

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND TOURISM

The meeting was called to order by Chairman Ben Vidricksen at 9:05 a.m. on February 2, 1998 in Room 254-E of the Capitol.

All members were present except:

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

Conferees appearing before the committee: Pam Scott
John Eichkorn
Police Chief Call, Silver Lake
Sgt. John Tidwell, Topeka Police
Shawnee Co. Sheriff Menely
Leslie Kaufman, Ks Farm Bureau
Bill Kennedy, Private Driving School
Mitch Fuqua, AAA

Others attending: See attached list

Introduction of bills.

Pam Scott, Executive Director, Kansas Funeral Directors and Embalmers Association requested introduction of a funeral procession law stating that Kansas has no comprehensive law governing such. Senator Goodwin moved to introduce the bill. Senator Jordan seconded the motion. Motion carried.

Highway Patrol Trooper John Eichkorn requested introduction of a bill to "clean up language in existing bills;" 8-245 and 8-1013 both made references to statutes on aggravated vehicular homicide and vehicular battery that were repealed in 1993. Senator Jordan moved to conceptually introduce the bill. Senator Salmans seconded the motion. Motion carried.

SB-417: Drivers licenses - certain restrictions.

Members were provided copies of written testimony from John C. Peterson, Anheuser-Busch Companies (Attachment 1) in support of a graduated licensing system for new young drivers and from Teresa L. Sittenauer, State Farm Insurance Companies also in support of this bill (Attachment 2)

At the request of the Chairman, members of law enforcement appeared before the committee to respond to questions regarding enforcement of present law. Chief Randall Call, Silver Lake, KS explained that because he is very familiar with teens in his jurisdiction he has no problem enforcing current law. There are numerous accidents involving underage drivers, some fatalities. In his opinion, continuing education and stricter laws would reduce these accidents and pushing up the age another year could be helpful. Also explained their procedures in dealing with teens (Attachment 3). Sgt. John Tidwell, Topeka Police Department stated that enforcement problems in metropolitan areas are somewhat different from those in rural or small communities. It is difficult to tell age and officers have little or no intimate knowledge of teens in the area. Short of "probable cause" police are on very shaky ground in this area. Law enforcement needs tools to ensure safety of teens, especially after mid night. Shawnee County Sheriff D. Menely echoed Sgt. Tidwell regarding enforcement and procedures for dealing with the problem.

Leslie Kaufman, Kansas Farm Bureau addressed the committee in opposition to SB-417. They recommend finding ways to better educate/train drivers. Simply adding an age restriction leaves it to chance as to what experiences teens will encounter while driving under adult supervision that will improve their skills, improving the structured side of their training offers far better possibilities (Attachment 4). They do not support non-structured training requirement; i.e., hours of adult supervision. Want to increase driver's education requirements, make completion mandatory by the age of 16, regardless of the type of learners license. Their policy committee currently supports this approach. They have been told there are some shortcomings in present school driver ed system. They do not insist such training must be in public schools.

CONTINUATION SHEET

MINUTES OF THE COMMITTEE ON TRANSPORTATION AND TOURISM, Room 254-E,
Statehouse, at 9:05 a.m. on February 2, 1998.

Discussed need for more school based driver education and its non-availability. The use of private driving schools was addressed by Bill Kennedy, owner Topeka Driving School. Their school locations and cost are: Wichita - \$285; Manhattan - \$255; and Topeka \$185. They are required to provide six clock hours behind the wheel. Public schools are "outcome" based. USD 501 requires eight class room hours and typically provides two hours - but these are 50 minute hours - behind the wheel. The state reimburses public schools for drivers education from a Department of Safety fund, while private schools receive no assistance. Mr. Kennedy advised that in his experience students can obtain basics in the time provided in his schools. The problem is gaining practice - experience before they are turned out on their own and that is the basis for AAA's requesting the additional hours of adult supervised driving.

The Chair advised this bill will be scheduled for further discussion and action.

