

Approved: 2-21-00
Date

MINUTES OF THE HOUSE COMMITTEE ON TRANSPORTATION.

The meeting was called to order by Chairperson Rep. Gary Hayzlett at 1:40 p.m. on February 15, 2000 in Room 519-S of the Capitol.

All members were present except:

Representative John Ballou, excused
Representative Phill Kline, excused

Committee staff present:

Bruce Kinzie, Revisor of Statutes
Hank Avila, Research Department
Ellie Luthye, Committee Secretary

Conferees appearing before the committee:

Tom Palace - Petroleum Marketers and Convenience Stores Association of Kansas
Matt Serrano, Serrano Petroleum & Convenience Co., Inc., Olathe, Kansas
Terry Presta, Presta Oil Company, Inc., Garden City, Kansas
Brian Suter, Vice-President of SACO Petroleum, Inc., N Kansas City, Missouri
Rochelle Mead, N Kansas City, Missouri
Sheila Walker, Secretary of Revenue
Ron Henneberg, President, ABATE
Cindy Patterson, Topeka, Kansas
Christopher Maurich, Motorcycle Riders Foundation
Ken McNeill, ABATE
Scott Wickham, St. Marys, Kansas
Steven Christenberry, Board President, SMART
Jeanie Christenberry, Board Secretary, SMART
Mike Patterson, President, Topeka Harley Davidson

Others attending:

See attached list

HB 2883 - crimes, not paying for motor fuels, penalties

Chairman Hayzlett opened hearings on **HB 2883**. The first proponent to speak was Tom Palace, Petroleum Marketers and Convenience Stores Association of Kansas. He stated the introduction of this bill would offer petroleum retailers a legal avenue to prosecute "drive-offs". At present there is little, or no, enforcement powers to stop drive-offs and **HB 2883** would act as a deterrent, warning would be offenders that if they drive-off without paying for their fuel, they could lose their driving privileges. (Attachment 1)

Matt Serrano, Serrano Petroleum and Convenience Co. Inc., urged the committee to help deter motorists from continuing the gas thievery at the pumps. He concluded with margins on gasoline as low as a few pennies a gallon it takes a lot of gas sales to make up for a \$20-\$30 gas drive-off. He cited as an example at a margin of 4 cents a gallon it takes 500 gallons of sales to make up a \$20.00 gas drive off. (Attachment 2)

Terry Presta, President of Presto Convenience stores, told the committee he has 28 convenience stores in 19 difference counties and they can lose from \$2,000 to \$3,000 a month to drive-off activity. In each case this also affects the revenues remitted to the State of Kansas. He asked the committee to help these retailers combat crime and hopefully remain in business and be a part of the Kansas economy. (Attachment 3)

Brian Suter, Vice-President of SACO Petroleum, related to the committee that in 1999 the 16 stores which they operate lost more than \$30,000 in drive-offs in Kansas and the state loses about \$1,2000 a year in income tax because of this. He suggested suspension of a license as a deterrent for drive-offs and also posting a decal at the fueling site that would warn about loss of their driver license for stealing gasoline. (Attachment 4) He then introduced Rochelle Mead, an employee, who told of some of her experiences with drive-offs and showed tickets that showed eight drive-offs in the last five days.

Written testimony was presented by Curt Wright (Attachment 5) and Kevin Brown (Attachment 6). Following questions from the committee, Chairman Hayzlett closed hearings on **HB 2883**.

CONTINUATION SHEET

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE, Room 519-S Statehouse, at 1:40 p.m. on February 15, 2000.

B 2737 - motorcycle safety education program

Chairman Hayzlett opened hearings on **HB 2737**. The President of ABATE, Ron Henneberg, told the committee that for 15 years ABATE has been working to provide more opportunities for motorcycle rider education in the state, however, the program is still hampered by archaic rules administered by the state. He concluded this bill was necessary as a means of providing the opportunity for rider education to all riders in the state of Kansas. (Attachment 7)

Cindy Patterson relayed to the committee the importance of the rider education program and how she benefitted from it when she made the decision to learn to ride a motorcycle. (Attachment 8)

Christopher Maurich spoke to the committee as a nationally certified Motorcycle Safety Foundation instructor for the Motorcycle Riders Course; Riding Street Skills and the Experienced Riders Course. He said the Department of Education currently has no program in place to recruit, train or monitor instructors. He asked the committee to move to allow Kansas to have a riders education program accessible to all Kansans and similar to what is available in nearly every other state. (Attachment 9)

The lobbyist for ABATE of Kansas, Ken McNeill, testified in favor of **HB 2737**. He stated that because motorcyclists are such a small percentage of the motor vehicles in Kansas, the Board of Education's priorities are focused on teaching students to drive cars. The aim of ABATE, however, is to make motorcycling as safe as possible for all motorcycle riders through education. He then requested four amendments which he felt would make the bill more effective. (Attachment 10)

Scott Wickham told the committee he had taken the MSF course, as taught by the professional staff of SMART, Inc., and was so impressed with the course, and feels so strongly about the education of riders, that he has volunteered to become an instructor this year. He said with the passage of **HB 2737** the opportunity for more riders across the state to obtain high quality training can become a reality, instead of a dream. (Attachment 11)

Steven Christenberry, Board President, SMART, told the committee that until 1999 Kansas was the only state out of 46 states with a state legislated program that did not use the nationally recognized Motorcycle Safety Foundation curriculum. He gave statistics which showed that from 413 students trained in New Mexico to 16,674 trained in California in 1998, Kansas had only 132 students trained at MSF approved sites in Kansas. He said passage of this bill would change that. (Attachment 12)

Jeanie Christenberry, Enrollment Coordinator and Board Secretary for SMART, related she had received over 700 calls from potential students as far as 400 miles away from the nearest Department of Education approved site. Out of those 700 or more, SMART was only able to train 234, which was a major accomplishment considering the fact that there are only 8 instructors and 2 approved sites. She concluded this bill can bring Kansas up to national motorcycle training standards by establishing a statewide program, which as demonstrated in other states can reduce motorcycle accidents and fatalities. (Attachment 13)

Mike Patterson, President of Harley Davidson, said the motorcycle industry as a whole continues to grow at a tremendous rate and there is a great need for an increase in rider training to assist new riders, as well as experienced riders, to be safer on the streets. (Attachment 14)

Sheila Walker, Director of Vehicles, said the Division is neutral on the bill however she expressed some concerns regarding the time it would take to implement the program and also to fund the requirements which are listed in the bill. (Attachment 15)

In response to a question from the committee, Steven Christenberry said the training classes run for approximately 20 hours with approximately 10-12 hours spent in actual riding of the cycle. Following further questions and discussion, Chairman Hayzlett closed hearings on **HB 2737**.

