

Approved 4-8-92 Date

MINUTES OF THE House COMMITTEE ON Transportation

The meeting was called to order by Representative Herman G. Dillon at  
Chairperson

1:37 a.m./p.m. on March 17, 1992 in room 519-S of the Capitol.

All members were present except:

Representative Eugene Shore - Excused  
Representative Jan Pauls - Excused Representative Vernon Correll - Excused  
Representative Robin Jennison - Excused

Committee staff present:

Hank Avila - Legislative Research  
Bruce Kinzie - Revisor of Statutes  
Jo Copeland - Committee Secretary

Conferees appearing before the committee:

Senator Gus Bogina  
Representative Tom Thompson  
Mike Kautsch - Dean of Journalism, Kansas University  
Henry Marsch - Professor of Journalism, Kansas State University  
Gregory S. Reeves, Reporter, The Kansas City Star  
Monroe Dodd - Managing Editor Kansas City Star  
Ira H. Rakley - Private Detective  
Donna L. Whiteman - Secretary, Kansas Department of Social and  
Rehabilitation Services  
Elliot Jaspin - Reporter  
Peter W. Stauffer - Editor and Publisher - The Topeka Capital  
Journal  
Glenn D. Cogswell - R. L. Polk & Co.  
Terry Breese - Capital Investigative Services, Inc. - Topeka, Ks.  
Bob Frey - Kansas Trial Lawyers Association  
Hugh Taylor - Manager, Rates and Regulations - Board of Public  
Utilities of Kansas City, Ks.  
Shirley Atteberry - Research - L & S Investigations & Consultants  
Betty McBride - Director, Division of Vehicles - Department of  
Revenue  
Chip Wheelen - Kansas Medical Society  
Richard Charlton - Sunflower Sub-Chapter for Paralyzed Veterans  
of America  
Sally Soden - Member of Developmental Disabilities Council, Topeka,  
Ks.

Chairman Dillon entertained a motion to approve February 25th,  
26th, March 2nd, 3rd, 4th and 5th minutes. Representative Gross  
made the motion to approve minutes. Representative McKechnie  
seconded. Motion carried.

Hearing on Senate Bill 461 - Certain division of vehicle records  
confidential.

**A. TESTIMONY OF PROPONENTS OF THE MEASURE**

Senator Bogina, sponsor of the bill, indicated that the bill was in response to a female resident of Johnson County whose license plate number was used by an individual in locating her in order to make her an offer to buy her car. Senator Bogina indicated that the lady expressed concern how easily her identity was obtained by a stranger. Senator Bogina said that it is imperative that the privacy of automobile owners not be compromised by the ability to obtain the name and address of the owner of a motor vehicle license plate. He pointed out that the state should not be a participant nor assist persons whose desire and intent might be to cause harm to citizens. (Attachment 1)

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Transportation,  
room 519-S Statehouse, at 1:37 a/m./p.m. on March 17, 1992

Representative Thompson testified that his primary concern involved using information from automobile license tags. He said that he did not believe it was necessary to protect the privacy of owners of commercial vehicles in the same manner. The protection of private citizens was his principle concern. He added that insurance information should be obtainable in cases where automobile accidents occur. (Attachment 2)

**B. TESTIMONY OF OPPONENTS TO THE MEASURE**

Chairman Dillon called on Mike Kautsch who said that information pertaining to the use and abuse of the driving privilege in Kansas is a matter of public interest. He indicated that driver's license and motor vehicle records should be available for public use. He pointed out that the availability of public records of licensed drivers and registered vehicles can conflict with a person's right to privacy. However, proposed restrictions on access to information of such records should be considered in light of the public interest. (Attachment 3)

Harry Marsch testified that driving a motor vehicle is considered a privilege and not a right. He added that the state is justified in licensing drivers in order to make the streets and highway as safe as possible. He believes access to driver's license records will enhance the safety of public streets and highways. (Attachment 4)

Gregory Reeves explained the importance of driver's license records to reporters. He gave examples how reporters have used these records. He indicated that in Kansas City, he used Missouri driving records to investigate the driving records of drivers employed by the fire department. He found that some of these drivers had multiple drunken-driving convictions and driver's license revocations. He said that the fire department had not looked into driving records in screening people for these jobs. (Attachment 5)

Monroe Dodd spoke against denying access to records to the public.

Ira Rakley proposed an amendment to Senate Bill 461. (Attachment 6)

Donna Whiteman stated that the Department of Social and Rehabilitation Services uses names and address information from the Division of Vehicles in a number of ways. She proposed an amendment that would allow the continued use of Division of Vehicles information for the administration of SRS programs or alternatively all state programs. (Attachment 7)

Elliot Jaspin pointed out that information such as addresses are a public fact and that Senate Bill 461 would not prevent a person who is persistent and wishes to find out where another person lives. (Attachment 8)

Peter Stauffer stated that the advantages of public access to driver's license records outweigh the disadvantages. (Attachment 9)

Glenn Cogswell testified that the Division of Vehicles are public records which should be open and accessible to responsible parties for legitimate purposes. (Attachment 10)

Terry Breese said he owns and operates a private investigative firm. He stated that Senate Bill 461 will not benefit the citizens of this state. (Attachment 11)

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Transportation,  
room 519-S, Statehouse, at 1:37 a/m./p.m. on March 17, 1992.

Bob Frey noted that public access to driving records can be very important in some types of litigation and urged that such policy be retained. He proposed an amendment which would allow licensed attorneys access to records of the Division of Vehicles. (Attachment 12)

Hugh J. Taylor expressed concern that the bill would deprive the Board of Public Utilities, Kansas City, Ks., of employing private investigators to research the driving records of prospective employees. (Attachment 13)

Shirley Atteberry said that driver's license records are used by various persons or organizations for legitimate purposes. (Attachment 14)

George H. Wilkins, III of Benchmark/Burns International and Davis Merritt, Jr., Editor, Wichita Eagle provided written testimony in opposition of Senate Bill 461. (Attachment 15/16)

Wm. F. Hirschman, President, Society of Professional Journalists, and J. M. Donahue, Kansas City Bureau of Investigation, also provided written testimony in opposition to Senate Bill 461. (Attachment 17/18)

**Concludes Hearing on Senate Bill 461.**

**Hearing on Senate Bill 522 - Drivers' Licenses, seizure disorders.**

Chairman Dillon called on Betty McBride who testified in support of Senate Bill 522. She stated that the Division of Vehicles wished to protect the safety of the citizens of Kansas by ensuring that persons who are licensed to drive are medically capable of driving safely. (Attachment 19)

Senate Bill 522 was also endorsed by Chip Wheelen (Attachment 20) and Richard Charlton.

Sally Soden favored reducing the requirement of the licensee to be seizure free for six months instead of 1 year.

Bertha McDowall, Epilepsy-Kansas, Inc., and Joan Strickler, Executive Director - Kansas Advocacy & Protective Services, Inc., provided written testimony in support of Senate Bill 522. (Attachment 21/22)

**Concludes Hearing on Senate Bill 522.**

**Hearing on Senate Bill 550. - Accessible parking, temporary placards, fees.**

Chairman Dillon called on Betty McBride who testified that the bill was intended to adopt the recent changes in federal regulations which pertain to parking for persons with disabilities. (Attachment 23)

Chairman Dillon called on Richard Charlton. Mr. Charlton said he favors the requirement that a person be seizure free for a period of six months rather than the current one year before being granted the license to drive a motor vehicle.

Meeting adjourned at 3:12 P.M.



STATE OF KANSAS

AUGUST BOGINA, JR., P.E.  
SENATOR, TENTH DISTRICT  
JOHNSON COUNTY  
5747 RICHARDS CIRCLE  
SHAWNEE, KS 66216



TOPEKA

COMMITTEE ASSIGNMENTS  
CHAIRMAN: WAYS AND MEANS  
VICE CHAIR: GOVERNMENTAL ORGANIZATION  
MEMBER: FINANCE COUNCIL  
LEGISLATIVE POST AUDIT

SENATE CHAMBER

STATE CAPITOL  
TOPEKA, KANSAS 66612

(913) 296-7362

TESTIMONY BEFORE HOUSE TRANSPORTATION COMMITTEE

MARCH 17, 1992

Mr. Chairman and Members of the Committee:

The subject of SB 461 was conveyed to me by a female resident of Johnson County. Obviously, this unpleasant experience could have occurred to anyone and any county in our state. This rather elderly vehicle owner received a phone call from a man inquiring about her car. He indicated that he had seen her driving her car and made a note of her license plate number because he was interested in purchasing the vehicle. When she asked how he obtained her name, he stated that he went to the courthouse, filled out a form, showed his identification, paid a small fee and in returned, received her name. When she told the man that she was not interested in selling her car, he did not pursue the matter. She was, however, uneasy that her identity could be obtained by a complete stranger.

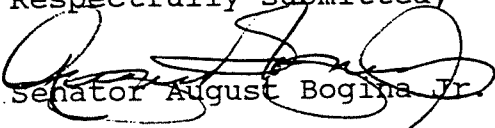
The lady contacted me. I was a disbeliever that this information was available. To satisfy my curiosity and verify that disturbing information, I contacted the Treasurer's office. I was informed that, indeed, that information was available as described.

In the case that I cited, the individual was serious in his effort to purchase that vehicle. But, the results could have been much different if the owner of that information was determined to cause bodily harm or property damage. I believe it is imperative and necessary that the privacy of automobile owners not be jeopardized by the ability to obtain the name and address of the owner of a motor vehicle license plate.

The amendments that I have proposed will not cause damage to the basic intent of this statute which stipulates those persons with bonafide reasons to be able to obtain this information. The State should not be a participant nor assist those persons whose desire and intent is to cause harm to our fellow citizens. I believe SB 461 is a reasonable solution to a serious potential problem.

I respectfully request that you act favorably and report SB 461 favorable for passage. Thank you for your consideration.

Respectfully submitted,

  
Senator August Bogina Jr., P.E.

House Transportation  
3-17-92  
ATTACHMENT 1

**TOM THOMPSON**  
 REPRESENTATIVE, 24TH DISTRICT  
 JOHNSON COUNTY  
 5001 ROCK CREEK LANE  
 MISSION, KANSAS 66205  
 (913) 236-9161



TOPEKA

HOUSE OF  
 REPRESENTATIVES

PROPONENTSB 461

COMMITTEE ASSIGNMENTS  
 MEMBER: ENERGY AND NATURAL RESOURCES  
 LOCAL GOVERNMENTS  
 ELECTIONS

STATE CAPITOL, ROOM 112-S  
 TOPEKA, KS 66612  
 (913) 296-7686

I appreciate the chance to talk to the Transportation Committee about SB 461. This bill is essentially the same as HB 2703 that had a hearing in this committee earlier in the year. I and a woman named Paulanna Cook spoke to you about the problem of strange people using license plate numbers to get names and addresses of other individuals they see in public. Mrs. Cook, living alone in a busy urban area felt quite threatened. Since then, other individuals have expressed similar concern and have shared experiences with me.

My primary concern involves getting information from individual automobile license tags. I do not believe it is necessary to include commercial license tags in this protection. The protection of private citizens is my concern and I am sure the concern of the committee. Furthermore, I believe insurance information should be obtainable in cases where automobile accidents occur and one of the drivers either shares incomplete information or no information at all. This might be needed so that appropriate claims can be filed.

An item that is different on SB 461 is an amendment on page 1, lines 29,30 and 31. This amendment allows the Department of Revenue to set up criteria for disclosing information. Several professions rely on license information to do their jobs and should be accommodated. I believe this amendment helps to do this without developing a statutory laundry list of exceptions.

I hope that when the committee works this bill that they keep the privacy rights of individuals in mind. There may be trade-offs but the right to feel secure in your own home must be a priority. This bill doesn't guarantee that but it sure helps.