The meeting adjourned at 10:05 a.m .

The next meeting is scheduled for February 3, 1998.

SENATE TRANSPORTATION AND TOURISM
COMMITTEE GUEST LIST

DATE: FEBRUARY 2, 1998

NAME	REPRESENTING
Natalie Rederi	Federico Consulting
Terri Simon	AAA Kansas
Mitch Fregua	"
Bill Kennedy	Topeka Driving School
Susan Kennedy	Topeka Driving School
Steve Johnson	Ks ASAP DSSW
Member	KHP
John B. Sedwell	Topeka Police Dept.
Randall L. Call	Silver Lake Police Dept.
Mack Smith	" " City Council
Tom Whitaker	Ks MOTOR CARRIERS ASSN
Joe Lieber	Ks Cooperative Council
Lakeme Cole	Sen. Tyson
Helen Stephens	KSA / KPOA
Alan Anderson	KDOR
Butch McBride	KDOR
David Hanson	NATI
Leslie Kaufman	Ks Farm Bureau
Norlene Mann	ABATE of KS

SENATE TRANSPORTATION AND TOURISM
COMMITTEE GUEST LIST

DATE: FEBRUARY 2, 1998

NAME	REPRESENTING
Amy L. ...	AP

JOHN C. PETERSON
KANSAS GOVERNMENTAL CONSULTING

Wichita Office

THE AMIDON HOUSE
1005 N. MARKET
WICHITA, KANSAS 67214-2971
(316) 262-7868

Kansas City Office

10200 STATE LINE, SUITE 230
LEAWOOD, KANSAS 66206-2375
(913) 381-6876
FAX (913) 381-6965



1206 WEST 10TH
TOPEKA, KANSAS 66604-1291
(913) 233-1903
FAX (913) 233-3518

Please Reply to Topeka Office

January 29, 1998

Senator Ben Vidrickson
Chair, Senate Committee on Transportation and Tourism
Statehouse
Topeka, KS 66612

Re: SB 417

Mr. Chairman,

Anheuser-Busch supports enactment of a graduated licensing system-to grant driving privileges to new, young drivers on a gradual basis, allowing them to accumulate real driving experience as safely as possible before giving full, unrestricted privileges. Naturally, many 15 year olds may be initially chagrined over the introduction of graduated licensing, but the idea is an extremely practical and easy-to-implement idea to promote safety and safe lives. *US News and World Report* recently ranked graduated licensing as one of the sixteen best ideas for 1998. In 1997, several major states, including Illinois, North Carolina, Kentucky and Michigan adopted graduated licensing statutes.

Graduated licensing makes sense, because:

- * New young drivers are, in many cases, immature and prone to take risks.
- * New young drivers, by definition, are inexperienced drivers.
- * As a result of the above points, it is estimated that more than 80 percent of fatal crashes involving 16 year olds are attributed to driver error. Another indication of the need to address teen driving is the fact that teen drivers make up approximately seven percent of the population, but account for 14 percent of motor vehicle deaths.
- * The concept of an extended training period of apprenticeship would ordinarily apply in the licensing of any such activity as potentially dangerous as driving. Allowing their skills to build with some protective guidance is the most practical way to restructure the approach to licensing new drivers.
- * Growth in the population of new, young drivers in the next decade or so means that it is more important than ever to act now.

Some aspects of graduated licensing are non-controversial, such as zero tolerance for alcohol and seat belt requirements. Other aspects may be less clear cut. Questions such as how long to extend the driving apprenticeship stages, the hours at which night curfews should take effect, etc., are decisions that should be guided by a careful review of accident statistics and the legitimate driving needs of the young people who will be affected. Work exemptions and many other details will need to be considered as well.

Many details will need to be thoroughly considered, but we are hopeful that the net result will be passage of legislation to revise our licensing laws so that new, young drivers will have the safest possible opportunity to develop their skills. On behalf of Anheuser-Busch I am pleased to support this effort.

