

MINUTES OF THE SENATE TRANSPORTATION COMMITTEE.

The meeting was called to order by Chairperson Les Donovan at 8:30 a.m. on February 20, 2001 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: Sheila Walker, Dir. Of Vehicles, KDOR
Tom Roskop, Johnson Co. Bureau of Motor Vehicles
Jan Kennedy, CPA, Sedgwick County

Others attending: See attached list.

SB 83: Verification of auto insurance; on-line or electronically

Members received copies of e-mail messages in support of **SB 83** (Attachment 1). Other proponents providing written testimony only included: Don McNeely, President Kansas Automobile Dealers Association (Attachment 2); Chuck Henry, Wyandotte Co/Kansas City, Ks. (Attachment 3); Mike Billinger, Ellis Co. (Attachment 4).

Sheila Walker, Director Division of Vehicles, Kansas Department of Revenue who had requested introduction of this bill, detailed the reasons for requesting authorization to verify proof of insurance electronically or on-line (Attachment 5). Ms. Walker set forth numerous benefits to be derived from implementation of **SB 83**. This is the first step in development of a statewide on-line registration renewal system. Tom Roskop, Johnson County Motor Vehicle Bureau Manager explained the need for a system to lessen the waiting time for vehicle registrations and how this legislation would help meet that need (Attachment 6). Jan Kennedy, CPA Sedgwick County Treasurer, representing Kansas County Treasurers Association addressed treasurers problems with the "proof of insurance" requirement and how adding electronic examination to current legislation would assist them (Attachment 7).

Senator Schodorf moved to recommend SB 83 favorable for passage. Senator Goodwin seconded the motion. Call for discussion resulted in a substitute motion. Senator Salmans moved a substitute conceptual motion amending SB 83 to remove the requirement to verify insurance upon registration of vehicles, but retain certification requirements. Senator Jackson seconded the motion. Motion carried. Senator Gooch moved to recommend SB 83 as amended favorable for passage. Senator Salmans seconded the motion. Motion carried.

SB 72: Re motor vehicles; defining farm custom harvesters

Discussed the availability of tags specifically for "custom harvesters" and their cost compared to other tags. There is a permanent tag available and there is a break on the cost of the tag in Kansas. Current information seemed to affirm that the insurance question is not a significant issue. In the event that new information on this issue may become available members did not wish to kill the bill. Senator Gooch moved to take no action on SB 72. Senator Schodorf seconded the motion. Motion carried.

SB 55: Re drivers' licenses; medical/vision requirements

Members were provided copies of materials on recent case law from other states regarding this issue (Attachment 8). Hearings on **SB 55** were held on 2-7-01. At that time Ms. Walker had requested a balloon amendment to **SB 55** which would further clarify exceptions in cases where seizure disorders are not controlled. Senator Harrington moved to so amend the bill. Senator Schodorf seconded the motion.

CONTINUATION SHEET

MINUTES OF THE SENATE TRANSPORTATION COMMITTEE at 8:30 a.m. on February 20, 2001 in Room 245-N of the Capitol.

Motion carried. Discussion continued regarding need for driving tests every time physically and/or medically handicapped drivers renew their licenses. Landmark decisions in cases in other states indicate states are correct in balancing needs of the disabled versus public safety and are not violating ADA requirements. It was suggested that anyone who feels they have been discriminated against should contact Ms. Walker and/or members of this Committee. Senator Schodorf moved to recommend SB 55 as amended favorable for passage. Senator Goodwin seconded the motion. Motion carried.

Approval of minutes

Senator Gooch moved to approve minutes of the February 15, 2001 meeting. Senator Salmans seconded the motion. Motion carried.

The meeting adjourned at 9:30 a.m.

The next meeting is scheduled for February 21, 2001.

