

MINUTES OF THE HOUSE TRANSPORTATION.

The meeting was called to order by Chairperson Gary Hazylett at 1:40 p.m. on March 15, 2001 in Room 519-S of the Capitol.

All members were present except:
Representative Andrew Howell

Committee staff present:
Bruce Kinzie, Revisor
Hank Avila, Research
Ellie Luthye, Committee Secretary

Conferees appearing before the committee:
Representative Judy Showalter
Sheila Walker Director, Division of Vehicles

Others attending:
No sign up sheet given

SB 55 - medical and vision requirements for drivers' licenses

Sheila Walker said this bill would basically fine-tune the Driver Review process where drivers' medical or vision conditions are reviewed on an annual basis. She told the committee they review a total of nearly 12,000 cases a year. She then reviewed the process they follow in determining whether to renew a license and also the vision and medical requirements for such licensing. She concluded with two recent, highly-publicized fatality accidents related to persons experiencing medical problems, while driving, it is important for the state to consider amending the law to provide for a more adequate level of safety. She asked for support of **SB 55**. (Attachment 1)

Representative Judy Showalter said **SB 55** addresses some very critical needs for the safety of those who operate motor vehicles and those who ride with them. She told the committee she did not oppose the bill but had a concern with some of the language in the bill, especially Line 41, page 3 of the bill that includes a person who has diabetes and is suffering a mild hypoglycemia or low blood sugar episode. She gave the definition of mild hypoglycemia as defined by the American Diabetes Association. She requested consideration of the language that would make it clear that the bill is addressing seizure disorders and not diabetic symptom. (Attachment 2)

Following questions and discussion by the committee Chairman Hayzlett closed hearings on **SB 55**.

SB 56 - suspension or revocation of driving privileges

Sheila Walker said this bill authorizes the Division of Vehicles to suspend the privilege of an unlicensed driver to obtain a license for the same period that a licensed driver's driving privileges are suspended. She told the committee the Kansas Supreme Court had suggested Legislative action to amend current law to deal with suspension of driving privileges of unlicensed drivers. She said current law sends a message to just not get a Kansas driver's license and therefore one could not be charged with driving while suspended. She requested two technical changes, Line 2, page four change "that" to "those" and line 5, page four change "those" to "that". (Attachment 3)

Chairman Hayzlett closed hearings on **SB 56**.

Following discussion it was the consensus of the committee to take no action on **SB 3** and **SB 4**.

HB 2277 - operation of all-terrain vehicles used for agricultural purposes upon highways.

At the request of the sponsors of this bill, who felt the need for more study, Chairman Hayzlett stated no action would be taken on this bill.

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE, Room 519-S of the Capitol at 1:40 p.m. on March 15, 2001.

Following discussion Representative McKinney made a motion to amend HB 2277 and introduced a substitute for HB 2277 which would state if a short line railroad has an abandonment pending that is opposed by the shippers, they would not be eligible for low interest funds or grants for repairs on another line until the abandonment issue is resolved. This was seconded by Representative Aday and the motion carried. Representative Dillmore made a motion to pass substitute for HB 2277, seconded by Representative Crow and the motion carried.

SB 55 - medical and vision requirements for drivers' licenses

Chairman Hayzlett called for discussion and final action. Representative Powers made a motion to pass SB 55 favorably, seconded by Representative Crow and the motion carried.

SB 56 - suspension or revocation of driving privileges

Chairman Hayzlett call for discussion and final action. Representative Dillmore made a motion to amend the bill with the two technical changes requested, seconded by Representative Crow and the motion carried. Representative Dillmore made a motion to pass SB 56, as amended, seconded by Representative Levinson and the motion carried.

Chairman Hayzlett adjourned the meeting at 2:45 p.m. There are no other meetings of the House Transportation Committee scheduled.

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Division of Vehicles

TESTIMONY

TO: House Transportation Committee Chair, Gary Hayzlett
Members of the House Transportation Committee

FROM: Sheila J. Walker, Director of Vehicles

Sheila J. Walker

DATE: March 15, 2001

RE: Senate Bill 55

Chairman Hayzlett, members of the House Transportation Committee, I am Sheila Walker, Director of the Kansas Division of Vehicles. I want to thank you for the opportunity to appear today in support of Senate Bill 55.

This bill basically fine-tunes the Driver Review process where drivers' medical or vision conditions are reviewed on an annual basis. We also receive self-referrals, letters of concern from law enforcement, doctors, social services, attorneys, family members, neighbors and friends. We review a total of nearly 12,000 cases a year.

Once we get a self referral or a signed letter of concern from anyone else, we send medical or vision forms to the driver whose ability to drive safely is in question. The driver takes the forms to his or her doctor to fill them out.

Once returned to us, we review the forms and we couple the physician's recommendations with the law to determine the next step. There are several alternatives. Generally, we do one of three things:

1. If the doctor states that the person is physically and mentally capable of driving, we authorize a full test (written, vision and drive).
2. We may also submit the medical information to our Medical Advisory Board for its opinion. OR
3. If the doctor states that the individual should not be driving, we revoke the driver's driving privileges.

Kansas's driver review process is a stable system that has been in place for more than 10 years. It is very similar to Missouri's process, which was featured as a "benchmark" last year in *USA Today*.

House Transportation Committee
March 15, 2001
Attachment 1

We feel the process in Kansas could be improved slightly to more adequately define the medical and vision standards required to hold a driver's license.

