

MINUTES OF THE HOUSE TRANSPORTATION.

The meeting was called to order by Chairperson Gary Hayzlett at 2:15 p.m. on March 19, 2002 in Room 519-S of the Capitol.

All members were present except
Representative Ballou, excused:
Representative Beggs, excused
Representative Huy, excused
Representative Powers, excused

Committee staff present:
Bruce Kinzie, Office of the Revisor
Hank Avila, Legislative Research Department
Ellie Luthye, Committee Secretary

Conferees appearing before the committee:
Sheila Walker, Director, Division of Vehicles
Ron Gaches, Experian

Others attending:
See attached sheet

SB 391 - failure to comply with traffic citation

Chairman Hayzlett opened hearings on **SB 391**.

Chairman Hayzlett opened hearings on **SB 391**. Sheila Walker, Director, Division of Vehicles, said that under current law the Division of Vehicles shall notify the violator, upon receipt of a report of a failure to comply with a traffic citation, and suspend his or her driver's license. However, many times licensees, or their attorney, assume their driving privileges are immediately restored upon compliance with the court but the division cannot reinstate the driving privileges until they receive notification from the court. She proposed language on Lines 36 and 37 of the bill read: "upon receipt of notification of such compliance from the informing court the division of vehicles shall terminate the suspension or suspension action". (Attachment 1)

There were no other proponents and no opponents. Chairman Hayzlett closed hearings on **SB 391**.

SB 410 - division of vehicles, motor vehicle records

Chairman Hayzlett opened hearings on **SB 410**. Sheila Walker, Director, Division of Vehicles, told the committee there are two significant changes this bill would make to existing law: 1) allow motor vehicle records to be provided where there is a "proper judicial order" and 2) allow motor vehicle records to be provided to state and federal agencies at administrative cost to help them carry out their functions. She then explained how each of these changes would improve the efficiency of supplying these records. She also listed three other minor points of clarification in the bill. (Attachment 2)

Ron Gaches, Experian, stated they compile and maintain a database of motor vehicle information from all 51 U.S. jurisdictions, including Kansas. Information from this database is frequently used by various government agencies to perform statutory and assigned functions and to enforce state laws. He said most states have reciprocity rules allowing out-of-state government agencies to access compiled records within Experian's database. However, Kansas law does not allow its records to be shared with out-of-state jurisdictions by a third party vendor such as Experian. Therefore, Experian is requesting an amendment which would allow all federal, state and local government agencies access to Kansas' motor vehicle records through the Experian database to be added to Section (D). (Attachment 3)

Mr. Gaches then requested the committee defer action on this bill until Experian and the Division of Vehicles could work out some differences in the wording of this amendment.

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE, Room 519-S of the Capitol at 2:15 p.m. on March 19, 2002.

There were no other proponents and no opponents. Chairman Hayzlett closed hearings on **SB 410**.

SB 449 - electronic certificates of title

Chairman Hayzlett opened **SB 449** for discussion and final action. Representative Pauls made a motion to pass SB 449 favorably, seconded by Representative Levinson and the motion carried.

SB 624 - providing for a choose life license plate

Chairman Hayzlett opened **SB 624** for discussion and final action. Representative Pauls made a motion to pass SB 624 favorably, seconded by Representative Howell. Following discussion a voice vote was taken and Chairman Hayzlett asked for a hand vote as he was undecided as to the outcome. 9 voted "aye" and 9 voted "nay" with the Chairman voting "aye" to break the tie. SB 624 passed favorably.

The minutes for the House Transportation Committee for March 13th and March 14th were presented for corrections or approval. Representative Dillmore made a motion to accept the minutes as presented, seconded by Representative Levinson and the motion carried.

Chairman Hayzlett adjourned the meeting of the House Transportation Committee at 3:05 p.m. The next meeting of the Committee will be Wednesday, March 20th.

HOUSE TRANSPORTATION COMMITTEE GUEST LIST

DATE: March 19, 2002

NAME	REPRESENTING
Ron Gaches	Expedia
Don McNEELY	KS AUTOMOBILE DEALERS ASSN.
Whitney Dameron	KS Automobile Dealers Assn.
Marcia Stanlaugh	KDOT
Tom Whitaker	KS Motor Carriers Assn.
Deann Williams	KS Motor Carriers Assoc.
Harry Tiffany	KDOT - DMV
Sheila Walker	KDOT - DMV

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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: March 19, 2002

SUBJECT: Senate Bill 391 – Reinstatement of Driver's License

Mr. Chairman, members of the Committee, I am Sheila Walker, Director of the Kansas Division of Vehicles. Thank you for allowing me to appear today in support of Senate Bill 391.

Current law states that upon receipt of a report of a failure to comply with a traffic citation, the Division of Vehicles shall notify the violator and suspend his or her driver's license. This bill simply clarifies that once the violator complies with the court's requirements and the court informs the division, the violator's driving privileges will be reinstated.

