

MINUTES OF THE SENATE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Les Donovan at 8:30 A.M. on January 25, 2005 in Room 527-S of the Capitol.

Committee members absent: Anthony Hensley- excused

Committee staff present: Hank Avila, Kansas Legislative Research Department
Bruce Kinzie, Revisors of Statutes
Maggie Breen, Committee Secretary

Conferees appearing before the committee:

Proponents:

Senator Phil Journey
Terry Forsyth, Kansas National Education Association
David Church, Kansas Department of Transportation

Neutral:

Jim Edwards, Kansas Association of School Boards

See Attached List.

SB 35: School zones, disobeying crossing guard, speeding in zone, fines doubled

Senator Journey stated he originally filed the bill last year as **SB 385**. It died in the House due to a misinterpretation. **SB 35** does two simple things. It mirrors what is going on in many municipalities where fees are doubled for speeding violations in a school zone just as in construction zones. Wichita and other areas in the state have already adopted this. The bill just brings the violation of a state statute to the same level as some of our municipalities. The second section creates a new traffic infraction for disobeying a crossing guard. He included a copy of the original Attorney General's opinion with his testimony.. (Attachment 1)

Terry Forsyth, KNEA, appeared in support of **SB 35**. KNEA appreciates this action to ensure that school zones are safe for our children as it will encourage motorist to respect school zones. They urge the passage of the bill. (Attachment 2)

David Church, Chief of Bureau of Traffic Engineer, KDOT said his department supports the proposed changes relating to doubling fines in Reduced Speed Zones as well as imposing a fine for anyone refusing to comply with a direction given by a uniformed adult school crossing guard to control traffic. KDOT is currently working on a "School Zone Toolbox" to be used to improve student safety in school zones across Kansas. One idea to improve student safety in urban areas includes doubling fines. The National Safe Kids Campaign published a document in 2000 entitled "Child Pedestrians at Risk in America: A National Survey of Speeding in School Zones." One of their findings was that the likelihood of a pedestrian being killed if struck by a motor vehicle traveling at 20 miles an hour is about 5%, compared to a 40 % likelihood of death if the vehicle is traveling 30 mph or more. Also, in a conducted speed survey, looking at 16,000 vehicles in 63 school zones located in 29 cities across the United States, 65% of all of the vehicles were traveling over the posted speed limit . And almost one-quarter of the vehicles were traveling at least 10 mph over the speed limit. KDOT supports the language being proposed within **SB 35**. (Attachment 3)

Jim Edwards, Governmental Relations Specialist, Kansas Association of School Boards, said they wholeheartedly support the basic premise of the bill. But for the measure to be effective, more work needs to be done. The bill doesn't deal with youth that might be serving as crossing guards. Their staff looked at the Attorney's General's opinion and it specifically says school security officials, not crossing guards. It asks that security officials be allowed to be used as crossing guards. They feel that the bill is good and it will do many things that need to be done but to truly be effective, it needs more work. Their legal staff would be more than willing to work with others to further refine the bill. (Attachment 4)

Questions regarding a clarification of the factors missing in the bill, where the collected fines go, and whether the violations have increased were made and answered. Chairman Donovan suggested that Mr. Edwards work together with Senator Journey to come up with a proposed balloon.

CONTINUATION SHEET

MINUTES OF THE Senate Transportation Committee at 8:30 A.M. on January 25, 2005 in Room 527-S of the Capitol.

Fiscal Notes

The fiscal note for **SB 35** doesn't show a figure but obviously, the impact would be positive. The fiscal note for **SB 41**, which was previously passed out of committee, shows a savings of \$5.6 million over 3 years. The current letter/number combinations have been used up. The savings comes about by rearranging the combinations so that brand new tags will not have to be issued.

