

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE.

The meeting was called to order by Chairperson Gary K. Hayzlett at 1:30 p.m. on February 19, 1997 in Room 526-S of the Capitol.

All members were present except: Representative Joann Flower, excused

Committee staff present: Hank Avila, Legislative Research Department
Bruce Kinzie, Revisor of Statutes
Jackie Buchanan, Committee Secretary

Conferees appearing before the committee:

Representative Vernon W. Correll
Elena C. Nuss, Office of Kansas State Fire Marshal
Pat Barnes, Legislative Counsel, Kansas Automobile Dealers Association
Kim Gulley, Assistant General Counsel, League of Kansas Municipalities

Others attending: See attached list

Minutes of the February 11, February 12, and February 13 meetings were presented for correction or approval. Representative Dreher made a motion to accept the minutes as written, seconded by Representative Humerickhouse. Motion carried.

HB 2202 - Driver's licenses, exempting fire trucks

Hearing was opened. The Chair called on Representative Correll to present testimony in support of **HB 2202** which exempts members of the Volunteer Fire Departments from the requirement of having a Class B non-commercial driver's license. Representative Correll has talked with the Department of Revenue and Kansas Motor Carriers, and felt this was the best way to exempt those volunteer drivers. (Attachment 1)

Elena Nuss, with the Kansas State Fire Marshal's Office, also represented the Kansas State Association of Fire Chiefs, the Professional Fire Chiefs of Kansas, and the Kansas State Firefighters Association. She asked that no distinction be made between the paid professional firefighters and volunteer professional firefighters, and asked that the bill be amended to read, "or any fire apparatus operated by a fire department". (Attachment 2)

Representative Correll advised the intention of the bill was to protect the volunteer fire departments from any liability they might encounter in case they had an accident.

Chief H.A. Hartley, President, Kansas State Association of Fire Chiefs, responded that they are asking that all firefighters be licensed the same whether they are volunteer or paid.

Hearing was closed on **HB 2202**.

HB 2203 - Filing of notice of security interest

Hearing was opened. The Chair called on Pat Barnes, Legal Counsel, Kansas Automobile Dealers Association, who presented testimony in support of **HB 2203**. The bill simply requests that the time allowed for noting the lien on the title for any vehicle that is sold which is financed, where the vehicle will be security for the financial arrangements, be increased from the present time allowed of 10 days to 15 days. This change will assist in insuring that those who sell vehicles can make sure the financing granted on the vehicle is secured by the vehicle as intended by the buyer and seller. He advised the Kansas Division of Vehicles has no problem with this bill. (Attachment 3)

Hearing was closed on **HB 2203**.

CONTINUATION SHEET

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE, Room 526 -S Statehouse, at 1:30 p.m. on February 19, 1997.

HB 2223 - Cities, street improvements; costs

Hearing was opened. The Chair advised since he had requested this bill in the Governmental Organization and Elections he had some comments to make. The Chair asked Vice-Chair Howell to chair this hearing.

Representative Hayzlett testified the request for this bill came about because of some taxpayers in his hometown being taxed very heavily for a street repair project. Under the present statute, it allows a city to connect two intervening links of two blocks or less. There is no allowance for a protest petition. The statute currently says the city may pay 95% of the cost. The present statute was a very big hardship on these property owners along this street repair project. **HB 2223** states that the city at large shall pay 95% of the cost of the proposed improvement.

The Vice-Chair called on Kim Gulley, Assistant General Counsel, League of Kansas Municipalities, who presented testimony in opposition to **HB 2223**. She advised the League of Municipalities opposes the bill because for 40 years a city has been allowed to improve connecting or intervening streets of two blocks or less without protest petitions as it contains few adjacent property owners. The bill would burden all taxpayers and provide a special benefit at little direct cost for the adjacent properties. She feels how much to assess adjacent landowners should be decided by the local governments on a case-by-case basis, not a set amount of 95%. She stressed going to the ballot box and not re-electing local government officials that promote the projects you don't like. (Attachment 4)

Written testimony in opposition to **HB 2223** was presented by Jane Neff-Brain, Senior Assistant City Attorney, City of Overland Park, as many of these small projects would have little benefit to the city-at-large.(Attachment 5)

Concern was expressed by committee members of the fact that individual property owners are not notified of a project of this nature and a means to protest the project.

Representative Hayzlett thanked the committee and audience for their indulgence on this bill.

The Vice-Chair closed the Hearing on **HB 2223**.

HB 2010 - Division of vehicles, records, prohibiting disclosure of personal information

The Chair opened **HB 2010** for discussion and final action. The subcommittee recommended a balloon, prepared by Bruce Kinzie, Staff, for the bill. The balloon amends the bill to include the non-driver's identification cards on page 1; and on page 2 lines 14 through 21 the lines are stricken regarding the marketing survey allowance. (Attachment 6)

Representative Dillon made a motion to accept the subcommittee's report, seconded by Representative Shore, and the motion carried.