Under our proposed bill, the visual acuity standard will be defined as a reading obtained through the standard or conventional spectacle lens; and the existing six month seizure free period will be coupled with a physician's verification that the condition is controlled.

VISION REQUIREMENTS

Our current vision statute (K.S.A. 8-295) was implemented in 1989. It fails to recognize the variety of vision-enhancing lenses now available to persons with visual needs. Therefore, when a person reports to a Driver's License Examination Station for vision testing, or when a vision specialist reports visual acuity readings to the Division, it becomes confusing as to which type of lens should be used to report the best corrected visual acuity.

In the year 2000, Kansas had 5,580 drivers (out of 1.9 million) who reported to the Division on an annual basis, due to a visual condition. Of those reporting, 5,133 (or 92%) were designated progressive impairments, such as cataracts or glaucoma, and 74 drivers reported the use of special lenses.

The act of driving is accomplished mainly through the use of the standard or conventional lens. Therefore, Kansas statutes should reflect that fact – as the laws in 18 other states do. Our proposed change will reduce uncertainty for eye specialists, examiners, and driver's license applicants reporting to the Division.

MEDICAL REQUIREMENTS

In the year 2000, Kansas had 1,591 drivers (again, out of 1.9 million) who reported to the Division on an annual basis, due to a medical condition. Of those reporting, 877 (or 55%) were designated neurological impairments, such as seizures or brain injuries.

Prior to 1992, Kansas law required that a person with a seizure disorder remain seizure free for one full year before driving privileges could be reinstated. In 1992, the law was changed to allow persons who experience seizures to obtain driving privileges once they had remained seizure free for six months, or if his or her physician stated the condition was controlled.

Current law conceivably allows a person who experiences a seizure today to drive tomorrow, as long as his or her physician states the condition is controlled.

Although the law also allows the Director of Vehicles to require appropriate testing and to apply needed restrictions, it currently does not technically restrict a person from driving with a known seizure disorder, as long as his or her physician will make a statement of control to the Division.

In addition, physicians are not held liable for providing such information. K.S.A. 8-247 says “Any physician who makes such report shall not be liable for any damages which may be attributable to the issuance or renewal of a driver’s license and subsequent operation of a motor vehicle by the licensee.”

With two recent, highly-publicized fatality accidents related to persons experiencing medical problems while driving, it is important for the state to consider amending the law to provide for a more adequate level of safety. We recommend that applicants be both seizure free for six months **and** have a physician’s written recommendation that the applicant’s seizure condition is controlled. Under the bill, the Director or Medical Advisory Board may make an exception for special circumstances.

Thank you, again, for allowing me to appear in support of Senate Bill 55. The Division would appreciate favorable consideration by the committee.

JUDY SHOWALTER

REPRESENTATIVE, 78TH DISTRICT

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HOUSE OF
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TASK FORCE ON LONG-TERM CARE

SB 55 addresses some very critical needs for the safety of those who operate motor vehicles and those who ride with them. I am not here to oppose the bill but I do have a concern with some of the language in the bill.

The language is on line 41 page three of the bill. This language could include a person who has diabetes and is suffering a mild hypoglycemic, or low blood sugar, episode.

Mild Hypoglycemia is defined by the American Diabetes Association, as an episode in which the patient feels symptoms which include rapid heart beat shakiness, sweating and perhaps a slight decrease in the ability to concentrate, but is not sufficiently impaired to interfere with normal activities.

This could be perceived as a alteration of consciousness in the waking state. When in fact, it is a warning sign to a diabetic to eat some food or drink some juice. Under the language in this bill, it would disqualify a diabetic from obtaining a drivers license.

I would like to request you to consider language that would make it clear that the bill is addressing seizure disorders and not diabetic symptoms. To this end I would be happy to work with revisors to craft language if you see fit to include it in this bill before it leaves the committee.

Thank you for your time and consideration,

House Transportation Committee
March 15, 2001
Attachment 2

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Division of Vehicles

TESTIMONY

TO: House Transportation Committee Chair Gary Hayzlett
Members of the House Transportation Committee

FROM: Sheila J. Walker, Director of Vehicles

DATE: March 15, 2001

RE: Senate Bill 56

Chairman Hayzlett and members of the Senate Transportation Committee, my name is Sheila Walker, and I serve as Director of the Kansas Division of Vehicles. Thank you for the opportunity to provide testimony today in support of Senate Bill 56.

This bill authorizes the Division of Vehicles to suspend the privilege of an *unlicensed* driver to obtain a license for the same period that a *licensed* driver's driving privileges are suspended.

In March of 2000, the Kansas Supreme Court held that a person who had not obtained a driver's license could not be charged with driving while suspended although the person had committed an offense and had driven thereafter which would otherwise have resulted in a license suspension (*State v. Bowie*).

In other words, if an unlicensed driver commits a DUI violation, which carries with it a mandatory driver's license suspension, the unlicensed driver can currently only be charged with driving without a license, rather than driving while suspended. The message this sends to bad drivers is: just don't get a Kansas driver's license.

The Supreme Court suggested that the Legislature take action to amend current law. Senate Bill 56 subjects unlicensed drivers to the same suspension or revocation as drivers *with* a Kansas driver's license.

Prior to the state Supreme Court decision, the Division was creating records on unlicensed drivers (including restrictions, suspensions and revocations). For public safety reasons, we recommend reinstating this procedure.

Thank you for your consideration.

House Transportation Committee
March 15, 2001
Attachment 3