Chairman Hayzlett adjourned the meeting at 3:05 p.m.

The next meeting of the House Transportation Committee is scheduled for Wednesday, February 16, 2000 in Room 519-S.

HOUSE TRANSPORTATION COMMITTEE GUEST LIST

DATE: 2-15-00

NAME	REPRESENTING
KEN McNEILL	ABATE OF KS inc.
Alan Anderson	KDOR-Vehicles
Sheila Walker	KDOR-DMV
Ron HENNERBERG	ABATE OF KANSAS
MICHAEL PATTERSON	TOPEKA HARLEY-DAVIDSON
Scott A. Wickham	SMART
Jim Leibold	Self
Tom Whitaker	Ks MOTOR CARRIERS ASSN
Joan Peterson	KSBE
Steve Christenberry	S.M.A.R.T., Inc.
Jeanie Christenberry	Smart, Inc.
Norine Mann	ABATE of KS
CHRIS MAURICH	SMART inc.
Carol Maurich	ABATE/Smart
CINDY PATTERSON	SMART, Inc.
Terry Mitchell	KDOR/Vehicles
John Holroyd	KDOR/VEHICLES
Bill Brady	KS GOV'T Consulting
Scott Brunner	DSB

HOUSE TRANSPORTATION COMMITTEE GUEST LIST

DATE: 2-15-00 continued

NAME	REPRESENTING
Bill Wootts	KDOT
Bob Anderson	Case's General Stores
Steve Kearney	Petroleum Marketers Ass'n
Don Saunders	SACO Petroleum
Rochelle Mead	SACO Petroleum
Bryan Suter	SACO Petroleum
Denise Axt	USA / KOK
Tom Palase	FMA of KS
Jerry Presta	Presto Convenience Stores



Testimony: House Transportation Committee
From: Thomas M. Palace
Date: February 15, 2000
RE: House Bill 2883

Mr. Chairman, and members of the House Transportation Committee:

My name is Tom Palace, Executive Director of the Petroleum Marketers and Convenience Store Association of Kansas (PMCA of Kansas), a statewide trade association representing over 360 independent Kansas Petroleum companies and convenience stores throughout Kansas.

We appreciate the opportunity to appear before you in support of HB 2883.

PMCA asked for introduction of this bill to offer petroleum retailers a legal avenue to prosecute "drive-offs." Drive-offs occur when a person fills up his/her gasoline tank with fuel and drives off without paying. When this occurs, the store clerk attempts to get a license plate number and phones the local authorities that a theft has taken place. When the police/highway patrol do respond and find the violator that has not paid for the fuel, they will stop the car and ask the driver to return and pay for the fuel. To expand on this further, we have asked several retailers to testify today and they can give you further details relating to drive-offs.

At present there are little or no enforcement powers to stop drive-offs, and we believe HB 2883 will act as a deterrent, warning would be offenders that if they drive-off without paying for their fuel, they could lose their driving privileges. Passage of this bill will allow retailers to post signs, at the retailer's expense, that state "drive-offs will not be tolerated and anyone caught intentionally driving away without paying for fuel will be prosecuted." The penalty for the first conviction is a Class A nonperson misdemeanor; the second conviction -driver's license privileges are suspended for 6 months and for a third conviction, driver's license privileges are suspended for one year. In addition to the suspended license, a reinstatement fee of \$100 shall be paid to the division of motor vehicles to pay for the administrative costs.

As in any retail industry, theft is addressed daily by management. Theft in many instances has become a "cost of doing business." People don't realize that theft becomes an overhead expense and as such, is reflected in the price of the item purchased. Loss leads to higher prices. Gasoline is no different from other consumer products.

Twelve states have some type of drive-off law in place. This bill mirrors a Mississippi law that was passed in 1999. Georgia, Colorado, and Oklahoma have similar laws. Missouri and Iowa have introduced legislation similar to HB 2883.

Petroleum Marketers and Convenience Store Association of Kansas
201 NW Highway 24 • Suite 320 • PO Box 8479
Topeka, KS 66608-0479
785-233-9655 Fax: 785-354-4374

House Transportation Committee
February 15, 2000
Attachment 1

In an effort to refute the point that a \$10 drive-off is no big deal, PMCA conducted a survey and concluded the following results:

1. 31 companies responded out of 260 surveys sent. These companies have 98 locations or 3.16 stores per company.
2. The average amount of drive off losses per store is \$225 per month or \$2709 per year.
3. There are approximately 2200 retail locations in Kansas with total drive-off losses of \$5,961,555.

HB 2883 will not stop all drive-offs from occurring. It does however, give retailers an opportunity to fight back against theft at the pump and it hits people where it hurts, taking away driving privileges. Granted, 95% of the motoring public are good, honest people. HB 2883 is not intended to be used when someone makes an honest mistake. It is to be used when someone intentionally steals gas.

Mr. Chairman and members of the committee, I appreciate the opportunity to appear before you today and urge your support of HB 2883. I will stand for questions.