Representative Dillon made a motion to pass **HB 2010** favorably as amended, seconded by Representative Howell, and the motion carried.

HB 2170 - Distinctive license plates for veterans of the military services

The Chair opened **HB 2170** for discussion and final action.

Representative Shore made a motion to amend **HB 2170** to include January 1, 1998, as the date of implementation, and make one license plate for all branches of the United States Military Veterans, seconded by Representative Correll, and the motion carried.

Representative McClure made a motion to pass **HB 2170** favorably as amended, seconded by Representative Humerickhouse, and motion carried.

HB 2203 - Filing of notice of security interest

The Chair opened **HB 2203** for discussion and final action.

Representative Dillon made a motion to pass **HB 2203** favorably, seconded by Representative Shore, and the motion carried.

CONTINUATION SHEET

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE, Room 526 -S Statehouse, at 1:30 p.m. on February 19, 1997.

HB 2280 - School buses, exempting certain buses from certain requirements

The Chair opened **HB 2280** for discussion and final action.

Representative Howell made a motion to amend the period of years from 12 to 20 years on lines 22 and 25 and to strike all the new language of the bill, seconded by Representative Shore, and the motion carried.

Representative Powers made a motion to pass **HB 2280** favorably as amended, seconded by Representative Howell, and motion carried.

HB 2202 - Driver's licenses, exempting fire trucks

The Chair opened **HB 2202** for discussion and final action.

Representative Dillon made a motion to amend line 6 of page 2 to read "or any fire vehicle operated by a fire department", and line 15 insert "or any fire vehicle operated by a fire department", seconded by Representative Powers. Following discussion, Representative Dillon withdrew his motion and Representative Powers withdrew his second.

Representative Powers made a motion to insert "volunteer fire vehicle" under class C motor vehicles on line 15 of page 2, seconded by Representative Correll, and the motion carried.

Representative Correll made a motion to pass **HB 2202** favorably as amended, seconded by Representative Humerickhouse, and the motion carried.

HB 2093 - Regulation of traffic, safety equipment

The Chair opened **HB 2093** for discussion and final action.

Representative McClure made a motion on line 23 to insert the date of July 1, 1997, seconded by Representative Pauls, and the motion carried.

Representative McKinney made a motion to amend the provisions of **HB 2426 concerning alteration of maximum speed limits by local authorities** into **HB 2093**, seconded by Representative Correll, and the motion carried.

Representative Powers made a motion to pass **HB 2093** favorably as amended, seconded by Representative McKinney, and the motion carried.

HB 2223 - Cities, street improvements, costs

The Chair opened **HB 2223** for discussion and final action.

After discussion, it was the consensus of the committee to postpone action on the bill and discuss with the League of Municipalities some possible compromise.

HB 2073 - Driver's licenses and non-driver identification cards, expiration thereof

The Chair opened **HB 2073** for discussion and final action.

Staff presented a balloon which amends the bill regarding the Commercial Drivers License (CDL) to the current 4-year expiration.(Attachment 7) Representative McClure made a motion to adopt the balloon, motion seconded by Representative Dillon, and the motion carried.

Representative Pauls made a motion to pass **HB 2073** favorably as amended, seconded by Representative McClure, and the motion carried.

Meeting was adjourned at 3:15.

The next meeting is scheduled for February 20, 1997.

HOUSE TRANSPORTATION COMMITTEE GUEST LIST

DATE: February 19, 1997

NAME	REPRESENTING
Ken Behr	Economic Lifelines
Steve Blanks	Hubbell & Assoc.
MARK BRUCE	KANSAS HIGHWAY PATROL
(Whitney) Dameron	Kansas Automobile Dealers Assn.
PAT BARNES	KS Automobile Dealers Assn.
RALPH T. GOODRIGHT	CITY OF LAKIN, KS
Elena Nuss	State Fire Marshal
JIM KEATING	STATE FIRE CHIEFS ASSOC.
H.A. HARTLEY	KS STATE FIRE CHIEFS ASSOC.
Kellys Kuntala	City of Overland Park
Kim Gulley	League of KS Municipalities
Ed Redman	Kansas State Fire
Jerry Marlatt	Ks. St. Council of Fire Fighters
Don L. McNeely	KS AUTO DEALERS ASSN.
Dick Bauman	KDOT
Mike Kelley	Kansas Motor Vehicle Assn.
MARY E. TURKINGTON	Ks. Motor Carriers Assn.
Jim Munnix	Scott Co. Commissioner

VERNON W. CORRELL
REPRESENTATIVE, SEVENTH DISTRICT
LABETTE COUNTY
PO BOX 214
OSWEGO, KS 67356



TOPEKA

HOUSE OF
REPRESENTATIVES

TESTIMONY
HB 2202

COMMITTEE ASSIGNMENTS
RANKING MINORITY MEMBER: FINANCIAL INSTITUTIONS
& INSURANCE
MEMBER: AGRICULTURE
TRANSPORTATION
SPECIAL CLAIMS AGAINST
THE STATE

Thank you Mr. Chairman and members of the Committee.

