for a traffic violation or accident. This is strong evidence to support my belief that 14 and 15 year olds are not mature enough to drive just yet.

I hope that all Congressmen will listen to these concerns and pass this very important bill.

Thank you for your time and consideration.

Sincerely,

*Debra St. Lynn*

14417 Summertree Lane  
Olathe, Ko 66062

HOUSE FEDERAL AND STATE AFFAIRS  
February 20, 1991  
ATTACHMENT #5



February 19, 1991

Federal and State Affairs Committee  
House of Representatives  
State Capitol  
Topeka, KS 66612

Dear Committee Members:

I am a sophomore at Olathe South High School. I spend a lot of time working with both fourteen-year-olds and sixteen-year-olds. I don't feel that fourteen-year-olds are mature enough to drive.

The question isn't whether or not they can physically handle an automobile, but whether or not they are mentally ready for such a burden. The difference in maturity of fourteen-year-olds and sixteen-year-olds is significant. This is most easily noted in the difference in subject matter between the eighth and tenth grades. Students in these grades undergo a mental maturation demonstrated by the transition in subject content. In math, they go from arithmetic to the abstractions of algebra. In history, they go from remembering dates to analyzing cause and effect relationships. Educators recognize that there is a development of reasoning skills between those two ages and that sixteen-year-olds display a mental maturity not present in fourteen-year-olds.

These fourteen-year-olds, lacking the mental maturity necessary to operate an automobile, do not use good judgement. I feel that they shouldn't be put in a position that they are not ready to handle.

Thank you for your time.

Sincerely,

Brian Wilhite  
1920 E 144 Terr.  
Olathe, KS 66062

HOUSE FEDERAL AND STATE AFFAIRS  
February 20, 1991  
ATTACHMENT #6 - Page 1

2124 Jamestown Drive  
Olathe, Kansas 66062  
February 20, 1991

Federal and State Affairs Committee  
House of Representatives  
State Capitol  
Topeka, Kansas 66612

Dear Members of the Committee:

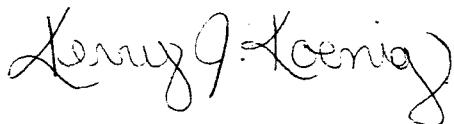
I am an 18 year old senior at Olathe South High School who supports House Bill 2130. As a teenager, I am willing to admit I was not ready to assume the responsibilities that come with driving at the age of 14 or 15. I might add, I also have a 15 year old brother who does not yet have that maturity nor do most of his friends.

Driving is not a necessity -- it is a privilege. The emphasis placed on the NEED to drive a car is excessive. Most school events are either school sponsored in which case buses are provided or held in the evening hours when parents are available to provide transportation. Transportation to and from work is not a valid reason for issuing a driver's license because most 14 year olds do not have a job. If they do indeed have a job, most of them use this money to pay for a car and insurance, which leads to a host of other problems such as poor grades and poor school attendance.

The "inconvenience" of not having a car seems minor compared to the consequences that could arise from 14 year olds being involved in automobile accidents. If teenagers were not allowed to drive until their 16th birthday, hopefully, the teen would be prepared mentally to get behind the wheel and to handle each driving situation in a mature, adult manner.

Thank you for your consideration.

Sincerely,



Kerry Koenig

HOUSE FEDERAL AND STATE AFFAIRS  
February 20, 1991  
ATTACHMENT #7 - Page 1

STATEMENT

By The

KANSAS MOTOR CARRIERS ASSOCIATION

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Presented to the House Federal and State Affairs  
Committee; Rep. Kathleen Sebelius, Chairman;  
Statehouse, Topeka, Wednesday, February 20, 1991.

-----

In support of H.B. 2130 concerning the age of  
applicants for driver's licenses.

-----

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I am Mary E. Turkington, Executive Director of the Kansas Motor Carriers Association with offices in Topeka. I appear here this afternoon representing our 1,550 member-firms and the highway transportation industry to support proposed revisions in the driver's license ages as contained in H.B. 2130.

We understand that there would be a grandfather clause for driver's licenses, restricted licenses or instruction permits issued prior to the effective date of the act.

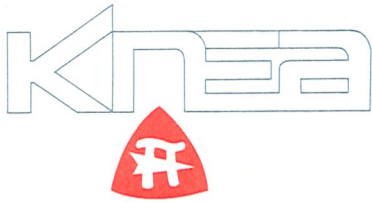
We do believe that age 14, in these days of traffic complexities, is too young an age to assume the responsibilities attendant to even a restricted license.