SB 60: All-terrain vehicles, defined

Chairman Donovan had a letter from the Russell County Attorney requesting the bill. (Attachment 5) Bruce Kinzie, Revisor, said the current definition of an all-terrain includes a width of 45 inches or less and a weight of 650 pounds or less. The bill would change the maximum width to 48 inches and the maximum weight to 800 pounds. The reason for the change is that the manufacturers are making them bigger. The vehicles are not required to be tagged right now but they are legal to operate in smaller communities such as Russell. It creates a problem in areas where ATV's are legal, because the legal definition does not include the larger vehicles. Carmen Alldritt, Department of Revenue, Division of vehicles, said she asked Ray Wilk from the Title and Registration Bureau to come over with pictures of the vehicles being talked about. (Attachment 6) The vehicles do go on the tax roll even though they have a non highway title on them. Carmen said they felt the 800 pounds should be bumped up to 1,000 as Ray is seeing them going up as high as 992 pounds. Anything over 1,000, they would have to tagged and titled as a non highway car or truck.

Introduction of Bills

Ron Gaches, appeared representing Experian, a diversified data and information services company, one of the giants in the field. They provide all types of information data collection for government, private business, and consumer organizations. The bill draft he has would allow modification to the current restrictions on the distribution of information available from the Division of Motor Vehicles. They worked closely with the Director of the Division and her staff in assembling the draft for the bill. (Attachment 7) Current law provides a very wide prohibition of the distribution, by the Division of Motor Vehicles, of any type of personal information regarding motor vehicle titles and registrations. There is an exception in the law that provides for the distribution of statistical reports to automobile manufacturers. There is a significant market out there by automobile dealers, automobile parts manufacturers, customization shops like speed shops, AAA clubs, etc. They aren't interested in knowing who owns what vehicle where, but in knowing the distribution of vehicles across a geographical area. Most of the information is collated and available on an area code basis. The bill would simply broaden the current exception, specific only to automobile manufacturers, to allow distribution of statistical reports for other business purposes as well, maintaining all of the current protections on individual information.

Senator O'Connor moved to introduce the bill. Senator Wilson seconded the motion. Motion carried.

Chairman Donovan said he had received a requests from Daryl Lutz, Butler County Engineer, for 2 bills to be introduced. (Attachment 8) Judy Moler, Kansas Association of Counties, said that for the third year, the engineers have been taking a tedious amount of time going through Chapter 68 getting rid of archaic statutes. Bruce Kinzie, Revisor, said that there were some modification to the requests received from Mr. Lutz that needed to be worked out due to some of KDOT.'s funding.

Senator O'Connor moved to introduce the bills. Senator Palmer seconded the motion. Motion carried.

Meeting adjourned at 9:12 a.m.

Next meeting schedule for Tuesday, February 1.

SENATE TRANSPORTATION COMMITTEE
GUEST LIST

DATE: January 25, 2005

NAME	REPRESENTING
Kimberly Thompson	Scanlon Engineering
Auber Straverdi	PMCA
TERRY FORSYTH	KNEA
Ken Gudenkauf	KDOT
David Church	KDOT
Judy Nolan	KAC
Tom Gaches	Experian
Deann Williams	KmCA
Ray Wilk	KDOT - Dept.

SENATOR PHILLIP B. JOURNEY

STATE SENATOR, 26TH DISTRICT
P.O. BOX 471
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TOPEKA, KANSAS 66612-1504
(785) 296-7367
E-mail: journey@senate.state.ks.us

TOPEKA

SENATE CHAMBER

COMMITTEE ASSIGNMENTS

MEMBER: ASSESSMENT & TAXATION
NATURAL RESOURCES
PUBLIC HEALTH AND WELFARE

**Testimony for the Kansas Senate Transportation Committee
Presented January 25, 2005 in Support of Senate Bill #35**

It is a privilege and an honor to have the opportunity to address the Senate Transportation Committee and to offer our comments in support of Senate Bill #35. It is intended to amend K.S.A. 8-2118. It has two operative sections that are changes of existing law. The first change doubles the fines for the traffic infraction of speeding when in a school zone. A few years ago this body voted to do the same when violators were in a construction zone. Currently, many cities across the State have done the same as intended in this Bill. Adoption of this provision will create consistency in enforcement across the state.