Current law is ambiguous. Licensees or their attorneys often assume or are told by the courts that their driving privileges are immediately restored upon compliance with the court. But the division cannot reinstate the driving privileges until we become aware of it – until we receive notification from the court.

Our proposed language on Lines 36 and 37 states: "Upon receipt of notification of such compliance from the informing court the division of vehicles shall terminate the suspension or suspension action."

We would appreciate your favorable consideration of this bill.



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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

A handwritten signature in cursive script that reads "Sheila J. Walker".

DATE: March 19, 2002

SUBJECT: Senate Bill 410 – Motor Vehicle Records

Mr. Chairman, members of the Committee, I am Sheila Walker, Director of the Kansas Division of Vehicles. Thank you for allowing me to appear in favor of Senate Bill 410.

There are two significant changes this bill would make to existing law:

1. Allow motor vehicle records to be provided where there is a "proper judicial order," and
2. Allow motor vehicle records to be provided to state and federal agencies at administrative cost to help them carry out their functions.

The department's legal services bureau recommends the first change to clarify that there are three types of records that are considered to be confidential – medical records, expunged records, and photographs. In order for the department to release these confidential records, a proper judicial order, such as a subpoena, is required (unless otherwise specifically provided by law). This revision is designed to improve the efficiency of this process.

The second change outlined above is recommended by our open records custodian. Again, it provides that the department can release motor vehicle records to state and federal governmental agencies to carry out the functions of that agency, as long as the records are not redisclosed. This addition is designed to promote cooperation with other governmental agencies.

Other minor points of clarification in this bill:

- Includes a definition of "motor vehicle record," and the term has been incorporated throughout the law to promote consistency in both Kansas law and the federal Drivers Privacy Protection Act (DPPA).
- Allows diversion agreement information to be released to a city, county or district attorney.

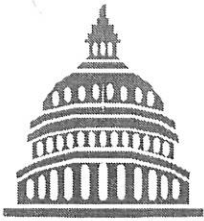
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- Clarifies that a fee of not less than \$2 shall be charged for each full or partial motor vehicle record (our current practice), and that \$1 of each record sold be credited to the Kansas Highway Patrol fund, except title and registration records provided by contract (again, our current practice), and records provided to other governmental agencies. These changes are not expected to have a fiscal impact on the Highway Patrol fund.

These recommended changes serve to clarify the statute and support our current interpretation of the law.

Thank you again for allowing me to testify in favor of this bill.



Gaches, Braden, Barbee & Associates

Governmental Affairs & Association Management

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Testimony of Ron Gaches
Regarding SB 410: Pertaining to Motor Vehicle Records
On behalf of Experian
Presented to the House Transportation Committee
Tuesday, March 19, 2002

Thank you Chairman Hayzlett for the opportunity to appear before your committee on behalf of Experian, a global leader in the information services industry. We seek changes to Senate Bill 410, regarding the sharing of Kansas' motor vehicle information with out-of-state government agencies, courts and law enforcement organizations.

Experian compiles and maintains a database of motor vehicle information from all 51 U.S. jurisdictions, including Kansas. We collect, maintain and use this information in conformance with Kansas and other State laws, as well as with the Federal Drivers Privacy Protection Act.

Information from Experian's automotive databases is frequently used by various government agencies to perform statutory and assigned functions and to enforce state laws. Sometimes, it becomes necessary for a government agency from one state to gain access to records from another state. For example, agencies such as municipalities and toll road authorities need the name and address of registered vehicle owners so they can forward violation notifications to the proper persons. Often, these requests are for vehicles that are out-of-state.

For example, a toll authority in the State of Oklahoma will capture license plate numbers at the toll lane where a violation occurred. The toll authority will likely have access to the State of Oklahoma motor vehicle records, but will not have access to information for all out-of-state violators.

Experian provides an information product called "Platelink," which government agencies can access using license plate numbers when processing violations. Government agencies benefit from this service in several ways. First, they have access to out-state motor vehicle records from one single vendor. Second, Experian's records are standardized into one common format, which reduces the need for a government agency to apply resources to manage 50 different file formats. Third, Experian's historical records can identify the most accurate or current registered owner based upon the date of

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infraction. Finally, government agencies are able to capture revenue that would otherwise be lost.

Most states have reciprocity rules allowing out-of-state government agencies to access compiled records within Experian's database. Unfortunately, Kansas State law does not allow its records to be shared with out-of-state jurisdictions by a third party vendor such as Experian. Kansas requires out-of-state agencies to pay a \$2 per individual record look-up fee, which is an extraordinarily high price for a government agency.

Therefore, Experian is requesting to have language added to SB 410 to allow all federal, state, and local government agencies access to Kansas' motor vehicle records through the Experian database, thereby avoiding the \$2 per individual record look-up fee. The following amendments to language in Section (D) would accomplish this goal:

(D) assisting any federal, state or local agency, including any court or law enforcement agency, or any private person or entity acting on behalf of such ~~this state's governmental agencies and federal agencies in carrying out the functions required of such governmental agencies~~ ~~agency~~, except that such records shall not be redisclosed; or

Thank you for your consideration of our request.