HB 2202 exempts members of the Volunteer Fire Departments from the requirement of having a Class B non-commercial driver's license.

It was pointed out by the Highway Patrol that they would not stop a fire truck to check driver's licenses, but should they be involved in an accident, the driver could have problems.

Having talked to the Department of Revenue and the Kansas Motor Carriers, it was decided the best way was to exempt those volunteer drivers.

Vernon W. Correll
State Representative
District #7

*House Transportation
Attachment 1
2-19-97*

Kansas State Fire Marshal
Suite 600; 700 SW Jackson
Topeka, KS 66603-3714



Telephone: (913)-296-0151
FAX: (913)-296-0151
Internet: KSFM01@INK.ORG

State Fire Marshal Gale Haag

Governor Bill Graves

"Where Fire Safety is a way of life"

Testimony of Elena C. Nuss
Kansas State Fire Marshal's Office

House Bill 2202 - Committee on Transportation

February 19, 1997

I want to thank this Committee for the opportunity to submit our testimony relating to driver's licenses as they apply to fire trucks. I am Elena Nuss with the Kansas State Fire Marshal's Office. I am representing the Kansas State Association of Fire Chiefs, the Professional Fire Chiefs of Kansas, and the Kansas State Firefighters Association.

In presenting this testimony I am representing both volunteer and paid fire departments. Firefighters in Kansas have long been striving for equal treatment regardless of the size of the department or whether they are paid, part paid or volunteer. With the majority of Kansas fire departments classified as either volunteer or part paid, we have more career volunteer firefighters and fire chiefs than we have career paid firefighters and fire chiefs. In either case they are professionals, dedicated to providing quality service to their communities. They respond to the same types of incidents, run the same risks and have to comply with the same laws, the only difference is that some are paid professionals and others are unpaid professionals.

Currently we know that there is a great deal of confusion surrounding whether or not a specific drivers license is required to operate a fire truck. While researching this testimony, several calls were made to various drivers license offices with the general response being that fire trucks are exempt. Several calls were also made to some of our smaller fire departments to discover that very few firefighters who regularly drive the fire trucks have more than a standard drivers license.

We are asking that no distinction be made between our paid professional firefighters and our volunteer professional firefighters, therefore we would ask that the line be changed to read, "*or any fire apparatus operated by a fire department.*".

House Transportation
Attachment 2
2-19-97

TESTIMONY BEFORE THE HOUSE
COMMITTEE ON TRANSPORTATION

By the Kansas Automobile Dealers Association
February 19, 1997

RE: House Bill No. 2203

Mr. Chairman and Members of the Committee, I am Pat Barnes, legislative counsel for the Kansas Automobile Dealers Association which represents the franchised new car and truck dealers of Kansas. Thank you for allowing us to appear here today and provide our views and support for this bill. The revision to the law which we are requesting with this bill is fairly minor. It simply asks that the time allowed for noting our lien on the title for any vehicle we sell which is financed, where the vehicle will be security for the financial arrangements, be increased from the present time allowed of 10 days to 15 days.

The current time line is essentially causing problems for our members which, in some cases, has led to the loss of lien rights, and security interests in vehicles, in bankruptcy proceedings where debtors purchase cars from our members and then turn around and file bankruptcy. Reports which we have received indicate the bankruptcy rules appear to have been used to allow the bankruptcy trustee to seek to avoid the dealer's lien on the vehicle for the purchase price in certain instances where perfection did not occur within ten (10) days and, in so doing, avoid paying for the vehicle in some instances where notice of the lien is not made within 10 days of vehicle delivery. The debt then becomes an unsecured debt in the bankruptcy and can be discharged.

The net result is that the dealer loses 100% of the purchase price.

The time needed to process paperwork, transmit lien notices and titles by mail and the press of daily business can all combine to effectively invalidate a lien as against third parties due to untimely filing by missing the current 10 day rule. A typical example arises where a car is delivered on a Friday, the paperwork on the transaction does not arrive at the dealer's administrative office until the following week, and by the time a title is completed, and a lien notice prepared and mailed to the state, another four days has elapsed to the point where you are then at the following week by the time the state receives it, which at that point may be one or two days outside the 10 day time frame the current law provides. The problem is exacerbated if technical problems arise with respect to paperwork that must be corrected, or problems with the mail.

This is a simple change which will assist in insuring that those who sell vehicles can make sure the financing granted on the vehicle is secured by the vehicle as intended by the buyer and seller. Thank you for your attention and I would be happy to answer any questions which you may have.



