

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE.

The meeting was called to order by Chairperson Gary Hayzlett at 1:30 p.m. on March 25, 2003 in Room 519-S of the Capitol.

All members were present except:

Representative John Ballou
Representative Jeff Jack
Representative Mary Kauffman

Committee staff present:

Bruce Kinzie, Revisor
Mary Galligan, Legislative Research Dept.
Betty Boaz, Committee Secretary

Conferees appearing before the committee:

Representative Bruce Larkin
Dena McDaniel, Representing the KS County Treasurers' Association
Kathy Porter, Office of Judicial Administration

Others attending:

See attached list

HB 2407 - Disposition of certain vehicle registration fines

Chairman Hayzlett opened the hearing on **HB 2407** by introducing Representative Bruce Larkin. Representative Larkin explained that this bill was introduced in response to concerns raised from discussions with the County Treasurers Association. (Attachment 1) The issue was inadequate enforcement of the law that requires residents of Kansas to tag their vehicles in Kansas. Under current law a violator is subject to a fine of up to \$2,500 which then goes into the state general fund. This bill creates a financial incentive to enforce the law by allowing the counties to keep 60% of the fine with the remaining 40% coming back to the state.

The next proponent was Dena McDaniel, representing the County Treasurers Association. According to Ms. McDaniel passage of this bill would benefit counties as a revenue source. (Attachment 2) She said at any given time in their communities they can see many out of state plates on vehicles and mostly these are individuals residing in Kansas using infrastructures, services and school systems but not contributing to the cost of these benefits. She asked for support of this bill not only for the revenue provided but also to send a message to taxpayers of their desire to be fair.

Chairman Hayzlett introduced the only opponent to the bill, Kathy Porter, Office of Judicial Administrator. Her office opposes the bill because as introduced it will create more work for the clerks of the district court across the state. (Attachment 3) It will cause the clerks to segregate from other fines those fines for failure to properly register, and to divide those fines between two funds. Currently, clerks do not need to note the offense charged and do not need to keep separate fines for certain offenses. Ms. Porter also said implementing this bill will require a programming change to the accounting and case management system at a cost of approximately \$7,500. She suggested that when a ticket is written for failure to properly register a vehicle the enforcement officer could notify the county treasurer who would then assess additional fines at the time the individual went in to get proper license tags so the county treasurer, who would benefit from the provisions of this bill, would then participate in the collection of the fine.

There were no other proponents or opponents so the Chairman closed the hearing on **HB 2407**.

Chairman Hayzlett said they would not work the bill today but will leave it in Committee to work next year.

The Chairman then adjourned the meeting.

STATE OF KANSAS

BRUCE F. LARKIN
REPRESENTATIVE, DISTRICT 62
R.R. 1
BAILEYVILLE, KANSAS 66404



TOPEKA

HOUSE OF
REPRESENTATIVES

Testimony before the
House Transportation Committee
Regarding
House Bill 2407
on
March 25, 2003

COMMITTEE ASSIGNMENTS
RANKING MINORITY MEMBER: TAXATION
MEMBER: AGRICULTURE
TRANSPORTATION
INTERSTATE COOPERATION
MEMBER OF ADVISORY COMMITTEE
TO DEPT. OF REV. ON USE VALUE
TAXATION ON AGR. LAND

HB 2407 was introduced in response to concerns raised to John Edmonds and myself when we spoke to the county treasurers association. The issue was inadequate enforcement of the law that requires residents of Kansas to tag their vehicles in Kansas. It was stated that even if law enforcement attempted to enforce the law that in many counties it is difficult to get the county or district attorney to prosecute or even to the courts to respond.

Under current law a violator is subject to a fine of up to \$2,500. This money then goes to the state general fund. What this bill does is create a financial incentive to enforce the law by allowing the counties to keep 60% of the fine with the remaining 40% to come to the state. By creating a financial incentive, it is hopeful that there will be increased enforcement of the law.

House Transportation
Date: 3-25-03
Attachment # 1

HOUSE BILL No. 2407 VEHICLE REGISTRATION FINES

To: House Transportation Committee
Representative Gary Hayzlett, Chairman

From: Dena McDaniel, Anderson County Treasurer
Representing the Kansas County Treasurers' Association

Dear Representative Hayzlett and Committee Members:

The Kansas County Treasurers' Association wishes to speak in support of House Bill 2407.

The passage of this bill would be beneficial to counties as a revenue source, and to the citizens of Kansas who currently abide by vehicle registration laws. Currently at any given time we are witness to many out of state plates operating in our communities. Unfortunately, the majority of these are not tourists, but individuals residing in Kansas, using our infrastructures, services, and school systems; yet, they are not contributing to the cost of these benefits. By avoiding vehicle registration they force the remaining residents of Kansas to pay the full bill for the services they consume.

This bill allows the county to share in the fines imposed on individuals who do not register their vehicles as required by Kansas statute. I discussed this bill with our sheriff, Darin Dalsing. He stated that it would give law enforcement additional incentive to actively watch for violators if there was a correlation between the penalty and direct benefit to their jurisdiction. Bill Craig, one of our county commissioners echoed Sheriff Dalsing's opinion.

The effectiveness of law enforcement to ensure that citizens are following the registration laws is a fairness issue to all citizens. If everyone pays their fair share, then the burden of taxes does not have to be shouldered by a select group of law abiding citizens. Taxation must be equal and fair across the state to be more palatable to citizens.

This bill, if passed, would benefit local government, and by association the populace of Kansas by increasing local revenue through fines. However, the most valuable aspect of this bill would be the increased revenue to the taxing entities of Kansas, and to the Department of Revenue through additional title and registration fees.

The bonus of passage would be the message sent to taxpayers that our desire is to be fair.

Thank you for your attention. I stand for any questions you may have.

House Transportation
Date: 3-25-03
Attachment # 2



State of Kansas

Office of Judicial Administration

Kansas Judicial Center
301 SW 10th
Topeka, Kansas 66612-1507

(785) 296-2256

March 25, 2003

**Testimony Regarding HB 2407
House Transportation Committee**

Kathy Porter
Office of Judicial Administration

Thank you for the opportunity to testify about concerns regarding the implementation of HB 2407.

The policy issue addressed in HB 2407 is for the committee to decide, and the Office of Judicial Administration has no opinion regarding that issue. However, implementing HB 2407 as it is introduced will create more work for the clerks of the district court across the state. It will require the clerks to segregate from other fines those fines for failure to properly register, and to divide those fines between two funds. Currently, clerks do not need to note the offense charged, and do not need to keep separate fines for certain offenses. All fines are simply entered into the accounting system and remitted in bulk to the state treasurer.

Implementing the provisions of the bill would require additional work from the clerks, but I cannot provide a cost estimate because I do not know the number of fines for this offense. Enactment of the bill would also require a programming change to the accounting and case management system, at a cost of approximately \$7,500.

If the committee wishes to implement the provisions of this bill, the committee could consider implementing a procedure that would not impact the clerks of the district court. When a ticket is written for failure to properly register a vehicle, the law enforcement officer writing the ticket could notify the county treasurer. When the person who has failed to properly register their vehicle goes to the county treasurer to obtain the correct license tags, an additional fee could be added. The county treasurer, who would benefit from the provisions of this bill, would then participate in the collection of the fine, rather than the clerk of the district court, who does not benefit from the provisions of this bill.

Thank you for your consideration of this issue.

KP:mr

House Transportation
Date: 3-25-03
Attachment # 3