The second change creates a new infraction for willfully failing or refusing to obey the direction of a uniformed adult school crossing guard. The Attorney General's Opinion cited as #73-278 reflects the definition of the statutory authority of local School Boards to designate them. (A copy of the Attorney General's opinion is attached.) While other statutes could conceivably be used to prosecute similar violations having a specific law encourages law enforcement action and further describes the driver's actions.

This bill passed the Senate last year with a large majority of the body, but died in the Kansas House of Representatives due to the misinterpretation that the crossing guard could issue the citation. The legislation is drafted so no new arrest power is created vesting in such crossing guard. Only the law enforcement officer may issue such citation upon direct observation by the officer.

Respectfully submitted,

A handwritten signature in blue ink that reads "Phillip B. Journey". The signature is fluid and cursive, with a long, sweeping tail.

Senator Phillip B. Journey
26th District



STATE OF KANSAS

Office of the Attorney General

State Capitol Bldg. (913) 296-2215 Topeka, Kansas 66612

ERN MILLER
Attorney General

August 16, 1973

Opinion No. 73-278

Ted R. Morgan
Kearny County Attorney
Lakin, Kansas 67860

Dear Mr. Morgan:

You ask whether the board of education of a unified school district may employ persons to patrol school crossing areas on public streets.

Previous Attorney Generals' Opinions have concluded that the board is without such authority. However, our examination of K.S.A. 72-8222 convinces us that the boards do have such authority.

Said statute provides thusly:

"The board of education of any school district or the board of trustees of any community junior college may employ school security officers to aid and supplement law enforcement agencies of this state and of the community in which such school district or community junior college is located. Such protective function shall extend to all school district property and the protection of students, teachers and other employees together with the property of such persons on or in any school property. While engaged in such protective function, as hereinbefore provided, each school security officer so employed shall possess and exercise all general law enforcement powers and privileges in every county in which there is located any part of the territory of such school district or community junior college." [Emphasis supplied.]

Ed R. Morgan
August 16, 1973
Page Two

We feel that the emphasized portion of the above quoted statute is broad enough to authorize a security officer to protect students at crossings whether located on school property or not.

Accordingly, a school security officer has the authority to patrol school crossing areas in any county wherein school district property is located.

We hereby withdraw that portion of any opinion that is contrary to what we say here.

Very truly yours,



VERN MILLER
Attorney General

VM:JCJ:jsm



Terry Forsyth, Testimony
Senate Transportation Committee
January 25, 2005
Senate Bill 35

Mr. Chairman, members of the committee, thank you for the opportunity to appear before you in support of **Senate Bill 35**.

The Kansas National Education Association appreciates this effort to ensure that school zones are safe zones for our students. Parents must be able to send their children to school with the knowledge that children will arrive safely. And children must be confident that the adults they turn to for protection are indeed authorized and empowered to provide protection.

Additionally, the doubling of fines in school zones will serve as a deterrent to those who choose to ignore school zone speed limits. It makes sense to demand and enforce policies that safeguard our children.

Senate Bill 35 will help to ensure that motorists will respect school zones and the guards who work to protect our children in those zones. We urge you pass **Senate Bill 35** out of committee favorable for passage.



KANSAS

DEPARTMENT OF TRANSPORTATION
DEB MILLER, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

TESTIMONY BEFORE THE SENATE TRANSPORTATION COMMITTEE

REGARDING SENATE BILL 35 SCHOOL ZONES

JANUARY 25, 2005

Mr. Chairman and Committee Members:

Good morning, my name is David Church, Chief of the Bureau of Traffic Engineering. On behalf of the Kansas Department of Transportation (KDOT), I appreciate the opportunity to share with you our support for the proposed changes in Senate Bill 35 relating to doubling fines in Reduced Speed School Zones as well as imposing a fine for anyone refusing to comply with a direction given by a uniformed adult school crossing guard to control traffic.

