

MINUTES OF THE SENATE TRANSPORTATION COMMITTEE.

The meeting was called to order by Chairperson Les Donovan at 8:30 a.m. on February 5, 2002 in Room 245-N of the Capitol.

All members were present except: Senator Nancey Harrington

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

Conferees appearing before the committee: Senator Steineger
Sheila Walker, Dir., Div. Of Vehicles, KDOR

Others attending: See attached list.

Introduction of bills

Senator Steineger requested introduction of a bill which would require the Division of Vehicles issue notices of expiration/renewal dates on drivers licenses. This is current practice, but is not required by law. Senator Gooch moved to introduce the bill. Senator Schodorf seconded the motion. Motion carried.

On behalf of the Department, Sheila Walker, Director, Division of Vehicles, Kansas Department of Revenue, requested introduction of a bill to allow boat trailers to be sold or transferred on a notarized bill of sale (Attachment 1). Senator Goodwin moved to introduce the bill. Senator Lyon seconded the motion. Motion carried.

Ms. Walker further requested an additional cleanup measure which would do two things. First, waive the \$.50 reflectorized plate fee on disabled veteran plate, making it truly free of cost to disabled veterans. Second, add accredited private colleges to the list of educational institutions that can get specialty license plates for their schools. Such schools used to be on the eligible list but were inadvertently left off during a recent session (Attachment 2). Senator Schodorf moved to introduce such a bill. Senator Salmans seconded the motion. Motion carried.

SB 410: RE Division of Vehicles; concerning certain records

Staff briefly reviewed information provided in the January 29, 2002 hearing on **SB 410**. Basically, it allows Division records to be opened more easily if there is a court order. On a normal basis this material, otherwise, would not be available. Ms. Walker also provided information regarding entities currently eligible to obtain records and an explanation of the administrative costs (Attachment 3). Members discussed requested information. Senator Goodwin moved **SB 410** be passed. Senator Schodorf seconded the motion. Motion carried.

Approval of minutes

Senator Salmans moved to approve minutes of January 29 and January 31, 2002 meetings. Senator Lyon seconded the motion. Motion carried.

The meeting adjourned at 9:15 a.m.

The next meeting is scheduled for February 6, 2002.

Sheila J. Walker, Director
Division of Vehicles
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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: February 5, 2002

SUBJECT: Kansas Division of Vehicles' Legislative Proposal on Titling Trailers

The Kansas Division of Motor Vehicles (DMV) respectfully requests introduction of a bill that would allow boat trailers to be sold or transferred on a notarized bill of sale, provided that a Kansas title for the trailer has not previously been issued. A motor vehicle inspection, conducted by the Kansas Highway Patrol, would be required.

When owners who maintain their boats on private property decide to sell their boat trailers, and they do not have the proper documents, they currently either go to court to file a "quiet title" action or they sell their boat trailers in other states where it is permissible to transfer ownership on a notarized bill of sale.

This measure is designed to improve customer service and convenience for the citizens of Kansas, as well as the boating industry.

The Division of Vehicles appreciates your considering this bill introduction.

SENATE TRANSPORTATION
COMMITTEE -DATE: 02-05-02
ATTACHMENT: 1

Sheila J. Walker, Director
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Division of Vehicles

MEMORANDUM

TO: Senator Les Donovan, Chairman
Senate Transportation Committee

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

DATE: February 1, 2002

SUBJECT: Disabled Veteran and Educational Institution Cleanup Bill

The Kansas Division of Vehicles would appreciate if the Senate Transportation Committee could carry a cleanup measure on our behalf. This bill would do two things:

Disabled Veterans Waive the \$.50 reflectorized plate fee on the disabled veteran plate, making it truly "free" to the disabled veteran. The fiscal impact on the state highway fund would be minimal (an estimated \$605 over the five-year cycle of the plate).

Ed Institutions Amend K.S.A. 8-1,142 to include accredited schools (such as Baker University, Bethany College, Bethel College, and others) to the list of educational institutions that can get specialty license plates for their schools. These accredited schools used to be on the eligible list, but were inadvertently excluded during a recent legislative session.