SENATE TRANSPORTATION COMMITTEE

GUEST LIST

DATE: February 20, 2001

NAME	REPRESENTING
MIKE BILLINGETZ	ELLIS CO. TREASURER
Eileen King	Riley Co Treasurer
Jo Ann Raaf	Coffey Co Treasurer
Lynn SCARROW	Jewell Co TREASURER
Chuck Henry	Treasurer - Wyandotte Co / KCK
Jim NEWINS	KSS Insurance Dept
John McMURTY	KDOT
Dena McDaniel	Anderson Co. Treasurer
Robert Knapp	INK / access Kansas
Whitney Jamson	KADA / KIC / KCKS-WTCO
Don McNEELY	Ks Automobile Dealers Assn.
Diane Albert	KDOR
Joni Roberts	KDOR - Vehicles
Harry Tibbony	" "
Andy Shaw	KMCA
GARY Robbins	Ks Opt Assn
Jeff Bottenborg	State Farm Insurance
Aaron Dunkel	Div of the Budget
John Kennedy	Sedgewick County Treasurer
Patrick Brod	" " "

From: Jerry & Louise Schmidtberger <jrls@ruraltel.net>
To: <donovan@senate.state.ks.us>
Date: Wed, Feb 14, 2001 9:36 PM
Subject: SB #83

February 14, 2001

Dear Senator Donovan,

I am writing requesting your support of SB #83. As an insurance agent employed by a small western Kansas insurance agency, I deal daily with the verification of valid insurance. However the current method of verifying insurance authenticity is somewhat cumbersome. Not only is it time consuming but it's also costly. Our agency had to hire a part-time employee to do insurance verifications. This process includes the actual verification documents and the fax of such to the Ellis County Motor Vehicle Department. With the passage of SB #83 a centralized insurance center would help to eliminate the extra work mandated by the existing statute and passed down to insurance agencies. Therefore I encourage your support of SB #83 and thank you for your time and considerations.

Sincerely yours,

Louise Schmidtberger/Agent

Robben Insurance Inc.

— SENATE TRANSPORTATION —
COMMITTEE -DATE: 2-20-01 —
ATTACHMENT: 1

1-1

From: "SC County Treasurer" <SC_County_Treasurer@wan.kdor.state.ks.us>
To: <donovan@senate.state.ks.us>
Date: Thu, Feb 15, 2001 11:06 AM
Subject: SB 83

Senator Donovan,

I am writing to encourage you to support SB 83. The changes to the insurance verification would be of great service to us, the insurance company, and most importantly, the taxpayer. Thank you! Lark Speer, Scott County Treasurer

From: "Jenneth Karlin, Barton County Treasurer" <barton.treasurer@greatbend.com>
To: <donovan@senate.state.ks.us>
Date: Thu, Feb 15, 2001 11:17 AM
Subject: Insurance

I support the bill for online verification of insurance. We need better ways of accessing pertinent information.

From: "KM County Treasurer" <KM_County_Treasurer@wan.kdor.state.ks.us>
To: <donovan@senate.state.ks.us>
Date: Thu, Feb 15, 2001 2:46 PM
Subject: verification of insurance

I would like to give my support in favor of the verification of insurance online or electronically per Senate Bill No 83. Good luck on the 20th.

Sincerely,

Deanna Krehbiel
Kingman County Treasurer

1-4

From: Patty McDonald <treascl@hit.net>
To: <donovan@senate.state.ks.us.>
Date: Tue, Feb 20, 2001 7:27 AM
Subject: SB 83

I wish to ask your support on SB 83. I believe verification of insurance electronically would benefit treasurers a great deal. Thank you.

Patty McDonald
Cowley County Treasurer



KANSAS AUTOMOBILE DEALERS ASSOCIATION

TESTIMONY

TO: The Honorable Les Donovan, Chairman
And Members Of The
Senate Committee on Transportation

FROM: Mr. Don McNeely, President
Kansas Automobile Dealers Association

RE: SB 83 – An Act Relating to the Registration of Vehicles.

DATE: February 20, 2001

Good morning Chairman Donovan and Members of the Senate Committee on Transportation. My name is Don McNeely and I am the President of the Kansas Automobile Dealers Association that represents 278 new car and truck franchise dealers in the state. On behalf of KADA, I am pleased to present this testimony in support of SB 83, which would allow the Secretary of Revenue to adopt a methodology for the registration of motor vehicles on-line or electronically.