Serrano Petroleum & Convenience Co. Inc.
Olathe Phillips 66/Olathe South Citgo

1805 South Ridgeview
Olathe, KS 66062

Phone (913) 829-0616
Fax (913) 829-5791

Testimony: House Transportation Committee
From: Matthew L. Serrano
Date: February 15, 2000
Re: House Bill 2883

Dear Mr. Chairman and members of the Committee:

My name is Matthew L. Serrano, owner of two convenience store gas stations located in the Olathe Kansas area. Both stations are located on 151st street. One is branded Phillips 66 and the other is a Citgo branded station. The area is a developing one. The clientele is mostly all middle class. Both stores are located close to the Olathe South High School.

The reason for my joining you here today is to discuss the growing problem of drive offs at my stations. Although my situation may not be the same as other owners it's result is the same. Money lost. Typically for my stores the situation most likely for a drive off is during busy times of the day. All the pumps are being used and while checking customers out at the cash register a person may pull his/her car away from the pumps, walk inside and buy a pop and candy bar and not say anything about having gas. Another way it can happen is for a person to simply drive away slowly and pretend to have forgotten about coming inside to pay. The excuses range from pretty crafty to down right stupid. Another way drive offs occur is a person pulls up to the pump, fills up, gets in the car and peels out as fast as he/she possibly can. I could go on and on about the ways but I think you probably get the idea.

Normally when a situation like this occurs we can only hope that we are lucky enough to have gotten a license plate number so that we can call the police and file a report. If the person lives within the city limits of Olathe the Olathe police will normally drop by their house and leave a note telling them that they forgot to pay for their gas. If the person is out of the city limits or from another state it usually means a loss that will not be collected.

The average amount of gas drive offs per month is \$100 per each one of my stores. While this figure may seem like a small amount for a business to incur, it is a total of \$2400 per year. This is money right out of my pocket. I have fellow business owners that operate stores in demographically different locations that are triple and four times higher than my losses. Ladies/Gentlemen this is outrageous. People that drive off need to be held accountable for their actions!

I recommend that motorists who drive off should have their licenses suspended in order to deter this behavior. I believe that while there are probably cases where people are sometimes careless or may honestly forget to pay, a vast majority are very aware of what they are doing and will continue to do so if there is not a consequence for their theft. Understanding that there are mishaps I recommend that a first time offense and conviction is a Class A nonperson misdemeanor. The second time and beyond should result in a suspension of the drivers license on an escalating scale based on the number of offenses. I also believe that people should be made aware of these penalties through the usage of decals posted at the fueling site.

Ladies/Gentlemen, please, I urge you to help me in my quest to deter motorists from continuing in this thievery. With margins on gasoline as low as a few pennies a gallon it takes a lot of gas sales to make up for a \$20-\$30 gas drive off. (Example: At a margin of 4 cents a gallon it takes 500 gallons of sales for me to make up a \$20.00 gas drive off!)

House Transportation Committee
February 15, 2000
Attachment 2

Mr. Chairman, while I understand that HB 2883 will not completely stop all gas leaks from happening, I do believe that it is a step in the right direction to make people aware of the seriousness of the offense.

Mr. Chairman, I appreciate the opportunity to appear before you today and urge your support of HB 2883. I will stand for question.

Sincerely,

Matthew L. Serrano
President



Terry Presta
President

Douglas Wald
Executive Vice-President

Scott Anderson
Supervisor

February 15, 2000

House Transportation Committee
The Honorable Gary Hayzlett
Chairman

Terry Presta
Presta Oil Inc.
President

Re: HB 2883 Gasoline Drive Offs

Chairman Hayzlett and Members of the Committee:

I am Terry Presta, President of Presto Convenience stores based in Garden City, Kansas. Presto has 28 convenience stores in 19 different counties. Unfortunately, we still have in society a small percentage of dishonest people who make conducting a retail business in Kansas more difficult than it should be. HB 2883 is an attempt to address the problem of drive offs at convenience stores and other self-service sites in Kansas. Usually what happens is that an apparent customer will pick one of the outside pumps when the store is busy and pump their gasoline into the car and leave without paying. The people we're talking about usually don't hang up the gasoline hose, they leave it lying on the ground, because they know hanging up the hose will sound a register tone that indicates to the clerk that a gasoline transaction has just been completed. Our company can lose from 2,000.00 – 3,000.00 dollars/month to this type of activity.

This activity is a part of what our industry terms shrink. Shrink at the retail level can cause in store prices to be higher than they would otherwise have to be. Or if the retailer is not able to pass this cost on to the consumer, because of competitive restraints, it causes profits to be smaller or losses to be larger than they would be. In each case this also affects the revenues remitted to the State of Kansas. I believe this law is needed because of irregular enforcement of this type of activity from county to county. I strongly support the passage of this legislation with the possibility of suspending known repeat offender's driver's licenses.

All of us testifying today are small business owners who live in Kansas. We are less able to absorb these types of shrink losses than the large publicly traded companies that we compete with. We live in Kansas, we go to church in Kansas, and we send our children to school in Kansas. We are asking for you to please help law abiding retailers, who collect your sales taxes, payroll taxes, excise taxes, income taxes and pay a large portion of the States property taxes combat crime and hopefully remain in business and part of this wonderful Kansas economy. Thank you.

Terry Presta

House Transportation Committee
February 15, 2000
Attachment 3

SACO Petroleum, Inc.

1910 Armour Road

North Kansas City, MO 64116

816-221-0755

February 15, 2000

Mr. Chairman and Members of the Committee

My name is Brian Suter, I am Vice-President of SACO Petroleum, Inc. which operates Snappy Convenience Stores. We operate 16 stores, 7 in western Missouri and 9 in eastern Kansas. The Kansas locations are in the following cities: Overland park, Merriam, Kansas City, Edwardsville, Pleasanton, and Independence.

Consumers that drive out of our stores without paying for gasoline has become a major problem for us. In 1999 our company lost more than **\$30,000.00** in drive-offs in Kansas. The state loses about \$1,200.00 per year in income tax because of this. Unfortunately, we get no help from local law enforcement.

