

Approved: 2-12-98
Date

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE.

The meeting was called to order by Chairperson Gary K. Hayzlett at 1:40 p.m. on February 11, 1998 in Room 526-S of the Capitol.

All members were present except: Representative Humerickhouse

Committee staff present: Hank Avila, Legislative Research Department
Reed Holwegner, Legislative Research Department
Bruce Kinzie, Revisor of Statutes
J. Patterson, Committee Secretary

Conferees appearing before the committee: Representative Gerry Ray
Representative Tim Carmody, Overland Park
Representative Clark Shultz, Lindsborg
Rick Thames, Kansas Press Association

Others attending: See attached list

Chairman Hayzlett welcomed Representative Long to the committee.

HB 2648 - Records of the division of vehicles.

Chair asked that Bruce Kinzie clarify the bill. He felt there was some misunderstanding about the bill from the letters he had received from constituents. The law provides that all the records of the division of vehicles are closed if the person opted out. There are exemptions that would allow certain groups to obtain information.

Representative Ray was the first proponent to testify. She corrected her written testimony by changing that **HB 2010** was not passed. **HB 2648** would close all records automatically. (Attachment 1) Representative Carmody testified as co-sponsor of the bill. He believes that this is a right that the public should have. Betty McBride, Department of Revenue, stated that the photo on the driver's license is confidential. Representative McClure asked specifically what is available over the internet from vehicles records. Ms. McBride answered that the only way someone can get that information is from INK and then only if the person had not opted out. Representative Carmody urged the committee to pass the bill and feels that it will protect the privacy of the citizen. Representative Shultz was the last to testify as a co-sponsor of the bill.

Rick Thames testifying for the Kansas Press Association. They believe **HB 2648**, with their suggested amendments, will guard the public interest. (Attachment 2) The amendments are that the news media will be included in the exempt group that will still have access to the motor vehicle files and that the records are provided in computerized data format at a fee not exceeding the cost of preparing the computerized data.

Ms. McBride was called on to answer questions for Representative Pauls to clarify the exemptions, i.e. for research. Whether or not someone has opted out doesn't mean that their records are 100% closed. To the groups who are exempted the records can be opened.

The hearing on **HB 2648** was closed.

The meeting was adjourned at 2:35 p.m.

The next meeting is scheduled for February 16, 1998.

Corrected Copy

HOUSE TRANSPORTATION COMMITTEE GUEST LIST

DATE: 2-11-98

NAME	REPRESENTING
Martin Hawver	Hawver's Capital Report
DAVID FURKAS	Ks PRESS
Kick Thames	Wichita Eagle
STEVE KEARNEY	Ks PRESS
DON L. McNEELY	KANSAS AUTO DEALERS ASSN
Whitney Damron	KS Auto Dealers Assn.
Bill Watts	KDOT
Don Cowley	DOR
Hans Lauge	KAB
Rep. Carl Smith	
Rick Witte	McP County
DON SCHROEDER	" "
Wes Adell	" "
Brod Smoot	EIS
John Peterson	Ks Governmental Consulting

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TO: HOUSE TRANSPORTATION

FROM: REPRESENTATIVE GERRY RAY

SUBJ: HOUSE BILL 2648

DATE: FEBRUARY 11, 1998

In 1997 this committee passed HB 2010, which gave citizens the choice of opting out of having their drivers license and vehicle registration records open to the public and offered for sale. This was a giant step forward for the protection of the privacy of Kansas citizens.

HB 2648 carries the privacy issue even further by closing those records to the public unless the owner agrees to open them. In other words, it reverses the process we now have and offers the people better protection of their private information. You may feel if an individual has nothing to hid they would not object to others having access to their records. However, we must consider that the information contained in the drivers license and vehicle records is notable. There is a description of the holder (plus a photo), name , address and in many cases a social security number. Vehicle registration provides name, address, make and model of vehicle and license plate number. That is powerful information under any circumstances.

We should consider a couple of scenarios. We are all aware of the term "road rage" and most of us have been subjected to it in varying degrees. If one of these "ragers" decided you had infringed on their turf or offended them in some way, all they need is your vehicle license number to have access to information that will make it easy for them to find you. The same is true of stalkers, their victims are traceable with very little effort.

Of course the opt out provision adopted last year was a great improvement. However, after a newspaper article in Overland Park during the summer, I received numerous letters from people objecting to the fact that they had to take the action to stop the practice of the state selling information about them. They felt strongly that such information should be private unless they agreed to release it. Thus I introduced HB 2648 because I agree with them and I hope you will agree too.

There may be opposition to this change but that opposition will be based on making money not on protecting privacy and safeguarding individual safety.

I appreciate the committee taking time to hear this bill and I urge you to pass it out favorable for passage. I would stand for questions.

House Transportation
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Attachment 1



Kansas Press Association, Inc.

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Testimony on HB 2648
House Transportation Committee
Feb. 11, 1998
by Kansas Press Association

Mr. Chairman and members of the committee, I am Rick Thames, editor of the Wichita Eagle. Today I am representing the Wichita Eagle and the Kansas Press Association, the trade association representing the 250 weekly and daily newspapers in Kansas. I want to thank the committee for this opportunity to testify on House Bill 2648, relating to the records of the division of vehicles.

For years, reporters have utilized drivers' license records as a tool for more accurate reporting and for gleaning information to assist in public safety.

Stories have been written throughout the country, for example, on comparing the list of school bus drivers to their driver's license records indicating the need for greater screening of school bus drivers.

The media could also utilize statistical information contained in drivers' license records to shed light on issues relating to the driving records of teens and senior citizens. The provisions contained within HB 2648 would allow the media to continue these research activities with two amendments:

In paragraph (5) of subsection (c), the bill allows the division of vehicles to provide information, including personal information, for use in research activities, so long as the personal information is not published or used to contact individuals.

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Attachment 2

Research -- whether by a newspaper or a university professor -- is of no value unless the information and examples of the statistical information are published. It is recommended the phrase "so long as the personal information is not published, redisclosed or used to contact individuals" be deleted.

The second adjustment our organization would recommend is some flexibility in the wholesale cost of the driver's license database for purposes of computerized research. At \$2 per record, the feasibility of statistical analysis is prohibited. We would recommend the director of vehicles be allowed to provide the records in computerized data format at a fee not exceeding the cost of preparing the computerized data.

We believe that with the research opportunities offered in House Bill 2648, the media can join university researchers and groups like Mothers Against Drunk Driving to analyze patterns of abuse in drunk driving, for example, or perhaps the incidence of suspended license violations.

While we understand the original concern for closure of driver's license records was brought about from fears of stalking, those persons allowed access to the information today and with these proposed amendments include about everyone. All one needs to do, for example, is to say one needs access to notify a driver that a car is being towed.

The State of Kansas recognizes that driving is a privilege, not a right. When they choose to drive on public streets and highways, their record is a matter of public safety.

As newspapers, our task as is that of the legislature, is to guard the public interest. We believe HB 2648, with our suggested amendments, gives us the tools to assist the legislature in developing public policy to serve that public interest.

I would be glad to answer any questions the committee might have.