*House Transportation  
 3-17-92  
 ATTACHMENT 2*

**Opinion concerning proposed confidentiality of driver's licensing and motor vehicle registration (Senate Bill #461; House Bill #2703)**

Statement prepared following a hearing by the Transportation Committee of the Kansas House of Representatives on March 17, 1992

Submitted to the committee by Mike Kautsch--Home: 3015 West Ninth Street, Lawrence, Kansas 66049; Office: Dean, William Allen White School of Journalism and Mass Communications, Rm. 200 Stauffer-Flint Hall, University of Kansas, Lawrence, Kansas 66045

\*\*\*\*\*

Following is my personal opinion, originally summarized in testimony before the committee, concerning proposed restrictions on access to information about drivers' licenses and motor vehicle registrations. My opinion is based on my experience as a journalist and as a student and teacher of First Amendment law. I have long been interested in statutes, court decisions and public policy that affect the free flow of information in a democratic society.

\*\*\*\*\*

In my opinion, information about the use and abuse of the driving privilege in Kansas is a matter of public interest. Driver's license and motor vehicle records need to be available for public inspection. To be sure, the maintenance of public records on licensed drivers and registered vehicles can conflict with certain individual privacy interests. However, proposed restrictions on access to information should be considered in light of the public interest in the driver's licensing and registration process in Kansas.

The purpose of the process is to protect the public. Driver's licensing and motor vehicle registration are society's first line of defense against the hazards of motor vehicle travel. Between 45,000 and 50,000 people die annually in motor vehicle accidents nationwide, according to the National Safety Council. Through licensing and registration, the state seeks to screen out persons who lack the qualifications to operate cars and trucks responsibly. Licensing and registration are designed to encourage safe use of the state's highways, roads and streets.

Journalists, scholarly researchers and public policy planners need access to licensing and motor vehicle information, so that they can determine the effectiveness of the licensing and registration process. They need data that indicate how well the public's interest is being served through state regulation of those who drive cars, trucks, taxis, school buses and other such vehicles.

In the past, through research of licensing and registration information, news organizations have discovered significant regulatory lapses and threats to the public safety. Examples include news reports on: emergency vehicle drivers whose records include drunken driving convictions and suspended licenses; drunken drivers who repeatedly lose and renew their licenses, and school bus drivers with records of motor vehicle violations and other, worse offenses.

Without access to licensing and registration information, the public would not have the means to learn of dangerous trends in the operation of motor vehicles. Thus, access to licensing and registration information is necessary for public safety. Moreover, providing access is consistent with the principle of government by the people and with the ideal of openness in government.

\*\*\*\*\*

Addendum: The value of a free flow of information has been acknowledged throughout the nation's history. A U.S. Supreme Court case, *Richmond Newspapers, Inc. v. Virginia*, even cautioned in 1980 that access to information could be protected by the First Amendment. My view is that a spirit of openness is vital to democratic government and should shape the development of all law and public policy.

House Transportation  
3-17-92  
ATTACHMENT 3

STATEMENT BY HARRY MARSH BEFORE THE TRANSPORTATION COMMITTEE

MARCH 17, 1992

My thanks to the committee for hearing what I have to say. I am Harry Marsh, professor of journalism at Kansas State University. I have taught reporting and editing for 23 years and was a reporter and editor for 17 years before that. But I appear today to represent the PUBLIC interest in open drivers license records.

I must drive my automobile to work and everywhere else I go, as does my working spouse. I have two college age children who drive the highways to and from school.

I believe that driving is a privilege and not a right, and that the state is justified in licensing drivers primarily in order to make the streets and highways as safe as possible. I believe open drivers license records will enhance the safety of our streets and highways and any closing of drivers license records will make them more dangerous.

As a member of the driving public I want to know who else is on the streets and highways. How responsible are the hundreds of people I must trust to keep me safe from injury or death? Only by comparing the records of a person who is allowed to drive to his or her record of such things as accidents, driving under the influence of alcohol or drugs and driving without a license can I know how safe those I meet are.

In the fifty years that I have been driving, I have lived in five states and gotten five tickets for speeding. I am ashamed of that record. I tell it to you now only to emphasize the fact that the shame I feel for getting those tickets and paying those fines is the primary deterrent to my future speeding. I don't want to ever get another speeding ticket. I think I would have been more ashamed if the newspapers in the communities where I have lived had published my name as a convicted speeder. If that had happened the first time I got a speeding ticket, I might never have gotten another. Fines I can afford, damage to my reputation I cannot afford.

However, I would much rather get a ticket for speeding and even have my reputation tarnished by public reporting of my indiscretion than to have killed or injured someone because I was driving dangerously. I believe most people feel the same way I do. Exposure, publicity is a tremendous deterrent.

Quite often the news media serve as surrogates or proxies for the public in keeping an eye on these matters. When I worked on small papers in Hillsboro, Texas, and Greenville, Mississippi, we regularly reported all traffic violations from speeding through the more serious crimes. Now, with computer searches, the news

*House Transportation  
3-17-92  
ATTACHMENT 4*



media can again track serious offenders and report dangerous situations.

The kind of reporting done in the news media regarding school bus drivers who do not have good driving records needs to be expanded. I wish USA Today would check the driving records and drug records of the people who drive giant trucks on the Interstate, as well as ordinary drivers, and do a report on it so my daughter would realize that there is danger on the highways and drive more defensively when she travels from K-U to Manhattan on week ends.

If you will indulge me, I would like to make one more point. It seems to me that records, like drivers license records, do not belong to the government and should not be exclusively made available to any specific private interests. It seems to me that they belong to the public.

Who pays for drivers license records? It seems to me that the taxpayers and we drivers who pay a fee for the privilege of driving pay for them. We should have access to them because we paid for them and because keeping them public will make the streets and highways safer.

Thank you for hearing me.

# THE KANSAS CITY STAR.

1729 Grand Avenue  
Kansas City, Missouri 64108  
(816) 234-4300

Special Projects Desk.

March 17, 1992

To: Chairman Dillon and members, House Transportation  
Committee  
From: Gregory S. Reeves, reporter, The Kansas City Star

## Why drivers license records should remain public information

Good afternoon. My name is Gregory Reeves. I have worked as a reporter for The Kansas City Star for 15 years. For the past two years my assignment has been to research and write stories using computer databases.

I know how we use these records. I know how important they are to some of the reporting we do. That's why I'm opposed to the bill to lock them up in Kansas.

There are many legitimate uses of state driving records in the public service. Let me give you some examples.

-- In Kansas City, I used Missouri driving records to investigate the driving records of our fire department drivers. I found that some of the drivers have multiple drunken-driving convictions and license revocations. The Fire Department had not been doing its job in screening people for these elite jobs on the department.

-- Other newspapers around the country have used state driving records to uncover even more serious problems.

Last October the Seattle (Wash.) Times found many convicted drunken drivers driving local school buses. It went a step further and found drivers who had been convicted of indecent exposure, weapons charges, assault and other criminal offenses.

In recent years newspapers in Ohio, Florida and Michigan have done similar stories.

The bus companies in these cases just weren't doing their job of screening bus driver applicants. What the newspapers found helped public officials take action on the problem.

The impact of this kind of public-service story should not be understated. State lawmakers, city councils and school boards have used the results of such reporting in making better public policy.

Perhaps the best-known use of state driving records came last year from Michigan. Many of us remember the story about two Northwest Airlines pilots getting drunk all night at a bar, then climbing into a cockpit the next morning.

(Continued)

*House Transportation  
3-17-92*

Published by The Kansas City Star Co.  
A Capital Cities/ABC Inc. Newspaper

*ATTACHMENT 5 51*

That story appeared in the Detroit News. The newspaper obtained state driving records from around the nation and found that nearly 400 of 47,000 pilots flying U.S. passenger planes have been convicted of drunken driving-related offenses. The FAA has taken a deep interest in this matter.

These are just a few examples of the very important public-service reporting that newspapers can do with -- and only with -- access to state driving records.

Newspapers aren't the only ones who need these records. Groups such as Mothers Against Drunk Driving have an abiding interest in being able to look at the records of drunken drivers.

I acknowledge that there's the potential for a criminal using these records to try to find someone, as with any public record.

But there has not been a documented case of that ever happening in Kansas. And I don't think this bill would prevent the possibility of it happening.

Anyone can use county property records, mortgage records, voter registration lists, small-claims court records, even marriage licenses and divorce records -- to track down someone.

We are healthier as a open society. We can't close up all records to hide from each other. The value of driving records remaining open far outweighs any short-sighted benefit from closing them.

Closing these driving records would shut down the legitimate uses. But in my opinion it would do little or nothing to stop potential abuse.

In Arizona, for example, driving records were closed to all but law enforcement agencies and private detectives. Now newspapers have private detectives on retainer to check names and addresses. Any criminal can also pay a private detective for the information. But Arizonans will never know how many convicted drunken drivers are operating the school buses their children are riding.

Similarly, in Kansas, those who want driver's license information on individuals will probably find a way to get it. So locking up the records to the public won't prevent the kind of abuse you're worried about and won't achieve the goal of enhancing citizens' privacy.

One other point: A driver's license is not like an income tax return or a Social Security card for employment. It's a privilege, not a duty. It's a social contract. We all have a stake in knowing who's behind the wheel. These public records should absolutely remain public.

One of the worst aspects of locking up the records would be to make it impossible to check the driving performance of public employees and public officials.

What are the driving records of the people who drive our kids to school? Of firefighters who race through city streets behind the wheel of 20-ton pumper trucks? What are the records of city ambulance drivers?

For that matter, what are the driving records of our mayor, city councilmen and state legislators?

(Continued)

To close these records would add another layer of secrecy concealing the government from the public it serves. I strongly feel these records are the public's information -- not the press's particularly, and certainly not the state government's.

You should have far more compelling reasons than this bill offers to lock out the public from information that belongs to it, not to you or me.

Thank you. I would be glad to answer any questions.

Greg Reeves

# THE KANSAS CITY STAR.

SUNDAY, December 30, 1990

METROPOLITAN EDITION ★★

\$1.25

5-4

## Kansas City's firefighters catch heat behind the wheel

**They have nearly twice as many convictions on traffic charges as the average Missouri driver.**

By GREGORY S. REEVES  
Staff Writer

Mike Magel has been convicted twice of drunken driving and his license has been revoked or suspended seven times. But that hasn't kept him from racing to Kansas City fires at the wheel of a 100-foot Fire Department hook-and-ladder truck.

Magel, 43, who earns \$38,000 a year, is one of at least 12 Fire Department drivers whose licenses have been revoked or suspended since 1981, including six for drunken driving, according to state records.

None of the drivers was disciplined or demoted because of the convictions. In fact, one firefighter was promoted to driver last year despite two drunken driving arrests and two license

suspensions since 1983.

According to state records Magel and at least one other driver, David Morgan Jr., continued to operate emergency fire equipment while their licenses were revoked or suspended. Both drivers said they thought they were driving legally.

They have since regained their licenses. Magel says he has never had an accident on the job, "not even a fender bender," in 13 years of driving fire equipment. Morgan said he has "had a couple of wrecks" on the job and described himself as "an average driver."

A routine check by fire officials for expired licenses six months ago found no current suspensions or revocations against the department's 225 drivers.

Dick Rice, director of the Missouri Department of Public

Safety, said anyone with multiple drunken-driving offenses shouldn't be driving, much less operating emergency fire equipment.

"Anyone with a record like that ... is clearly a menace to the public," Rice said. "It's not just a matter of not driving. That person probably ought to be incarcerated."

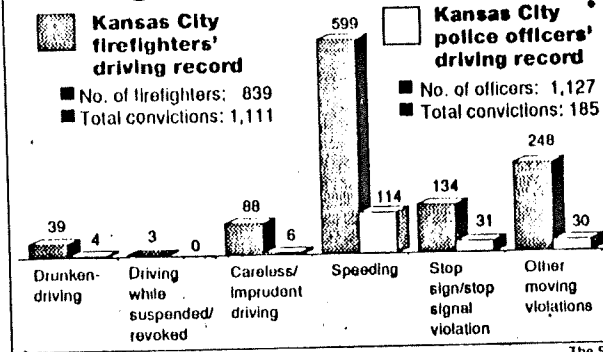
Drivers, or fire apparatus operators, as they are known, aren't the only Fire Department employees with problems behind the wheel.