HOUSE FEDERAL AND STATE AFFAIRS  
February 20, 1991  
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While there may be some hardships invoked with the changes contained in the proposed bill, our industry believes that, overall, these revisions are a safeguard for the young drivers who are asked to assume the responsibility not only for their own life but for the lives of others with whom these young drivers will be sharing our streets and highways.

We therefore support the intent of the bill and would be pleased to respond to any questions you may have.

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Craig Grant Testimony Before The  
House Federal & State Affairs Committee  
Wednesday, February 20, 1991

Thank you, Madame Chairman. I am Craig Grant and I represent Kansas-NEA. I appreciate this opportunity to speak to the committee on HB 2130.

Kansas-NEA has spoken to different committees in the past about the concept of delaying the age when children can obtain a Kansas driver's license. We support moving the age back to age 16. We believe that 14 (junior high school for most children) is too young, as a rule, to allow learner's permits and restricted licenses. We realize that maturity is gained differently by different individuals and that some 14 year olds might be ready to drive. I also know some 20 and even some 45 year olds who have not matured enough to drive yet. Since there is no test devised I am aware of to measure levels of maturity, we need to use a general rule of thumb. Kansas-NEA believes that in general a person 14 or 15 years of age is too young to have access to driving.

Since HB 2130 deals only with moving back the age to have access to driving (unlike previous years' bills which made other policy changes), Kansas-NEA supports the bill and asks that the committee report it favorably.

Thank you for listening to our concerns.

HOUSE FEDERAL AND STATE AFFAIRS  
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EUGENE L. SHORE  
 REPRESENTATIVE, 124TH DISTRICT  
 GRANT, W. HASKELL, MORTON,  
 STANTON AND STEVENS COUNTY  
 ROUTE 2  
 JOHNSON, KANSAS 67855  
 (316) 492-2449

ROOM 446-N, CAPITOL BLDG.  
 TOPEKA, KANSAS 66612-1586  
 (913) 296-7677



TOPEKA

HOUSE OF  
 REPRESENTATIVES

COMMITTEE ASSIGNMENTS  
 MEMBER: ENERGY AND NATURAL RESOURCES  
 LEGISLATIVE, JUDICIAL AND  
 CONGRESSIONAL APPOINTMENT  
 TAXATION  
 TRANSPORTATION

**TESTIMONY on HB 2130****Eugene L. Shore**

House Federal and State Affairs Committee  
 February 20, 1991

Madam Chairman and members of the committee, thank you for allowing me to testify as an opponent to HB 2130.

In rural Western Kansas it is accepted that young people drive to and from school when they attend high school. This is especially true if they wish to participate in sports, band or other extra curricular activities. It just doesn't make sense to run a school bus on 20 or 60 mile trips half a dozen times a day when the young person can drive themselves to and from school, saving both time and money. By the time these young people begin driving to and from school most have several years experience driving tractors in the field and driving a pickup to and from the fields. If they can safely drive a tractor they can safely drive themselves to the field.

My farm provides summer employment for several high school age young people. In 30 years of working with teenage drivers I have never had a 14 or 15 year old involved in an accident. They are too engrossed in the challenge of driving and impressing me with their ability to drive skillfully. Seventeen and 18 year olds are another story, they test the equipment for durability, while they

try to show off a little or impress themselves or someone else. I did, you did, and teenagers will always act like teenagers. A 17-18 year old who learned as a 14-15 year old will bend a fender. A 17-18 year old who is just learning will demolish a vehicle during the summer. I think experience is the difference even at this young age.

In testimony last year we heard the accident rate for 14 year olds was higher than 16 year olds but that rate was about the same as 65 year olds. Are you going to restrict 65 year olds. I don't think 65 year olds or 14 year olds have that poor a record. I'm afraid the real reason for this bill is some urban parents are afraid to allow their 14-15 year olds to learn to drive. They don't want to say "NO" to their kids so they want the state to say "NO" for them.

I stand for questions.

House Federal and State Affairs Committee

H.B. 2130 - Increasing the Minimum Driving Age in Kansas  
to 16 years

Dee McKee  
Spearville, Kansas

February 20, 1991

Madam Chairman and members of the committee:

My name is Dee McKee. We operate a farm near Spearville, Kansas. I am here to ask you to vote "no" on H.B. 2130. It is necessary for 14 and 15 year olds in our family to have the legal opportunity to drive.

Our farm home is located seven miles from school. The school system does not operate a bus system. Our teenagers need to drive to and from school. This is especially important since I also have an off-farm job.

