

Approved: 2/15/96
Date

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES.

The meeting was called to order by Chairman Ben Vidricksen at 9:05 a.m. on February 14, 1996 in Room 254-E of the Capitol.

All members were present except:
Senator Brady - Excused

Committee staff present: Hank Avila, Legislative Research Department
Ben Barrett, Legislative Research Department
Bruce Kinzie, Revisor of Statutes
Martha Ozias, Committee Secretary

Conferees appearing before the committee:
Betty McBride - Director of Vehicles, Kansas Department of Revenue
James W. Clark - Executive Director, Kansas County & District
Attorney Association

Others attending: See attached list

HB 2664 - RELATING TO DRIVERS' LICENSES; CONCERNING EXAMINATION TESTS

Betty McBride addressed this bill which would allow a driver license applicant four attempts to pass a driver's license examination in order to secure, retain, or reinstate a Kansas driver's license. Approval of this bill would make the procedure more expedient and provide better customer service. (Attachment 1)

HB 2665 - RELATING TO DRIVERS' LICENSES; CONCERNING THE UNLAWFUL USE OF DRIVER'S LICENSES; PENALTIES

Betty McBride also addressed this bill which would require courts to apply harsher penalties when sentencing a person convicted of making a fraudulent application for a driver's license or identification card. (Attachment 2)

James Clark voiced concern for this legislation which would target people between the ages of 18 and 21 with a felony conviction for altering their driver's license. He offered an amendment to this bill. (Attachment 3)

Senator Jones made a motion to pass HB 2665 favorably as amended. It was seconded by Senator Lawrence and motion carried.

A motion was made by Senator Lawrence to pass HB 2664 favorably and a second was made by Senator Papay. Motion carried.

Senator Papay then made a motion to approve the minutes of the February 12th and 13th meetings. Senator Harrington seconded this. Motion carried.

The meeting was adjourned by the Chairman at 9:25 a.m.

The next meeting will be February 15, 1996.

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Division of Vehicles

MEMORANDUM

TO: The Honorable Ben Vidricksen, Chairman
Senate Committee on Transportation

FROM: Betty McBride, Director
Division of Vehicles

DATE: February 13, 1996

SUBJECT: House Bill 2664

Mr. Chairman, Members of the Committee:

My name is Betty McBride, Director of the Division of Vehicles. I want to thank the Committee for the opportunity to appear before you today on behalf of the Kansas Department of Revenue, in support of House Bill 2664.

House Bill 2664 amends K.S.A. 8-240, and would automatically allow a driver license applicant four attempts to pass a driver's license examination in order to secure, retain, or reinstate a Kansas driver's license.

Currently, an applicant is required to request a fourth attempt, in writing, from the Director of Vehicles, after three failed attempts. A request for a fourth attempt is almost always approved by the Director; therefore, it is more expedient, and provides better customer service to the applicant, to allow the Driver License Examiner to automatically authorize a fourth attempt to pass required testing.

The Department receives four to five 4th attempt requests daily. These requests occur on closed book and drive tests, or on tests required to receive a Commercial Driver's License. However, some applicants do fail even the open book test given on renewals. Still other applicants are testing to secure their licenses as first time license holders, testing for reinstatement after revocation through the Driver Control Bureau for tickets/traffic violations, etc.; through Driver License Examination Bureau request following Officer's complaints; or through the Driver Review process for medical reasons. The tests being failed may include closed book written, open book renewal, and road tests for all the different classes of vehicles, and/or a large variety of Commercial Driver's License written or driving tests.

House Bill 2664 also requires that an applicant, upon failing the fourth exam, wait six months from the date of the last failure before qualifying to again take the written and driving portions of the driver license test.

Mr. Chairman, members of the Committee, we ask this bill be passed favorably by this Committee. I would stand for your questions at this time.

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ATTACHMENT: 1

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Division of Vehicles

MEMORANDUM

To: The Honorable Ben Vidricksen, Chairman
House Committee on Transportation

From: Betty McBride, Director
Division of Vehicles

Date: February 14, 1996

Subject: House Bill 2665

Mr. Chairman, Members of the Committee:

My name is Betty McBride, Director of the Division of Vehicles. I wish to thank this committee for the opportunity to appear before you today, on behalf of the Kansas Department of Revenue, seeking your support for House Bill 2665.

House Bill 2665 amends K.S.A. 8-260, and if passed, would require courts to apply harsher penalties when sentencing a person convicted of making a fraudulent application for a driver's license or identification card, by using the name or documentation of another person. It would allow prosecutors to add additional charges when prosecuting someone for obtaining a driver's license for the purpose of misrepresenting themselves for criminal or fraudulent reasons. It would change the penalty from a class A misdemeanor to a severity level 9, non person felony, subject to probationary sentences of from 7 months to 11 months, depending on the number of prior convictions for the same offense.

These types of violations have been a serious problem that the Division has dealt with for many years. Since the division's implementation of the digitized driver's license system in 1994, our driver license examiners are now capable of detecting these attempts to secure driver's licenses by fraudulent methods. Driver license examiners are reporting several of these activity attempts daily.

Mr. Chairman, members of the committee, the division would appreciate your favorable consideration and passage of House Bill 2665. I would stand for questions at this time.

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Testimony Regarding

HOUSE BILL NO. 2665

The Kansas County and District Attorneys Association clearly does not condone the unlawful use of driver's licenses; however, we do have concerns with raising the penalty for displaying or possessing an altered driver's license as prohibited in Section 1(a)(1) of the bill, to a severity level 9, nonperson felony.

Our collective experience shows that such violations occur most often in an effort to obtain alcoholic liquor or cereal malt beverages, by young people between the ages of 18 and 21: people who are allowed to marry, parent, vote, and defend their country. We feel that targeting this group with a felony conviction for merely altering their driver's licenses in order to enjoy a privilege reserved for adults is an overreaction.

We note that the statute already makes allowances for this group of people in section (c), where lending a license for purposes of the illegal purchases of alcoholic liquor or cereal malt beverage is only a class A misdemeanor. In our view, altering of a license by the same age group for the same purpose also should receive similar punishment.

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1 (2) Lend any driver's license to or knowingly permit the use of any
2 driver's license by a person under the legal age for consumption of cereal
3 malt beverage for use in the purchase of any cereal malt beverage.

4 (3) Lend any driver's license, nondriver's identification card or other
5 form of identification to aid another person in wrongfully obtaining a
6 driver's license or replacement driver's license.

7 (d) Violation of any provision of subsection (c) is a class A misde-
8 meanor.

9 (e) The provisions of this section shall apply to any driver's license,
10 nondriver's identification card or other form of identification whether
11 issued under the laws of this state or issued under the laws of another
12 state or jurisdiction.

13 Sec. 2. K.S.A. 8-1408 is hereby amended to read as follows: 8-1408.
14 "Cancellation of a driver's license" means the annulment or termination
15 by formal action of the division of a person's driver's license because of
16 some error or defect in the license or because the licensee is not entitled
17 to such license, but the cancellation of a license is without prejudice,
18 *except for a cancellation because of a violation of K.S.A. 8-260, and*
19 *amendments thereto*, and application for a new license may be made at
20 any time after such cancellation.

21 Sec. 3. K.S.A. 8-1408 and K.S.A. 1995 Supp. 8-260 are hereby re-
22 pealed.

23 Sec. 4. This act shall take effect and be in force from and after its
24 publication in the statute book.

(4) Display or cause to be to be displayed or have
in possession any fictitious or fraudulently altered
driver's license by any person under 21 years of age
for use in the purchase of any alcoholic liquor or
cereal malt beverage.

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