According to a computer-assisted study by *The Kansas City Star* comparing Fire Department employees' off-duty driving records with those of 4 million other Missouri motorists:

● On average, Kansas City firefighters have nearly twice as many traffic convictions as the average Missouri driver. They are

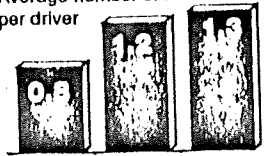
See **DESPITE, A-9**, Col. 1

### Firefighters and police driving records



### KC firefighters' traffic convictions

Compared to the general public  
Average number of tickets per driver



All Missouri drivers    Kansas City drivers    Kansas City firefighters

The Star

# Despite records, KC firefighters stay behind the wheel

slightly less likely, however, to have been convicted of drunken driving.

● Of 839 firefighters and other department employees, the licenses of 85 — more than one-tenth of the force — have been suspended or revoked in the past.

● Forty-nine firefighters, including the 12 drivers, two captains and a battalion chief, have been convicted of drunken driving or have more than 10 tickets, suspensions, revocations and other marks on their records. That places them among the top 3 percent of the worst drivers in the Kansas City area, judging by the number of run-ins with the law. None is revoked or suspended now.

● At least a dozen firefighters, including a captain, have multiple drunken-driving convictions or arrests.

Of the 1,111 traffic offenses on firefighters' records, 803 occurred while they were employed by the Fire Department.

Former Chief Edward W. Wilson, who retired last year, said he made no effort to check drunken-driving or other convictions of drivers or other firefighters.

Fire Chief Richard E. Greene, who took over from Wilson, said the department "needs to be concerned" about drivers with multiple drunken-driving offenses. But he didn't say he would do anything about it.

City personnel rules now require any employee in a driver occupation to report to supervisors if his license is suspended or revoked. But city officials acknowledge that rule is impossible to enforce.

"If we find out about an employee with a suspended driver's license, we won't allow him to operate fire equipment and he'll be demoted to a non-driving position for the period his license is suspended," said Greene.

The driver can get a court-ordered "hardship" license, which allows limited driving privileges. In that case, Greene said, the department would be "legally bound" to let him stay behind the wheel.

## No special standard

The driving records of firefighters as a group contrast sharply with those of the city's other public safety employees, Kansas City police officers.

For example, firefighters have 39 drunken-driving convictions, most while they were employed by the Fire Department. Police have only four convictions — all before the officers joined the force.

Neither police nor fire officials routinely check traffic convictions of department employees. But

police officers must present their driver's licenses at weekly inspections.

And unlike the Fire Department, police say an officer convicted of drunken driving would probably face disciplinary action.

"Our rules of conduct obligate our officers and civilians to obey all municipal ordinances and traffic laws," said Sgt. Gregory Mills, the police spokesman. "Certainly there is some disciplinary action that could be taken as a result of violating that kind of broad-based policy."

The Fire Department's policy also is significantly different from that of most area school bus companies. A school bus driver convicted of drunken driving is usually fired.

Any effort to remove Fire Department drivers convicted of drunken driving would probably encounter stiff opposition from International Association of Firefighters Local 42, the firefighters' union.

Local 42 President Ed Phillips, a driver since 1974, said he would urge any firefighter with a drinking problem to get help. The union is working hard to expand its 15-year-old employee assistance program to provide help for firefighters who need it, Phillips said. But holding Fire Department drivers to a special standard,

such as treating them more harshly than other drivers for traffic offense, would be "just not acceptable."

"Firefighters, along with police and other city employees, should abide by the same laws as the rest of the citizens, period. Whatever the laws are, they should be laws for all," Phillips said.

Phillips said he ended up driving with a suspended license for almost three years. He said he was rushing to a fund-raiser for County Executive Bill Waris in 1982 when he got a speeding ticket that caused his license to be suspended.

He said he handed the matter to a lawyer who "put it on the back burner." Phillips said it wasn't until he was in an accident in 1985 that he learned he had never regained his driving privileges.

"I took a bus from Kansas City to Jefferson City, paid them \$15 and got my license," he said. "I didn't chance driving. All that time had elapsed and I wasn't aware of it."

## 'A naughty boy'

Magel, a Fire Department driver since 1977, ranks as one of the most-convicted, most-revoked and most-suspended drivers in the Kansas City area.

Magel's driving record shows 26 tickets, suspensions, revocations and other actions between 1976

and 1988.

"I knew it was quite a few, but I never added it up," Magel said. "I guess back in those days I did a little drinking."

"My problem was I drove too well when I was drinking. Every time I got stopped for drinking and driving, it was because I was speeding. They never stopped me because of bad driving."

Magel said that despite the suspensions, he obtained a hardship license that enabled him to drive on the job.

But Department of Revenue officials say Magel's record shows his license was revoked five times between 1981 and 1984. Only between August 1981 and May 1982 did he have a court-ordered driving privilege, records show.

State records show at least one other Fire Department driver, David Morgan Jr., continued driving on the job after his license was suspended for drunken driving.

Morgan, a driver since 1977, said he thought he had the paperwork needed to drive.

"I imagine anyone can be a naughty boy every now and then. I got caught a few times, but most of the time it was my fault," he said.

Morgan's job at Fire Station 37, at 7708 Wornall Road, is to steer a 55,000-pound quint, or aerial ladder truck, through city traffic to fire scenes.

Driving a truck can be a

coveted job at the Fire Department. Drivers are a step above firefighters in rank and earn as much as \$39,000 a year. But when it comes to promotions, fire officials don't seem to consider drunken driving an obstacle.

Ronald Lee Davis, 36, won promotion to driver last year after regaining his license from a yearlong revocation in 1985, and two later suspensions.

Davis was arrested on a drunken-driving charge in 1983.

"They stopped me because one of my taillights was gone. It wasn't like I was doing anything wrong," he said.

He was later convicted of a reduced charge.

In 1985, his license was revoked after police said he refused a sobriety test after an accident; Davis said the officer didn't adequately explain the sobriety test to him. But he admits he was at fault for drinking and driving.

Davis said he has had no accidents since becoming a driver.

For his part, Magel said he doesn't drink as much as he used to. He said he recently went out for the first time in several months and had only four beers during the evening.

"The average person who does any drinking at all would be lying if they said they never drove when they'd been drinking," Magel said. "Everybody's probably driven at one time when they shouldn't have. Maybe they were just lucky and didn't get caught. I didn't get lucky. I got caught."

5-5

# THE KANSAS CITY STAR.

SUNDAY, December 23, 1990

METROPOLITAN EDITION ★★

\$1.25

## KC police keep driving records almost spotless

By GREGORY S. REEVES  
Staff Writer

Convictions for moving violations among the Kansas City Police Department's 1,127 officers are as rare as a smile on the face of a radar cop.

The conviction rate of Kansas City police, who hand motorists more than 150,000 tickets a year, is 2 percent of the general rate. *The Kansas City Star* found in a computer-assisted study of state motor vehicle records.

Such a spotless driving record raises a basic question: Are police officers excellent drivers or do they get a break from fellow officers when they break the law?

Overall, the officers had 185 convictions. But once they joined the force, their driving improved almost miraculously. The officers had only 28 traffic convictions — about one for every 40 officers — after they joined the Police Department.

And they got the majority of those 28 tickets out of town. Only 13 of the tickets were issued by Kansas City police to their fellow officers.

To put that in perspective, the average group of 1,127 Kansas City motorists would have 1,350

See **KC, A-15**, Col. 1

## KC police boast clean traffic records

Continued from A-1

traffic convictions.

That means the average motorist in the city gets tickets at a rate almost 50 times that of the average police officer.

Those figures emerged in a study comparing the driving records of Kansas City police officers and those of 4 million other Missouri drivers.

"We are good drivers, aren't we?" said Sgt. Dave Staffer, a supervisor in the traffic safety unit.

Staffer and other officers did not deny that the fact that many officers know each other has kept the number of tickets to a minimum.

But they said part of the reason for the low number was that the department for years disciplined officers internally for accidents and traffic offenses rather than sending them to Municipal Court.

And officers say they aren't as safe from tickets out there as they used to be.

Capt. Mike Hand, commander of traffic enforcement, said there is no rule against officers pointing out who they are if they are stopped by a fellow officer.

"It's up to each officer whether he wants to do that," Hand said.

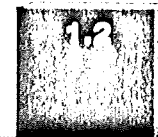
### Comparison of traffic convictions

The conviction rate for police officers is based on 185 traffic offenses, a figure that includes tickets they got before joining the force. The officers had only 28 traffic convictions after they joined the department.

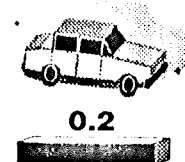
Average number of tickets per driver



All Missouri drivers



Kansas City drivers



Kansas City police

The Star

"But it's not always a guarantee. Sometimes the badge doesn't get you anything."

That was the case with Staffer two years ago when he was pulled over by a Kansas Highway Patrol trooper for speeding.

"You of all people should know better," he said the trooper told him before handing him the ticket.

Staffer said police officers probably drive more defensively than the average motorist — but also a lot faster.

"We've tried everything to get them to slow down, but they feel that sense of urgency (from being dispatched on calls), and you get

used to driving kind of fast," he said.

Officer Bob Randolph, one of the 13 officers with a local traffic conviction, said he didn't mention his job to the officer who stopped him for speeding at Gregory Boulevard and Manchester Trafficway last year.

"I did not present myself as a police officer," Randolph said. "I just went ahead and paid the ticket, because I was guilty. I think it gave me more credibility to give other people tickets."

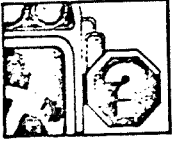
Still, it's up to the officers in any traffic stop whether they want to write a ticket, said Sgt. Gregory Mills, a police spokesman.

**DRY & CLOUDY**  
... of showers with partial  
... this afternoon. Highs, up  
... 40s; lows, in the mid 30s.  
... of showers 30 percent.  
**TAILS, D 5.**

# SUNDAY

WASHINGTON'S LARGEST NEWSPAPER ■ COPYRIGHT © 1991, SEATTLE TIMES COMPANY

PART 1



## Who's driving the kids?

In Seattle, dozens behind the wheel have histories of crime or bad driving



## LIDLAW

Jimi Lott / Seattle Times

Laidlaw Transit Inc. buses carry children to and from public schools in Seattle.

COPYRIGHT, 1991, Seattle Times Company

by Tomas Guillen, Peter Lewis  
and Eric Pryne  
Times staff reporters

**A**s a woman and four children walked by, Charles Combs pulled down his pants. When the woman protested, Combs responded with an obscenity, began masturbating, then urinated.

When police arrived at the busy street corner in Seattle's Central Area, they found a man they described in their report as "very belligerent and hostile." Combs swore and grabbed at them before they handcuffed him and took him to jail.

In court, Combs didn't contest the officers' version of what had happened. Found guilty of lewd conduct and resisting arrest, he was sentenced to a week in jail.

That was in April 1987. Seven months later, according to state records, Combs got a new job: With Laidlaw Transit.

Driving a bus. A bright yellow bus, filled with Seattle schoolchildren.

That wasn't the end of Combs' contact with the law, however. In 1988 he was found guilty of assault on beating up his girlfriend, holding a gun to her head and threatening to kill her. He was sentenced to a month in jail and ordered to get alcohol-abuse treatment.

This month, he still was behind the wheel of a school bus, one of more than 400 men and women to whom parents entrust some 15,000 children on their way to and from Seattle's public schools.

Just who are these people? State regulations require that school districts certify bus drivers are of "good moral character," and that they have not been convicted of certain driving and criminal offenses.

