

MINUTES OF THE SENATE TRANSPORTATION COMMITTEE.

The meeting was called to order by Chairperson Senator Les Donovan at 8:30 a.m. on January 29, 2002 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, Director of Vehicles, KDOR
Donita Thomas, KDOR Policy & Research
James Keller, Atty. KDOR Legal Services

Others attending: See attached list

SB 410: Re Division of Vehicles; concerning certain records

Sheila Walker, Director, Division of Motor Vehicles, Kansas Department of Revenue, presented testimony in support of **SB 410**. She explained the two significant changes it would make to existing law; (1) allow certain confidential records to be provided with a "proper judicial order" and (2) allow records to be provided to state and federal agencies at administrative cost. There are also provisions for other minor points of clarification (Attachment 1). Donita Thomas, Policy and Research Division and James Keller, Attorney in Legal Services Bureau of Kansas Department of Revenue answered members questions regarding types of records considered to be confidential. Members will be provided with a list of the exceptions. Discussed "Compact" among states regarding shared information on driving violations which is not at issue in **SB 410**. Members asked for additional information regarding "administrative cost."

SB 369: Re designating part of US-69 as Talkington highway

Exactly the same bill was introduced in the House and has already been passed by the House Transportation Committee. In order to avoid duplication, Senator Salmans moved SB 369 be not passed. Senator Schodorf seconded the motion. Motion carried.

SB 249: Re highways; systems enhancements qualifications

Concerns not yet addressed re this bill. Therefore, no action taken.

Approval of minutes

Senator Salmans moved to approve minutes of January 23, 2002. Senator Gooch seconded the motion. Motion carried.

Announcement

Tom Whitaker, Kansas Motor Carriers Association reminded members of the Kansas Motor Carriers Association's day in the Capitol and the Prepass Demonstration scheduled for tomorrow's Transportation Committee meeting.

Meeting adjourned at 9:10 a.m.

SB 369: Re designating part of US-69 as Talkington highway

Following adjournment of the Senate Session on 1-29-02, Transportation Committee members met at the rail. Senator Schodorf moved to reconsider action taken on SB 369 in today's 8:30 a.m. meeting. Senator Salmans seconded the motion. Motion carried. SB 369 is returned to Transportation Committee.

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.ksrevenue.org/dmv

Division of Vehicles

MEMORANDUM

TO: Chairman Les Donovan
Members of the Senate Transportation Committee

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

DATE: January 29, 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.

SENATE TRANSPORTATION
COMMITTEE - DATE: 01-29-02
ATTACHMENT: 1

1-1

January 29, 2002

- 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.