In November of 2004, Secretary of Transportation Deb Miller asked that KDOT's Bureau of Traffic Engineering lead an effort to develop a "School Zone Toolbox" to be used as a resource to improve student safety in school zones across Kansas. The toolbox is comprehensive and will include ideas to improve education, enforcement and engineering of Kansas school zones in both urban and rural areas of the state. The target audience of these efforts will vary, however the goal is to provide a resource for safety professionals to work with local law enforcement, school administrators, students, parents and the general public to improve safety in school zones. One idea to improve student safety in urban areas included doubling fines for speed violations within Reduced Speed School Zones.

In October of 2000, the National Safe Kids Campaign published a document entitled "Child Pedestrians at Risk in America: A National Survey of Speeding in School Zones". The study indicated that each year approximately 650 pedestrians ages 14 and under die in motor vehicle-related traffic crashes in the United States. An additional 20,000 children suffer from motor-vehicle pedestrian injuries. Child pedestrians ages 5 to 9 are at highest risk of being killed or injured due to being hit by a car. The likelihood of a pedestrian being killed if struck by a motor vehicle traveling at 20 mph or less is about 5 percent, compared to a 40 percent likelihood of death if the vehicle is traveling 30 mph or more. The speed survey conducted looked at over 16,000 vehicle speeds in 63 school zones located in 29 cities across the United States. 65% of all vehicles were traveling over the posted speed limit and almost one-quarter of vehicles were traveling at least 10 mph over the speed limit. One third of the drivers were traveling at 30 mph or greater.

Doubling fines in Reduced Speed School Zones would emphasize the importance of slowing down and obeying the reduced speed within school zones. If some drivers slow down as a result, it would also help create longer gaps for students to cross the roadway, provide more time for a driver to react to a student in the roadway and lessen the severity of a pedestrian vehicle-related crash.

KDOT has been involved with school crossing guard's safety since August of 1997 when the document "Kansas Guidelines for School Crossing Guards" was published. Since that time, KDOT has been involved with training school crossing guard trainers across the state. When training is provided, a consistent comment from school crossing guard trainers involves stories of drivers that do not follow their direction when directing traffic to stop prior to allowing students to cross. Having language in the State Statutes that imposes a fine for drivers that do not follow the direction of an official uniformed adult crossing guard would help improve safety for those guards and help law enforcement target repeat offenders.

If Senate Bill 35 passes, KDOT would work hard to educate local law enforcement, school crossing guard trainers, school administrators, cities and the general public regarding the new fines listed in this bill. KDOT is committed to improving student safety while traveling to and from school on Kansas roadways. As a result, we support the language being proposed within Senate Bill 35.

Mr. Chairman, I would be pleased to respond to questions.



Testimony on **SB 35**
before the
Senate Transportation Committee

by

Jim Edwards, Governmental Relations Specialist
Kansas Association of School Boards

January 25, 2005

Chairman Donovan and Members of the Committee:

Thank you for allowing me the opportunity to appear today to present KASB's thoughts on **SB 35**, a measure which provides for penalties for the certain school crossing violations.

We wholeheartedly support the basic premise of this bill which can enhance the safety of children walking in marked school crossings. For the measure to be effective though, more work needs to be done.

The bill identifies "uniformed adult school crossing guard(s) (that are) invested by law with authority to direct, control or regulate traffic." The majority of school crossing guards are not empowered to do this, as school security officers might be. Many school crossing guards are retired volunteers that want to protect children, but are not invested by law with authority to direct, control or regulate traffic.

Our legal staff would be more than willing to work with others in a further refinement of this bill.

Thank you for the opportunity to offer our thoughts on this important measure and I would be happy to answer questions.