Teenagers in our family are needed and are important in operating the family farm. This is true with most farm families. Our youngsters at 14 and 15 years of age are needed to run agricultural errands such as getting repair parts, seed, feed, fertilizer and fuel. They help shuttle equipment from field to field. Many teenagers operate farm equipment. This is done after requirements are met by participating in the Tractor Safety Course. This participation by teenagers in operating the farm is especially important in rural areas with sparse and often declining populations. Also, the tight economics of farming often require extensive family support and participation.

I believe increased enforcement of the current law and

HOUSE FEDERAL AND STATE AFFAIRS

February 20, 1991

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parental control are the keys to safe driving by 14 and 15 year olds. I would support revoking all drivers licenses immediately for reckless driving. We have not experienced any driving problems with our 14 and 15 year olds. These younger teenagers seem to be more cautious. They also seem to respect the guidelines and rules set down by their parents. Unfortunately, these conditions often seem to deteriorate with older teenagers.

Safety is also important to farmers. However, I do not believe 14 and 15 year old drivers are the problem. I believe there needs to be an increased emphasis in providing Drivers Education Programs in Kansas. It would be helpful if 14-year old drivers had successfully completed a Drivers Education course. Thank you for allowing this farm family to express our concerns on this proposed legislation. We ask you to vote "no" on H.B. 2130.



# Kansas Association Of Wheat Growers

**"ONE STRONG VOICE FOR WHEAT"**

TESTIMONY

HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS  
Representative Kathleen Sibelius, Chairperson

HB-2130

Submitted by Howard W. Tice, Executive Director

On behalf of the members of the Kansas Association of Wheat Growers, I appreciate this opportunity to make our views known concerning HB-2130. To be concise, our organization is opposed to this, or any other bill that would take away the opportunity for youth, under 16, to obtain a restricted drivers license.

One of the most effective character building aspects of farm life is that all family members pitch in to get the necessary work done. From the smallest chore around the house, to handling livestock, planting the crops and harvesting them and getting the grain from the farm to the elevator, everyone does his or her share as soon as they are physically capable. That includes driving tractors, combines, swathers and other self-propelled implements, plus grain trucks and the pickup truck that is the year-round workhorse of today's agriculture.

Of course, you don't need a drivers license to handle vehicles out in the field or around the farmstead. However, it is necessary to drive on public roads to get from the farmstead to the pasture for the purpose of checking on livestock. Often, food must be taken to the field at planting or harvest time, and that also entails travel on public roads. In addition, teenage sons and daughters often need to drive into town to get a replacement part for one of the implements while the parents are involved in the repair work. If a breakdown occurs during harvest, down time is a major liability.

If either or both parents must have off-farm jobs in order to keep the farm going, it's even more crucial to have young drivers available. In such families, Mom and Dad are often just as happy as the teenagers when they get their first drivers license.

It should also be noted that rural residents must travel much longer distances than urban citizens, simply because of the nature of country life.

School functions should also be considered. In the rural setting, those who must, ride buses. However, when the young people are involved in extra programs, such as sports, FFA activities, music programs, plays or debate etc., activity bus schedules don't always match the programs. When parents are available to fill that void, they certainly do, but the nature of farm life today, as already mentioned, makes that very difficult.

We are not asking for a farm or rural exemption. We feel that if there is a real problem with 14 and 15 year old drivers, it can be solved by improving the drivers education programs in the schools. Many of the programs are woefully inadequate, and many teachers are not well enough trained. If good drivers education programs are available, and passage of the course is required in order to obtain a license, we feel the problem will be solved.

HOUSE FEDERAL AND STATE AFFAIRS

February 20, 1991

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# PUBLIC POLICY STATEMENT

HOUSE FEDERAL and STATE AFFAIRS COMMITTEE

Re: H.B. 2130 - Minimum Age of Applicants for Drivers'  
Licenses and Instructional Permits

February 20, 1991  
Topeka, Kansas

Presented By:  
Bill Fuller, Assistant Director  
Public Affairs Division  
Kansas Farm Bureau

Madam Chairperson and members of the Committee:

My name is Bill Fuller. I am the Assistant Director of the Public Affairs Division for Kansas Farm Bureau. We appreciate this opportunity to testify in opposition to H.B. 2130. My comments will be based upon policy developed by the farmers and ranchers who are members of the 105 County Farm Bureaus in Kansas.