I appreciate your consideration.

SENATE TRANSPORTATION
COMMITTEE -DATE: 02-05-02
ATTACHMENT: 2

2-1



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Division of Vehicles

MEMORANDUM

TO: Senator Les Donovan
Chair of the Senate Transportation Committee

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

DATE: February 4, 2002

SUBJECT: Senate Bill 410 – Motor Vehicle Records

This memo is in response to the questions raised at last week's hearing on Senate Bill 410.

Attached is the list of entities that are currently eligible to obtain motor vehicle records under the federal Driver's Privacy Protection Act. See the complete list of "Exception codes..." (A – M).

The Department's Open Records Custodian has also prepared a memo (attached), explaining the administrative costs that would be passed on to other state and federal agencies in exchange for motor vehicle records under this bill. There currently are no such cooperative measures in the law. We are often told that the fees outlined by current statute are cost-prohibitive to other agencies.

We appreciate your favorable consideration of Senate Bill 410.

Cc: Senator Dave Jackson
Marian Holeman

SENATE TRANSPORTATION
COMMITTEE -DATE: 02-05-02
ATTACHMENT: 3

3-1

Kansas Department of Revenue
Request for Access to Vehicle Records
(Please print or type.)

Instructions:

1. Complete this form including signature and date.
2. The department will provide records upon a direct match. If you have not provided enough information to establish a direct match, the department will contact you requesting additional information.
3. Provide a completed form for each request. (You may make copies of this form.)
4. Submit the required payment, see front page for fee amounts, by check or money order along with this form to:

For vehicle registration/title records:

Kansas Department of Revenue
Titles and Registration Bureau
915 SW Harrison
Topeka, KS 66626-0001
Phone: (785) 296-3621

For driver's license records:

Kansas Department of Revenue
Driver Control Bureau
PO Box 12021
Topeka, KS 66612-2021
Phone : (785) 296-3671

5. Make check or money order payable to the "Division of Vehicles".

Exception codes for completion of section IV on the front of this form.

- A. I am requesting my own record.
- B. I have written consent from the individual to whom the requested information pertains, to obtain records on their behalf. (Please attach form TR/DL 301.)
- C. I work for or am acting on the behalf of a government agency and am requesting this information to fulfill the functions of that agency.
- D. I am requesting this information in connection with matters of: motor vehicle or driver safety and theft; motor vehicle emissions; motor vehicle product alterations, recalls, or advisories; performance monitoring of motor vehicles, motor vehicle parts and dealers; motor vehicle market research activities, including survey research; and removal of non-owner records from the original owner records of motor vehicle manufacturers.
- E. I am an employee, agent or contractor of a legitimate business. I am requesting record information in order to verify the accuracy of personal information submitted by the individual in question. If the information I have is incorrect, I am requesting to obtain corrected information. This information will be used to pursue legal remedies against or recover on a debt or security interest against the individual in question.
- F. I am going to use this information in connection with a civil, criminal, administrative, or arbitral proceeding in a Federal, State, or local court or agency or before a self-regulatory body. This may include the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of a Federal, State, or local court.
- G. I am involved in a research project to produce statistical reports. The personal information obtained will not be published, redisclosed or used to contact the individual in question.
- H. I am an agent, employee or contractor for an insurer, an insurance support organization or I am self-insured. The information requested will be used in connection with a claims investigation, antifraud activities, rating or underwriting.
- I. I am requesting record information to provide notice to owners of towed or impounded vehicles.
- J. I work for a licensed private investigative agency or a licensed security service. (See section V on the front of this form.)
- K. I am an employer or an agent or insurer working on the behalf of an employer of licensed commercial drivers. I am requesting records information in order to obtain or verify information relating to a holder of a commercial driver's license.
- L. I am requesting records of individuals who have given the state the express consent to release personal information by "opting in" their records.
- M. I will use the information requested in a manner that is specifically authorized by Kansas law and is related to the operation of a motor vehicle or public safety. (See section VI on the front of this form.)