But a six-month, computer-assisted investigation by The Seattle Times shows that at least 1 in 10 of the men and women on record as driving for Laidlaw Transit Inc. in Seattle in 1990 or 1991 has a history of bad driving or criminal activity. Laidlaw

provides busing for the Seattle Public Schools.

A number of those drivers appear to violate the state's minimum standards for bus drivers. Just how many depends on how the rules are interpreted — and interpretations vary.

State and Seattle school-district busing officials reacted to the findings with surprise and dismay.

"I'm shocked to hear it could be this bad," said Don Carnahan, director of pupil transportation for the state superintendent of public instruction.

"This is terrible," said Dan Graczyk, who joined the Seattle school district as transportation coordinator in July. "My personal belief is that anyone that has been convicted of a crime should not be driving a school bus."

For comparative purposes, The Times also investigated bus drivers for the suburban Kent, Lake Washington and Shoreline school districts, which operate their own bus fleets. No similar pattern was found.

The vast majority of Laidlaw's Seattle

drivers have clean records or only minor traffic offenses. But of the 542 on record driving this year or last, the records of about 60 would likely give most parents cause for concern.

Court and agency records show that: ■ Five have been convicted of assault or reckless endangerment. One case involved a shotgun, another a handgun.

■ Six drivers are convicted thieves. One admitted in court that he stole to support a cocaine habit. One stole watches from a department store where he worked. Another was found guilty of theft by shoplifting five times in two years.

■ At least 14 who drove buses this year or last have had their driver's licenses suspended or revoked at least once by the state since 1985. Three drivers lost the licenses because they were considered habitual traffic offenders. One Laidlaw driver's license still is suspended, according to Department of Licensing records.

Please see **DRIVERS** on A 14



# THE KANSAS CITY STAR.

SUNDAY, December 23, 1990

METROPOLITAN EDITION ★★

\$1.25

## KC police keep driving records almost spotless

By GREGORY S. REEVES  
Staff Writer

Convictions for moving violations among the Kansas City Police Department's 1,127 officers are as rare as a smile on the face of a radar cop.

The conviction rate of Kansas City police, who hand motorists more than 150,000 tickets a year, is 2 percent of the general rate, *The Kansas City Star* found in a computer-assisted study of state motor vehicle records.

Such a spotless driving record raises a basic question: Are police officers excellent drivers or do they get a break from fellow officers when they break the law?

Overall, the officers had 185 convictions. But once they joined the force, their driving improved almost miraculously. The officers had only 28 traffic convictions — about one for every 40 officers — after they joined the Police Department.

And they got the majority of those 28 tickets out of town. Only 13 of the tickets were issued by Kansas City police to their fellow officers.

To put that in perspective, the average group of 1,127 Kansas City motorists would have 1,350

See KC, A-15, Col. 1

## KC police boast clean traffic records

Continued from A-1

traffic convictions.

That means the average motorist in the city gets tickets at a rate almost 50 times that of the average police officer.

Those figures emerged in a study comparing the driving records of Kansas City police officers and those of 4 million other Missouri drivers.

"We are good drivers, aren't we?" said Sgt. Dave Staffer, a supervisor in the traffic safety unit.

Staffer and other officers did not deny that the fact that many officers know each other has kept the number of tickets to a minimum.

But they said part of the reason for the low number was that the department for years disciplined officers internally for accidents and traffic offenses rather than sending them to Municipal Court.

And officers say they aren't as safe from tickets out there as they used to be.

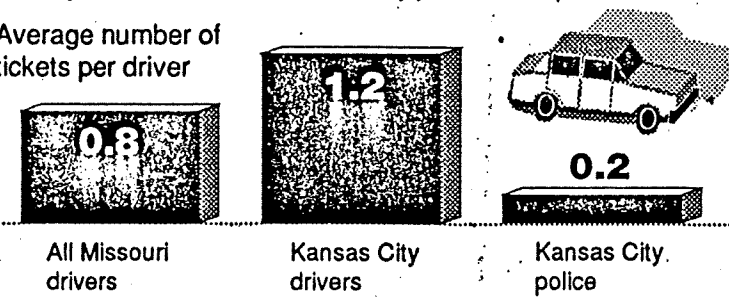
Capt. Mike Hand, commander of traffic enforcement, said there is no rule against officers pointing out who they are, if they are stopped by a fellow officer.

"It's up to each officer whether he wants to do that," Hand said.

### Comparison of traffic convictions

The conviction rate for police officers is based on 185 traffic offenses, a figure that includes tickets they got before joining the force. The officers had only 28 traffic convictions after they joined the department.

Average number of tickets per driver



The Star

"But it's not always a guarantee. Sometimes the badge doesn't get you anything."

That was the case with Staffer two years ago when he was pulled over by a Kansas Highway Patrol trooper for speeding.

"You of all people should know better," he said the trooper told him before handing him the ticket.

Staffer said police officers probably drive more defensively than the average motorist — but also a lot faster.

"We've tried everything to get them to slow down, but they feel that sense of urgency (from being dispatched on calls), and you get

used to driving kind of fast," he said.

Officer Bob Randolph, one of the 13 officers with a local traffic conviction, said he didn't mention his job to the officer who stopped him for speeding at Gregory Boulevard and Manchester Trafficway last year.

"I did not present myself as a police officer," Randolph said. "I just went ahead and paid the ticket, because I was guilty. I think it gave me more credibility to give other people tickets."

Still, it's up to the officers in any traffic stop whether they want to write a ticket, said Sgt. Gregory Mills, a police spokesman.

## Kansas City's firefighters catch heat behind the wheel

**They have nearly twice as many convictions on traffic charges as the average Missouri driver.**

By GREGORY S. REEVES  
Staff Writer

Mike Magel has been convicted twice of drunken driving and his license has been revoked or suspended seven times. But that hasn't kept him from racing to Kansas City fires at the wheel of a 100-foot Fire Department hook-and-ladder truck.

Magel, 43, who earns \$38,000 a year, is one of at least 12 Fire Department drivers whose licenses have been revoked or suspended since 1981, including six for drunken driving, according to state records.

None of the drivers was disciplined or demoted because of the convictions. In fact, one firefighter was promoted to driver last year despite two drunken driving arrests and two license

suspensions since 1983.

According to state records Magel and at least one other driver, David Morgan Jr., continued to operate emergency fire equipment while their licenses were revoked or suspended. Both drivers said they thought they were driving legally.

They have since regained their licenses. Magel says he has never had an accident on the job, "not even a fender bender," in 13 years of driving fire equipment. Morgan said he has "had a couple of wrecks" on the job and described himself as "an average driver."

A routine check by fire officials for expired licenses six months ago found no current suspensions or revocations against the department's 225 drivers.

Dick Rice, director of the Missouri Department of Public

Safety, said anyone with multiple drunken-driving offenses shouldn't be driving, much less operating emergency fire equipment.

"Anyone with a record like that ... is clearly a menace to the public," Rice said. "It's not just a matter of not driving. That person probably ought to be incarcerated."

Drivers, or fire apparatus operators, as they are known, aren't the only Fire Department employees with problems behind the wheel.

According to a computer-assisted study by *The Kansas City Star* comparing Fire Department employees' off-duty driving records with those of 4 million other Missouri motorists:

● On average, Kansas City firefighters have nearly twice as many traffic convictions as the average Missouri driver. They are

See **DESPITE, A-8, Col. 1**

slightly less likely, however, to have been convicted of drunken driving.

● Of 839 firefighters and other department employees, the licenses of 85 — more than one-tenth of the force — have been suspended or revoked in the past.

● Forty-nine firefighters, including the 12 drivers, two captains and a battalion chief, have been convicted of drunken driving or have more than 10 tickets, suspensions, revocations and other marks on their records. That places them among the top 3 percent of the worst drivers in the Kansas City area, judging by the number of run-ins with the law. None is revoked or suspended now.

● At least a dozen firefighters, including a captain, have multiple drunken-driving convictions or arrests.

Of the 1,111 traffic offenses on firefighters' records, 803 occurred while they were employed by the Fire Department.

Former Chief Edward W. Wilson, who retired last year, said he made no effort to check drunken-driving or other convictions of drivers or other firefighters.

Fire Chief Richard E. Greene, who took over from Wilson, said the department "needs to be concerned" about drivers with multiple drunken-driving offenses. But he didn't say he would do anything about it.

City personnel rules now require any employee in a driver occupation to report to supervisors if his license is suspended or revoked. But city officials acknowledge that rule is impossible to enforce.

"If we find out about an employee with a suspended driver's license, we won't allow him to operate fire equipment and he'll be demoted to a non-driving position for the period his license is suspended," said Greene.

The driver can get a court-ordered "hardship" license, which allows limited driving privileges. In that case, Greene said, the department would be "legally bound" to let him stay behind the wheel.

### No special standard

The driving records of firefighters as a group contrast sharply with those of the city's other public safety employees, Kansas City police officers.

For example, firefighters have 39 drunken-driving convictions, most while they were employed by the Fire Department. Police have only four convictions — all before the officers joined the force.

Neither police nor fire officials routinely check traffic convictions of department employees. But

# Despite records, KC firefighters stay behind the wheel

police officers must present their driver's licenses at weekly inspections.

And unlike the Fire Department, police say an officer convicted of drunken driving would probably face disciplinary action.

"Our rules of conduct obligate our officers and civilians to obey all municipal ordinances and traffic laws," said Sgt. Gregory Mills, the police spokesman. "Certainly there is some disciplinary action that could be taken as a result of violating that kind of broad-based policy."

The Fire Department's policy also is significantly different from that of most area school bus companies. A school bus driver convicted of drunken driving is usually fired.

Any effort to remove Fire Department drivers convicted of drunken driving would probably encounter stiff opposition from International Association of Firefighters Local 42, the firefighters' union.

Local 42 President Ed Phillips, a driver since 1974, said he would urge any firefighter with a drinking problem to get help. The union is working hard to expand its 15-year-old employee assistance program to provide help for firefighters who need it, Phillips said. But holding Fire Department drivers to a special standard,

such as treating them more harshly than other drivers for traffic offense, would be "just not acceptable."

"Firefighters, along with police and other city employees, should abide by the same laws as the rest of the citizens, period. Whatever the laws are, they should be laws for all," Phillips said.

Phillips said he ended up driving with a suspended license for almost three years. He said he was rushing to a fund-raiser for County Executive Bill Waris in 1982 when he got a speeding ticket that caused his license to be suspended.

He said he handed the matter to a lawyer who "put it on the back burner." Phillips said it wasn't until he was in an accident in 1985 that he learned he had never regained his driving privileges.

"I took a bus from Kansas City to Jefferson City, paid them \$15 and got my license," he said. "I didn't chance driving. All that time had elapsed and I wasn't aware of it."

## 'A naughty boy'

Magel, a Fire Department driver since 1977, ranks as one of the most-convicted, most-revoked and most-suspended drivers in the Kansas City area.

Magel's driving record shows 26 tickets, suspensions, revocations and other actions between 1976

and 1988.

"I knew it was quite a few, but I never added it up," Magel said. "I guess back in those days I did a little drinking."

"My problem was I drove too well when I was drinking. Every time I got stopped for drinking and driving, it was because I was speeding. They never stopped me because of bad driving."

Magel said that despite the suspensions, he obtained a hardship license that enabled him to drive on the job.

But Department of Revenue officials say Magel's record shows his license was revoked five times between 1981 and 1984. Only between August 1981 and May 1982 did he have a court-ordered driving privilege, records show.

State records show at least one other Fire Department driver, David Morgan Jr., continued driving on the job after his license was suspended for drunken driving.

Morgan, a driver since 1977, said he thought he had the paperwork needed to drive.

"I imagine anyone can be a naughty boy every now and then. I got caught a few times, but most of the time it was my fault," he said.

Morgan's job at Fire Station 37, at 7708 Wornall Road, is to steer a 55,000-pound quint, or aerial ladder truck, through city traffic to fire scenes.