We have installed pumps that you can pay at the pump with credit cards. We have discussed about everyone prepaying, but found that it is not customer friendly. The majority of customers get irate because they have to make two trips inside to fill up or we don't trust them. Many customers buy less when having to prepay. Women with children don't want to take their kids inside the store two times to fill up. Actually I think this is harassment to people with children.

Before I close, I would like to ask our store manager who deals with this on a daily basis, to explain how customers steal gasoline. Her name is Rochelle Mead.

I strongly recommend suspension of a license as a deterrant for drive-offs on an escalating scale. I also suggest posting a decal at the fueling site that would warn about loss of their driver license for stealing gasoline.

I thank you for listening and would appreciate your support for the Drive-Off Legislation. Also, Missouri currently is dealing with Drive-Off Legislation.

Sincerely,

Brian T. Suter
Vice-President

House Transportation Committee
February 15, 2000
Attachment 4

Written Testimony
Provided for
House Transportation Committee
Representative Gary Hayzlett, Chairman

From: Curt Wright
Date: February 9, 2000

Subject: Gasoline Drive-Offs (House Bill #2883)

Mr. Chairman and members of the Committee

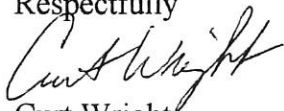
My name is Curt Wright. I am Vice President of Operations for Taylor Oil, Inc. in Wellsville, KS. We operate 4 convenience stores and 1 full facility gas station in the eastern Kansas communities of Gardner, Spring Hill, Ottawa, Lyndon and Emporia. A "Drive-Off" occurs when a customer fills their vehicle tank and leaves the property without paying for the fuel. There are many methods a dishonest customer will use. Some just drive away as fast as they can. Some will wait until a large vehicle such as a full sized van or a camper pulls up to a pump and obscures the view of the employee(s) working. Some may not even intend to steal the gasoline until they enter the store and are greeted by a confused employee who forgets to ask if they have gasoline. Quickly they pay for the other items they have purchased and exit as quickly as they can. Drive-offs cost my company approximately \$3000 per year and this is simply money I do not have the opportunity to reinvest in my company, as well as lost tax dollars for the state of Kansas.

The reaction we receive from law enforcement varies from city to city. One city law enforcement agency has told us that if we do not have a complete license tag number to not even bother calling in a report and yet another city has been able to find the thief with just a basic description of the vehicle. Most cities law enforcement agencies, if they find the thief, try to avoid prosecuting the case by simply bringing the person back to the store and making them pay for their gas.

I ask you to support this bill and to allow us to use a decal to warn drivers about the loss of their driver's license for failure to pay for fuel. I believe there is a large number of people who are completely honest, another group of people who are basically dishonest and a third group of people who can be tempted by circumstances. I believe by passing this bill and allowing us to warn people about the loss of a driver's license that only the dishonest people will drive-off.

When a drive-off occurs our employees do not know what they may be facing. Approximately 4 years ago one of our managers became so upset about a drive-off that, even though it was against company policy, she chased after the vehicle to try to get a tag number. She failed to do so, but did come up with a basic description of the vehicle and reported it to the local law enforcement agency. Three hours later this person shot and killed a Missouri Highway Patrol officer during a routine traffic stop 150 miles from my location. Although a bill such as this probably would not have stopped this tragic incident, it will help deter the people who may be tempted by circumstances, so that all reported drive-offs are taken seriously and regarded as possibly dangerous to our customers and to our employees.

Respectfully


Curt Wright

Taylor Oil, Inc
PO Box 581

Wellsville, KS 66092

House Transportation Committee
February 15, 2000
Attachment 5



T & E Oil Company, Inc.

P.O. BOX 1303 • 911 N. HALSTEAD • HUTCHINSON, KS 67504-1303 • (316) 663-3777

February 8, 2000

Representative Gary Hayzlett
Chairman, House Transportation Committee
Room 115-S State Capitol
Topeka, KS 66612

RE: Gasoline Drive-Offs

Mr. Chairman and members of the Committee:

My name is Kevin G. Brown, President of T & E Oil Company, Inc., Hutchinson, Kansas. T & E Oil Company operates 15 convenience stores in South Central Kansas in the communities of Hutchinson, South Hutchinson, Wichita, Burrton, Haven, Canton and Nickerson.

During the past several years we have experienced an alarming increase in the number of drive-offs at our locations. Drive-offs cost the consumer with increased retail prices to compensate for the losses. Due to the increase in the amount of drive-offs state wide, local law enforcement agencies no longer have the time and manpower to investigate the drive-offs, leaving little risk to the perpetrator of getting caught and prosecuted. Please find the attached list of drive-offs that occurred at T & E Oil Company locations during the past 5 years.

T & E Oil Company recommends that legislation be passed to deter drive-offs in the future. We would recommend that the guilty party be fined for the first offense and possible license suspension for repeat violations. We would also support posting decals on the gasoline pumps warning customers of the penalties for drive-offs.

Sincerely,

Kevin G. Brown
President

encl.

House Transportation Committee
February 15, 2000
Attachment 6



T & E Oil Company, Inc.

Drive Offs (dollars)

1995 - \$ 2,292.69

1996 - \$ 3,093.73 (35% increase)

1997 - \$ 3,569.61 (15% increase)

1998 - \$ 4,280.52 (20% increase)

1999 - \$ 5,132.64 (20% increase)

Mr. Chairman, members of the committee.

My name is Ron Henneberg, and I am President of ABATE of Kansas. For nearly 15 years ABATE of Kansas has been working to provide more opportunities for motorcycle rider education in the state. We began this effort because of the tremendous demand for the program, and because we realized that not enough classes were being offered in the state. Over an eight year period we spent over \$50000 developing our program. While our program suffered the typical growing pains of any start up effort, it has since spun off into Smart, Inc. and has become a very positive influence on motorcycle rider education in the state of Kansas.