As the Committee knows, proof of insurance is required for the registration of a motor vehicle in Kansas. SB 83 would allow the Department of Revenue/Division of Vehicles to develop a system of on-line verification of proof of insurance that would allow citizens of our state to register and renew vehicle registrations via computer, in addition to current methods.

If adopted by the Legislature, SB 83 will enable the Division of Vehicles to work with county treasurers, the Office of the Commissioner of Insurance, insurance companies and other interested parties to create a system of on-line or electronic verification of proof of insurance, thus allowing registration of motor vehicles in this manner, which would be a great convenience for all parties concerned.

On behalf of the Kansas Automobile Dealers Association, I thank you for your consideration of our comments in support of SB 83.

SENATE TRANSPORTATION
COMMITTEE -DATE: 2-20-01
ATTACHMENT:

2-1

800 S.W. Jackson, Suite 1110 • Topeka, KS 66612

Telephone (785) 233-6456 • Fax (785) 233-1462

**TESTIMONY – SENATE BILL 83
INSURANCE PROOF ELECTRONICALLY**

To: Senate Transportation Committee
Senator Les Donovan, Chairman

From: Chuck Henry, Director of Revenue/Treasury *CH*
Unified Government of Wyandotte County/Kansas City, KS

Dear Senator Donovan and Committee Members:

This testimony represents the support from the Unified Government of Wyandotte County/Kansas City, Kansas in favor of Senate Bill 83.

The passage of Senate Bill 83 will benefit our citizens in numerous ways.

Key among them is the opportunity to renew their Motor Vehicle License Plates on-line instead of in line. The passage of Senate Bill 83 is the first of two key actions necessary for such an improvement in customer service. This legislation, coupled with the development of an insurance data base, are the two key components to implementing the enhancement demanded by our public.

Once these two steps have been completed, the renewal of Motor Vehicle License Plates will be simplified for more than 90 percent of the public. For these taxpayers who maintain insurance, the renewal process will no longer be an intrusion. Whether they choose to renew on-line, by mail, or in person, the proof of insurance would no longer be necessary. Thus, calls to agents, delays in renewing, returning of renewal requests due to incomplete information, and follow-up telephone calls, all would be reduced by more than 90 percent. This returns the renewal of Motor Vehicle License Plates to an almost painless process.

Another major benefit is to law enforcement. Once the data base is in place, when an officer has a tag researched, it will be known immediately if the insurance on the vehicle is current. Not only does this remove most of the doubt in this area, it also will reduce the number of uninsured motorists since they no longer can feel safe being uninsured as long as they do nothing to result in being stopped by police. All uninsured motorists would know that an officer can simply call in a tag and know if the vehicle is uninsured. With that information, a vehicle can be stopped for no other reason than lack of insurance.

We strongly urge the Senate Transportation Committee and the full Senate to quickly pass Senate Bill 83.

— SENATE TRANSPORTATION
COMMITTEE -DATE: 2-20-01 —
ATTACHMENT: 3

3-1

ELLIS COUNTY TREASURY

Mike "Mickey" Billinger
Treasurer

Jerry Schmidtberger
Deputy Treasurer

1204 Fort St. * P.O. Box 520 * Hays, Kansas 67601-0520
E-Mail: treasury@elliscounty.org

Phone 785-628-9465
FAX 785-628-9467

TESTIMONY

CONCERNING SB 83

MIKE BILLINGER, ELLIS COUNTY TREASURER
SENATE TRANSPORTATION COMMITTEE
TUESDAY, FEBRUARY 20, 2001

Mr. Chairman and Members of the Committee.

I appreciate the opportunity to present my views on Senate Bill 83 and why its passage would greatly enhance the titling and registration service to the motorists of the State of Kansas.

My name is Mike Billinger Treasurer of Ellis County. I present this testimony to encourage you to support SB 83 for the following reasons.

- SB 83 would eliminate the need to inspect physical proof from customers that have current insurance when it could be obtained electronically.
- SB 83 would eliminate bottlenecks in lines as a result of customers not bringing in any information or the correct information.
- SB 83 would lessen the processing time when customers have several renewals.
- Customers expect counter clerks to contact insurance agencies to verify insurance information. This additional step causes processing delays for other customers waiting in line. One deadline day we had 7 clerks at the counter and 5 clerks were waiting for insurance information from insurance agents. For the most part, SB 83 would eliminate this problem.

