

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES

The meeting was called to order by Sen. Bill Morris at  
Chairperson

9:02 a.m./~~p.m.~~ on March 20, 1991 in room 254-E of the Capitol.

~~All members were present except~~ Members present:

Senators Morris, Doyen, Brady, Hayden, F. Kerr, Martin, Sallee, Thiessen and Vidricksen.

Committee staff present:

Ben Barrett, Legislative Research Department

Hank Avila, Legislative Research Department

Bruce Kinzie, Revisor of Statutes

Louise Cunningham, Committee Secretary

Conferees appearing before the committee:

John Smith, Division of Motor Vehicles

Hearing and Action on H.B. 2435 - Drivers' licenses, extending periods of extension or revocation.

John Smith said currently the law does not require additional time for indefinite suspensions such as failure to comply with traffic citations, failure to maintain insurance, and driving under the influence. There should be some additional penalty for driving under suspension. (Attachment 1).

The committee discussed the hardships that could be encountered in people getting to work, especially in rural areas. It might force some people to welfare.

A motion was made by Sen. Hayden to amend the bill on page 2, line 8 to a period of "one-half" year instead of one year. Motion was seconded by Sen. Thiessen.

A substitute motion was made by Sen. Martin to change the time period to 90 days. Motion was seconded by Sen. Sallee. The motion carried.

A motion was made by Sen. Martin to recommend H.B. 2435 as amended, favorably for passage. Motion carried.

Hearing and Action on H.B. 2436 - Drivers' licenses, providing mailing and residence addresses.

John Smith said this bill would require an applicant to furnish a mailing address as well as a residence address. This sets out where notices should be mailed. The bill is needed because the Commercial Motor Vehicle Safety Act provides for the division to maintain both addresses. (Attachment 2).

A motion was made by Sen. F. Kerr to recommend H.B. 2436 favorably for passage. Motion was seconded by Sen. Martin. Motion carried.

Action on H.B. 2366 - Accessible parking for persons with a disability.

The committee discussed the amendment submitted by the Kansas Medical Society (Attachment 3). This would make chiropractors eligible to sign the statements. H.B. 2060 goes further than was intended and gets into whether a chiropractor is a physician. This matter is in court now.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES,  
room 254-E, Statehouse, at 9:02 a.m./~~p.m.~~ on March 20, 1991

There was some discussion that this might increase the number of permits issued and might water down the privilege of having these permits.

A motion was made by Sen. Doyen to adopt the suggest KMS amend-  
ments. Motion was seconded by Sen. Vidricksen. Motion carried.

A motion was made by Sen. Doyen to recommend H.B. 2366 as amended,  
favorably for passage. Motion was seconded by Sen. Hayden. Motion  
carried.

Meeting was adjourned at 9:30. Next meeting March 21, 1991.

SENATE TRANSPORTATION AND UTILITIES COMMITTEE

Date 3-20-91 Place 254-E Time 9:02

GUEST LIST

NAME

ADDRESS

ORGANIZATION

JOE DICK TOPEKA DIR MOTOR VEHICLES

John W. Smith Topeka Div of Vehicles

Chip Wheeler " KMS

Harold Ryan " OSTEOPATHIC ASSN



KANSAS DEPARTMENT OF REVENUE

*Division of Vehicles*

Robert B. Docking State Office Building  
Topeka, Kansas 66626-0001

SENATE TRANSPORTATION COMMITTEE  
SENATOR MORRIS, CHAIRMAN

House Bill No. 2435 will provide an equitable enhancement of extending periods of driver license suspensions and revocations.

The present statute requires an additional like period of suspension if the original suspension was for a definite period of time, but requires no additional time for an indefinite suspension.

Failure to comply with traffic citations, failure to maintain liability insurance, even if an accident is involved, and DUI convictions are indefinite suspensions.

The department supports this bill and respectfully requests the committee to endorse this amendments.