However the program is still hampered by archaic rules administered by the state. We feel this bill is a great step forward in providing the opportunity for rider education to all riders in the state of Kansas.

We also feel very strongly that motorcycle rider education is the most positive step that can be taken to enhance the safety and enjoyment of the sport of motorcycling.

I thank you for your time, and I stand for questions.

February 15, 2000

Mr. Chairman and members of the Transportation Committee:

I am Cindy Patterson and I took the motorcycle safety course in 1999. It is my privilege to have this opportunity to share my experiences with motorcycle rider education with you. I have wanted to ride for a few years and when my son became old enough to ride and was also interested, I began looking for a place to receive training. It was important to me to take a formal and reputable course, since I had very little experience and was a bit anxious about the whole idea. After some searching I found a course here in Topeka. I wanted to take the course with my son, but the first available course had only one opening left, so Trevor took that course and I had to wait for an opening in a course a few weeks later. I later learned that we were lucky to get in the courses as early as we did, because of the huge demand.

Our experience with the motorcycle safety course was very positive. My son and I both learned skills and proper techniques for riding. The instructors presented information in a manner conducive to learning and they were always patient. As a student, I was absolutely thrilled to receive the motorcycle safety training. As a mother, I am grateful that the course and the instructors taught my son motorcycling skills in a most beneficial environment.

Both Trevor and I successfully completed the course and received a completion certificate that we took to Motor Vehicles so we could get our endorsement without having to take the test over again. I found out from our instructors that there are only a couple of places in the state where students can get their licenses, and Topeka is one of them. As a result, students often drive significant distances to take the course. In my course, there were students from St. Marys, Lawrence, and Shawnee, and from Osawatomie, Olathe, and Shawnee in Trevor's course.

The proposed rider training bill would allow motorcycle education to expand to other areas of the state, so students would not have to wait as long for courses. This course was an excellent way for a new rider to learn, and I would recommend it to anyone who wants to learn how to ride. Please support HB2737 and help promote safety and education for motorcyclists in our state.

Thank you.

Christopher A. Maurich

604 Birch Street
P.O. Box 291
Wakefield Kansas 67487
Home Phone (785) 461-5287

HOUSE BILL 2737

Mr. Chairman, Members of the House Transportation Committee ,

My name is Christopher A. Maurich , I am a nationally certified Motorcycle Safety Foundation instructor for the Motorcycle Riders Course ; Riding Street Skills and the Experienced Riders Course. I am the Motorcycle Riders Foundation representative to Kansas. I retired from the U.S. Army with 20 years of active duty. I am also a member of the Disabled American Veterans and the American Legion.

I am here today to testify in favor of H.B. 2737.

My involvement in motorcycling led to my passion for teaching riders training. My first exposure began over 16 years ago , as passing an MSF course was implemented by the Department of Defense to gain the privilege of riding on Base. I was utilized by my unit in Germany to assist soldiers with German laws to help them get a motorcycle license for Germany. While on active duty , I learned of the criteria to become an MSF certified instructor. Because I was always assigned to Combat Units , release from the Units to attend the school was not approved and I had to wait to take a course.

Upon retirement from the Army and settling down in Kansas , I sought information about the MSF program in Kansas. Unfortunately , no chief instructors were available in Kansas at that time. Smart Motorcyclists Attend Riders Training (SMART) sponsored and sent one of their instructors to Texas to attend the intensive Chief Instructors Course. Kansas had it's chief instructor.

The Department of Education currently has no program in place to recruit , train , or monitor instructors. SMART inc. , a private non-profit organization , conducted an MSF approved instructors preparation course and gained several new instructors myself included. Costs for this were shouldered by the students driven by their dedication and commitment to motorcycling.

Currently there are less than 21 active MSF instructors in Kansas, and 8 of these currently teach the MSF basic riders course. Further more , all 8 teach for SMART inc. These instructors are dedicated to the goal of training students and teaching the correct way to operate a motorcycle. Many of our instructors must travel extensively to teach. I personally traveled to Topeka to teach 8 courses and had courses in El Dorado and Manhattan as well. The pay I receive is not much and does not cover many out of pocket expenses.

I have been approached by many potential students concerning rider course availability or the lack of course sites in many areas of the state. Sadly , we can not meet these demands or increase student density as we do not have enough instructors to meet these challenges. I often hear students voice concerns over the distance they must travel to attend a riders course. A class in Manhattan , for example , had a student from Kansas City in attendance.

Another student concern is the licensing criteria. A course that is taught at a Department of Education approved site will allow the passing students to waive the DMV test due to the MSF course completion. We have only two such sites. The remaining sites offer the exact training by the same instructors , yet those students do not receive the same benefits. They must take the riding test as well as the written test at the DMV to gain an "M" endorsement.

I ask you to move to allow Kansas to have a riders education program accessible to all Kansans and similar to what is available in nearly every other state , as mapped out in H. B. 2737 as amended. This legislation will ensure that Kansas will gain MSF accredited instructors that will operate under a self monitoring system that has high standards , accountability , and professionalism built in. Greater student capacity will put trained riders on Kansas highways.

I have met many graduates of the MSF program that I have taught. Many of them credit the joy of motorcycling and safe riding habits to the implementation of the skills and techniques learned at the riders course.

Mr. Chairman , members of the committee , I thank you for your time today on behalf of Kansas motorcyclists. I urge you to support H.B. 2737.

Thank you , Christopher A. Maurich



TESTIMONY IN FAVOR OF HB 2737



MR. CHAIRMAN, MEMBERS OF THE COMMITTEE.

My name is Ken McNeill, lobbyist for ABATE OF KS. I am here to testify in favor of HB 2737 which moves Rider Education from the Board of Education to the Department of Revenue, Division of Motor Vehicles. Because motorcyclists are such a small percentage of the motor vehicles in Kansas, the Board of Education's priorities are focused on teaching students to drive cars. Which I agree is appropriate for them as juvenile drivers of cars make up such a large portion of accidents not just in Kansas but all over the country. Our aims however are to make motorcycling as safe as possible for all motorcycle riders through education of motorcyclists and the public.