SENATE TRANSPORTATION
COMMITTEE -DATE: 2-20-01 -
ATTACHMENT: 4

4-1

- When contacting insurance agencies on behalf of irate customers, clerks many times have to make long distance telephone calls adding costs to the transaction.
- We processed 27,000 transactions last year and discovered only 20 plus customers who actually didn't have insurance. Only 5 or 6 were probably aware of the fact they didn't have insurance. This creates a lot of inconvenience for many customers who have never driven a day without insurance in their entire driving life.
- Presently, the law enforcement agencies need more accurate information when they do insurance verification checks and SB 83 would make it easier to attain this information than what is provided by the existing system. An electronic data base system would expedite the process greatly.
- I share many of the other concerns expressed by County Treasurers here today.

All responsible citizens of the State of Kansas want to eliminate uninsured motorists from operating vehicles. We need a system in place that will help assist law enforcement agencies to do their jobs more efficiently, and at the same time not hassle the 92% of the citizens who have insurance.

In summary, I would like you to seriously consider passing SB 83 and help improve the present commitment to get uninsured motorists off the roadways of this Great State of Kansas.
Thank you,

Mike Billinger
Ellis County Treasurer

C:\WINDOWS\Profiles\mlb\Desktop\New
(3)\TESTIMONY-SENATEBILL83doc.doc

Folder

Sheila J. Walker, Director
Division of Vehicles
915 SW Harrison St.
Topeka, KS 66626-0001



(785) 296-3601
FAX (785) 291-3755
Hearing Impaired TTY (785) 296-3909
Internet Address: www.ink.org/public/kdor

Division of Vehicles

TESTIMONY

TO: Senator Donovan, Chairman
Senate Transportation Committee Members
FROM: Sheila J. Walker, Director of Vehicles
DATE: February 20, 2001
SUBJECT: Senate Bill 83

Sheila J. Walker

Chairman Donovan and members of the Senate Transportation Committee, thank you for the opportunity to provide testimony today in support of Senate Bill 83.

When I was appointed Director of Vehicles nearly two years ago, I came across a study commissioned by Dell Computer. Dell surveyed 1,000 people, and 99 percent of them said that, among other things, they want to use the Internet to renew their plates.

Senate Bill 83 gives us permission to explore the possibilities of on-line registration renewal. Very simply, this bill gives us authorization to verify proof of insurance electronically or on-line.

Whether registering your vehicle at the county treasurer's counter or renewing by mail, the law currently reads: Proof of insurance shall be verified by examination of the insurance card issued by an insurance company. This requirement precludes the state and counties from effectively pursuing better customer service, such as on-line vehicle registration renewals.

The Department of Revenue has a separate, half-million dollar budget request making its way through the approval process to build an on-line registration system. Once approved, we will issue a request for information or a request for proposal. It is through this process we expect to answer the hard question: How will on-line insurance verification work exactly?

There are many options.

We have researched several states, including Colorado, Arizona, and Virginia, as well as Illinois – considered to be the “best practice” among states. In addition, at least three vendors visited our offices to tell us they can offer on-line insurance verification and renewal. When the time comes, we will work with the county treasurers, our technology staff, the insurance industry and the insurance commissioner’s office to determine the best solution for Kansas.

The benefits of an on-line insurance verification and registration renewal system are numerous for all stakeholders.

Better Customer Service

Kansas citizens would be able to renew their registrations at home 24 hours a day, seven days a week. They will save in wait time, travel time, and mileage. If five percent of customers use on-line renewal the first year, and 15 percent use it the second year, their total cost avoidance is conservatively estimated at more than \$300,000.

The Treasurers Benefit As Well

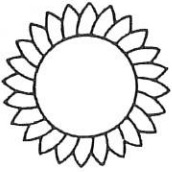
The treasurers' savings is tied directly to county processing time. The treasurers' staff won't have to open mail and enter the information off the renewal – it will be done for them.