Driving a truck can be a

coveted job at the Fire Department. Drivers are a step above firefighters in rank and earn as much as \$39,000 a year. But when it comes to promotions, fire officials don't seem to consider drunken driving an obstacle.

Ronald Lee Davis, 36, won promotion to driver last year after regaining his license from a yearlong revocation in 1985, and two later suspensions.

Davis was arrested on a drunken-driving charge in 1983.

"They stopped me because one of my taillights was gone. It wasn't like I was doing anything wrong," he said.

He was later convicted of a reduced charge.

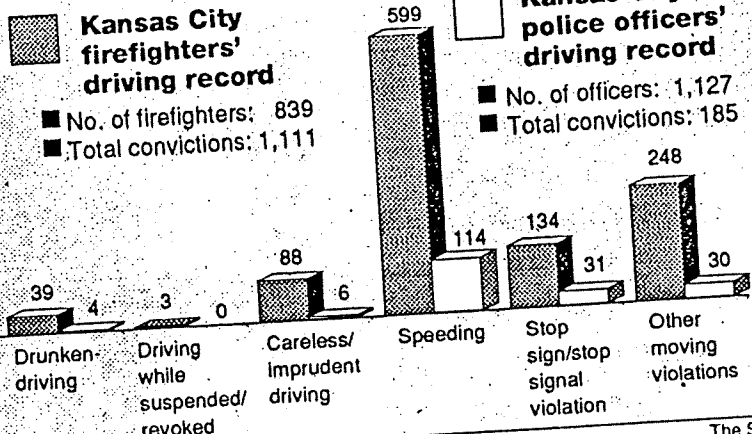
In 1985, his license was revoked after police said he refused a sobriety test after an accident; Davis said the officer didn't adequately explain the sobriety test to him. But he admits he was at fault for drinking and driving.

Davis said he has had no accidents since becoming a driver.

For his part, Magel said he doesn't drink as much as he used to. He said he recently went out for the first time in several months and had only four beers during the evening.

"The average person who does any drinking at all would be lying if they said they never drove when they'd been drinking," Magel said. "Everybody's probably driven at one time when they shouldn't have. Maybe they were just lucky and didn't get caught. I didn't get lucky. I got caught."

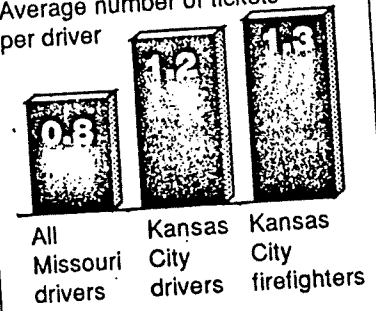
### Firefighters and police driving records



The Star

### KC firefighters' traffic convictions

Compared to the general public  
Average number of tickets per driver



The Star

AMENDMENT TO ~~H B 2703~~ suggested by Ira H. Rakley

*S.B. 461*

PROPOSED:

Add amendment to Section b 1

Private Detectives licenced by the State of Kansas

DISCUSSION:

Private detectives use Motor Vehicle information to:

Locate persons for:

- a. Witnesses in
  1. Civil cases
  2. Crominal cases
- b. Serve various process in civil litgation
- c. Persons who have judgment outstanding
- d. Location of assets to satisfy civil judgements
- e. Child support orders
- f. Missing or lost persons or heirs
- f. Workman's compensation

Leaving the decision to the Secretary of Revenue allows that person to be arbitrary and capricious as to who shall be able to receive Motor Vehicle registration information

*House Transportation*  
*3-17-92*  
*ATTACHMENT 6*  
*6-1*

KANSAS DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES  
Donna L. Whiteman, Secretary

House Committee on Transportation  
Testimony on Senate Bill 461

March 17, 1992

Mr. Chairman and members of the committee, I thank you for the opportunity to present you with this testimony.

Senate Bill 461 makes the name and address of any person found in the Division of Vehicles records confidential. Disclosure is limited to vehicle manufacturers, auto insurance companies and others as provided by law. The Secretary of Revenue appears to have limited discretion in granting access outside of these groups.

The Department of Social and Rehabilitation Services currently uses name and address information from the Division of Vehicles in a number of ways in the administration of our programs.

- \* The Child Support Enforcement program uses driver license address information to locate absent parents who are not supporting their children. This is done for all children receiving Aid to Families with Dependent Children and is also available for children not receiving assistance. Vehicle registration information is used to locate and identify assets of the absent parent.
- \* Income Maintenance programs which include Aid to Families with Dependent Children, Food Stamps, Medicaid, and General Assistance use the information found in the Division of Vehicles records to identify unreported assets and verify that vehicles owned by General Assistance recipients are registered in the state (K.S.A. 1991 Supp. 39-7,110). This access allows the agency to prevent fraud and increase the accuracy of the eligibility determinations, thereby saving state funds.
- \* Special Investigators in central office and in the field use information from these records as part of the investigation process into suspected fraud and in medical subrogation cases.

An amendment to the bill is recommended that will allow the continued use of Division of Vehicles information for the administration of SRS programs or alternatively all state programs.

This type of amendment (SRS or State government in general) will allow the Department to continue to have access to the records of the Division of Vehicles. This access currently provides the agency with an efficient and effective method of obtaining information which is vital to the operation of our programs.

Donna L. Whiteman  
Secretary

*House Transportation*  
*3-17-92*  
*ATTACHMENT 7 7-1*

SENATE BILL No. 461

By Senator Bogina

12-17

9 AN ACT relating to records of the division of vehicles; amending  
10 K.S.A. 1991 Supp. 74-2012 and repealing the existing section.  
11

12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. K.S.A. 1991 Supp. 74-2012 is hereby amended to read  
14 as follows: 74-2012. (a) All records of the division of vehicles relating  
15 to the physical or mental condition of any person or to expungement  
16 shall be confidential. Records of the division relating to diversion  
17 agreements for the purposes of K.S.A. 8-1567, 12-4415 and 22-2908,  
18 and amendments thereto, shall be confidential and shall be disclosed  
19 by direct computer access only to: (1) A city, county or district  
20 attorney, for the purpose of determining a person's eligibility for  
21 diversion; (2) a municipal or district court, for the purpose of using  
22 the record in connection with any matter before the court; (3) a law  
23 enforcement agency, for the purpose of supplying the record to a  
24 person authorized to obtain it under (1) or (2); or (4) an employer  
25 when a person is required to retain a commercial driver's license  
26 due to the nature of such person's employment. *The name and*  
27 *address of any person contained in or derived from records of the*  
28 *division of vehicles shall be confidential and shall be disclosed only:*  
29 *as (1) As provided in subsection (b); (2) as otherwise provided by*  
30 *law; & (3) in accordance with criteria established by rules and*  
31 *regulations adopted by the secretary of revenue.*

32 All other records of the division of vehicles shall be subject to the  
33 provisions of the open records act except as otherwise provided by  
34 this section.

35 (b) Lists of persons' names and addresses contained in or derived  
36 from records of the division of vehicles shall not be sold, given or  
37 received for the purposes prohibited by K.S.A. 21-3914, and amend-  
38 ments thereto, except that:

39 (1) The director of vehicles may provide to a requesting party,  
40 and a requesting party may receive, such a list and accompanying  
41 information from public records of the division upon written certi-  
42 fication that the requesting party shall use the list solely for the  
43 purpose of: (A) Assisting manufacturers of motor vehicles in compiling

; (4) to any state agency when access is necessary for the administration of the programs for the agency.

SENATE BILL No. 461

By Senator Bogina

12-17

9 AN ACT relating to records of the division of vehicles; amending  
10 K.S.A. 1991 Supp. 74-2012 and repealing the existing section.

11  
12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. K.S.A. 1991 Supp. 74-2012 is hereby amended to read  
14 as follows: 74-2012. (a) All records of the division of vehicles relating  
15 to the physical or mental condition of any person or to expungement  
16 shall be confidential. Records of the division relating to diversion  
17 agreements for the purposes of K.S.A. 8-1567, 12-4415 and 22-2908,  
18 and amendments thereto, shall be confidential and shall be disclosed  
19 by direct computer access only to: (1) A city, county or district  
20 attorney, for the purpose of determining a person's eligibility for  
21 diversion; (2) a municipal or district court, for the purpose of using  
22 the record in connection with any matter before the court; (3) a law  
23 enforcement agency, for the purpose of supplying the record to a  
24 person authorized to obtain it under (1) or (2); or (4) an employer  
25 when a person is required to retain a commercial driver's license  
26 due to the nature of such person's employment. *The name and*  
27 *address of any person contained in or derived from records of the*  
28 *division of vehicles shall be confidential and shall be disclosed only:*  
29 *as (1) As provided in subsection (b); (2) as otherwise provided by*  
30 *law; or (3) in accordance with criteria established by rules and*  
31 *regulations adopted by the secretary of revenue,*

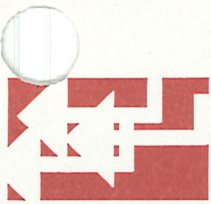
32 All other records of the division of vehicles shall be subject to the  
33 provisions of the open records act except as otherwise provided by  
34 this section.

35 (b) Lists of persons' names and addresses contained in or derived  
36 from records of the division of vehicles shall not be sold, given or  
37 received for the purposes prohibited by K.S.A. 21-3914, and amend-  
38 ments thereto, except that:

39 (1) The director of vehicles may provide to a requesting party,  
40 and a requesting party may receive, such a list and accompanying  
41 information from public records of the division upon written certi-  
42 fication that the requesting party shall use the list solely for the  
43 purpose of: (A) Assisting manufacturers of motor vehicles in compiling

; (4) to the Department of  
Social and Rehabilitation  
Services when access is  
necessary for the adminis-  
tration of the programs  
for the Department.





MISSOURI INSTITUTE  
FOR COMPUTER-ASSISTED  
REPORTING

120 Neff Hall  
University of Missouri  
School of Journalism  
Columbia, Missouri 65211  
(314) 882-0684

Elliot G. Jaspin  
Executive Director

**Statement by Elliot Jaspin  
to the Kansas Legislature  
on Senate Bill 461**

My name is Elliot Jaspin. I am pleased to appear on behalf of the Missouri Institute for Computer-Assisted Reporting, a program at the University of Missouri School of Journalism. The Institute does research in using electronic information and provides training and technical support for news organizations from around the country. Over the last two years we have educated reporters from more than 52 news organizations including the Wall Street Journal, Associated Press, the Kansas City Star and the Philadelphia Inquirer. I have also been a reporter for more than 20 years and have won numerous awards, including a Pulitzer Prize.

As someone who works every day with computerized records, I appreciate the opportunity to discuss Senate bill 461 that would limit access to records at the motor vehicle department. It is my understanding that the purpose of this legislation is to protect the privacy of citizens in Kansas. Specifically, a woman in Senator Bogina's district was alarmed that someone could find her home address through motor vehicle records.

As a husband and father of two daughters, I can well understand the valid concerns that motivate this bill. We all wish to protect our loved ones and the sanctity of our homes. On the face of it this bill would seem to accomplish that.

But as well intentioned as this bill is, it is not an answer.

The first problem is that it simply will not work.

Information such as our addresses are a public fact. Our addresses are recorded on voter registration rolls and tax rolls. We list it on countless applications for jobs, credit, unemployment compensation, and even changes of address forms at the post office. A person's address also pops up on traffic tickets, sales receipts, library cards, video store rentals, a wide variety of court records and in phone books and city directories. Even barring all those sources of information, I could simply follow a person around until they finally went home at the end of the day to find out where they lived.

The legislature could, of course, make most if not all of the above documents secret. But I think that points to the fundamental problem with this legislation. We live in an open society. To accomplish the objectives of this bill we would have to change the way we live...we would have to establish a closed society.

*House Transportation  
3-17-92  
ATTACHMENT 8*

Some may argue, "We don't want to change society. We just want to make it more difficult for people to prey upon our families." But that argument ignores the costs of keeping information secret.