Respectfully submitted,

John C. Peterson
Anheuser-Busch Companies

SENATE TRANSPORTATION & TOURISM
COMMITTEE -DATE: 2-2-98
ATTACHMENT: #1

GRADUATED DRIVER LICENSING SYSTEM COMPONENTS

States with Licensing Stages And/Or Nighttime Restrictions July 1997

	License Stages		Components							
	Learner's Permit Required	Intermediate License	Night Restrictions	Parent Participation	Driver Education	Crash/Conviction Free Period	Youth Driver Improvement Action	Visually Distinct License	Lower BAC	Mandatory Safety Belt
California	X	X		X	X			X	X	X
Colorado	X	X			X			X		X
Florida	X	X	X						X	
Georgia	X	X	X			X	X		X	
Hawaii	X								X	
Idaho*			X		X			X	X	X
Illinois*	X		X		X			X	X	X
Kentucky	X	X	X	X	X	X	X	X	X	X
Louisiana*			X		X		X	X	X	X
Maryland	X	X	X		X	X		X	X	X
Massachusetts	X	X	X		X		X	X	X	X
Michigan	X	X	X	X	X	X	X		X	
New Hampshire				X						
New Jersey	X		X		X		X		X	X
New York	X	X	X		X		X	X		X
North Carolina	X	X	X		X	X			X	X
Oregon		X					X	X	X	X
Pennsylvania	X	X	X		X	X		X		X
South Carolina*	X		X		X			X		X
South Dakota*			X					X		X
Vermont	X				X		X	X	X	X
West Virginia	X	X			X		X	X	X	X
Wisconsin	X	X			X		X	X	X	X

*Restrictions are attached to full license (no intermediate license issued).

U.S. Department of Transportation, Washington, DC 20590

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, Traffic Safety Programs (202) 366-4892

1-2

Fact Sheet: Anheuser-Busch Safe Driving Platform

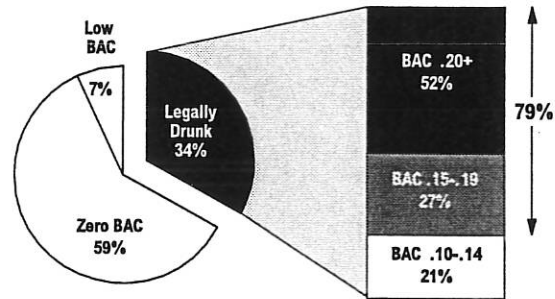
Since the early 1980s, tougher laws and public awareness campaigns have helped sharply reduce the traffic death toll in this country. To continue the progress of recent years, two groups now require special attention. Research indicates that hard core drinking drivers (those who repeatedly drive with high levels of intoxication) and young, inexperienced drivers are involved in fatal accidents at far higher rates than other segments of the population.

Hard Core Drinking Drivers

From a study of U.S. federal government data by the Traffic Injury Research Foundation ...

- ✓ **Fact:** Seventy-nine percent of fatally injured drunk drivers in the U.S. in 1995 had a blood-alcohol content (BAC) of .15 and above (the equivalent of roughly six drinks in an hour for a 160-pound person).
- ✓ **Fact:** About 6,700 of these hard core drivers are killed on U.S. roads each year, not counting their victims. These represent one-fourth of all drivers killed, drinking and nondrinking.
- ✓ **Fact:** These same drivers make up only one percent of drivers on the road on weekend nights. However, they constitute half of all such drivers killed at that time.
- ✓ **Fact:** These drivers are more likely than others to have a history of drunk-driving convictions and drivers' license suspensions related to drunk driving.

