

MINUTES OF THE SENATE TRANSPORTATION COMMITTEE.

The meeting was called to order by Chairperson Les Donovan at 8:30 a.m. on January 31, 2001 in Room 245-N of the Capitol.

All members were present except: Sen. Pugh

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

Conferees appearing before the committee: Richard L. Cram
Sheila Walker

Others attending: See attached list.

SB 54: Re liquid fuel carriers; concerning bonding requirements

Richard L. Cram, Director, Office of Policy & Research, Kansas Department of Revenue (KDOR) requested introduction of this bill and appeared in support of **SB-54** to remove statutory requirement that liquid-fuel carriers post a \$1,000 bond in order to obtain a liquid-fuel carriers license (Attachment 1). No one spoke in opposition to the bill. It was ascertained this requirement has nothing to do with safety issues and is not necessary for tax purposes. Senator Gooch moved to recommend the bill favorable for passage and further that SB 54 be placed on the consent calendar. Senator Schodorf seconded the motion. Motion carried.

SB 53: Concerning apportioned fleet registration; relating to interstate reciprocity permits

Sheila Walker, Director Division of Motor Vehicles, KDOR requested introduction of this bill and appeared in support of it repealing the old "Uniform Agreement" statute which is no longer needed (Attachment 2). No one appeared in opposition to the bill. Senator Gooch moved to recommend the bill favorable for passage and further moved it be place on the consent calendar. Senator Schodorf seconded the motion. Motion carried.

SB 56: Re suspension or revocation of drivers' licenses; unlicensed drivers

Ms. Walker also requested this bill. She explained the Kansas Supreme Court had suggested Legislative action to amend current law to deal with suspension of driving privileges of unlicensed drivers (Attachment 3). Members discussed the public safety issues addressed in **SB 56**. They learned this problem occurs frequently. This has nothing to do with expired driver's license. There was no opposition to **SB 56**. Senator Goodwin moved to recommend SB 56 be passed. Senator Salmans seconded the motion. Motion carried.

Approval of minutes

Senator Salmans moved to approve minutes of the January 31, 2001 meeting. Senator Schodorf seconded the motion. Motion carried.

The meeting adjourned at 9:00 a.m.

The next meeting is scheduled for Thursday, February 1, 2001.

SENATE TRANSPORTATION COMMITTEE
GUEST LIST

DATE: JANUARY 31, 2001

NAME	REPRESENTING
Sheila Walker	KDOR - DMV
Jim Keller	KDR - Legal Services
Harcy Tiffany	KDOR - DMV
Sandy Shaw	Kearney Law Office
Lee Eisenhauer	PMAR
George Wingard	Ruffin Companies

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Office of Policy & Research

To: Senator Leslie D. Donovan, Sr., Chair
Senate Transportation Committee

From: Richard L. Cram

Re: Senate Bill 54

Date: January 31, 2001

Senate Bill 54, as introduced, would amend K.S.A. 2000 Supp. 55-508 and repeal K.S.A. 2000 Supp. 55-509 to remove the requirement that a liquid-fuel carrier post a \$1,000 bond in order to obtain a liquid-fuel carrier's license.

The bond requirement was initially imposed at a time when the motor vehicle fuel taxes were not yet paid before a liquid-fuel carrier took possession of such fuel. The primary purpose of the bond was to provide security for the unpaid motor vehicle fuel taxes not yet paid for fuel being hauled by the liquid-fuel carrier. K.S.A. 2000 Supp. 55-509. Under current law, K.S.A. 2000 Supp. 79-3409, the incidence of the motor vehicle fuel tax is imposed on the distributor of first receipt. In addition, a distributor must post a bond in order to obtain a distributor's license. K.S.A. 79-3403. By the time a liquid-fuel carrier takes possession of fuel from a distributor, the tax should already have been paid. If the liquid-fuel carrier is also a distributor, then the liquid fuel-carrier would already be required to post a bond for the distributor's license.

Under current law, the liquid-fuel carrier's bond serves no real purpose. The bond requirement is an expense for liquid-fuel carriers and an administrative burden to the Department in processing the bonds, with no apparent utility. In recent experience, the Department is not aware of any claims being filed against a liquid-fuel carrier's bond.

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— SENATE TRANSPORTATION
COMMITTEE -DATE: 1-31-01 —
ATTACHMENT: 1

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Division of Vehicles

TESTIMONY

TO: Senate Transportation Committee Chair Les Donovan
Members of the Senate Transportation Committee

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

DATE: January 31, 2001

RE: Senate Bill 53

Chairman Donovan 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 in support of Senate Bill 53.

This bill repeals the old "Uniform Agreement" statute (K.S.A. 2000 Supp. 8-1,112).

Kansas has not issued an interstate reciprocity permit for fleet vehicles for several years. This statute is no longer needed since all jurisdictions that were in the Uniform Agreement are members of the International Registration Plan (IRP). British Columbia was the last member of the old Uniform Agreement to join the IRP in January of 1996.

Thank you for your consideration of this clean-up measure.

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SENATE TRANSPORTATION
COMMITTEE -DATE: 1-31-01 -
ATTACHMENT: 2

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Division of Vehicles

TESTIMONY

TO: Senate Transportation Committee Chair Les Donovan
Members of the Senate Transportation Committee

FROM: Sheila J. Walker, Director of Vehicles

DATE: January 31, 2001

RE: Senate Bill 56

Chairman Donovan 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 driving privileges of an *unlicensed* driver to obtain a license for the same period that a *licensed* driver is 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.

- SENATE TRANSPORTATION
COMMITTEE - DATE: 1-31-01 -
ATTACHMENT: 3

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