League of
Kansas
Municipalities

Legal Department
300 S.W. 8th
Topeka, Kansas 66603
Phone: (913) 354-9565/ Fax: (913) 354-4186

Legislative Testimony

To: House Transportation Committee
From: Kim Gulley, Assistant General Counsel
Date: February 19, 1997
Re: HB 2223

Thank you for allowing the League to testify today in opposition to HB 2223 concerning 6a special assessments for street improvements by cities. We believe the law as written is consistent with good public policy and need not be amended.

The General Improvement and Assessment Law, established in 1957 and codified at K.S.A. 12-6a01 *et seq.*, spells out the procedures that must be followed when cities impose special assessments on property owners for improvements that benefit those properties. In particular, K.S.A. 12-6a06 establishes the notice and hearing requirements that cities must follow.

When the General Improvement and Assessment Law was enacted in 1957, the legislature carved out two very narrow exceptions to the statutory procedures for such assessments:

- ◆ The improvement of a connecting street between two already improved adjoining parallel streets or an intervening portion of a street where the remaining part of the street has already been improved.
- ◆ Sewer and stormwater improvements.

These exceptions have been a part of the assessment law since 1957, and the legislature has not altered them since that time.

HB 2223 would require that when a city improves a connecting or intervening street, the city must bear 95% of the cost of such improvements, thus shifting the burden from those citizens whose property will benefit from the improvement to the city at large. The League opposes this change for the following reasons:

- ◆ HB 2223 runs counter to the 40-year history of special assessments which has recognized the public good in allowing a city to improve connecting or intervening streets without protest petitions. By their very nature, connecting and intervening streets are no more than two blocks long and contain few adjacent property owners.

*House Transportation
Attachment 4*

- ◆ As a matter of course, cities assess such improvements against all property owners whenever a street is improved. Exempting individuals on connecting or intervening streets from such payment would result in an inequitable situation burdening all taxpayers and providing a special benefit at little direct cost for the adjacent properties.
- ◆ HB 2223 is inconsistent with the theory of local control under constitutional home rule which was passed by the citizens of Kansas to allow that local problems are dealt with by local governments and not the state legislature. How much to assess adjacent landowners should be decided on a case-by-case basis by each locally elected governing body. There may be situations where the improvement is so vital to the city at large that it is appropriate for the city to pay 100% of the cost of the project. In other instances, where the benefit is more specific to individual properties, the city needs the authority to assess such costs against the properties that will be benefitted most by the project.

In summary, the two very narrow exceptions to the protest provisions of the special assessment law were drafted by the legislature in order to allow a city governing body to complete the process of improving streets and provide for public health and safety without interference from an individual protestor. HB 2223, by requiring the city to pay for 95% of such improvements would alter this process which has been in effect for over 40 years.

We would ask that you leave the matter of protesting such matters to the citizens of these cities who may exercise the ultimate protest by use of the ballot box. We ask that you recommend HB 2223 unfavorably for passage.

TESTIMONY IN OPPOSITION TO HOUSE BILL NO. 2223

TO: Chairman Gary K. Hayzlett
Members of the House Transportation Committee

DATE: February 18, 1997

RE: House Bill No. 2223 -- Proposed legislation pertaining to payment by a city of 95% of the total cost of certain street improvements

Ladies and Gentlemen:

The City of Overland Park opposes proposed subsection (b), amending K.S.A. 12-6a07. The City has historically utilized the K.S.A. 12-6a improvement district statutes in constructing both thoroughfares and collector streets in the city. A portion, always over 5% of the cost of that construction, is paid by developers or residents adjoining the improvement. In many instances, these street improvements are petitioned by the adjoining property owners, and in some cases, those property owners propose to pay 100% of the cost of the improvement.

By amending K.S.A. 12-6a07 to include subsection (b), the legislature would force cities to pay 95% of the cost of certain streets when their capital improvement budgeting or their long term street improvement plans do not allow for the same. If property owners desire that those streets be constructed and are willing to pay more than 5% of the cost, it would be unfortunate for a city to deny them those streets because it is constrained by a statutory provision.

In some instances in Overland Park, an improvement benefits adjoining property owners almost exclusively, with little benefit to the city-at-large. The entire philosophy behind K.S.A. 12-6a is that properties be assessed to the extent of benefit received. This requirement, set forth in more than one statutory section, will often be in direct opposition to proposed subsection (b) which states that the city-at-large must pay 95% of the costs of certain improvement districts.

Finally, if public safety dictates that those streets be constructed, and city policy requires that adjoining property owners who most benefit from the improvement, pay more than 5% of its costs, elected officials should be free to determine an equitable division of cost between those property owners and the city-at-large.

Thank you for your consideration.

