

MINUTES OF THE SENATE TRANSPORTATION & TOURISM COMMITTEE.

The meeting was called to order by Chairperson Senator Ben Vidricksen at 9:05 a.m. on February 17, 2000 in Room 245-N of the Capitol.

All members were present except:

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

Conferees appearing before the committee: Senator Sherman Jones
Richard Payne
Bryce Meeker, Intern
Sheila Walker, KDOR, Div. of Motor Vehicles
Rosalie Thornburgh, KDOT, Traffic Safety
Leslie Kaufman, Kansas Farm Bureau
Mike Beam, Kansas Livestock Assn.
Ken Gudenkauf, KDOT

Others attending: See attached list

SB 591: Concerning issuance of certain driver's licenses

Staff Revisor Kinzie explained the bill. Senator Jones addressed the need for the bill based on the experiences of his constituent Mr. Richard Payne, whom he introduced. Mr. Payne's explanation is contained in his testimony (Attachment 1). Senator Jones' intern, Bryce Meeker, provided members information on laws in other states dealing with DUI Hardship License (Attachment 2).

Sheila Walker, Director Division of Vehicles, Kansas Department of Revenue, explained that current state law clearly determines when a driver's license should be suspended or revoked and that **SB 591** basically takes the teeth out of current law; while at the same time it does nothing to solve this constituent's problem (Attachment 3). This bill addresses DUI problems only. It does not address the issue of unpaid fines and court imposed penalties. Rosalie Thornburgh, Bureau Chief of Traffic Safety, Kansas Department of Transportation, advised that any legislation which compromises the one-year license suspension for DUI offenders will take Kansas out of compliance with federal law (Attachment 4). A fiscal note was not available as the Division of the Budget had to request fiscal impact information from one or more agencies or organizations. That information is not yet available.

Members discussed the bill, questioned Mr. Payne and Bryce Meeker regarding some of the points in the bill. The Chair closed the hearings on the bill, and advised the Committee would return to the bill at a later date.

HB 2643: Regulating traffic; re width of certain loads on certain vehicles

Leslie Kaufman, Assistant Director, Public Policy Division, Kansas Farm Bureau explained that this is merely a technical clean-up bill, which would clarify original legislation passed in 1998 to ensure farm tagged vehicles can haul wide loads of hay on interstate roadways (Attachment 5). Mike Beam, Executive Secretary, Cow-Calf/Stocker Division, Kansas Livestock Association spoke in support of the bill (Attachment 6). Ken Gudenkauf, Assistant Bureau Chief of Traffic Engineering, KDOT advised they support clarification of language in order to fulfill the intent of the 1998 amendment (Attachment 7).

Following discussion, Senator Salmans moved to recommend HB 2643 favorable for passage and further recommended it be placed on the Consent Calendar. Senator Huelskamp seconded the motion. Motion carried.

SB 611: Re US military veterans license plates, motorcycles

The Committee returned to consideration of this bill. Senator Huelskamp advised that in checking with the Division of Motor Vehicles, he found these special plates could be done. Discussed the design.

CONTINUATION SHEET

MINUTES OF THE SENATE TRANSPORTATION & TOURISM COMMITTEE, Room 245-N
Statehouse, at 9:05 a.m. on February 17, 2000.

Senator Tyson moved to recommend the bill favorable for passage. Senator Huelskamp seconded the motion. Motion carried. Chairman Vidricksen wished to be recorded as voting "No." Senator Huelskamp will carry the bill.

Other business

Senator Salmans asked whether or not a law was needed to regulate school "activities" buses which are not the regularly recognized school bus, but may be other buses such as Greyhound, etc. There have been problems with these other buses not stopping at railroad crossings. Staff advised there is already a law regulating this. If there is a problem, it is with enforcement of existing laws.

The meeting adjourned at 10:05 a.m.

The next meeting is scheduled for Tuesday, February 22, 2000.

February 16, 2000

Dear Sirs and/or Madams:

First, I would like to give honor to God and to the Senate Board for hearing my plea for emergency driver's license. This is not about me, but this plea is for every race, creed and color that have had a revoked or suspended license.

Because of a lack of some kind of transportation, I am not able to go back and forth to work and church; to take my children to school in bad weather; to pick up a sick child from school or take them to the emergency room if needed.

With the emergency license, I will then have sound, peace of mind knowing that my wife does not have to get up in the middle of the night, taking a chance of being mugged or car-jacked. Someone stole her other car out of our driveway. At that time of night, it would have been easier to do so and not only mug her, but they could have entered our home and put my children in danger.

All of this, I take the blame for and I brought this on myself. But, one of the best things that happened to me is that I have been out of trouble for two years and eleven months. I have also stopped drinking and doing drugs. I have been free of drugs and alcohol for three years.

Thank you for hearing my plea!