After the House Transportation Committee, last session, debated proposals to increase the age for acquiring a drivers license, our membership directed staff to develop a research paper on the issue. We have attached a copy of that paper and the responses from our members. The responses were reviewed by our Resolutions Committee. They proposed a tentative resolution to our membership last fall for their consideration. On December 8, 1990, the following resolution was adopted by the 439 Voting Delegates

HOUSE FEDERAL AND STATE AFFAIRS

February 20, 1991

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representing the 105 County Farm Bureaus at the 72nd Annual Meeting of Kansas Farm Bureau in Wichita:

DRIVERS LICENSES

Driving age: We believe Kansas youth should continue to have the opportunity to acquire a restricted drivers license at age 14. The use of a restricted license should be limited to driving to and from work, driving on business related or agricultural errands, and driving to and from school using the most direct route. We do not believe letter grades received in school should be a criterion for receiving a restricted drivers license.

We believe successful completion of a Drivers Education course by age 16 should be a requirement for obtaining a drivers license.

Suspension: We support legislation to require written notification by certified mail to be given to persons whenever their drivers licenses are suspended or reinstated.

Commercial Drivers License: We believe persons 16 years old and older should be permitted to operate trucks for harvesting operations. These drivers should be allowed to test for and receive a Commercial Drivers License and should be exempt from age requirements in Part 391 of Federal Motor Carriers Standards, Title 49.

The opportunity for teenagers to run agricultural errands,

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assist with harvest and drive to and from school where buses are not provided is vital to many rural families. We believe increased enforcement of the current law and providing more student the opportunity to take drivers education are better alternatives to the proposed legislation. We respectfully ask you to vote "no" on H.B. 2130. We would attempt to respond to any questions from the Committee. Thank you!

# ISSUE ANALYSIS....

## INFORMATION on PUBLIC POLICY

Prepared as a Service to Members by the  
Public Affairs Division, Kansas Farm Bureau



### A KANSAS DRIVERS LICENSE: Minimum Age?

#### THE ISSUE

The Kansas Legislature gave serious consideration to raising the minimum driving age in 1990. In fact, a bill was narrowly defeated by a vote of 55 to 54 in the House of Representatives.

Advocates of the proposal cited increased accident rates for young drivers and the higher minimum driving age existing in many other states. The other side stressed the inconvenience of young teenagers getting to jobs and the inability of 14 and 15 year olds to assist with the operation of family farms if the law was changed. The debate in the Legislature is expected to continue to 1991!

#### BACKGROUND

The 1990 Legislature examined two bills that would make major changes in the requirements for young people acquiring Kansas drivers licenses.

Sub. for HB 2298 proposed to:

- Repeal provisions permitting 14 year olds to have a restricted license;
- Provide an instruction permit at age 15... allow operation of auto or motorcycle when accompanied by an adult who is at least 21 years of age and holds a valid driver's license;
- Issue a restricted Class C or D license at age 16... to operate a vehicle from 7 a.m. to 7 p.m.;
- Provide a full driver's license at age 17, if successfully completed driver's training course; otherwise
- Issue a full driver's license at age 18.

A Subcommittee recommended and the House Transportation Committee adopted amendments:

- Require students to have a "B" grade average or better for 17 year olds to get full licenses;
- Repeal current restrictions and replace with limiting driving between the hours of 6 a.m. to 10 p.m only;
- Revoke driver's license for a year if

holder of restricted license is convicted of any alcohol or drug charges or had 3 moving traffic violations in a year.

HB 2298 would have denied a driver's license or instruction permit to any person under age 18 without a diploma from a high school unless the person is:

- Enrolled in a secondary school;
- Making satisfactory progress toward a GED certificate; or
- Excused due to circumstances beyond such persons control.

#### KANSAS LAW

A license issued to a person under 16 restricts driving to:

- Any time while going to, from or in connection with any job or employment, or farm related work.
- Days when school is in session, over the most direct and accessible route between the driver's home and the school in which he or she is enrolled, for the purpose of attendance.
- When the licensee is operating a passenger car at any time when accompanied by an adult licensed to operate Class A, B, or C vehicles, in the seat beside the driver.

KANSAS DRIVERS LICENSE CLASSIFICATIONS						
TYPE OF LICENSE						
Class A	YES	YES	YES	YES	YES	NO
Class B	NO	YES	YES	YES	YES	NO
Class C	NO	NO		YES	YES	NO
Class D						YES

- At any time when operating a motorcycle if accompanied by an adult who is the holder of a valid Class D license and who is operating a motorcycle in the general proximity of the licensee.
  - These restrictions do not apply to moped licenses.
- A number of problems have been outlined concerning the enforcement of the

current Kansas law. Law enforcement officials have noted the difficulty in enforcing the restriction mandating travel over the "most direct route between home and school." School activities are not generally considered acceptable travel because the restriction states "for the purpose of attendance." Also, it was reported 14 to 16 year old drivers sometimes carry a bag of feed or seed in their vehicle at all times so they may claim they are on an "agricultural errand".