Robert J. Watson Jane Neff-Brain

Robert J. Watson
City Attorney

Jane Neff-Brain
Senior Assistant City Attorney

cc: Don Pipes, CM
Alan Sims, ACM

House Transportation
Attachment 5
2-19-97

HOUSE BILL No. 2010

By Special Committee on Transportation

12-17

9 AN ACT relating to the records of the division of vehicles; amending
10 K.S.A. 1996 Supp. 74-2012 and repealing the existing section.

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

12 Section 1. K.S.A. 1996 Supp. 74-2012 is hereby amended to read as
13 follows: 74-2012. (a) *All records of the division of vehicles shall be subject*
14 *to the provisions of the open records act except as otherwise provided*
15 *under the provisions of this section and by K.S.A. 1996 Supp. 74-2022,*
16 *and amendments thereto.*

17 (a) (b) All records of the division of vehicles relating to the physical
18 or mental condition of any person, to expungement or except as provided
19 further, any photographs maintained by the division of vehicles in con-
20 nection with the issuance of drivers' licenses shall be confidential. Pho-
21 tographs or digital images maintained by the division of vehicles in con-
22 nection with the issuance of drivers' licenses shall be available to law
23 enforcement agencies for use in criminal investigations. Records of the
24 division relating to diversion agreements for the purposes of K.S.A. 8-
25 1567, 12-4415 and 22-2908, and amendments thereto, shall be confiden-
26 tial and shall be disclosed by direct computer access only to:

27 (1) A city, county or district attorney, for the purpose of determining
28 a person's eligibility for diversion;

29 (2) a municipal or district court, for the purpose of using the record
30 in connection with any matter before the court;

31 (3) a law enforcement agency, for the purpose of supplying the record
32 to a person authorized to obtain it under paragraph (1) or (2) of this
33 subsection; or

34 (4) an employer when a person is required to retain a commercial
35 driver's license due to the nature of such person's employment.

36 ~~All other records of the division of vehicles shall be subject to the~~
37 ~~provisions of the open records act except as otherwise provided by K.S.A.~~
38 ~~1996 Supp. 74-2022 and amendments thereto or this section.~~

39 (b) (c) ~~Lists of persons' names and addresses~~ *Personal information*
40 *contained in or derived from records of the division of vehicles shall not*
41 *be sold, given or received for the purposes prohibited by K.S.A. 21-3914,*
42 *and amendments thereto, except that:*
43

and nondrivers' identification cards

House Transportation
Attachment 6
2-19-97

1 (1) The director of vehicles may provide to a requesting party, and a
 2 requesting party may receive, such a list and accompanying personal in-
 3 formation from public records of the division upon written certification
 4 that the requesting party shall use the list personal information solely for
 5 the purpose of: (A) Assisting manufacturers of motor vehicles in compil-
 6 ing statistical reports or in notifying owners of vehicles believed to: (i)
 7 Have safety-related defects, (ii) fail to comply with emission standards or
 8 (iii) have any defect to be remedied at the expense of the manufacturer;
 9 (B) assisting an insurer authorized to do business in this state, or the
 10 insurer's authorized agent, in processing an application for, or renewal or
 11 cancellation of, a motor vehicle liability insurance policy; ~~or~~ (C) assisting ^{OR}
 12 the selective service system in the maintenance of a list of persons 18 to
 13 26 years of age in this state as required under the provisions of section 3
 14 of the federal military selective service act, ~~or (D) assisting businesses~~
 15 ~~authorized to receive records under subparagraphs (A) or (B) of this par-~~
 16 ~~agraph in bulk distribution for surveys or marketing, if: (i) Individuals~~
 17 ~~are provided an opportunity to prohibit the disclosure of personal infor-~~
 18 ~~mation under subsection (g); and (ii) the information will be used, rented~~
 19 ~~or sold solely for bulk distribution for surveys or marketing and that such~~
 20 ~~surveys and marketing will not be directed at those individuals who have~~
 21 ~~requested under subsection (g) not be directed at them.]~~

22 (2) Any law enforcement agency of this state which has access to
 23 public records of the division may furnish to a requesting party, and a
 24 requesting party may receive, such a list and accompanying information
 25 from such records upon written certification that the requesting party
 26 shall use the list solely for the purpose of assisting an insurer authorized
 27 to do business in this state, or the insurer's authorized agent, in processing
 28 an application for, or renewal or cancellation of, a motor vehicle liability
 29 insurance policy.

30 (e)(d) If a law enforcement agency of this state furnishes information
 31 to a requesting party pursuant to paragraph (2) of subsection ~~(b)(2)~~ (c),
 32 the law enforcement agency shall charge the fee prescribed by the sec-
 33 retary of revenue pursuant to K.S.A. 1996 Supp. 74-2022, and amend-
 34 ments thereto, for any copies furnished and may charge an additional fee
 35 to be retained by the law enforcement agency to cover its cost of providing
 36 such copies. The fee prescribed pursuant to K.S.A. 1996 Supp. 74-2022,
 37 and amendments thereto, shall be paid monthly to the secretary of rev-
 38 enue and upon receipt thereof shall be deposited in the state treasury to
 39 the credit of the electronic databases fee fund, except for the \$1 of the
 40 fee for each record required to be credited to the highway patrol training
 41 center fund under subsection ~~(e)~~ (f).