RUSSELL COUNTY ATTORNEY

County Attorney
Daniel W. Krug

P.O. Box 3
Russell County Courthouse
Russell, Kansas 67665-0003

Phone: (785) 483-3119
Fax: (785) 483-5376

January 14, 2005

Sen. Janis Lee
Kansas State House
300 S.W. 10th Ave.
Topeka, KS 66612

*Sent to Senator Donovan
Transportation Committee Chairman*

Re: All-Terrain Vehicle Statute

Dear Sen. Lee:

This letter concerns a proposed change to the Kansas laws dealing with all-terrain vehicle which, as I understand, you talked with Russell Police Chief, Larry Vaughan about today. I enclose with this letter a copy of K.S.A. 8-15,100 which sets out when operation of all-terrain vehicles (ATV's) is authorized. Also enclosed is a copy of K.S.A. 8-1402a which defines an ATV.

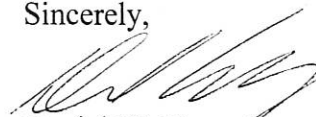
As you can see, an ATV is defined as being 45 inches or less in width and 650 pounds or less in weight. Also enclosed are the specifications for the newest Polaris Sportsman 800 ATV. I have highlighted the pertinent spec's which show that Polaris ATV is 46 inches wide and weighs 765 pounds. Basically, from what I have found, it appears that not many of the ATV's for sale today would meet Kansas' definition as most are too large.

What I would suggest is a modification of K.S.A. 8-1402a to redefine an ATV at perhaps up to 48 inches wide and up to 800 pounds.

I recognize this is not the most pressing issue you have to deal with this year, but it is an issue that affects both agricultural riders and recreational riders. I have also talked with Rep. Dan Johnson about this and provided the same information to him.

If I can provide you with any additional information, please let me know. Thank you for your assistance with this.

Sincerely,



Daniel W. Krug

SENATE TRANSPORTATION
1-25-05
ATTACHMENT 5

Janis Lee

From: "Larry Vaughan" <larry@russellcity.org>
To: <jlee@ink.org>
Sent: Tuesday, January 25, 2005 7:59 AM
Subject: Kansas ATV Statute

Senator Lee:

This is to explain our request concerning amendments to the Kansas Statute defining all terrain vehicles (ATV's) in Kansas. K.S.A. 8-15,100 sets out when the operation of ATV's is legal on road in Kansas. K.S.A. 8-1402a defines an ATV. It defines an ATV as weighing 650 pounds or less and being 45 inches or less in width.

In the materials I sent you earlier, we have found that most ATV's exceed both the weight and width limits. Weights are exceeding 750 pounds and widths are over 46 inches.

What we are suggesting is that K.S.A. 8-1402a be amended to increase the maximum weight in the definition to 800 pounds and increase the maximum width to 48 inches. This should encompass virtually all ATV's on the market with a bit of room for growth for future designs.

In our area, a great number of farmers and oil producers use the vehicles for work as well as many people who have them for recreation. Amending 8-1402a would make them legal to continue to use their ATV's on roads for these purposes.

We appreciate your assistance with this and if you have any further questions please contact us. We will be available this morning if the transportation committee has any questions.

Daniel Krug
Russell County Attorney
(785) 483-9607

Larry Vaughan
Russell City Police Chief
(785) 483-2121

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*H.O. from Ray Wick
Department of Revenue - Division
of Vehicles*

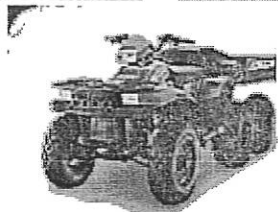
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SPORTSMAN 6X6 SPECIFICATIONS

To learn more about this model, contact your Polaris ATV Dealer. To search for a dealer, use our [dealer locator](#).