In 1985 while working at the Providence Journal in Rhode Island, a problem arose with school bus drivers. In one year three children were killed by school buses that ran over them. Using drivers' license records, another reporter and I matched school bus drivers with traffic tickets and found school bus drivers who had amassed scores of tickets in a three-year period. We then matched the bus driver names against court records and found school bus drivers who were drug dealers. After our story was published, the state revamped its licensing system. To the best of my knowledge, not a single child has been killed by a bus driver in Rhode Island since that story appeared.

If this bill is passed, that kind of investigation would be impossible. More importantly, this bill unwittingly defeats the very purposes of an open society. We keep our records public to allow everyone from the highest public officials to the humblest citizen to uncover problems, root out abuses and maintain faith in the fairness and integrity of our system.

But it is not easy to maintain an open society. The most dramatic example occurred during the Cold War. It was far easier for other countries to spy on us because we are so open. We seemed always to be at a disadvantage because all their information was locked up. But we allowed debate, inquiry and a free press. Our problems were exposed and dealt with while theirs went unreported and uncorrected. We remained strong. They crumbled.

This bill does not deal with the life-and-death struggle of two societies. But the central fact remains: It takes courage to maintain an open society. I urge you to defeat this bill not only because it is ineffective but also because it is misguided.

Testimony on SB 461  
Kansas Press Association  
Peter W. Stauffer  
March 17, 1992

Mr. Chairman and members of the committee, my name is Pete Stauffer and I am the editor and publisher of The Topeka Capital-Journal. I am appearing today on behalf of the Kansas Press Association.

Senate Bill 461, intended to close records of the division of vehicles, is a dangerous step toward darkness in government.

The proposal is apparently intended to protect people from being identified through the use of motor vehicle records. I understand a woman was alarmed because a stranger used public records to approach her about buying a car.

The possibility of this kind of abuse—which is basically harmless—does not warrant closing the records to the public.

Already, the bill has been amended to allow exceptions to the closure. Rather than close the records to the public and then turn around and carve out various exceptions, it would be better to keep motor vehicle records open to everyone. The public should come first and they should have access to their government's records.

I trust you will hear from others, plenty of examples of how the public benefits from open motor vehicle records. In general, the records serve to screen applicants for positions of public trust—such as bus drivers, fire fighters and other positions in public service.

Newspapers use motor vehicle records for stories about traffic accidents and to verify the identities of arrested criminal suspects. Closure would diminish the ability of news organizations to provide accurate information.

A fundamental policy of state government, as set forth in the open records act, is that if there is a public need to maintain a record, then that record should be kept open for the public—not just government. Such a philosophy supports the belief that government is of the people—not just elected officials and government employees.

Indeed the amendment is not justification to turn and flee from our country's ideal of open government. The proposed bill offers no ironclad protection of abuse and does, in fact, signal a retreat from open government.

Secrecy in government is always suspect. Openness inspires confidence, while secrecy breeds suspicion and cynicism.

The Legislature should find a way to maintain open records. Kansas, I would like to think, can set a standard for open government.

Instead of closing records to all to prevent abuse by a few, legislators should look for a way to penalize the abusers.

The bill under consideration today falls short and should be rejected.

I also have attached letters from other news organizations to be included as testimony.  
Thank you.

House Transportation  
3-17-92  
ATTACHMENT 9 9-1

**SENATE BILL NO. 461**

**TESTIMONY OF GLENN D. COGSWELL ON BEHALF OF**

**R. L. POLK & CO.**

**BEFORE THE HOUSE TRANSPORTATION COMMITTEE**

**MARCH 17, 1992**

---

Mr. Chairman and members of the Committee:

My name is Glenn Cogswell and I appear on behalf of R. L. Polk & Co. We thank you for the opportunity to appear before you in opposition to Senate Bill 461.

A major division of R. L. Polk & Co. collects all kind of data concerning vehicle production, sales and distribution and tailors the information into reports meeting clients' specifications and also prepares a National Vehicle Population Profile which incorporates the information coded into the Vehicle Identification Number (VIN) on each car and truck. They have collected and provided statistical information to motor vehicle manufacturers since 1922 and safety recall files since 1968. They are under contract with 24 manufacturers of motor vehicles.

R. L. Polk opposes classification of division of vehicles records as confidential. They are public records which should be open and accessible to responsible parties for legitimate purposes. Generally, the bill is unduly restrictive; it limits the avenues of access to public records. It may prohibit routine access to records for legitimate uses by tow truck operators, financial institutions, insurance companies, auto auctions, trucking companies, registration consultants and many other parties.

*House Transportation  
3-17-92  
ATTACHMENT 10*

The bill proposes contradictory policies. On one hand, it declares names and addresses to be "confidential." On the other hand it provides broad authority to the Secretary of Revenue to disclose names and addresses. Therefore, records created by the Division of Vehicles would not be confidential because they could be disclosed by the Secretary of Revenue.

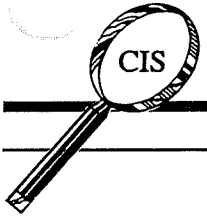
If the intent of the bill is to control the accessibility of individual records, then it should propose a specific administrative procedure. Example: Requester must file an application, 10-day review by the Division of Vehicles (with exemption for attorneys, news media, insurance companies, financial institutions, etc.), notification of individual who is the subject of the request, etc.

One of the specified uses that is permitted under the current law is assisting manufacturers of motor vehicles in compiling statistical reports. Periodically, clients of R. L. Polk require that the numerical reports furnished to them be documented to prove the accuracy of the data. This necessitates providing clients' names and addresses of vehicle owners from state-supplied records for review and comparison. This service could not be performed under Senate Bill 461. Furthermore, this legislation would set a dangerous precedent in connection with the services rendered by Polk to the automobile manufacturers in other states. Currently no other state classifies both names and addresses from motor vehicle records as confidential as is proposed in Senate Bill 461. If this

bill were to become law in Kansas, other states might be encouraged to pass legislation which would further restrict Polk's access, and thereby manufacturers' access to motor vehicle registration data.

We believe Senate Bill 461 is not good legislation. The problem that prompted its introduction may be dealt with by far less drastic measures than declaring the names and addresses of any person contained in or derived from records of the Division of Vehicles to be confidential. There are many justifiable and legitimate uses for such information which should be preserved.

We don't believe further restriction of access to vehicle records to be in the best interests of the public. If, however, the Committee is inclined to pass the bill out favorably then we strongly urge that it be amended on page 1, in line 28, by striking the words "shall be confidential and . . . ."



# Capital Investigative Services, Inc.

Investigations • Process Service • Guard Service • Renter Screening

3/17/92

Good afternoon, my name is Terry Breese, I own and operate a private investigative firm here in Topeka, KS. I want to thank the members of this committee for allowing me the time to speak to you about why I feel Senate Bill 461 is not legislation that will be a benefit to the citizens of this state.

The majority of people that come to me for help are private citizens who come to me because they cannot get help in finding a spouse who is not paying child support or to help find a parent or child with whom they have lost contact. Attorneys also employ me to find persons in order that court papers can be served upon those individuals. There are any number of legitimate and good reasons why the drivers license and vehicle license tag information should be available to every citizen in this state. I am afraid that this legislation is designed to take away one of the few remaining open records that can be used to help the private citizen to find an individual in this state. There are no governmental agencies that

3127 S.W. Huntoon, Suite 12, Topeka, KS 66604 (913) 232-1515 • fax (913) 232-9170

*House Transportation*

*3-17-92*

*ATTACHMENT 11-1*

Page 2

concern themselves with finding an adopted child's parents. No governmental body has the mandate to help the private citizen in non-governmental matters. There are many good things that happen because of these open records. I would hope that you will consider that. My understanding of the background for this bill is that a single constituent complained to Senator Bogina about the open records. There are far more people who benefit from these open records and who will suffer if this legislation is passed. If there are any questions, I would be glad to answer them.





# KANSAS TRIAL LAWYERS ASSOCIATION

Jayhawk Tower, 700 S.W. Jackson, Suite 706, Topeka, Kansas 66603  
(913) 232-7756 FAX (913) 232-7730

## TESTIMONY

of the

KANSAS TRIAL LAWYERS ASSOCIATION

before the

HOUSE TRANSPORTATION COMMITTEE

regarding

SB 461 - RECORDS OF THE DIVISION OF VEHICLES

March 17, 1992

The Kansas Trial Lawyers Association thanks the House Transportation Committee for the opportunity to express our concerns about SB 461. While we understand and appreciate the motives behind this bill, we believe it goes too far in restricting access to records held by the Division of Vehicles.

Parties involved in litigation often have a legitimate need for the information contained in the driving records maintained by the State. Access to these records is important to both the plaintiff and the defendant. Two examples will illustrate. In the first case, a plaintiff sues the person who allegedly caused an auto accident. The insurance company representing the defendant may have reason to believe the plaintiff was driving under the influence of alcohol and was therefore more at fault than their client. To help prove their case to the jury, the insurance company would want access to the plaintiff's driving record which demonstrates a history of DUI convictions.

In the second example, a plaintiff sues a trucking company whose driver was involved in an accident. There is a suspicion the truck driver was speeding. The plaintiff would want to show the jury that the driver had a record of speeding violations. Not only would this help persuade the jury the truck driver may have been at fault, it would also demonstrate the negligence of the trucking company itself for hiring a driver with an obviously defective driving history.

Our point is access to driving records can be very important in some types of litigation and should therefore continue to be allowed. SB 461 can be amended to allow access to records of the Division of Vehicles. We have attached such an amendment to our testimony and encourage this Committee to adopt it.

*House Transportation  
3-17-92  
ATTACHMENT 12 12-1*

Senate Bill 461, page 2 at line 8, by inserting the following:

(2) Any attorney who is licensed to practice law in Kansas by the Kansas Supreme Court may obtain information from records of the division of vehicles or a law enforcement agency of this state which has access to such records of the division upon written certification that the requesting party shall use such information solely for the purpose of investigation of matters of litigation or for possible use as evidence in a court of law.

and by renumbering subsections thereafter.

TESTIMONY OF HUGH J. TAYLOR  
OF THE BOARD OF PUBLIC UTILITIES  
IN OPPOSITION TO SENATE BILL NO. 461

My name is Hugh J. Taylor. I am Manager of Rates and Regulations for the Board of Public Utilities of Kansas City, Kansas. I am here on behalf of the Board in opposition to Senate Bill No. 461, concerning access to records of the division of vehicles.

The Board is opposed to this legislation primarily because it would appear to deprive the Utility of using private investigators to research the driving records of prospective employees. The Utility uses private investigators to do this research because we are not staffed nor sufficiently skilled to do investigative work of this nature. As a result, the legislation will either increase the Utility's costs or put at risk our vehicles and the public for lack of accessibility to this information. Another objection to this legislation is that it could be interpreted to also deprive other organizations access to information regarding the driving records of their employees, and thus increase general driving risk.

It would appear that two simple changes could correct this legislation. The first is that an employer "or its authorized agent" as a new clause in paragraph 4 would allow access to persons who are employed to assist a company in evaluating prospective employees. The second change would be to remove the word "commercial" from paragraph 4 so that an employer may research driving records regardless of whether it is for a commercial or

*House Transportation*  
*3-17-92*  
*ATTACHMENT 13*

standard driver's license. The way the statute is written now, employer's would be excluded from access unless it was required to retain a commercial driver's license. The BPU has many different driving conditions, of which only a few require a chauffeur's license.

March 17, 1992

To The House Transportation Committee  
Herman Dillons Chairman.

RE: SENATE BILL 461 relating to records of division of vehicles.

I, as a citizen and business person, am opposed to Senate Bill 461.

These motor vehicle records should remain as open records. There are business as well as other legitimate needs for them to be open in many different circumstances.

First, why is there a need to change the present law?

What circumstances brought forth this suggested change?