42 ~~(d)~~ (e) The secretary of revenue, the secretary's agents or employees,
 43 the director of vehicles or the director's agents or employees shall not be

6-2

2 liable for damages caused by any negligent or wrongful act or omission
3 of a law enforcement agency in furnishing any information obtained from
4 records of the division of vehicles.

5 ~~(e)~~ (f) A fee in an amount fixed by the secretary of revenue pursuant
6 to K.S.A. 1996 Supp. 74-2022, and amendments thereto, of not less than
7 \$2 for each request for information in the public records of the division
8 concerning any vehicle or licensed driver shall be charged by the division,
9 except that the director may charge a lesser fee pursuant to a contract
10 between the secretary of revenue and any person to whom the director
11 is authorized to furnish information under *paragraph (1) of subsection*
12 ~~(b)~~ (c), and such fee shall not be less than the cost of production or
13 reproduction of any information requested. Except for the fees charged
14 pursuant to a contract for title and registration records on vehicles au-
15 thorized by this subsection, \$1 shall be credited to the highway patrol
16 training center fund for each record.

17 (g) *The division of vehicles shall implement methods and procedures*
18 *to ensure that individuals are provided an opportunity, in a clear and*
19 *conspicuous manner, to prohibit the disclosure of personal information*
20 *collected by the division of vehicles, except under the following situations:*

21 (1) *For use by any government agency, including any court or law*
22 *enforcement agency, in carrying out its functions, or any private person*
23 *or entity acting on behalf of a federal, state or local agency in carrying*
24 *out its functions;*

25 (2) *for use in connection with matters of motor vehicle or driver safety*
26 *and theft; motor vehicle emissions; motor vehicle product alterations; re-*
27 *calls, or advisories; performance monitoring of motor vehicles, motor ve-*
28 *hicle parts and dealers; motor vehicle market research activities, including*
29 *survey research; and removal of nonowner records from the original*
30 *owner records of motor vehicle manufacturers;*

31 (3) *for use in the normal course of business by a legitimate business*
32 *or its agents, employees or contractors, but only:*

33 (A) *To verify the accuracy of personal information submitted by the*
34 *individual to the business or its agents, employees or contractors; and*

35 (B) *if such information as so submitted is not correct or is no longer*
36 *correct, to obtain the correct information, but only for the purposes of*
37 *preventing fraud by, pursuing legal remedies against, or recovering on a*
38 *debt or security interest against, the individual;*

39 (4) *for use in connection with any civil, criminal, administrative or*
40 *arbitral proceeding in any federal, state or local court or agency or before*
41 *any self-regulatory body, including the service of process, investigation in*
42 *anticipation of litigation, and the execution or enforcement of judgments*
43 *and orders, or pursuant to an order of a federal, state or local court;*

(5) *for use in research activities, and for use in producing statistical*

1 reports, so long as the personal information is not published, redisclosed
2 or used to contact individuals;

3 (6) for use by any insurer or insurance support organization, or by a
4 self-insured entity, or its agents, employees or contractors, in connection
5 with claims investigation activities, antifraud activities, rating or under-
6 writing;

7 (7) for use in providing notice to the owners of towed or impounded
8 vehicles;

9 (8) for use by any licensed private investigative agency or licensed
10 security service for any purpose permitted under this subsection;

11 (9) for use by any employer or its agent or insurer to obtain or verify
12 information relating to a holder of a commercial driver's license that is
13 required under the Commercial Motor Vehicle Safety Act of 1986 (49
14 U.S.C. App. 2710 et seq.);

15 (10) for use by any requester, if the requester demonstrates it has
16 obtained the written consent of the individual to whom the information
17 pertains.

18 (h) As used in this section "personal information" means information
19 that identifies a person, [driver] identification number, name, address, in-
20 cluding information on vehicular accidents, driving or equipment-related
21 violations, but shall not include such information considered confidential
22 under subsection (b).

23 (i) The secretary of revenue may adopt such rules and regulations
24 as are necessary to implement the provisions of this section.