Sincerely yours,

Richard Payne

SENATE TRANSPORTATION & TOURISM
COMMITTEE -DATE: 2-17-00
ATTACHMENT: 1

DUI Hardship License

	<i>Missouri MO</i> ST302.309	<i>California</i> 13353.7	<i>Iowa</i> 321J.20	<i>Kentucky</i> 189A.400-440	<i>Louisiana</i> 668
<i>Privileges</i>	Business-3(2)a Medical-3(2)b School-3(2)c Substance abuse-3(2)d Court discretion-3(2)e	Restricted DL: to activities under program-3	Business-1 Medical-1 School-1 Substance abuse-1 Court ordered community service-1	189A.420 Business-2 Medical-5 School-4 Substance abuse-6 Driver improvement programs-7	Employment: "to earn a livelihood"-B(1)b
<i>Termination of privileges</i>	No later than suspension-4 Any Moving Violation except a stop sign ordinance w/o accident-4	Failure to participate in program-4 After 60 days and completion of program, may be issued regular DL-5	Driving for pleasure-3 Does not maintain employment or school enrolment-3	Defendant does not have permit in possession-189A.430-2 Penalty of initial period plus 6 mo if used outside of privileges-189A.440	Violate restrictions: Min. 6 months w/o license-B.2
<i>Not eligible if</i>	Felony conviction w/ use of a motor vehicle-5b Operation of vehicle under influence of narcotics or controlled substances-5d	Criminal action out of same event revokes DL-5b Not granted probation-5b	DL has been suspended in the past 6 years-1 Changes plea to not-guilty-1b	No proof of insurance-189A.420-1 Must provide sworn statement of all privileges mentioned above-.420-2 to 7 District court can reject-189A.400-2 If denies Chemical test-189A.410-2	For first 90 days, if refused chemical test-B(1)c For first 30 days, if chemical test is greater than .1% blood-alcohol level-B(1)c
<i>Commercial DL</i>	Restricted in same manner if not driving a commercial vehicle-5g	Restricted in same manner-5c	Restricted in same manner unless driving a comm vehicle-then cannot use highways-4 drive a school bus-5	Sworn statement from employer detailing job hours and necessity of use of motor vehicle-189A.420-2	
<i>Cost</i>	No Charge		Reinstatement fee of \$20+ reg DL fee of \$8 for 2 years	Not to exceed \$200-189A.450	\$50 + cost of license-B(1)a
<i>Misc. Comments</i>				Sticker in back window 2"X3"-189A.430-3	Big red "R" printed on license-B(1)a

SENATE TRANSPORTATION & TOURISM
 COMMITTEE - DATE: 2-17-00
 ATTACHMENT: 2

2-1

Sheila J. Walker, Director
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Division of Vehicles

TESTIMONY

TO: Senator Ben Vidricksen, Chairman
Senate Transportation Committee Members

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

DATE: February 17, 2000

SUBJECT: Senate Bill 591

Chairman Vidricksen and members of the Senate Transportation Committee, my name is Sheila Walker, and I serve as Director of the Kansas Division of Motor Vehicles. Thank you for the opportunity to provide testimony today regarding Senate Bill 591.

Current state law clearly determines when a person's driver's license should be suspended or revoked. Some of the situations that result in a suspended or revoked license include:

- Drivers under the age of 21 with a DUI occurrence;
- Drivers (of any age) with a DUI occurrence; and
- Habitual violators.

These are circumstances where individuals have done something so egregious that their licenses have been taken away. This bill would basically take the teeth out of the law. That is a policy decision for the Legislature to make, but please take these concerns into consideration as you make that decision:

Section 1 (a)

What criteria should the division use to determine whether to issue a temporary restricted license? The current wording is "the division *may*..." (Page 1, Line 14)

Restrictions under current law are limited to driving:

- To or from work or school;
- During the course of employment;
- During a medical emergency; and
- To and from alcohol and drug safety programs (including parole meetings).

SENATE TRANSPORTATION & TOURISM
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This bill takes what used to be a harsher sentence – *no* driving privileges – and turns it back into a lesser sentence – *some* restricted privileges. In addition, it adds more acceptable places to drive on a restricted license, including for “continuing health care or the continuing health care of another person who is dependent upon the person” and for “court-ordered community service responsibilities.” (Page 1, Lines 19 – 21, 24 – 25)

Section 1 (b)

Under this bill, a person whose license is suspended or revoked for a violation that resulted in death or serious injury to another person is not be eligible for the temporary restricted license. Death or serious injury information currently is not available on the driving record and would need to be developed.

Section 1 (d)

Putting a restricted license decal in the window may cause problems for other non-restricted drivers using that vehicle. (Page 2, Lines 4 – 5) In addition, we currently do not issue a special “restricted” license for first-time DUI offenders. Currently, a letter issued by Driver Control serves as the temporary license and spells out specifically what privileges the driver has. Police officers have access to each driver’s record, and they look the record up during stops. At that time, they are able to tell what, if any, restrictions the driver may have (independent of what license or document they show the police officer).

We estimate that as many as 1,000 new temporary restricted licenses could be issued each year. That could generate as much as \$50,000 for, presumably, the State Highway Fund (the bill does not specify). We also estimate that it would take 1,200 hours or 150 days to do the programming (for a total of \$29,600).

Minimally, it would take an estimated \$6,000 to make the necessary software changes to the digitized driver’s license system by our vendor.

There are many unanswered questions surrounding the implementation of this bill. We appreciate the committee taking these issues into consideration as you debate this bill.