Benefits to the Insurance Companies

Unfortunately, many customers forget their proof of insurance at the time of renewal. As a result, insurance agents across the state are faxing proof of insurance every day to their clients who are waiting in line at the county treasurer's office. Agents will no longer have to fax proof of insurance once on-line verification is available at each treasurer's office.

To get the insurance industry's support, this bill does not force the industry to participate or force them to pay for it. We also share their interest in protecting the privacy of the state's residents.

Senate Bill 83 is one of six bills the Kansas Division of Vehicles introduced this session. This bill is our priority. Passage of Senate Bill 83 is the first step in the eventual implementation of a statewide on-line registration renewal system. We would sincerely appreciate your favorable consideration of this bill. Without it, we cannot go down the road of on-line registration renewal, a service our customers want and deserve.



To: The Honorable Les Donovan, Chairman
Members, Senate Transportation Committee

From: Thomas Roskop, Johnson County Motor Vehicle Bureau Manager (Interim)

Date: February 20, 2000

Subject: **Support of SB 83 – On-line Proof of Insurance**

Johnson County has an increase of 10,000 residents each year. Last year, Johnson County processed nearly 500,000 vehicle registrations/renewals. This averages about 2000 vehicles a business day, or over 41,000 per month. There are, of course, fluctuations in the number of daily and monthly transactions. Anecdotal information from last year indicated wait times of 3 plus hours at the height of our busy season. Some of this could logically be attributed to the revised insurance requirements, and lack of valid insurance information initially provided by our customers.

Johnson County Motor Vehicle department, in an effort to provide expediency for our customers, has installed a FAX machine for receipt of insurance verification. Prior to this, customers were required to leave and return with insurance paperwork before they could continue with their application process. Clerks were also required to remove the information they had entered into the computer up to that time, and then re-enter all of the information when the customer returned. If customers mail in their applications, and have errors in their application due to insurance, we must ask for additional information before we can complete the processing. There are obvious delays in this process. This is our current environment.

SENATE TRANSPORTATION
COMMITTEE -DATE: 2-20-01 -
ATTACHMENT: 6

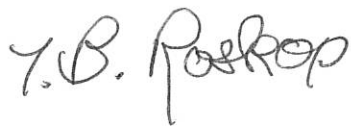
6-1

One of the strategic goals of Johnson County is to move toward e-government. The Motor Vehicle department, as a member of the County family, also supports this move toward providing round the clock availability for county services. This bill is a small voluntary step toward using technology to expedite the process for vehicle insurance and ultimately, timely vehicle registration for our customers. This will decrease second or third time returns for some Kansas residents, reduce frustration for our customers and staff, and reduce the average amount of time needed to process applications.

The ability to verify insurance on-line through whatever system the state develops, will be incorporated into our process in an intelligent and logical manner. This will result in better service to our clients and your constituents. There is also the benefit of efficiency that can translate into lower taxes.

Kansas is not the first state to move toward on-line verification of insurance. Other states have already incorporated this idea, and have found that it is a win-win-win situation for state and local government, insurance companies and our constituents.

Respectfully submitted,

A handwritten signature in black ink that reads "Y.B. Roekop". The signature is written in a cursive, slightly slanted style.

SENATE BILL 83.

The Kansas County Treasurers Association speaks in support.

Testimony before the Kansas Senate Transportation Committee, Honorable Les Donovan, Chair, February 20, 2001, Jan Kennedy, CPA, Sedgwick County Treasurer

Good Morning Senators

It is my pleasure to represent the Kansas County Treasurers Association in testifying before this committee. I will be speaking from my experiences since January 2000 regarding the legislative requirement that proof of vehicle insurance be presented to the County Treasurer for examination at any time there is issuance of a tag, such as when registering a vehicle, either new or used, for use on the streets, roads, and highways of Kansas. We believe in the philosophy of the legislation, but support the addition of allowing electronic examination to widen our ability to provide tag services for the State of Kansas more accurately and with less imposition to our citizens.