BACs AMONG FATALLY INJURED DRUNK DRIVERS in the U.S. in 1995

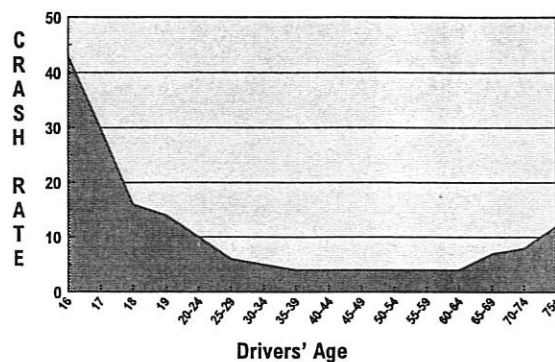


Response: Aggressively targeting the repeat, high-BAC offender. Such measures might address (a) increased use of pre-sentencing assessments; (b) a tiered-BAC approach that ties the sanction to the driver's BAC at the time of arrest, with harsher penalties for severe drunkenness; (c) employment of certain technological approaches, such as ignition-interlock devices that prevent the convicted driver from starting the car after drinking.

Young, Inexperienced Drivers

- ✓ **Fact:** According to a September 16, 1995 article in the *Washington Post*, recklessness and inexperience are the primary factors contributing to teen traffic crashes. More than 80 percent of fatal crashes involving 16-year-olds are attributed to driver error. (Only five percent are attributed to drunk driving.)
- ✓ **Fact:** While drivers between ages 15 and 20 make up roughly seven percent of the population, they account for about 14 percent of motor vehicle deaths, according to U.S. government statistics.
- ✓ **Fact:** The Census Bureau projects that the 15- to 19-year-old population will grow nearly 26 percent between 1995 and 2010, placing more drivers on the road from the highest-risk age category.
- ✓ **Fact:** Experts predict that the higher speed limits adopted by many states will increase the risk of crashes and fatalities for all drivers.

CRASH RATES BY DRIVER AGE (Collisions per million miles of travel)



Response: Graduated licensing programs. Formalizing what many parents already do, young, novice drivers should be given driving privileges in apprenticeship stages that allow experience to accumulate in lower-risk settings. Under this approach, a full license would be granted after a year or more of passing stages that might include (a) driving with adult supervision; (b) driving only during daylight hours; (c) strict penalties for teens who drive with more than a trace of alcohol in their systems.



MEMORANDUM

TO: Senator Ben Vidricksen, Chair
Senate Transportation Committee

FROM: Teresa L. Sittenauer
The State Farm Insurance Companies

DATE: January 29, 1998

RE: SB 417

Mr. Chairman, Members of the Committee: My name is Teresa Sittenauer and I represent The State Farm Insurance Companies. SB 417 would amend current law regarding the driver licensing system in Kansas.

State Farm strongly supports the implementation of these amendments to the current licensing system. Studies have shown that teenagers have a disproportionately high number of auto accidents. Teenagers drive less than all other age groups except age 70 and over, yet have the highest fatality rate of all drivers. Although teenagers represent only 10% of the driving population, they account for 14% of all vehicle deaths nationwide. Sadly, motor vehicle crashes are the leading cause of death among teenagers.

Nineteen states have already implemented a licensing scheme similar to the one proposed in this bill. Seven states have legislation pending, and 11 states will see introduction of similar legislation this year.

State Farm believes that these amendments to the current system will reduce the loss of life and suffering caused by teenage motor vehicle accidents and fatalities, as well as the economic costs involved. Thus, we respectfully request your favorable action of SB 417.

SENATE TRANSPORTATION & TOURISM
COMMITTEE -DATE: 2-2-98
ATTACHMENT: #2

We appreciate the opportunity to present our testimony. Please feel free to contact me if you have any questions.

Respectfully submitted,

A handwritten signature in cursive script that reads "Teresa L. Sittenauer". The signature is written in black ink and is positioned below the typed name.

Teresa L. Sittenauer

City of Silver Lake

P.O. Box 92, 218 W. Railroad

Silver Lake, KS 66539

Phone: (913) 582-4280

Fax: (913) 582-4195

Mr. Chairman and members of the committee, my name is Randall Call, and I am the Chief of Police for the city of Silver Lake. I would like to take this opportunity to thank each of you for allowing me to give testimony before you, on such an important matter involving the youths of today.