#### OTHER STATE LAWS

What is the minimum driving age in neighboring states?

Nebraska	16
Missouri	16
Oklahoma	16
Colorado	*16

\*restricted at 16, provisional at 18, full at 21

Several states impose restrictions on drivers under 18 years of age:

Arizona	parental consent required
California	hardship cases only, full license at 16 with drivers ed
Colorado	restricted at 16, provisional at 18, drivers ed required under 18
Connecticut	only with an adult
Delaware	drivers ed required
Iowa	only for work with verified employment drivers ed required
Louisiana	5 am to 11 pm Sun-Thu; 5 am to midnight Fri and Sat
Massachusetts	4 am to 1 am; other times with adult
Michigan	extenuating circumstances only; drivers ed required
New Hampshire	several restrictions
New Jersey	daylight only; drivers ed required
New York	Several restrictions at age 16.
Pennsylvania	5 am to Midnight; other times with parent, guardian or spouse
Rhode Island	Restricted at 16 with parents approval; drivers ed required

Vermont . . . . . Restricted at 16 with parents approval; drivers ed required  
 West Virginia . . . . . Full license at 16 if attending school.

Twelve states, in addition to Kansas, allow 14 year olds to drive with restrictions:

Alaska	North Dakota
Arkansas	Ohio
Idaho	Oregon
Michigan	South Dakota
Montana	Tennessee
Nevada	Wisconsin

Restrictions for 14 year old drivers vary from state to state, and include:

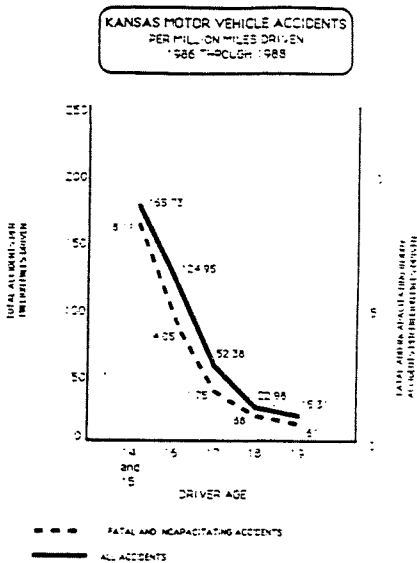
- Drivers ed required
- Daylight hours only
- Only with a licensed adult
- Only with parent or guardian
- Parental consent required
- Hardship cases only

All other state laws are considered more restrictive than the current Kansas law.

Minnesota is the only other state with a "farm exemption." It only applies to 15 year olds and is allowed only with a showing of need.

**SAFETY CONCERNS**

Kansas statistics indicate 14 and 15 year old drivers are involved in more accidents:



*Note: This chart was provided by Kansas for Highway Safety. The KFB Safety Director points out no actual Kansas figures are available, thus the chart is an estimate based upon calculations from national statistics showing 14 year olds driving 259 and 15 year olds driving 618 miles per year. He believes 14 and 15 year olds in Kansas drive more miles which would lower actual accident rates.*

The time of day has a significant effect on the number of injury accidents:

**ALL ACCIDENTS (1986-88)**  
**AGE**

HOUR	UNDER 16	16	17
Midnight	83	343	446
1 a.m.	63	176	325
2 a.m.	29	82	145
3 a.m.	25	52	95
4 a.m.	9	33	63
5 a.m.	13	19	38
6 a.m.	40	75	114
7 a.m.	390	825	878
8 a.m.	212	421	474
9 a.m.	101	166	226
10 a.m.	134	222	298
11 a.m.	236	502	535
Noon	307	626	731
1 p.m.	245	472	552
2 p.m.	315	732	797
3 p.m.	860	1830	1698
4 p.m.	586	1229	1250
5 p.m.	531	1026	1125
6 p.m.	341	806	740
7 p.m.	293	718	683
8 p.m.	238	661	646
9 p.m.	221	706	724
10 p.m.	188	705	656
11 p.m.	138	551	703

The number of drivers in each age group should be considered when reviewing accident numbers:

Age	No. of Licensed Drivers
14	5533
15	15843
16	24897
17	30030
18	33137
19	32542

**FARM BUREAU POLICY**

A review of Kansas Farm Bureau policy finds a drivers license resolutions last included in 1971. That policy in part stated ... "We believe the legislature has acted wisely in enacting a law which recognizes the necessity of some of our younger people to operate motor vehicles, and at the same time sufficiently restricts the time and conditions under which they may operate motor vehicles. We believe there are good and valid reasons for some 14 and 15 year olds to operate motor vehicles under an instruction permit."