25 Sec. 2. K.S.A. 1996 Supp. 74-2012 is hereby repealed.

26 Sec. 3. This act shall take effect and be in force from and after its
27 publication in the statute book.

HOUSE BILL No. 2073

By Committee on Transportation

1-23

9 AN ACT relating to the division of vehicles; concerning the expiration
10 date of driver's licenses and nondriver identification cards; amending
11 K.S.A. 8-1325 and K.S.A. 1996 Supp. 8-240, 8-246 and 8-247 and re-
12 pealing the existing sections.
13

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

15 Section 1. K.S.A. 1996 Supp. 8-240 is hereby amended to read as
16 follows: 8-240. (a) Every application for an instruction permit shall be
17 made upon a form furnished by the division of vehicles and accompanied
18 by a fee of \$2 for class A, ~~B~~C, and \$5 for all commercial classes. Every
19 other application shall be made upon a form furnished by the division
20 and accompanied by an examination fee of \$3, unless a different fee is
21 required by K.S.A. 8-241, and amendments thereto, and by the proper
22 fee for the license for which the application is made. If the applicant is
23 not required to take an examination the examination fee shall not be
24 required. The examination shall consist of three tests, as follows: (1) Vi-
25 sion; (2) written; and (3) driving. If the applicant fails the vision test, the
26 applicant may have correction of vision made and take the vision test again
27 without any additional fee. If an applicant fails the written test, the ap-
28 plicant may take such test again upon the payment of an additional ex-
29 amination fee of \$1.50. If an applicant fails the driving test, the applicant
30 may take such test again upon the payment of an additional examination
31 fee of \$1.50. If an applicant fails to pass all three of the tests within a
32 period of six months from the date of original application and desires to
33 take additional tests, the applicant shall file an application for reexami-
34 nation upon a form furnished by the division, which shall be accompanied
35 by a reexamination fee of \$3, except that any applicant who fails to pass
36 the written or driving portion of an examination four times within a six-
37 month period, shall be required to wait a period of six months from the
38 date of the last failed examination before additional examinations may be
39 given. Upon the filing of such application and the payment of such re-
40 examination fee, the applicant shall be entitled to reexamination in like
41 manner and subject to the additional fees and time limitation as provided
42 for examination on an original application. If the applicant passes the
43 reexamination, the applicant shall be issued the classified driver's license

or M

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1 for which the applicant originally applied, which license shall be issued
2 to expire as if the applicant had passed the original examination.

3 (b) For the purposes of obtaining any driver's license, an applicant,
4 except for any applicant under 16 years of age, shall provide at least two
5 of the documents specified in K.S.A. 8-246, and amendments thereto.
6 Any applicant under 16 years of age shall provide at least one of the
7 documents specified in K.S.A. 8-246, and amendments thereto, which
8 shall contain the date of birth of the applicant and such applicant's parent
9 or guardian shall sign the application for any driver's license.

10 (c) Every application shall state the name, date of birth, sex and res-
11 idence address of the applicant, and briefly describe the applicant, and
12 shall state whether the applicant has theretofore been licensed as a driver,
13 and, if so, when and by what state or country, and whether any such
14 license has ever been suspended or revoked, or whether an application
15 has ever been refused, and, if so, the date of and reason for such suspen-
16 sion, revocation or refusal. In addition to the above criteria, applications
17 for commercial drivers' licenses and instruction permits for commercial
18 licenses must include the following: The applicant's social security num-
19 ber; the person's signature; the person's color photograph; certifications,
20 including those required by 49 C.F.R. 383.71(a), effective January 1,
21 1991; a consent to release driving record information; and, any other
22 information required by the division.

23 (d) When an application is received from a person previously licensed
24 in another jurisdiction, the division shall request a copy of the driver's
25 record from the other jurisdiction. When received, the driver's record
26 shall become a part of the driver's record in this state with the same force
27 and effect as though entered on the driver's record in this state in the
28 original instance.

29 (e) When the division receives a request for a driver's record from
30 another licensing jurisdiction the record shall be forwarded without
31 charge.

32 (f) ~~A fee of \$8 shall be charged for a class C driver's license or farm~~
33 ~~permit, a fee of \$5 shall be charged for a class M driver's license and a~~
34 ~~fee of \$12 shall be charged for a class A or B driver's license and a fee of~~
35 ~~\$14 for any class of commercial license.~~

36 *A fee shall be charged as follows:*

37 (1) *For a class C driver's license issued to a person at least 21 years*
38 *of age, but less than 65 years of age, \$12;*

39 (2) *for a class C driver's license issued to a person less than 21 years*
40 *of age or 65 years of age or older, or a farm permit, \$8;*

41 (3) *for a class M driver's license issued to a person at least 21 years*
42 *of age, but less than 65 years of age, \$6.50;*

43 (4) *for a class M driver's license issued to a person less than 21 years*

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- 1 of age or 65 years of age or older, \$5;
- 2 (5) for a class A or B driver's license issued to a person who is at least
- 3 21 years of age, but less than 65 years of age, \$18;
- 4 (6) for a class A or B driver's license issued to a person less than 21
- 5 years of age or 65 years of age or older, \$12; _____ or
- 6 (7) for any class of commercial driver's license ~~(issued to a person at~~
- 7 ~~least 21 years of age, but less than 65 years of age, \$21; or~~
- 8 ~~(8) for any class of commercial driver's license issued to a person less-~~
- 9 ~~than 21 years of age or 65 years of age or older), \$14.~~

10 A fee of ~~\$10 (\$12)~~ shall be charged for each commercial driver's license _____ \$10

11 endorsement, except air brake endorsements which shall have no charge.