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Bill Graves
Governor

**TESTIMONY BEFORE
SENATE TRANSPORTATION AND TOURISM COMMITTEE

REGARDING SENATE BILL 591
DRIVER LICENSE PENALTIES FOR DUI OFFENDERS**

February 17, 2000

Mr. Chairman and Committee Members:

I am Rosalie Thornburgh, Bureau Chief of Traffic Safety. On behalf of the Department of Transportation, I am here today to testify on Senate Bill 591 regarding issuance of certain drivers licenses for DUI offenders and the federal requirement to enact a "repeat offender" law.

Senate Bill 591 amends the current license suspension penalty by providing for a temporary restricted license while under suspension. We can't tell from the way the bill is written whether the provision applies to second offenders. If it does apply to second and subsequent offenders, then we would be out of compliance with federal law. Section 164 of Title 23 requires the imposition of a one-year license suspension for all DUI repeat offenders.

In summary, any legislation that compromises the one-year license suspension will take us out of compliance with federal law.

SENATE TRANSPORTATION & TOURISM
COMMITTEE -DATE: 2-17-00
ATTACHMENT: 4



PUBLIC POLICY STATEMENT

SENATE COMMITTEE ON TRANSPORTATION & TOURISM

RE: HB 2643 – technical clean-up to wide load statutes.

**February 17, 2000
Topeka, Kansas**

**Presented by:
Leslie Kaufman, Assistant Director
Public Policy Division
Kansas Farm Bureau**

Chairman Vidricksen and members of the Senate Transportation and Tourism Committee, Kansas Farm Bureau would like to express to you, and your committee, our support for the technical clean-up bill, HB 2643. HB 2643 would clarify the intent of the original legislation, passed in 1998, to ensure farm-tagged vehicles can purchase permits to haul wide loads of hay on interstate roadways.

We appreciate the efforts of your committee, the Revisor's Office and the Kansas Department of Transportation to see that the wording of the statute clearly reflects the original intent of the legislation. We encourage this committee to pass the bill favorably and without any amendments. We would also request the committee consider recommending this bill be placed on the Consent Calendar. Although this bill is of a technical nature, it is extremely important to agriculture producers. Thank you for your consideration.

SENATE TRANSPORTATION & TOURISM
COMMITTEE -DATE: 02-17-00
ATTACHMENT: 5



Since 1894

To: The Senate Transportation & Tourism Committee
Senator Ben Vidricksen, Chairman

From: Mike Beam, Executive Secretary, Cow-Calf/Stocker Division

Subj: Statement in Support of **HB 2643** – Transporting Large Round Hay Bales

Date: February 17, 2000

The Kansas Livestock Association (KLA) supports the passage of House Bill 2643. Our organization was involved in negotiations during the 1998 Kansas Legislative Session on a bill authorizing producers to transport wide hay loads on interstate highways with a permit and on other highways without permitting requirements. From our perspective, this agreement has worked well and the Kansas Department of Transportation (KDOT) has been very cooperative in managing the permitting process.

To date, processing hay with the large round hay bales is the most economical method of harvesting and transporting hay. We continue to support efforts that allow our producers to transport these goods on highways with reasonable safety requirements.

It is our understanding the existing statute is technically different than the agreement reached two years ago by KLA, Kansas Farm Bureau, Kansas Motor Carriers Association, KDOT, and the House/Senate Transportation Conference Committee. This legislation, HB 2643, is intended to clarify this agreement and sanction what is happening in the field since 1998.

Again, we fully support this legislation and respectfully ask this committee and the 2000 Legislature to approve the measure this session.

Thank you!

SENATE TRANSPORTATION & TOURISM
COMMITTEE -DATE: 2-17-00
ATTACHMENT: 6

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**KANSAS DEPARTMENT OF TRANSPORTATION
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E. Dean Carlson
Secretary of Transportation

Bill Graves
Governor

**TESTIMONY BEFORE
SENATE TRANSPORTATION & TOURISM COMMITTEE**

**REGARDING HOUSE BILL 2643
VEHICLE LOAD WIDTHS**

February 17, 2000

Mr. Chairman and Members of the Committee:

I am Ken Gudenkauf, Assistant Bureau Chief of Traffic Engineering. On behalf of the Department of Transportation, I am here to provide testimony to the committee regarding House Bill 2643.

The 1998 Legislature's intent, in conforming to federal regulations through House Bill 2782, was to allow farm trucks to acquire permits to travel on the Interstate highways. According to K.S.A. 8-1902 (d) (1), any vehicle loaded with bales of hay with the stated height and width limitations can acquire a permit to travel any highway in Kansas.

The authority to grant permits to farm vehicles for Interstate travel by this legislation now appears to be in question. The interpretation of K.S.A. 8-1902 (d) (2) is that a farm vehicle with the same load cannot be moved on Interstate highways.

The proposed legislation corrects the oversight in the 1998 amendment to K.S.A. 8-1902. KDOT supports House Bill 2643 which clarifies the language and fulfills the intent of the 1998 amendment.

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COMMITTEE -DATE: 2-17-00
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