Perhaps it would be worthwhile to share with you the impact this legislation has had on the motor vehicle offices throughout the 105 counties in Kansas. First and foremost, the County Treasurers support requiring adequate vehicle insurance as a requirement for having the privilege of operating a motor vehicle. All of us, as do the majority of our citizens, think drivers without insurance should not be driving. However, we believe that the negative thrust of the current legislation is not adequate enforcement of the insurance requirement. I think all of us in this room would welcome a foolproof way to be certain that drivers responsibly maintained the minimum adequate amount of vehicle insurance before getting behind the wheel. However, the means to enforce this requirement is at issue here.

In Sedgwick County, as in other county facilities throughout the state, the requirement that we physically verify that the driver of the motor vehicle possess adequate vehicle insurance at the time that the vehicle registration occurs does just that and only that. Given the way most of the property and casualty insurance companies operate, the "proof of insurance" card is sent to the policyholder in advance of renewal of the insurance contract. My card, for example, is included with the renewal notice, which is sent about six weeks prior to the expiration date of the contract. It contains a summary page that outlines eliminate certain coverage options I have selected, and I can add or eliminate certain coverage at the time of the renewal. Unfortunately for our purposes, this receipt of the "proof of insurance" card, one for my vehicle and one for the County Treasurer, are sent to me prior to the policy billing. Thus, even if I do not renew my policy, or extend it for another period, I have in my possession the document required for registering my vehicle. This is true for most of the insurance companies, whether

or not the billing cycle and the policy period are the same. In my example, I pay my premiums for the year every six months. Many policies afford the holder to pay quarterly or monthly. I question the validity of examination of a document prepared and presented to the citizen in advance of payment

.Perhaps the most distressing impact of the legislation has been to nearly double our renewal transaction time. This means we are trying to accomplish the same number of transactions, but each transaction takes twice as long as prior to the legislation. In Sedgwick County this has had many negative effects.

There are longer lines in the motor vehicle tag offices. With the transaction time extended, it takes each citizen longer to make the trip to the tag office and stand in line to renew their tag. There have been several articles in the Kansas City and Olathe papers regarding the long lines in the Johnson County Motor Vehicle Offices, so Sedgwick is not unique among large counties.

We are experiencing increased citizen confrontation. When a person takes time from work to renew their tag, there is an economic cost for lost time on the job. At the end of the month, when we experience peak citizen demand, and peak citizen traffic in our offices, the longer wait makes citizens restless and cranky. They are much more inclined to argue, harangue and complain. This is hard on the citizens and the staff that tries diligently to serve them. It is especially difficult when the citizen does not have adequate proof of insurance for each vehicle registered. In that circumstance, we must refuse to serve them. All of our offices are equipped with fax machines, and citizens may call their insurance agent and request that adequate documentation be faxed directly to our offices. This requires more waiting. What should take no more than 45 minutes, even with long lines at the tag offices at the end of the month, can add another 30 minutes to an hour of wait time. Wouldn't you be exasperated and cranky? We are seeing many more fraudulent insurance documents, or citizens trying to tag their vehicles without the acceptable documentation. We have an internal policy of not accepting insurance binders for the second year of a policy, as there has been plenty of time to complete the underwriting. However, we have had folks whiteout the dates and present the same binder, with the same information, and argue with us when we indicate our concern. And whether or not the citizens appearing with ink barely dry on an insurance policy, there is no guarantee that the premium will be paid when due. We have lots of antidotal evidence that the cheaters leave our offices with their tag and immediately cancel the policy, going on their merry way as though nothing was wrong.

The volume of mail renewal has dropped substantially. Many people are confused about what to include when mailing renewals, in spite of the Department of Motor Vehicles careful wording of the renewal notice. Remember, for most citizens, renewing their tag is an annual event, and they do not remember exactly what transpired last year. This is especially the case with new requirements. So what? A cost analysis prepared by the Department of Revenue indicates that it

costs an average of \$1.00 of time and supplies to renew a registration by mail. The cost for the same transaction in person at the counter is more than doubled, approximating \$2.15 per renewal. In a large county like Sedgwick, this impacts our bottom line. We process the same number of renewals, but are finding out that our cost of doing business is escalating. We are agents of the Kansas Department of Revenue, Motor Vehicle Department and our county commissioners expect us to at least break even and cover all of our operating costs. This is increasingly difficult with longer transaction time and higher operating costs. Increasing the dollars needed to operate the motor vehicle tag and titling function for the state at least at break-even may require additional County funds in the future, which would come from local tax revenues. County Commissioners are reluctant, even in good times, to raise mill levies. Raising taxes is abhorrant and usually done only with good reason. I'm not sure taxpayers would agree this is a good reason.