Engine	
Engine Type	4-stroke
Displacement	499 cc
Carburetion	Mikuni 34mm CV
Cooling	Liquid
Starting	Electric w/ recoil backup
Drivetrain	
Final Drive	Shaft/Chain
Transmission	R/N/L/H
Drive System	Automatic PVT
EBS (Engine Braking System)	Accessory
Suspension	
Front Suspension	MacPherson strut with 6.7/17 in/cm travel
Rear Suspension	Progressive-rate center swing arm w/ 6.5/15.2; rear swir arm w/ scissor stabilizer w/ 7.5/19 in/cm travel
Brakes	
Front/Rear Brakes	Single-lever hydraulic disc w/hydraulic auxiliary rear hand brake
Tires	
Front Tires	25 x 8 - 12
Rear Tires	25 x 11 - 10
Dimensions/Capacities	
Wheelbase	77/195.6 in/cm
Turning Radius (inside tire)	119/302.3 in/cm
Dry Weight	895/406 lbs/kg
Length/Width/Height	81/46/46, 205.7/116.8/116.8 in/cm
Seat Height	34/86.4 in/cm
Fuel Capacity	4.25/16.1 U.S. gallons/L
Front-Rack Capacity*	75/34 lbs/kg
Rear-Rack Capacity*	800/362.9 lbs/kg



6-2

Hitch	N/A
Hitch Towing Capacity*	1500/681.8 lbs/kg
Hitch Tongue Weight*	150/68.2 lbs/kg
Ground Clearance	5.5/14.0 in/cm

Instrumentation/Features

Gauge Type	Digital Gauge
Speedometer/Odometer	Standard
Tachometer	N/A
Tripmeter	Standard
Hourmeter	Standard
High-Beam Indicator	Standard
Gear Indicator	Standard
Fuel Gauge	N/A
Warning Lights	Hi Temp / Low Battery
Rear Work Lights	N/A
DC Outlet	Standard

Colors

Colors	Sportsman Green/Black
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MSRP

MSRP (US\$)	\$7,799 MSRP (US\$)
MSRP (CAN\$)	\$10,799 MSRP (CAN\$)

Warning!: Polaris ATVs with engine sizes larger than 90cc may not be ridden by anyone under 16 years of age. ATVs with 89cc engines may not be ridden by anyone under 16 years of age. ATVs with 49cc engines may not be driven by anyone under 6 years of age. All riders under 16 should only ride with adult supervision. All riders should take safety course. For safety and training information see your dealer or call Polaris at 1 800-342-3764. ATVs can be hazardous to operate. For your safety, always wear a helmet, eye protection and protective clothing. Never ride on public roads, always on paved surfaces; Never carry passengers. Never engage in stunt driving. Riding and alcohol/drugs don't mix. Avoid excessive speeds. Be particularly careful on difficult terrain. Remember, ATV riding is more fun when you play by the rules.

Polaris reserves the right to change specifications at any time without incurring obligation.

*Check owner's manual for loading requirement and restrictions.

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6-3

Ex-rising Bill Draft
Contact Ron Gach
233-4512

K.S.A. 74-2012

Division of vehicles, records; disclosure; fees. (a) (1) All motor vehicle records shall be subject to the provisions of the open records act, except as otherwise provided under the provisions of this section and by K.S.A. 74-2022, and amendments thereto.

(2) For the purpose of this section, "motor vehicle records" means any record that pertains to a motor vehicle drivers license, motor vehicle certificate of title, motor vehicle registration or identification card issued by the division of vehicles.

(b) All motor vehicle records which: (1) Relate to the physical or mental condition of any person; (2) have been expunged; or (3) are photographs or digital images maintained in connection with the issuance of drivers' licenses shall be confidential and shall not be disclosed except in accordance with a proper judicial order or as otherwise more specifically provided in this section or by other law. Photographs or digital images maintained by the division of vehicles in connection with the issuance of drivers' licenses shall be available to criminal justice agencies, as defined in K.S.A. 22-4701, and amendments thereto, for use in criminal investigations or criminal proceedings. Motor vehicle records relating to diversion agreements for the purposes of K.S.A. 8-1567, 12-4415 and 22-2908, and amendments thereto, shall be confidential and shall not be disclosed except in accordance with a proper judicial order or by direct computer access to:

(1) A city, county or district attorney, for the purpose of determining a person's eligibility for diversion or to determine the proper charge for a violation of K.S.A. 8-1567, and amendments thereto, or any ordinance of a city or resolution of a county in this state which prohibits any acts prohibited by K.S.A. 8-1567, and amendments thereto;

(2) a municipal or district court, for the purpose of using the record in connection with any matter before the court;

(3) a law enforcement agency, for the purpose of supplying the record to a person authorized to obtain it under paragraph (1) or (2) of this subsection; or

(4) an employer when a person is required to retain a commercial driver's license due to the nature of such person's employment.