**YOUR TURN**

1. Distribute copies of this material to FB members in your county so they will be familiar with the issue.
2. Call a meeting to discuss the issue and offer recommendations and conclusions.
3. Use the attached sheet to send a report by Sept. 10, 1990 to Public Affairs Division, Kansas Farm Bureau Plaza, Manhattan, Kansas 66502.

Prepared by: **Bill R. Fuller**  
 July 1990

DISCUSSION QUESTIONS

A KANSAS DRIVERS LICENSE: Minimum Age?

1. Should Farm Bureau in Kansas **develop** policy on the minimum driving age?

48 YES                      2 NO

2. What should be the **minimum** driving age in Kansas?

49 14 years  
3 15 years  
6 16 years  
0 17 years  
0 18 years  
0 other

3. Should **restrictions** be placed on young drivers?

52 YES                      1 NO

4. If your answer to Question #3 above is "Yes", what **age** drivers should have restrictions? (check one or more)

51 14 years  
48 15 years  
14 16 years  
2 17 years  
0 18 years

5. **Which** restriction do you believe is more enforceable and most appropriate? (check one)

- a. The **current law** that permits driving 46  
to and from work, on agricultural  
errands and using the most direct  
route between home and school;

or

- b. A **new policy** allowing driving for any 5  
purpose during certain hours of the day,  
for example between 7 a.m. to 7 p.m.?



6. Do you believe a **licensed adult** should be required to be in a vehicle operated by a driver with a restricted license?

6 YES 45 NO

7. Should **students** be required to have a "B" grade average to be issued a drivers license?

6 YES 45 NO

8. Should a **high school diploma or enrollment in a secondary school** be a requirement for any person under age 18 to acquire a drivers license?

15 YES 38 NO

9. Should **Drivers Education** become a required subject in Kansas Schools?

44 YES 8 NO

10. List additional recommendations and comments:

**Allen**

- We believe a licensed adult should accompany a restricted licensed driver only after dark.

We do not think there is a correlation between achievement in school and driving ability.

**Atchison**

- Raising driving age would put farm families in a bind during busy seasons.

Driving to school under 16 should be taken out. Just be able to drive to work and farm errands.

I think it would put a hardship on farm families to raise the driving age.

Question #6: Other times than driving to or from work, on agricultural errands and most direct route from home to school.

Question #7: B grade is to high, grade average: C is more suitable.

**Cheyenne**

- Some concern expressed about the state requiring schools to provide it - some schools may not be able to afford it.

**Decatur**

- #7(c) would be better. (not enforceable though)

- Dickinson** - We believe a "C" average would be better.
- So many of the people getting killed in auto wrecks are in their early twenties. Attention should given to this age group.
- Finney** - If the law changes increasing the drivers age to 18, alot of rural students cannot participate in after school activities.
- If drivers education is to be required, it should be offered as a class during regular school hours.
- Franklin** - On #3, the language needs to be changed to "making satisfactory progress toward graduation."
- On #9, we felt that drivers education should be strongly recommended.
- Gove** - On #8 - cross out diploma and lower age to 16.
- Graham** - Lose license for one year - DUI.
- Speeding - lose license for a month.
- "Their fault" accident lose license for a month.
- Haskell** - Enforce laws that are already in effect.
- Jefferson** - Drivers Ed should be required.
- Any moving violation would automatically revoke restricted license for 90 days.
- Jewell** - #5(a) We observed this with our teenage daughters and it can be done again just make the fine big enough and parents will observe it!!
- #6 Not if the restrictions are observed.
- #7 Some kids can't make a "B" average.
- Keep up your good work.
- Labette** - We believe the current Kansas law is sufficient concerning Item #6.
- We believe that Driver's Education should be available to all young drivers.
- We feel that the policy that was made in 1971 is a good policy.

**Logan**

- Have a special agricultural class license for teenagers who help their parents in agricultural pursuits (when parent's ag. income exceeds 50%)

On #6 - Have licensed adult with a restricted driver for the first year and/or in urban areas.

Children should not drive until they possess the maturity to handle a vehicle safely.

**McPherson**

- Grade average is a desirable criteria with a "C" average being more of a relative measure.

**Montgomery**

- On 5-B feeling is sunup to sundown instead of 7:00 a.m. to 7:00 p.m.

**Nemaha**

- Considering the agricultural background of Kansas and its more spread out population we believe that Kansas Laws are now in the best interest of all.

**Neosho**

- #6 - leave it like it is.