We are punishing the 92% of citizens that are responsible by making them wait longer in line, have information faxed to us or return at another time to conduct their business to make sure that the 8% estimated not to have insurance provide proof that they have insurance when they appear in our offices. It is also costing us more to operate. I don't think this is good government.

The most telling statistic is that we don't know if it had any effect at all on the number of drivers without insurance. I would also add that in Sedgwick County, I believe the number of uninsured drivers is much higher than the 8% estimated statewide. I have had conversations with the patrol officers of the Sheriff's Department and they concur.

During the most recent election cycle we were all involved in, I received many questions and comments from citizens who were unhappy with having to take longer to register and tag their vehicles. Some were downright ugly. Even conscientious citizens asked many questions of what they would need to tag their vehicles, out of concern that they had the correct documents and could avoid two trips to the tag office. It was a constant source of questions and comments from citizens during the campaign. Perhaps some even asked you about the new law.

As a result of the questions, we instituted comment cards, available at all of our work stations for citizens to use to express their frustration if necessary and to comment on the quality of the service we provide. One of the questions we asked was if they would consider using the internet to renew their vehicle registrations. As of January 31, 2001, we had received 882 comment cards, and 440 said they would like to use the internet to renew their registrations. That is half!

I have some quotes for you from our comment cards. The question was "If available, would you renew your tag on the internet?"

"Internet renewal would be fabulous!"

"It would be nice to have vehicle tax estimates available over the internet."

(This was just before we announced our tax estimator, which has received over 30,000 hits since its inception.)

"Internet would be great!"

".....provide a service to pay via credit card on the internet, but you beat me to it."

"I would definitely prefer the internet to buy my tags, and many other people would prefer that too!"

One serious impediment to online renewal is the necessity to examine "proof of insurance". For us to move forward with internet renewals we must be able to seamlessly have current insurance as a part of the registration record. Recently I was listening to Morning Edition on National Public Radio and the speaker indicated that it is estimated that 60% of the people living in the United States have access to the world wide web. I have heard many times that the fastest growing segment of personal computer users are citizens over 55 years of age. Even if these statistics are overly optimistic, taxpayers want to do business with local, state and federal governmental agencies using the convenience of the internet. Please help us pursue internet renewals by adding "electronic" verification to the current legislation.

PLEASE PASS SENATE BILL 83.

Thank you for your time and attention. I will attempt to answer any questions you might have.

Citation
136 F.3d 430

Search Result

Rank 2 of 13

Database
ALLFEDS

7 A.D. Cases 1730, 12 NDLR P 3

(Publication page references are not available for this document.)

▽

United States Court of Appeals,
Fifth Circuit.
Stafford J. COOLBAUGH, Plaintiff-Appellant,

v.

**STATE OF LOUISIANA, on Behalf of LA.DEPT. OF PUBLIC SAFETY & CORR., on Behalf
of LA. DEPT. OF MOTOR VEHICLES, Defendant-Appellee.**

No. 96-30664.

Feb. 27, 1998.

Driver's license applicant brought action under Americans with Disabilities Act (ADA), alleging that State of Louisiana discriminated against him based on his physical disabilities by treating him and his nondisabled wife differently with respect to issuance of driver's licenses. The United States District Court for the Western District of Louisiana, F. A. Little, Jr., J., entered jury verdict in state's favor. Applicant appealed. The Court of Appeals, W. Eugene Davis, Circuit Judge, held that: (1) provisions of ADA are enforceable against state; (2) Congress acted within its enforcement power under Fourteenth Amendment in enacting ADA, as required for ADA's abrogation of Eleventh Amendment immunity to be valid; and (3) Louisiana did not discriminate against applicant in violation of ADA when it refused to issue him license based on his possession of California license and required him to take driving test.