HB 2737 will revamp a rider funded program so that it can concentrate on teaching motorcyclists to ride safely and educate the public to be aware that motorcyclists are also on the roads with them.

Abate will receive no financial benefits from this program. The only benefits we will receive is that motorcycle riders will be able to attend and see that their children can attend a class to learn to ride properly instead of the back field trial and error method that most of us used to learn with.

There are several amendments that we request in this bill to make it more effective. (see attachment)

The first is that the bill includes teaching older but still fairly new riders to ride properly with a passenger. This is because a lot of new riders are older couples who buy motorcycles for road touring and haven't yet learned how to carry a passenger safely.

The second is to try to set standards for teaching those who have trikes (three wheel motorcycles) and sidecar mounted motorcycles. The riding skills which are needed for these are completely different from those needed to ride a regular two wheeler.

Third is that the 20 % of motorcycle license fees that remain in the state safety fund at the end of this year be included in the initial transfer of funds.

Fourth that 40% of motorcycle licensing fees be transferred beginning in January 1, 2002 to the motorcycle rider education fund. There will be no changes in the amount of revenue going to the general fund nor any increase in motorcycle license fees.

The only increase that is contained in this bill is a \$1.00 per year increase in motorcycle registration fees. This will only affect those who ride motorcycles on the street. The forty percent of motorcycle license fees that pay for this program has been in effect for years. The \$ 1.00 increase will pay for administration of this program.

We would also ask that the advisory board that will be created by this bill begin before the funding transfers that take effect January 1, 2001, so that the new standards for this program will be in place and the program will be ready to begin teaching in the spring of 2001 without delay.

Thank you for your consideration and concern for motorcycling safety. I will now stand for questions.

AMENDMENTS

(ONE)

PAGE 1 LINE 36 THROUGH 41

(C) The program may include rider training courses for experienced riders, two up (experienced riders carrying passengers), trikes and sidecar mounted motorcycles, alcohol and drug effects awareness, motorcycle rider improvement efforts, motorcycle licensing improvement efforts, program promotion activities and other efforts to enhance motorcycle safety through education, including enhancement of public awareness of motorcycles.

(TWO)

PAGE 2 LINE 8

by the motorcycle safety foundation or the appropriate groups for two-up, trikes and sidecar mounted motorcycles

(THIRD)

PAGE 3 LINE 41

reports shall transfer all moneys in the motorcycle safety fund and the remaining percentage of motorcycle contributions in the state safety fund to the

(FOURTH)

PAGE 14 LINE 43

(b) credit 40% of all moneys received from class M license

Scott A. Wickham
8436 SE California Ave
Berryton, KS 66409
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House Bill 2737

Mr. Chairman, Members of the House Transportation Committee

My name is Scott A. Wickham. I am a Programmer/Analyst with Telecommunications Research Associates in St Marys, Kansas. I have twenty years of experience in electronics and computers, 13 of which were as a proud member of the US Army. I was first introduced to motorcycling in 1981, and have been riding off and on ever since. I never had a motorcycle endorsement on my license, mainly because Alabama at that time didn't require one. I took the written test two times here, and went for two years with the "instructional permit" issued upon passing the written. I attempted the riding skills test, between the fact that I had no formal training, and the course wasn't laid out for an 800-pound machine, I never quite got there.

This is when I got serious about some formal training. The MSF course, as taught by the professional staff of SMART, Inc., allowed me to gain the confidence required to not only pass the skills test, but also to be better prepared for situations that motorcyclists are put in simply by participating in the sport of riding. This is what the Kansas motorcycle community needs, on a statewide basis: an affordable, effective training program to put skilled riders on the roads.

I was so impressed with the course, and feel so strongly about the education of our riders, I have volunteered to become an Instructor this year. As I understand, the Instructor Prep Course is no low cost venture, and is highly demanding, of both candidates as well as chief instructors. I am also aware, and accept the fact, that the courses are taught out of charity, dedication, and good will rather than for great pay. With your support of bill 2737, and subsequently contracting with an organization such as SMART, Inc., the opportunity for more riders across the state to obtain high quality training can become a reality, instead of a dream.

Mr. Chairman, members of the House Transportation Committee, I thank you for your time, and please, strongly support House Bill 2737.

Scott A. Wickham

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February 15, 2000
Attachment 11

Steven L. Christenberry
MSF Chief Instructor
President, S.M.A.R.T., Inc. Board of Directors
1406 SE 24th Street
Topeka, Kansas 66605-1404
(785) 235-8827

February 15, 2000
House Transportation Committee
HB 2737 Hearing

Mr. Chairman, and members of the Committee. I am Steve Christenberry, a Motorcycle Safety Foundation (MSF) Chief Instructor and the Board President of Smart Motorcyclists Attend Rider Training, Inc. Thank you for again allowing me the opportunity to speak to you about motorcycle rider education. You have before you a bill that can radically change the manner in which motorcycle rider training is conducted in Kansas. This change can only be an improvement, as Kansas has lagged far behind nearly every other state that offers rider training.

For example, until 1999 Kansas was the only state out of 46 states with a state legislated program that did not use the nationally recognized Motorcycle Safety Foundation (MSF) curriculum. Of the 38 states who completed the State Motorcycle Safety Administrators Survey in 1998, Kansas ranked 32nd in program funding, and did not even list the number of students trained because there is not a category for non MSF programs. From that same report, the numbers of students trained ranged from 413 in New Mexico to 16,674 in California. The median number of students trained was 1919, with an average of 3165. In Kansas in 1998 there were 132 students trained at MSF approved sites in Kansas. I do not know how many students were trained at non-MSF sites, but since there are only two of these, one of which teaches only one course each year, those numbers cannot be very high. As you can easily see from these numbers, Kansas falls far behind all of the states which completed this annual survey.