Following are some of the many needs for these motor vehicle records to remain as open records:

1. For various insurance purposes. Investigation of car wrecks--  
A need to find the rightful owners and lien holders of the cars and also the correct insurance agencies involved. Many times the law officer ASKS who are the rightful owners of the car, who is the insurance agency. Many times the victims of the wrecks or claims do not give the correct names. It is necessary for the individuals as well as insurance companies to get this information from motor vehicle records.
2. Insurance companies. to check ownership and driving records to write policies. Also to check if there are liens on the cars.
3. Banks. Need information for collateral for loans, repossessions,, other liens on vehicles.
4. Judgements in court cases. Investigations for property in court cases.
5. Wrecking services--to verify if towing the right car.
6. Workmans' Comp Insurance--identify claimants misuse of insurance.
7. Suspects in thefts. Many private securities working for other business. Private businesses need to verify suspects in thefts, vandalism, crimes against persons on their property.
8. Individuals--need in helping law enforcement on crimes against themselves and their families. Suspected vehicles in neighborhood or being used by suspected drug users or dealers whose victims may be their family. Neighborhood thefts, vandilism, and other crimes.
9. Law enforcement agencies are forever asking for help and they do not always have time to check each detail. Open records are an aid to law enforcement.
10. FOR a CRIMINAL-- this bill, if it became law, would be an aid to his crimes. It would help to keep the criminal's identity hidden.

Thank you for the opportunity to voice my opinions.

*Shirley Atteberry*  
Shirley Atteberry.

House Transportation  
3-17-92  
ATTACHMENT 14



Benchmark/Burns International  
3401 SW Harrison  
Topeka, KS 66611  
March 11, 1992

Kansas State Senate

I am unable to be present at the scheduled hearing time. Therefore, this is testimony respectfully submitted reference Senate Bill No. 461 by Senator Bogina.

There is one area that will cause most prudent, private employers, their employees, and the state a great deal of cost and trouble that may not have been considered in the wording of the bill.

I employ over 200 people and a subset of them are required to drive company cars. They must have operator, not commercial driver's licenses. Since driver's licenses are issued for a number of years, my firm's policy, a not unusual one in this litigious world, is to check the driver's record every year to assure we are not putting people onto Kansas roads who may have developed driving problems. I believe you will agree that this is a desirable, even necessary procedure for a company that wants to exercise public responsibility.

Presently I can, for a fee, obtain visibility on my employees' driving records. Under the proposed law, only employers whose employees require a commercial driver's license will be disclosed by computer access. This will necessitate my sending each individual to obtain this record. I will have to pay for the employees time and the thirty to forty separate requests will be a great inconvenience for my small staff as well as for the state.

I suggest that Section 1(a)(4) be changed to delete the word "commercial" after "retain a" and before "license due" and the bill specifically support driver's license reviews on the part of employers who have employees using non-commercial company vehicles.

*House Transportation  
3-17-92  
ATTACHMENT 15*

RE: Bill No. 461  
Page 2

Although our firm is no longer in the investigations business, I believe further consideration should be made for tracing child support violators who may have moved to Kansas (and others who should be served subpoenas). Otherwise, legitimate legal processes will be impeded.

Finally, if this bill is not passed by this legislative session, I proposed it be sent back through the committees again in next year's session for wider discussion and examination.

Sincerely,

A handwritten signature in cursive script that reads "George H. Wilkins, III". The signature is written in dark ink and includes a horizontal flourish at the end.

George H. Wilkins, III  
District Manager

GHW:psm

# The Wichita Eagle

DAVIS MERRITT, JR., Editor and Senior Vice President

March 10, 1992

Hon. Herman Dillon  
House Transportation Committee  
State Capitol  
Topeka, KS 66612

Dear Mr. Chairman:

I regret that a long-planned trip prohibits me from appearing before the committee March 16 and responding to your questions about SB-461. I request that this material be inserted into the record of the hearings.

I'm particularly sorry about the conflict in dates because passage of SB-461 and closing public access to those records would greatly inhibit our ability to inform the public and promote discussion of public policy in several areas.

Others will testify in detail about the limitations it will impose and I will not repeat those here. I concur in the points made by those other proponents of openness in government.

I understand the motivation for the bill. Mr. Bogina's constituent was alarmed because a stranger used the record to approach her about buying her car. But that single instance -- which was, after all, harmless -- certainly does not warrant closing a whole class of record forever and for all purposes. Having open records always invites abuse of that openness. For instance, every courthouse contains a great deal of public information about individuals, their houses, their other possessions. But those tax and other records are public for well-founded policy and equity reasons. That someone might possibly abuse that openness does not warrant closing them.

I also note that the bill proposes an exemption for insurance companies. I assume the reason is because those records are deemed important to the insurance companies in the normal conduct of their business. I strongly suggest that the records are also important to us in the normal conduct of our business. I do not understand how insurance companies have more standing to assert a

825 E. Douglas  
P.O. Box 820  
Wichita, Kansas  
67201-0820  
(316) 268-6555

*House Transportation  
3-17-92  
ATTACHMENT 16*

*16-1*



claim of necessity than do others who use those records in the conduct of their business, such as newspapers.

I am not arguing for yet another special exemption. Rather, I urge the committee not to approve the closing of what has traditionally been a public record. Kansas is not a state known for its openness in government, particularly in the area of public records. Openness inspires confidence on the part of the public; closure inspires doubt and cynicism. To close yet another record for no reason other than a vague sense of discomfort on the part of a few people, or possible abuse of that record, would be overkill.

If the committee's concern is with improper use of public information, then I suggest that simply closing that information is not the remedy. Rather, the actual abuse should be addressed in legislation. For instance, use of license tag information to commit a crime could become a consideration in dealing with those who commit such crimes. That would penalize those who deserve penalty and not those who use the record properly.

Thank you for your consideration.



Davis Merritt, Jr.  
Editor  
The Wichita Eagle



SOCIETY OF  
PROFESSIONAL  
JOURNALISTS

KANSAS PROFESSIONAL CHAPTER  
Box 2853 • Wichita, KS 67201

March 11, 1992

Hon. Herman Dillon  
House Transportation Committee  
State Capitol  
Topeka, KS 66612

Dear Mr. Chairman,

We appreciate the opportunity to add our voice to those expressing grave concerns about the damage that S.B. 461 would do to the public's access to their own records.

My organization represents reporters, editors, publishers, producers, news executives, copyeditors and photojournalists from newspapers, magazines, radio stations and television stations in every corner of the state.

Others who plan to testify already express our concerns as well as we could.

The point we want to emphasize is that these concerns are not solely those of journalists. These records belong to the public; their collection and maintenance are paid for by the public; they track business being conducted in the public's name. Journalists have no more nor no less right to these records than any other citizen. But journalists are often the public's proxy on such issues because they serve as the citizenry's surrogate eyes and ears on governmental matters.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Wm. F. Hirschman'.

Wm. F. Hirschman  
President

House Transportation  
3-17-92  
ATTACHMENT 17

# Kansas City Bureau of Investigation

3100 BROADWAY • PENNTOWER, SUITE 313 • KANSAS CITY, MO 64111



816-931-5200  
24 Hours

**J. M. DONAHUE**  
FORMER  
CHIEF OF POLICE

March 11, 1992

Repr. Herman G. Dillon  
State Capitol Building  
Topeka, Kansas 66612

RE: Senate Bill Number 461

Dear Repr. Dillon:

It is my understanding that you are Chairing Bill #461 amending K.S.A. 1991 Supp. 74 2012 which will have a hearing on March 17, 1992 at 1:30 P.M. in room 519 South.

I would like to express my concern to you, as I have to both Senator Bogina and Representative Thompson, regarding this bill. I am in receipt of the amended version of No. 461 and notice in particular section 1, paragraph 1 item 3, line 30 "in accordance with criteria established by rules and regulations adopted by the Secretary of Revenue".

To the best of my knowledge, the rules and regulations adopted by the Secretary of Revenue and according to that staff, there is no clarification as who is included in these rules and regulations.

I strongly endorse this bill of amending such access by the general public but would like to see added clarification (for those of us outside State Law Enforcement) in this amendment, specifically for those in our profession as Private Detectives.

Sir, to perform our duties as a Private Detective, in the State of Kansas, we "must be licensed" by the Attorney General of Kansas. This entails being investigated by the K B I and then must pass a written exam by the K B I in the Attorney Generals' office. We according to K.S.A. 75-7b01 et seq As Amended by L 1981 ch 326 are then licensed as a Private Detective. We also must submit a Certificate of Insurance for the amount of \$10,000.00 to the office of the Attorney General.

*House Transportation*

*3-17-92*

*ATTACHMENT 18*

*18-1*

It is extremely necessary in the investigation field, in the course of the investigation to be able to run a check on a license plate. For the sole purpose of knowing if anyone in the investigation area would be part of that investigation or possibly have a criminal record and be on the "wanted list" with an outstanding warrant for the car or the subject in the car. If this can't be done, it's possible our lives or the lives of our clients could be in jeopardy.

This is a very important tool of the detective and the investigation and must have very close consideration.

It is an absolute necessity that we have access to these records in order to perform our duties.

We are confronted with the same dangers and liabilities of any law enforcement office, Federal, State or Local. Because we are hired on a private bases to make investigations in murder, assault, kidnapping, burglary, auto thief, hy-jacking, internal thief and insurance fraud. . . which at various times in my investigations of these crimes involved known criminals involved in robberies, etc.

We are not individuals who participate in domestic key hole investigations. Ninety Percent (90%) of our investigations involve criminal activity.

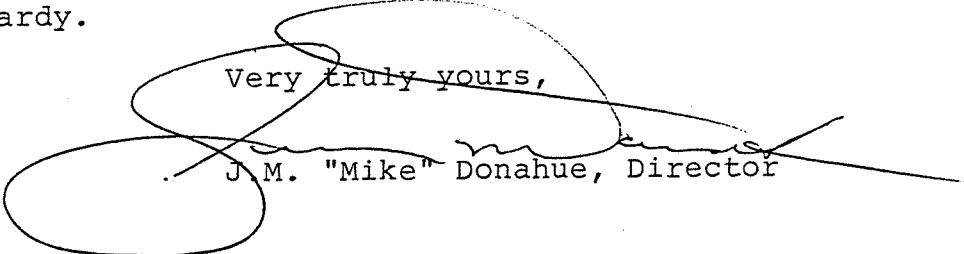
In Bill #461, on Page 1, lines 19 and 20, City, County or District agencies are clarified. Line 21, clarifies Municipal or District Courts and line 22 and 23, refers to Law Enforcement agencies. If not now, this could down the road, provide problems, as we are not a State, City or Government Law Agency.

Law Enforcement Agencies are governed by K.S.A. 21-3110. Our profession is under K.S.A. 75-7b01 75 7b18, page 16, item (a) which reads "are under the exclusive jurisdiction and control of the Attorney General".

I have taken the liberty of enclosing the above excerpts pertaining to this of K.S.A. 75-7b01, for your convenience.

Again, I strongly ask that you make clearer that such licensed Private Detectives involved in criminal and drug investigations be able to be identified in this Bill #461. . .so that the private detectives' life and possible life of their clients are not at times plasced in jeopardy.

Very truly yours,

  
J.M. "Mike" Donahue, Director

JMD:dg

STATE OF KANSAS



Betty McBride, Director  
Robert B. Docking State Office Building  
915 S.W. Harrison St.  
Topeka, Kansas 66626-0001

(913) 296-3601  
FAX (913) 296-3852

Department of Revenue  
*Division of Vehicles*

To: House Committee on Transportation  
From: Betty McBride, Director of the Division of Vehicles  
Kansas Department of Revenue  
Date: March 18, 1992  
Subject: **Senate Bill 522**

Mr. Chairman, Members of the Committee,

My name is Betty McBride. I am the Director of the Division of Vehicles, and I appear before you on behalf of the Kansas Department of Revenue regarding Senate Bill 522.