**Osborne**

- Stricter enforcement on current laws.

**Ottawa**

- Instructor needs stronger certification.

Need to teach students to operate a normal transmission vehicle.

**Phillips**

- #6 except for work or school.

Agricultural areas need 14 and 15 year olds for work and they need to be licensed to drive vehicles.

In rural areas 14 and 15 year olds need to be able to transport themselves to and from school and school functions. No public transportation available.

14 and 15 year olds need to be licensed to drive to work in agricultural areas and while at work.

14 and 15 year olds need to be able to drive to and from school and school functions as there aren't any public transportations available.

Should a young driver lose their license,(violation or accident) they should lose license until High School graduation.

If we raise the minimum age for driver's license,

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we parents in rural areas are going to be chasing students to and from activities at all hours of day and night or short changing our kids on activities..

- Pottawatomie** - Maybe 17 should be a recommended age for regular license.  
Drivers Education for people over 65.
- Reno** - We would support a "C" grade average requirement on Question 7.  
Answering Question 5 is difficult because of vagueness of part B.
- Republic** - Practical driving experience should be longer than two weeks of Drivers Ed.  
The restrictions and problems in our rural areas are very different than those in the urban areas.
- Riley** - Use of young drivers during harvest.  
Do young drivers need a license to operate farm combines and tractors on highways?
- Rice** - Students should be required to have a "B" grade average only in Driver Education.
- Smith** - We believe that the current law should be enforced.  
We as a board also believe that insurance companies should have a good student discount.  
Drivers education should also carry a discount for insurance.
- Stanton** - Require Drivers Education before getting any license.
- Wilson** - Same emphasis should be placed on Senior Citizens and their ability to drive.
- Woodson** - Students should be permitted to drive directly to a school activity such as ball practice, play practice, or any school activity, if the school does not provide activity transportation.
- Wyandotte** - When a youth buy's a car or pick-up don't let them lower the vehicle or install tires or wheels that

are wider than the body. Pass a law that will take care of that.

If a farm youth needs to drive during harvest younger than I have marked make special provisions so they can help during harvest.



KANSAS DEPARTMENT OF REVENUE  
*Division of Alcoholic Beverage Control*  
Topeka, Kansas 66612-1584

MEMORANDUM

**TO:** The Honorable Kathleen Sebelius, Chairman  
House Committee on Federal and State Affairs

**FROM:** Jim Conant, Acting Director  
Alcoholic Beverage Control Division

**DATE:** February 18, 1991

**SUBJECT:** Kansas Liquor Facts

The Alcoholic Beverage Control Division is primarily responsible for the administration and enforcement of the Kansas Liquor Control Act. Among the duties associated with this mandate, the agency places a relatively high priority on our ability to provide accurate information regarding all aspects of the liquor industry in the state. Current information is available on topics such as interpretation of liquor laws and rules and regulations, the structure and content of the various industry levels and statistical data regarding the movement of products and associated tax collections.

As you attempt to evaluate the various proposals brought before your committee during the Legislative Session, it is essential that you have accurate information readily available on the topics at hand. With this in mind, I am enclosing a packet of documents which are intended to provide you and your committee with an overview of the liquor industry in Kansas. The packet includes a summary of the licensing structure and product flow through the three-tier system of distribution and numerical and graphic representations of tax collections for the past six years.

I hope this information is of some use to you as you consider any liquor-related proposals in this Session. The information provided is not intended as support or rebuttal for any particular issue, but rather as reference material to assist in your consideration of various legislation. Please do not hesitate to contact this office for any additional information which may be needed.

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# REPRODUCTIVE FREEDOM PROJECT

## ACLU STATEMENT ON KANSAS HB 2089

Submitted by:  
The American Civil Liberties Union of Kansas and Western Missouri  
and The ACLU Reproductive Freedom Project  
February 12, 1991

Kansas HB 2089 presents a real and substantial threat to low-income women's dignity, decisional autonomy, and reproductive freedom. Nevertheless, the bill could be saved if it were amended to eliminate any form of monetary incentives and, instead, to improve access to all available contraceptive methods. Only such a full and fair family planning policy would adequately respect women's procreative and contraceptive decision-making. For the reasons set forth below, the American Civil Liberties Union of Kansas and Western Missouri, and the ACLU Reproductive Freedom Project urge that Kansas HB 2089 be rejected in its present form.

First, at the outset, the ACLU rejects the premise that low-income women are not competent to make their own contraceptive decisions. Once provided access to contraceptives, low-income women, like all women, are best suited to choose the method most appropriate for their own individual needs. If indeed Norplant is the best choice, a woman will choose it on her own, without a monetary incentive. A monetary incentive thus serves only to strip low-income women of their dignity and decisional autonomy.