Those of us who believe in, promote, and teach motorcycle safety are quite frustrated at the limitations imposed by current law. HB 2737 can change that. The language that moves rider education from the Department of Education to the Department of Revenue, Division of Motor Vehicles is the critical first step, as it takes it out of a department that historically has placed little emphasis on motorcycle training. Second, the inclusion of an advisory committee of motorcyclists will ensure that the Division will receive recommendations from those who really know motorcycling. A third important component gives the Division the latitude to contract with private or public providers. This sets the stage for the program to be taught by those who really understand rider education and can devote full attention to it. And last, the increased program funding that HB 2737 includes will ensure that growth can actually be accomplished.

Kansas motorcyclists and would be motorcyclists deserve a program that is truly dedicated to rider education. Kansans need an organized, state-wide program that can establish permanent sites in the more populated areas of the state. For the less populated areas, a mobile training facility should be developed. Kansas needs a program that actively recruits and trains new instructors to ensure that courses can be taught at these sites. With more sites and more instructors, more students can receive the benefit of training. These students then can become licensed riders, instead of choosing to ride without training and/or without a license. With adequate resources a program could actually market rider education without the fear that they would have to turn students away due to lack of openings. A dedicated program should also conduct activities that promote the increased awareness of motorcyclists by other motor vehicle operators. This is a valuable educational activity, but one that is simply not being done because there is no one who has the time to do this work. The few private programs cannot keep up with the demand for courses, much less take on the task of conducting motorist awareness activities.

Rider education does not come without costs. From the experiences of our program, the cost to train an instructor is over \$1100 (Appendix A). The direct cost to train a student is approximately \$120 (Appendix B). This does not include the additional expenses of purchasing and maintaining our training motorcycles. It also does not include administrative costs and overhead costs. Our program has survived because we pay only the instructors, range aides, and the enrollment coordinator. Our business offices are in our homes, and all administrative functions are done by volunteers, primarily by the members of our Board of Directors. Unfortunately, volunteers and part time staff can only do so much; ours simply can do no more than they are presently doing. Without the support of the legislature and the state government, rider education simply cannot grow.

The goal of making rider training reasonably accessible to anyone in Kansas who wants it can be accomplished if motorcycle education is viewed as a valuable and important traffic safety measure, one that can reduce accidents and the associated costs of those accidents. The first step is to pass HB 2737, in order to make rider education work in Kansas, just as it does in nearly every other state. I ask you to support this bill and begin the process of bringing rider education in Kansas into the 21st century.

Thank you for your time.

Appendix A
Instructor Training Costs*

Course Materials/gas, oil, etc	\$ 150.00
Chief Instructors salaries	\$ 200.00
Chief Instructor expenses (lodging/meals)	\$ 126.00
Instructor expenses (lodging/meals)	\$ 630.00
Miscellaneous Expenses (postage, copies, etc. for pre-course assignments)	\$ 20.00
Course Insurance	\$ 8.00
Range Aide/Assistant salary	<u>\$ 33.00</u>
TOTAL	\$1167.00

*Figures are based on 2 Chief Instructors and 10 Instructor Candidates, and do not include any fees for using the site. Figures also do not reflect any administrative costs or costs of purchasing and maintaining training motorcycles.

Appendix B
Novice Student Training Costs*

Instructor salaries	\$ 60.00
Range Aide salary	\$ 12.00
Enrollment Coordinator salary	\$ 20.00
Materials	\$ 15.00
Course Insurance	\$ 8.00
Miscellaneous expenses (gas, oil, plugs, etc)	<u>\$ 5.00</u>
TOTAL	\$120.00

*Figures based on 2 instructors and 10 novice students, and do not include any fees for using the site. As noted above, figures do not include administrative costs or costs of purchasing and maintaining training motorcycles.



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smart@networksplus.net
www.smartbiker.org

Mr. Chairman, and members of the Committee. I'm Jeanie Christenberry, Enrollment Coordinator and Board Secretary for Smart Motorcyclists Attend Rider Training, Inc. Thank you for allowing me the opportunity to speak to you about my experiences with motorcycle rider education and what I feel could be done to assure its continued growth in Kansas.

I began my "volunteer career" 10 years ago as a motorcycle rider education program administrator in Arkansas. At that time, Arkansas did not have a State approved, State funded program, and we struggled to stay solvent while doing our best to teach new riders. When I moved to Kansas 5 years ago I found myself in a similar situation, and have since worked with SMART to provide rider education to our citizens. We do this because we love the sport and truly believe that the two best ways to prevent accidents is to train motorcycle operators so they have better skills, and through Motorist Awareness Programs, enlist general public support and educate the motorist to WATCH FOR MOTORCYCLES.

As the enrollment coordinator for SMART I receive all the student inquiries, coordinate the site schedules, and register students for the courses. Last year alone I received more than 700 calls from potential students as far as 400 miles away from the nearest Department of Education approved site. Out of those 700 or more, SMART, Inc. was only able to train 234, which was a major accomplishment considering the fact that we only have 8 Instructors and 2 approved sites.

Although some are willing, many just cannot afford to drive that far, get a motel room for the weekend and pay the tuition. The next question I hear from those who live far from our sites is why can't we develop a site where they live?

In most cases I have to tell them the school district in their area is just not willing to administer the program and under the current law, if we train in a non-DOE approved location they will not get their license. And from the program's perspective it just isn't feasible to set up sites in "unapproved" locations. It saddens me to think that under the current system we are perpetuating untrained and unlicensed riders because believe me, without available rider education courses, most people (training or not, license or not) will ride anyway.

Speaking from 10 years of experience two main factors have prevented rider education from meeting the demands of our citizens. First the lack of direction and leadership by the State entity responsible for motorcycle rider education and second inadequate funding to administer and deliver a statewide training program.