Silver Lake is located seven miles west of Topeka, on U.S. 24 Hwy. I have been in law enforcement for approximately nine years. I have personally experienced on hand situations with regard to age restriction driving violations.

By working in a small town such as Silver Lake, I have the opportunity to get to know the community on more than just a professional level. Not only do I play the role as a law enforcement officer, I'm also the question and answer guy for the whole town. I give informative speeches on recent and past crime in our community, as well as provide valuable information in an effort to help prevent future crime. I'm also responsible for educating the youths in our school system, in my role as a D.A.R.E. officer.

One of the most challenging matters I face is working with the Drivers Ed. instructor, during the summer months. I team up with the instructor to provide information to the students regarding the need for safe driving skills.

The Silver Lake Police Department, along with the school system have made tremendous strides in developing a more effective Drivers Education program. We have made it a requirement that the student and their parents attend an information gathering session. During this session, they are given facts pertaining to current laws and past problems. They also receive warnings regarding the do's and the don't, from the uniformed officer representing the Silver Lake Police Department.

SENATE TRANSPORTATION & TOURISM
COMMITTEE - DATE: 2-2-98
ATTACHMENT: # 3

For the past four years I have been that officer. Not only do I know the majority of the young men and women in that class, I also know their families. Having the opportunity to know the community so well, makes my police work much different than that of a larger community, such as Topeka.

I would say that my job of enforcing the law is made easier in some way, by knowing the young men and women that are just learning to drive. The youths realize that I know who they are and what age category they fall under. This simple fact seems to stop some of the violations before they ever begin.

I have worked my fair share of accidents involving under age drivers. Some of those accidents were minor, but others were more serious, involving fatalities.

It seems that when an accident claims the life of a young person, or when a young person is involved in an injury accident, it makes a tremendous impact on everyone. However this impact doesn't seem to stay with the youths as long as it does with adults. My experience has shown that it's because youths feel "it won't happen to them."

I firmly believe that continuous education and stricter laws on age restriction driving, will prevent less loss of life, fewer insurance claims due to accidents and a safer future for all.

Thank you again for this opportunity to provide testimony on this matter. I would like to take this time to answer any questions you may have.



PUBLIC POLICY STATEMENT

SENATE COMMITTEE ON TRANSPORTATION & TOURISM

SB 417 - Concerning Certain Restrictions on Restricted Driver's Licenses and Farm Permits

February 2, 1998

Prepared By:
Leslie Kaufman, Assistant Director
Public Affairs Division
Kansas Farm Bureau

Chairman Vidricksen and members of the committee, thank you for the opportunity to appear before you today and share comments regarding SB 417 on behalf of Farm Bureau members. I am Leslie Kaufman, I am the Assistant Director of Public Affairs for Kansas Farm Bureau.

Kansas Farm Bureau has a long history of supporting health and safety programs and initiatives in Kansas and working with other organizations and entities to see them implemented. That is why we, along with others, were involved several years ago, in an effort spearheaded by Sen. Mark Parkinson, in crafting a revision of the Kansas driver's licensing code. Those efforts resulted in changes which addressed concerns regarding licensing ages and restrictions

as well as the transportation needs of teenagers in rural communities. The current law, and the one SB 417 seeks to change, is a result of that cooperation and hard work. We believed it was the best solution to concerns regarding teen driving, then, and still believe in the statute as it now stands.

Proponents have demonstrated through testimony and with statistics the degree in which teen drivers are involved in accidents. And, there is no question the death of a human being, especially a young person with seemingly so much ahead of them, is a tremendous loss. We do not want to demean that loss in any way. We respect the goal of decreasing teen driving accidents. But, we disagree that SB 417 is the best way to do this. We believe enforcement of existing laws contained within and without the motor vehicle code, should be utilized. We have the framework to control, for a large part, when and how teenagers, even those sixteen and older, drive.