3-2

Kansas Department of Revenue
Request for Access to Vehicle Records
 (Please print or type.)

I. Requestor's Information

Requestor's Name: _____
 Organization (if applicable): _____ Title: _____
 Address: _____
 City: _____ State: _____ Zip: _____

II. Record you are requesting: Provide as much information as possible. (See back of form, instruction number 2.)

<input type="checkbox"/> Vehicle registration/title information	<input type="checkbox"/> Driver's License information
Name: _____	Name: _____
Address: _____	Address: _____
City: _____ State: _____	City: _____ State: _____
Plate No.: _____	DL No.: _____
Make: _____ Model: _____	Date of Birth: _____
VIN: _____	

III. Fees: Please submit your payment with this form. (Include a check or money order.)

_____ \$5.00 per vehicle registration record	_____ \$5.00 per driver's license record
_____ \$10.00 per vehicle history	_____ \$10.00 per driver's license folder

IV. Verification of your eligibility to receive the requested records.

Please review the exceptions listed on the back of this form and fill in the code that corresponds with your request.

Code: _____

V. If you selected code "J", complete this section.

A licensed private investigative agency or security service can obtain DMV records as long as the request falls within one of the other exceptions listed. If you have selected code "J", indicate the second code that would make you eligible to receive this information.

Code: _____

VI. If you selected code "M", complete this section.

Anyone can obtain DMV records if the intended use is specifically authorized by Kansas law and is related to the operation of a motor vehicle or public safety. If you have selected code "M", indicate the intended use of the requested record.

VII. Signature - Before signing this document, read this section carefully.

Under the Drivers' Privacy Protection Act of 1994, as amended (18 U.S.C. § 2721), personal information obtained by the Kansas Department of Revenue cannot be released unless the request for information falls within one of the exceptions in the Act. Those exceptions are listed on the back of this form.

It is unlawful for personal information to be used for any purpose not permitted under these exceptions. Furthermore, it is unlawful for any person to make false representation in order to obtain personal information from DMV records.

Civil action may be brought against you by the owner of the personal information released. Should this happen, the court may award the following: actual damages of not less than \$2,500.00, punitive damages, reasonable attorney fees, other litigation costs and other preliminary and equitable relief as the court determines to be appropriate.

In addition, Kansas law (K.S.A. 21-3914 and K.S.A. 45-220(c)(2)) prohibits any list of names and addresses derived from public records to be sold, given or received for the purpose of selling or offering for sale any property or service.

I declare that I am eligible and have the express authority to sign for and receive the requested information pursuant to the Federal Drivers' Privacy Protection Act of 1994, as amended. I further declare that any personal information I receive will not be used to sell or offer for sale any property or service.

Requestor's Signature: _____ Date: _____

STATE OF KANSAS
Bill Graves, Governor

Office of Policy & Research
Richard L. Cram, Director
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Topeka, KS 66625



Office of Policy & Research

DEPARTMENT OF REVENUE
Stephen S. Richards, Secretary

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MEMORANDUM

TO: Sheila Walker
FROM: Donnita Thomas *dt*
Cc: Richard Cram
DATE: February 1, 2002
RE: Administrative Costs

In Senate Bill No. 410 we are proposing to allow motor vehicle records, pursuant to a contract, to be provided to state and federal agencies at administrative cost. The administrative costs associated with each request will vary greatly depending on what the request is for, how the information will be submitted to KDOR, what information the other agency wants in return and in what format the information will be provided.

Having said that let me give an example of what the charges would be using a recent request that I received. In this situation the requesting party would be providing the department with approximately 200 to 300 names and their Date of Birth. In return they want the height and weight information for each driver. This request will take an estimated four (4) hours of programming, and approximately one (1) hour of my time. At \$60.00 per hour of programming time and \$25.00 per hour for my time the total administrative cost for this project would be \$265.00.