Second, by pushing low-income women into making one contraceptive choice, the Kansas legislature would effectively be limiting many low-income women's contraceptive choices to one, not facilitating true choice among alternative methods.

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The Supreme Court has long held fundamental the right to make contraceptive decisions independent of government intrusions.<sup>1/</sup> The right to use contraceptives has not been limited by recent abortion decisions; it is still a strong, fundamental right "basic to individual dignity and autonomy."<sup>2/</sup> For this reason, the legislation may well violate fundamental constitutional rights.

Third, by providing an incentive for low-income women not to have children, the Kansas legislature also would be interfering with their procreative choices. Like contraceptive decisions, the core decision of "whether or not to beget or bear a child is at the very heart of [a] cluster of constitutionally protected choices."<sup>3/</sup> Thus, not only do state-imposed procreative policies hark of eugenics, they also raise serious constitutional concerns surrounding the very right to procreate.

Finally, the sex bias in the proposed legislation cannot be ignored. Only women are constructively bribed not to procreate. No similar provisions apply to men. Nor should they. Certainly, a provision to pay men a \$500 incentive either to be sterilized or to use a male contraceptive, such as the "cork" device pioneered in China,

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<sup>1</sup> See e.g. Griswold v. Connecticut, 381 U.S. 479, 485-86 (1965); Eisenstadt v. Baird, 405 U.S. 438, 463-64 (1972)(White, J. concurring); Carey v. Population Services Int'l, 431 U.S. 678, 686-688 (1977).

<sup>2</sup> Thornburgh v. American Coll. of Obst. & Gyn., 476 U.S. 747, 772 (1986).

<sup>3</sup> Carey v. Population Services, 431 U.S. at 685. See also Skinner v. Oklahoma, 316 U.S. 535, 541-42 (1942)(establishing that the right to procreate is fundamental); Eisenstadt v. Baird, 405 U.S. at 453 ("If the right to privacy means anything, it is the right of the individual, married or single, to be free of unwanted government intrusion into matters so fundamentally affecting a person as the decision whether to bear or beget a child.")



would be equally objectionable. Yet, as written, the biased nature of the bill renders it particularly objectionable.<sup>4/</sup>

All contraception incentive schemes would raise these grave policy questions and constitutional concerns. The Norplant device, however, presents unique problems. Norplant is particularly intrusive as it must be surgically implanted. Government actions provoking actual bodily intrusions have always been regarded with extreme skepticism.<sup>5/</sup> In addition, because Norplant cannot be discontinued without surgical removal, a woman cannot simply change her mind. For this reason, before inserting the device, medical clinicians must ensure that a woman's decision is independent, not the product of third-party persuasion. In contrast to this mandate, Kansas HB 2089 virtually ensures that some women's decisions will be made on the spur of the moment, for the sake of the \$500 "bonus." The bill either is oblivious to the unique nature of Norplant or, worse yet, takes advantage of Norplant's unprecedented characteristics to lock women into contraceptive choices they might not otherwise make.

The legislature could recognize women's ability to make their own procreative and contraceptive decisions by amending Kansas HB 2089 to eliminate any incentives for making procreative choices. Instead, the legislature could use the funding that

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<sup>4</sup> Similarly, the race-bias inherent in the legislation should not be overlooked. Because the contraceptive incentive policy applies only to low-income women, and a disproportionate number of low-income women are women of color, the legislation has a particularly adverse effect on this group of women.

<sup>5</sup> See Cruzan v. Director, Missouri Dept. of Health, 110 S.Ct. 2841, 2856 (O'Connor, J., concurring) ("because our notions of liberty are inextricably entwined with our idea of physical freedom and self-determination, the Court has often deemed State intrusions into the body repugnant to the interests protected by the Due Process Clause.")

would be spent on monetary inducements to improve funding for and access to all contraceptive choices, to finance complete, neutral contraceptive information, and to provide low-income men with contraceptive services as well. By providing more people with access to contraception, such a program would provide social benefits and monetary savings equal to or greater than those projected in HB 2089's fiscal analysis. And only a comprehensive, completely non-coercive family planning scheme can safeguard low-income women's right to choose when and how to practice contraception.

If the Kansas legislature were to enact HB 2089, it would set a dangerous precedent and provide a test case for the rest of the country. Kansas could, however, provide a different example. We respectfully urge the Kansas legislature to take a lead in establishing a wise and just family planning policy.

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For more information, contact:

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