Our goal is to protect the citizens of Kansas by ensuring that persons who are licensed to drive are medically capable of driving safely.

This bill addresses our concern about being able to administer fairly the vehicle laws of Kansas where seizure disorders are concerned. There is a measure of flexibility in this law which would allow us to grant driving privileges in many situations that now require the Medical Advisory Board and myself to apply a much more stringent interpretation of the current rules and regulations.

Subsection (e)(7) of this bill has been amended reducing the requirement of the licensee to be seizure free for six months instead of 1 year. The amendments also exempt a physician who provides the Director with a medical report from liability. Under this bill I would be able to accept a doctor's statement that a seizure disorder is under control by use of medication, and the applicant should be granted a license to drive. This alone is great step toward removing a barrier-one that has kept many persons from receiving a license-regardless of the opinion of their physician. Our current rules and regulations require a person to be seizure free for one full year before we can consider granting driving privileges to any applicant.

This bill is identical to House Bill 2772 prior to the added amendments.

I ask that the committee pass favorably on this bill.

I will be happy to answer any questions you might have.

House Transportation  
3-17-92  
ATTACHMENT 19  
19-1



# KANSAS MEDICAL SOCIETY

623 W. 10th Ave. • Topeka, Kansas 66612 • (913) 235-2383  
WATS 800-332-0156 FAX 913-235-5114

March 17, 1992

TO: House Transportation Committee  
FROM: Kansas Medical Society *Chip W. Trullen*  
SUBJECT: Senate Bill 522; Drivers' Licenses

You may recall that when we commented on the provisions of HB 2772, we supported the basic concept involved in that bill which was a replica of the original version of SB 522. At that time we expressed reservations, however, about the potential liability exposure of physicians who were willing to make a statement as to the medical condition of the patient seeking a driver's license. Our concern was not about possible allegations of malpractice, but instead the possibility that a person who had at one time suffered from seizure disorders might obtain a driver's license and then be involved in an accident. This could lead to a liability exposure for the physician, regardless of whether the driver experienced a seizure prior to or during the vehicular accident.

The Senate has adopted amendments to SB 522 that address our concerns, and we believe constitute much needed improvements in the bill. For this reason we endorse SB 522 and respectfully request that you recommend the bill for passage.

Thank you for considering our concerns.

CW:cb

*House Transportation  
3-17-92  
ATTACHMENT 20  
20-1*

Epilepsy-Kansas, Inc. Testimony to the House Transportation Committee  
Regarding  
Individuals With A Seizure Disorder And Drivers Licensing  
SN 522

Members of the Committee

My name is Bertha McDowall and I am the Executive Director of Epilepsy-Kansas. Epilepsy-Kansas and The Epilepsy Foundation for the Heart of America are the Kansas affiliates of the Epilepsy Foundation of America. I also currently serve on the State Commission on Epilepsy.

Since I have already appeared before you regarding HR 2772 which initially was similar to SN 522, I will make my comments brief. I also refer you to my testimony on HR 2772 as background information.

We are in support of SN 522 as it has been amended. We feel that this is a much fairer approach to individuals with seizure disorders. By shortening the waiting period before an individual is eligible to drive, people will not be penalized for their condition and an extensive lack of a driver's license will not get a chance to generate more complicated problems that cost society more to deal with or correct.

To review, during hearings leading to the creation of the Commission on Epilepsy and during the Commission meetings also, the need for driver's licensing regulation reform when it comes to individuals with epilepsy was substantiated. It was felt that the one year seizure free period was excessively long, that the administrative hearing process was ineffective and that the Medical Review Board needed to be educated regarding the latest medical developments as they applied to individuals with seizures who were seeking a driver's license. As a matter of fact, Recommendation 47 of the Task Force on Epilepsy and Other Seizure Related Disorders calls for legislation revising the driver's licensing regulation to reflect a three month, or less, seizure free provision.

It is known that patients with seizures are involved in fewer fatal accidents than persons with an alcohol-related condition and the accident rates of epileptic patients are not significantly higher than those of patients with other medical conditions. It is also true that it does not take a year's time to determine if a particular medication or combination of medications will control a person's seizures - six months is more than adequate.

We feel that a doctor's opinion on their patient should hold a great deal of weight and that they should not be penalized for their professional, educated opinion.

The Epilepsy Foundation of America believes that where a specific seizure-free interval requirement exists, provision should be made for exceptions where appropriate. Examples of possible appropriate exceptions include the following: a breakthrough seizure due to physician-directed medication change, an isolated seizure where the medical examination indicates that another episode appears unlikely, a

House Transportation  
3-17-92  
ATTACHMENT 21  
21-1

seizure related to a temporary illness, a seizure due to an isolated incident of not taking medication, an established pattern of only nocturnal seizures, an established pattern of only seizures which do not impair driving ability or an established pattern of an extended warning.

While we realize that the three month seizure free recommendation may be too short a waiting period for the Committee and for the legislature, we hope that they can endorse a period of six months seizure free, the option of a doctors authorization of the individual's ability to drive and protection for the doctor who, upon careful consideration, recommends a person for a license. We would also hope that the Medical Review Board would become more educated as to the circumstances surrounding a seizure disorder.

It is our hope that by making the regulations concerning licensing more reasonable, that more people effected would adhere to them therefore making driving safer for everyone. A law that people spend most of their time circumventing is not effective in the first place and accomplishes very little except to catch the very people it should not apply to. The individuals who should legitimately be excluded from driving are on the road anyway. It is hoped that this committee will help to remedy this situation.

On behalf of the individuals with epilepsy in the state, I would like to thank you for considering this very important issue and we hope for your support of this bill and its intent.



# Kansas Advocacy & Protective Services, Inc.



513 Leavenworth, Manhattan, KS 66502 (913) 776-1541, FAX (913) 776-5783

**Kansas City Area**  
6700 Squibb Rd.  
Suite 104  
Mission, KS 66202  
(913) 236-5207

**Wichita Area**  
255 N. Hydraulic  
Wichita, KS 67214  
(316) 269-2525

TO: The House Committee on Transportation,  
Representative Herman Dillon, Chairperson

FROM: Kansas Advocacy and Protective Services, Inc.,  
Joan Strickler, Executive Director

RE: S.B. 522

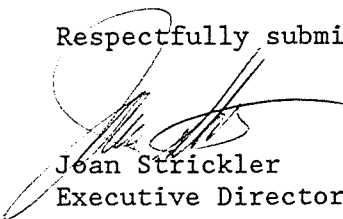
DATE: March 17, 1992

S.B. 522 would lessen some of the problems experienced by persons with a history of seizure disorders in obtaining driver's licenses in the State. Kansas has the responsibility to balance the rights, the safety and the welfare of all its citizens. In doing so, it is important to view restrictions on driving for persons with seizure disorders within the context of current medical knowledge and the experience of other states.

Approximately 15 states now require seizure-free periods of six months or less, and an estimated ten states do not require a standard seizure-free period.

The amendments proposed in S.B. 522 would update current law to provide protections, but lessen, what is perceived of by many persons with seizure conditions, as overly restrictive requirements. The ability to operate a motor vehicle can, to a great extent, control one's life - particularly as it relates to the ability to attend school or travel to the place of employment. This is particularly an issue for persons living in communities that do not offer much in the way of public transportation.

Respectfully submitted,



Joan Strickler  
Executive Director

House Transportation  
3-17-92  
ATTACHMENT 22  
22-1

STATE OF KANSAS

Betty McBride, Director  
Robert B. Docking State Office Building  
915 S.W. Harrison St.  
Topeka, Kansas 66626-0001



(913) 296-3601  
FAX (913) 296-3852

Department of Revenue  
*Division of Vehicles*

To: House Committee on Transportation  
From: Betty McBride, Director of the Division of Vehicles  
Kansas Department of Revenue  
Date: March 18, 1992  
Subject: **Senate Bill 550**

Mr. Chairman, Members of the Committee,

My name is Betty McBride. I am the Director of the Division of Vehicles, and I appear before you on behalf of the Kansas Department of Revenue regarding Senate Bill 550.

Recent changes in federal regulations on handicapped placards and handicapped parking-changes that standardize handicapped placards and the definition of "persons with disabilities", also require amendments to Kansas statutes. Because the regulations will be the same for all states, it will be easier for law enforcement to recognize and grant reciprocal handicapped parking privileges.

The changes are twofold: First, the color of both temporary and permanent placards will change and will be the same nationwide. Permanent placards are white on blue. Temporary placards are white on red. Second the definition of persons with disabilities has been expanded to include not only specific diseases, but also the degree of severity. For your convenience, I have enclosed copies of the new federal regulations outlining the changes asked for in Senate Bill 550.

Handicapped placards, which used to be issued through the division of vehicles, are now issued by county treasurers. This bill will allow treasurers to charge the \$2.25 service fee, which would be retained in the county vehicle fund.

I ask the committee to pass favorably on this bill.

I'll be happy to answer any questions you might have.

*House Transportation*  
*3-17-92*  
*ATTACHMENT 23*

**PART 1235-UNIFORM SYSTEM FOR PARKING FOR PERSONS WITH DISABILITIES**

**Sec.**

- 1235.1 Purpose.
- 1235.2 Definitions.
- 1235.3 Special license plates.
- 1235.4 Removable windshield placards.
- 1235.5 Temporary removable windshield placards.
- 1235.6 Parking.
- 1235.7 Parking space design, construction and designation.
- 1235.8 Reciprocity

**Appendix A-Sample Removable Windshield Placard**

**Appendix B-Sample Temporary Removable Windshield Placard**

**Authority:** Pub. L. 100-641, 102 Stat. 3335 (1988); 23 U.S.C. 101(a), 104, 105, 109(d), 114(a), 135, 217, 307, 315, and 402(a); 23 CFR 1.32 and 1204.4; and 49 CFR 1.48(b).

**§ 1235.1 Purpose.**

The purpose of this part is to provide guidelines to States for the establishment of a uniform system for handicapped parking for persons with disabilities to enhance access and the safety of persons with disabilities which limit or impairs the ability to walk.

**§ 1235.2 Definitions**

Terms used in this part are defined as follows:

(a) *International Symbol of Access* means the symbol adopted by Rehabilitation International in 1969 at its Eleventh World Congress on Rehabilitation of the Disabled.

(b) *Persons with disabilities which limit or impair the ability to walk* means persons who, as determined by a licensed physician:

- (1) Cannot walk two hundred feet without stopping to rest; or,
- (2) Cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive devices; or,

- (3) Are restricted by lung disease to such an extent that the person's forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than sixty mm/hg on room air at rest; or,
- (4) Use portable oxygen; or,
- (5) Have a cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV according to standard set by the American Heart Association; or,
- (6) Are severely limited in their ability to walk due to an arthritic, neurological, or orthopedic condition.

(c) *Special license plate* means a license plate that displays the International Symbol of Access:

- (1) In a color that contrasts to the background, and
- (2) In the same size as the letters and/or numbers on the plate.

(d) *Removable windshield placard* means a two-sided, hanger-style placard which includes on each side:

- (1) The International Symbol of Access, which is at least three inches in height, centered on the placard, and is white on a blue shield;
- (2) An identification number;
- (3) A date of expiration; and
- (4) The seal or other identification of the issuing authority.

(e) *Temporary removable windshield placard* means a two-sided, hanger-style placard which includes on each side:

- (1) The International Symbol of Access, which is at least three inches in height, centered on the placard, and is white on a red shield;
- (2) An identification number;
- (3) A date of expiration; and
- (4) The seal or other identification of the issuing authority.

**§ 1235.3 Special license plates.**

(a) Upon application of a person with a disability which limits or impairs the ability to walk, each State shall issue special license plates for the vehicle which is registered in the applicant's name. The initial application shall be accompanied by the certification of a licensed physician that the applicant meets the § 1235.2(b) definition of persons with disabilities which limit or impair the ability to walk. The issuance of a special license plate shall not preclude the issuance of a removable windshield placard.