Affirmed.

Jerry E. Smith, Circuit Judge, dissented and filed a separate opinion.

— SENATE TRANSPORTATION
COMMITTEE -DATE: 2-20-01 —
ATTACHMENT: 8

8-1

(Cite as: 19 Mental & Physical Disability L. Rep. 445, *447)

The court concluded that maintenance of the proposed class under Fed. R. Civ. P. 23(a) was proper. First, the proposed class was so large that joinder of its members would be impracticable. Plaintiffs alleged that the size of the proposed class was at least in the hundreds if not in the thousands. Second, there existed questions of law and fact common to the members of the proposed class: They were challenging the same conduct of SEPTA. Third, the violations of the ADA invoked by the named plaintiffs were the same as the violations of the ADA invoked on behalf of the proposed class. Fourth, there was no conflict between the interests of the named plaintiffs and the proposed class, and plaintiffs' counsel had significant experience in class action litigation.

However, the court refused to certify the subclass. Plaintiffs admitted that they did not know how many, if any, of the class members had similar incidental damages.

Parking; Definition of Disability

The Kansas supreme court reversed a lower court ruling that two defendants were not guilty of violating a city ordinance related to handicap parking, because the lower court erred in finding that the city ordinance, which defined access to handicap parking more broadly than state and federal law, was impermissibly vague. *City of Wichita v. Basgall*, 894 P.2d 876 (Kan. Sup. Ct. 1995).

The defendants each parked a motorcycle in the parking lot of a Wichita department store. Each vehicle was parked in a triangular area painted in a yellow striped pattern. The area marked was adjacent to a marked handicapped parking space. The defendants were each issued a traffic citation alleging that they violated § 11.52.020(25)(b) of the code of the City of Wichita by parking a vehicle that blocked access to a designated handicapped parking space. A Wichita municipal court found the defendants not guilty because the access area in which the defendants parked was not marked in conformity with state and federal requirements and the portion of the code defining an access area was unconstitutionally vague. A Kansas district court upheld the municipal court, and the City of Wichita appealed.

The state supreme court held that the Wichita ordinance "enlarges upon but does not conflict with state or local law." Kan. Stat. Ann. §8-1,128 (1992); Americans with Disabilities Act (ADA), 42 U.S.C. §12101 et seq. Under the ADA, access aisles to accommodate handicapped parking had to be at least 60 inches wide. 28 C.F.R. Pt. 36, App. A, §4.1.2 (1994). Kansas law followed the ADA. The Wichita ordinance defined access as "whatever dimension or configuration immediately adjacent to a designated disabled accessible parking space that is marked in any manner indicating it is to be used in conjunction with such disabled accessible parking space." This definition of access was not impermissibly vague.

A person of ordinary intelligence should know that he or she should not park in an area so marked. This same individual would also be aware of the fact that such handicapped parking spaces, for obvious reasons, customarily have extra width or other features intended to permit easier access to vehicles parked in such spaces.

ADA; Driver Application; Otherwise Qualified; Bioptic Lenses

Hatch v. Secretary of State of Me., 879 F. Supp. 147 (D. Me. 1995)--A Maine federal court rejected Frederick Hatch's Americans with Disabilities Act (ADA), 42 U.S.C. §§12101-12213, challenge to Maine's policy denying drivers' licenses to persons who use bioptic or telescopic lenses to see adequately. Hatch failed to allege in his complaint that he could drive safely with bioptic lenses, and his own expert reported that with the vision problems Hatch described in his license application, Hatch was unfit to drive even with bioptic lenses. The court noted that while the litigation was pending, Maine had Hatch examined by an ophthalmologist who found that Hatch's vision was actually three to 10 times better than previously reported by Hatch's own doctors. As a result, Hatch obtained his driver's license independently of any question of bioptic lenses. This mooted Hatch's claim for injunctive relief. Hatch could not establish liability for damages because the evidence presented in his initial application revealed that he could not drive safely.

***448 ADA; Deaf Patient; Hospital; Standing**