Mark Beshears  
Secretary of Revenue

*Director of Vehicles (913) 296-3601 • Titles & Registration Bureau (913) 296-3621  
Driver License Examination Bureau (913) 296-3963 • Driver Control Bureau (913) 296-3671  
Motor Carrier Services Bureau (913) 273-8192  
Dealer Licensing Bureau (913) 296-3626*

ATT. 1  
T&U  
3-20-91



**KANSAS DEPARTMENT OF REVENUE**

*Division of Vehicles*

Robert B. Docking State Office Building  
Topeka, Kansas 66626-0001

**SENATE TRANSPORTATION COMMITTEE  
SENATOR MORRIS, CHAIRMAN**

House Bill No. 2436 provides that the address furnished to the division as the person's mailing address if different from the person's permanent address is the official address to which the Division of Vehicles shall mail all notices.

The Bill is needed because the Commercial Motor Vehicle Safety Act provides for the division to maintain both addresses. If this statute is not amended it could result in confusion as to which address should be used and will negate the Kansas Supreme Courts ruling in STATE V MOFFETT which established that the division mails notices to the last known address furnished by the person regardless of any other address which may be in the division records.

The department supports this Bill and respectfully requests the committee to endorse this amendment.

**Mark Beshears  
Secretary of Revenue**

1 responsible for the transportation of such veteran. Motor vehicles  
 2 displaying the distinctive license plates provided for in this act shall  
 3 be permitted to park in any parking space on public or private  
 4 property which is clearly marked as being reserved for the use of  
 5 ~~handicapped~~ persons *with a disability* or persons responsible for  
 6 the transportation of a ~~handicapped~~ person *with a disability*, except  
 7 a parking space on private property which is clearly marked as being  
 8 reserved for the use of a specified ~~handicapped~~ person *with a*  
 9 *disability*, or park without charge in any metered zone and shall be  
 10 exempt from any time limitation imposed on parking in any zone  
 11 designated for parking, during the hours in which parking is per-  
 12 mitted in any city.

13 Any person who willfully and falsely represents that such person  
 14 has the qualifications to obtain the distinctive license plates provided  
 15 for by this section, or who falsely utilizes the parking privilege  
 16 accorded by this section, shall be guilty of an unclassified misde-  
 17 meanor punishable by a fine of not more than \$250.

18 Sec. 2. K.S.A. 1990 Supp. 8-1,124 is hereby amended to read  
 19 as follows: 8-1,124. As used in this act:

20 ~~(a) "Handicapped person"~~ *"Person with a disability"* means any  
 21 individual with a severe visual or physical impairment or condition,  
 22 which such impairment or condition limits such person's walking  
 23 ability and results in an inability to travel, unassisted more than 200  
 24 feet, without the use of a wheelchair, crutch, walker, prosthetic,  
 25 orthotic or other assistive device; and

26 ~~(b) "physician" means a person licensed to practice medicine and~~  
 27 ~~surgery in this state.~~

28 Sec. 3. K.S.A. 1990 Supp. 8-1,125 is hereby amended to read  
 29 as follows: 8-1,125. (a) Any Kansas resident who submits satisfactory  
 30 proof to the director of vehicles, on a form provided by the director,  
 31 that such person is a ~~handicapped~~ person *with a disability* or is  
 32 responsible for the transportation of a ~~handicapped~~ person *with a*  
 33 *disability* shall be issued a special license plate or a permanent  
 34 placard for any motor vehicle owned by such person or shall be  
 35 issued a temporary placard. Satisfactory proof of disability, condition  
 36 or impairment shall include a statement from a ~~physician~~ or a Chris-  
 37 tian Science practitioner listed in The Christian Science Journal cer-  
 38 tifying that such person is a ~~handicapped~~ person *with a disability*.  
 39 The placard shall be suspended immediately below the rear view  
 40 mirror of any motor vehicle used for the transportation of a ~~hand-~~  
 41 ~~icapped~~ person *with a disability* so as to be maximally visible from  
 42 outside the vehicle. In addition to the special license plate or per-  
 43 manent placard, the director of vehicles shall issue to the handi-



*delete*

( person licensed to practice the healing arts in this state



3-2

1 (b) As of January 1, 1987, any owner of private property available  
 2 for public use establishing a new parking space for the handicapped  
 3 or relocating an existing parking space for the handicapped persons  
 4 with a disability, shall conform to section 4.6.3 of ANSI 117.1-1980,  
 5 a published standard for specifications for making buildings and fa-  
 6 cilities accessible to and usable by physically handicapped people,  
 7 which is available from the American national standards institute,  
 8 1430 Broadway, New York, N.Y. 10018.