Ladies and Gentlemen, with the introduction of bill # 2737, we have the opportunity to bring motorcycle rider education out of the slump it has been in for years. We can bring Kansas up to national motorcycle training standards by establishing a statewide program, which as demonstrated in other states that use the MSF curriculum, can reduce motorcycle accidents and fatalities. By passing this bill, we as responsible citizens of Kansas will promote a safer environment for all Kansans, whether they choose 2 or 4 wheel transportation. We are all here today to ask you to please support HR 2737. Thank you for your time.


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February 15, 2000
Attachment 13

HARLEY DAVIDSON SALES & SERVICE INC.

SINCE 1949
600 NW HIWAY 24 TOPEKA, KS 66608
(913) 234-6174

Mr. Chairman, and members of the Committee. My name is Mike Patterson, I am the President of Topeka Harley Davidson. I am here today to confirm the need for an increase in motorcycle safety courses in this state. I ask you to support HB 2737 proposed legislation that will effectively increase access to motorcycle safety courses to new as well as experienced riders, both here in Topeka and across the state.

As the owner of a major dealership that sells over 400 motorcycles each year, I am very aware of the unfortunate situation regarding motorcycle training courses in Kansas. Simply put, there are very few courses available across the state. I am constantly approached by new riders, from all over the state, who want to start off on the right foot by obtaining proper training before getting out on the street. Potential riders in the Topeka area are much more fortunate than those in other areas of the state, as we at least have a program available in Shawnee County, the S.M.A.R.T. program. We keep their number next to our phone because we get such frequent calls for motorcycle training. We feel comfortable recommending our customers to this course as they are very professional with their approach and provide effective training. Unfortunately, these efforts do not keep up with the demand. Many of our customers have to wait weeks, if not months, to get into a course and some aren't able to get in until well after they have purchased their motorcycle. I know it is not a lack of effort on the part of S.M.A.R.T. but more a lack of resources available to them.

The Harley Davidson Motor Company has seen the need for more training programs nationwide as the motorcycle industry as a whole continues to grow at a tremendous rate. New riders are entering our streets everyday and doing their best to share the road with automobiles. Harley-Davidson endorses rider education and programs that use the curriculum developed by the Motorcycle Safety Foundation. There is a great need for an increase in rider training in this area. However, with current laws in effect, all of these new students will have to squeeze into the classes currently held at Seaman High School or they will not be able to earn their motorcycle endorsements by taking the course. The resources to accomplish this are not available.

I recognize that merely adopting a new law will not ensure immediate change. Failure to change existing laws will guarantee no change. I am confident that access to rider education can be greatly improved if proper programs are encouraged and funded. House Bill 2737 can set the stage for this growth. I encourage you to support this bill to assist new riders as well as experienced riders to be safer on our streets.

Sincerely,


Michael A. Patterson

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February 15, 2000
Attachment 14

Sheila J. Walker, Director
Division of Vehicles
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Division of Vehicles

TESTIMONY

TO: Chairman Gary Hayzlett
Members of the House Transportation Committee

FROM: Sheila J. Walker, Director of Vehicles *Sheila J. Walker*

DATE: February 15, 2000

SUBJECT: House Bill 2737

Chairman Hayzlett and members of the House Transportation Committee, my name is Sheila Walker, and I serve as Director of the Kansas Division of Vehicles. Thank you for allowing me to provide testimony today regarding House Bill 2737.

The Division is neutral on this bill – we will implement the motorcycle safety education program if you decide that we should. But we would respectfully like to express a few of our concerns first.

Less than a year to implement the program

The division may not be able to meet the bill's proposed January 1, 2001, effective date. This bill requires the division to establish and administer the motorcycle safety education program – a program that we have never administered before. In order to do a good job for the 160,000 motorcycle licensees driving 45,000 registered motorcycles in Kansas, I request that we be given more time.

Among other things, the bill requires us to adopt rules and regulations to enter into contracts with private and public entities to administer and operate the program. The division would be required to issue certificates of completion to applicants who pass the course.

Courses are to be taught only by approved instructors. The division would be required to review all approved instructors on an annual basis. We would also be required to appoint an advisory board, establishing its composition and responsibilities. Each year, we would also have to submit a written report to the governor and each member of the legislature, summarizing the following:

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Attachment 15

- The number and location of courses offered;
- The number of instructors approved;
- The number of students trained;
- An accounting of revenue receipts; and
- Other information about the program we deem appropriate.

An annual assessment of the overall impact of the program on motorcycle safety in the state is to be presented each year as well.

Money is Tight

This bill creates the Motorcycle Safety Education Program Fund, which is to be used by the division to defray its own expenses and to reimburse entities that offer approved motorcycle safety education courses. But it appears that the program may not generate enough money to fund itself.

Under the proposed bill, motorcycle registration fees would increase by \$1. The money generated by the \$1 increase would go into the Motorcycle Safety Education Program Fund. In addition, 20 percent of distributions from Class "M" driver's licenses would also go into the fund. The total annual revenue for the fund is expected to be approximately \$110,000. We believe it is going to take more than \$110,000 to effectively administer this program.

The bill requires us to provide rider training courses in "sufficient numbers and locations . . . to meet the reasonably anticipated needs of state residents who desire to complete the course." The Department of Education distributes about \$60,000 a year to the five schools currently approved to teach motorcycle driver's education. If we continue to contract with these five schools, that leaves about \$50,000 to contract with other public and private entities to meet the "reasonably anticipated needs of state residents."

We ask the committee to consider clarifying "reasonably anticipated needs" (in New Sec. 3), and "reasonable enrollment fees" (in New Sec. 6). Virtually everyone has a different idea of what "reasonable" is.

The bill says the director shall appoint a program coordinator to oversee the program. We estimate that we would need at least three new full time employees (for a total of \$109,133 in annual salaries) to effectively administer this program.

In conclusion, the Division of Vehicles will implement the Motorcycle Safety Education Program if that is what the Legislature wants us to do. We ask that you keep in mind that we would have less than a year to implement the program and, as written, the program is under-funded. Thank you for your consideration.