In oral testimony, one of the proponents named five reasons for the number of teen accidents. They can basically be summed-up as: inexperience; lack of skill; excessive risk taking; night driving and drinking and driving. These first three can be addressed under our current statutory framework within the driver's education course requirement. Farm Bureau policy supports "successful completion of a Drivers Education course by age 16 [as] a requirement for obtaining a drivers license." (*See attachment 1*)

We have been told that Drivers Education does not work. Teens do not spend enough time behind the wheel. Well, let's make it work. It should be a strong, vital program. If changes in the

curriculum are needed, lets address them. If more practical experience is needed, we should increase the number of hours teens spend behind the wheel during the course, as well as ensuring that when they do drive it is in real life traffic situations. Simply passing a new government restriction on driving age will not teach a skill to a young driver.

Kansas already has in place restrictions on night driving by teenagers and prohibits driving under the influence of intoxicating substances. Our members are greatly concerned about drug and alcohol abuse, especially when the abuser gets behind the wheel of a motor vehicle, and have enacted policy regarding alcohol and drug education. *(See attachment 2)*

We support programs to inform all citizens, including teenage drivers, of the effects of alcohol and drug use, especially in regard to the privilege of operating a motor vehicle. Education should be school-based, commencing in Kindergarten and continuing through Grade 12. These programs should be supported by state and federal funding obtained from taxing alcohol and related industries. Additionally, we strongly support the vigorous enforcement of Kansas DUI statues.

Obviously, most of our farmer/rancher members do not live in cities. They live on farms and in small, rural towns. These places do not have the luxury of public transportation (apart from the Senior Citizen bus) or taxi service. Transportation *needs* are different for them than for those in more metropolitan areas. Our families may live 10 miles from the nearest grocery store or twenty miles from school.

Their teenagers are involved in much more than school activities. They play softball and baseball in the summer, are involved in church activities and participate in 4-H events all over their county. For the rural 16 year-old driver, not being able to drive to such events, or only "school events" as proposed by AAA Kansas, is very limiting to both child and parent. Additionally, under SB 417, the 16 year-old driver would not be able to transport younger brothers or sisters to their events or even run to the grocery store.

The amendments proposed by AAA Kansas fully address only one of our concerns with the bill, the prohibition on driving between 12:00 a.m. and 5:00 a.m. while holding a farm permit. This prohibition is extremely limiting to farm workers at critical times of the year. Cows calve and sows farrow at all times of the day and night. There are times when harvesting activities continue past midnight. Livestock may have to be loaded for transport during the early hours of the morning. These are just a few of the examples why it is essential that those driving on a farm permit be able to do so 24 hours a day.

Again, let me stress it is not our intent to disregard safety interests. We simply believe that the current law provides us with the framework to effectively promote and teach driving skills to teenagers as well as prohibit and punish undesirable driving behavior. If current programs, such as drivers education, need improvement, we are willing to work with others to see this accomplished. Further government restriction, as proposed in SB 417 and the suggested AAA amendments, is not the only answer. We would respectfully ask

the committee to leave the current licensing requirements in place and not pass out favorably SB 417.

Thank you.

Drug Abuse and the Drinking Driver

GOV-3

We strongly support education, enforcement and rehabilitation actions that will reduce the problems of drug and alcohol abuse in Kansas and across the nation.

We support programs to inform all citizens on the effects of alcohol and drug abuse in regard to the privilege of operating a motor vehicle. Kansas DUI statutes need to be vigorously enforced. Education for children should commence in Kindergarten and be continued through Grade 12. Funding for such alcohol and drug abuse education should be provided by the state or federal government from taxes on alcohol and related industries. We support effective rehabilitation programs for alcohol and drug abusers.

Drivers Licenses

TU-4

The Kansas Department of Revenue should provide a drivers license examiner in every county seat at least once a month.

Successful completion of a Drivers Education course by age 16 should be a requirement for obtaining a drivers license.

We support legislation to require written notification by certified mail to be given to persons whenever their drivers licenses are suspended or reinstated.