9 Sec. 7. K.S.A. 1990 Supp. 8-1,129 is hereby amended to read  
 10 as follows: 8-1,129. (a) Except when necessary to avoid conflict with  
 11 other traffic, or in compliance with the law or the directions of a  
 12 law enforcement officer or official traffic-control device, no person  
 13 shall:

14 (1) Stop, stand or park a vehicle in any parking space designated  
 15 as handicapped accessible parking without having a special license  
 16 plate, permanent placard or disabled veteran license plate and an  
 17 individual identification card, or a valid temporary placard; or

18 (2) stop, stand or park a vehicle so that it blocks an access ramp  
 19 adjacent to a designated handicapped accessible parking space.

20 (b) Violation of subsection (a) is an unclassified misdemeanor pun-  
 21 ishable by a fine of not more than \$50.

22 (c) The provisions of subsection (a) shall be enforced by law  
 23 enforcement officers on public and private property.

24 Sec. 8. K.S.A. 1990 Supp. 8-1,130a is hereby amended to read  
 25 as follows: 8-1,130a. (a) Any person who utilizes any handicapped  
 26 accessible parking identification device which has been revoked or  
 27 suspended by the secretary of revenue pursuant to subsection (c) of  
 28 K.S.A. 1987 1990 Supp. 8-1,125, and amendments thereto, or  
 29 K.S.A. 1988 1990 Supp. 8-1,130b, and amendments thereto, shall  
 30 be guilty of an unclassified misdemeanor punishable by a fine not  
 31 to exceed \$100.

32 (b) Any person who utilizes any handicapped accessible parking  
 33 identification device issued to another person, an agency or a busi-  
 34 ness, to park in any designated handicapped accessible parking  
 35 space, except when transporting or arriving to transport a handi-  
 36 capped person with a disability to whom or for whom the identi-  
 37 fication device was issued shall be guilty of an unclassified  
 38 misdemeanor punishable by a fine not to exceed \$100.

39 Sec. 9. K.S.A. 1990 Supp. 8-1,130b is hereby amended to read  
 40 as follows: 8-1,130b. (a) The secretary of revenue shall revoke, in  
 41 accordance with rules and regulations adopted pursuant to subsection  
 42 (c), any handicapped accessible parking identification device of any  
 43 person who is convicted under the provisions of K.S.A. 1987 1990

( K.S.A. 1990 Supp. 8-1,130 is hereby amended to read as follows:

**8-1,130. Falsely obtaining handicapped identification; penalties.** (a) Any person who willfully and falsely represents that such person has the qualifications to obtain a special license plate, a permanent placard and an individual identification card or temporary placard pursuant to this act shall be guilty of a class C misdemeanor.

(b) Any ~~physician~~ or Christian Science practitioner who willfully and falsely certifies that a person has the qualifications to obtain a special license plate, a permanent placard and an individual identification card or temporary placard pursuant to this act shall be guilty of a class C misdemeanor.

~~History: L. 1986, ch. 36, § 7, L. 1988, ch. 45, § 3, July 1.~~

π Sec. 9.

(licensee of the healing arts

( 10

and renumber ensuing sections

1 one parking space, easily accessible to such building, which is clearly  
2 marked as being reserved for ~~handicapped~~ persons *with a disability*  
3 or persons responsible for the transportation of a ~~handicapped~~ per-  
4 son *with a disability*.

5 ~~Sec. 13. K.S.A. 58-1311 and K.S.A. 1990 Supp. 8-161, 8-1,124,~~ ( 14  
6 ~~8-1,125, 8-1,126, 8-1,127, 8-1,128, 8-1,129, 8-1,130a, 8-1,130b, 8-~~ ( 8-1,130,  
7 ~~1,133 and 32-901 are hereby repealed.~~

8 Sec. 14. This act shall take effect and be in force from and after  
9 its publication in the statute book.