12 If one fails to make an original application or renewal application for a

13 driver's license within the time required by law, or fails to make appli-

14 cation within 60 days after becoming a resident of Kansas, a penalty of

15 \$1 shall be added to the fee charged for the driver's license.

16 Sec. 2. K.S.A. 1996 Supp. 8-246 is hereby amended to read as fol-

17 lows: 8-246. (a) If a driver's license issued under the provisions of this act

18 is lost or destroyed, or if a new name is acquired, the person to whom

19 such driver's license was issued may obtain a replacement upon:

- 20 (1) Furnishing satisfactory proof of the loss, destruction or name
- 21 change to the division, including an affidavit stating the circumstances of
- 22 the loss, destruction or name change;
- 23 (2) payment of a fee of \$4 \$8; and
- 24 (3) furnishing proof of the person's identity as provided in subsection
- 25 (b).

26 (b) For the purposes of obtaining a replacement driver's license,

27 proof of a person's identity shall include at least two of the following

28 documents, one of the documents shall bear the person's signature and

29 one of the documents shall bear the person's age or one of the documents

30 shall bear the person's signature and age:

- 31 (1) Military identification card;
- 32 (2) military dependent identification card;
- 33 (3) military discharge papers;
- 34 (4) military D.D. 214;
- 35 (5) an original or certified copy of a state issued birth certificate;
- 36 (6) marriage license;
- 37 (7) medicare identification card;
- 38 (8) certified copy of court order specifying a change of name of the
- 39 person;
- 40 (9) commercially produced school yearbook with photograph of the
- 41 person, and the book is less than five years old;
- 42 (10) a passport issued by any country;
- 43 (11) alien registration documents;

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1 (12) expired or current driver's license or identification card issued
2 by the Kansas division of vehicles or an expired or current driver's license
3 or identification card of another state issued by similar authority, and for
4 any document in this item (12) the document must bear a photograph of
5 the person;

6 (13) student identification card bearing the photograph of the person;

7 (14) employee identification card bearing the photograph of the per-
8 son;

9 (15) a birth certificate issued by any country;

10 (16) a copy of any federal or state income tax return bearing the
11 signature of the person; or

12 (17) an identification certificate issued by the department of correc-
13 tions to an offender under the supervision of the secretary of corrections.

14 (c) The division may waive the furnishing of one of the documents
15 required by subsection (b) in the case of: (1) A person who is 65 or more
16 years of age; or (2) an inmate who has been released on parole, conditional
17 release or expiration of the inmate's maximum sentence. When additional
18 clarification is needed to adequately describe any of the above items, the
19 division shall specify such clarification in making the requirement for such
20 item.

21 (d) In lieu of providing one of the documents required by subsection
22 (b), a person may recite to the satisfaction of the driver's license examiner
23 the recent motor vehicle operating record of the person.

24 (e) Any person who loses a driver's license and who, after obtaining
25 a replacement, finds the original license shall immediately surrender the
26 original license to the division.

27 Sec. 3. K.S.A. 1996 Supp. 8-247 is hereby amended to read as fol-
28 lows: 8-247. (a) All original licenses shall expire on the fourth anniversary
29 of the date of birth of the licensee which is nearest the date of application.
30 All renewals thereof, shall expire on every fourth anniversary of the date
31 of birth of the licensee ~~(issued to persons);~~ _____

shall expire as follows

32 (1) ~~(Who) are at least 21 years of age, but less than 65 years of age~~
33 ~~shall expire on the sixth anniversary of the date of birth of the licensee~~
34 ~~which is nearest the date of application; (or)~~

_____ licenses issued to persons who

35 (2) ~~who are less than 21 years of age or are 65 years of age or older~~
36 ~~shall expire on the fourth anniversary of the date of birth of the licensee~~
37 ~~which is nearest the date of application. All renewals under paragraph~~

_____ licenses issued to persons

38 (1) shall expire on every sixth anniversary of the date of birth of the
39 licensee and all renewals under ~~(paragraph (2))~~ shall expire on every fourth
40 anniversary of the date of birth of the licensee. No driver's license shall

_____ or; (3) any commercial drivers license shall
_____ expire on the fourth anniversary of the date of
_____ birth of the licensee which is nearest the date
_____ of application

41 expire in the same calendar year in which the original license or renewal
42 license is issued, except that if the foregoing provisions of this section
43 shall require the issuance of a renewal license or an original license for a

_____ paragraphs (2) and (3)