(c) Lists of persons' names and addresses contained in or derived from motor vehicle records shall not be sold, given or received for the purposes prohibited by K.S.A. 2003 Supp. 45-230, and amendments thereto, except that:

(1) The director of vehicles may provide to a requesting party, and a requesting party may receive, such a list and accompanying information from motor vehicle records upon written certification that the requesting party shall use the list solely for the purpose of:

(A) **(1)** Assisting manufacturers of motor vehicles in compiling statistical reports or in notifying owners of vehicles believed to:

(i) Have safety-related defects,

(ii) fail to comply with emission standards; or

(iii) have any defect to be remedied at the expense of the manufacturer;

(A) **(2) Assisting businesses in producing motor vehicle title and/or motor vehicle registration statistical reports, so long as personal information is not published, redisclosed, or used to contact individuals.**

(B) assisting an insurer authorized to do business in this state, or the insurer's authorized agent, in processing an application for, or renewal or cancellation of, a motor vehicle liability insurance policy;

(C) assisting the selective service system in the maintenance of a list of persons 18 to 26 years of age in this state as required under the provisions of section 3 of the federal military selective service act;

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

(E) assisting businesses with the verification or reporting of information derived from the title and registration records of the division to prepare and assemble vehicle history reports, except

that such vehicle history reports shall not include the names or addresses of any current or previous owners.

(2) Any law enforcement agency of this state which has access to motor vehicle records may furnish to a requesting party, and a requesting party may receive, such a list and accompanying information from such records upon written certification that the requesting party shall use the list solely for the purpose of assisting an insurer authorized to do business in this state, or the insurer's authorized agent, in processing an application for, or renewal or cancellation of, a motor vehicle liability insurance policy.

(d) If a law enforcement agency of this state furnishes information to a requesting party pursuant to paragraph (2) of subsection (c), the law enforcement agency shall charge the fee prescribed by the secretary of revenue pursuant to K.S.A. 74-2022, and amendments thereto, for any copies furnished and may charge an additional fee to be retained by the law enforcement agency to cover its cost of providing such copies. The fee prescribed pursuant to K.S.A. 74-2022, and amendments thereto, shall be paid monthly to the secretary of revenue and upon receipt thereof shall be deposited in the state treasury to the credit of the electronic databases fee fund, except for the \$1 of the fee for each record required to be credited to the highway patrol training center fund under subsection (f).

(e) The secretary of revenue, the secretary's agents or employees, the director of vehicles or the director's agents or employees shall not be liable for damages caused by any negligent or wrongful act or omission of a law enforcement agency in furnishing any information obtained from motor vehicle records.

(f) A fee in an amount fixed by the secretary of revenue pursuant to K.S.A. 74-2022, and amendments thereto, of not less than \$2 for each full or partial motor vehicle record shall be charged by the division, except that the director may charge a lesser fee pursuant to a contract between the secretary of revenue and any person to whom the director is authorized to furnish information under paragraph (1) of subsection (c), and such fee shall not be less than the cost of production or reproduction of any full or partial motor vehicle record requested. Except for the fees charged pursuant to a contract for motor vehicle records authorized by this subsection pertaining to motor vehicle titles or motor vehicle registrations or pursuant to subsection (c)(1)(D), \$1 shall be credited to the highway patrol training center fund for each motor vehicle record provided by the division of vehicles.

(g) The secretary of revenue may adopt such rules and regulations as are necessary to implement the provisions of this section.

From: "Darryl Lutz" <dlutz@bucoks.com>
To: "Senator Les Donovan (E-mail)" <donovan@senate.state.ks.us>
Date: Thu, Jan 20, 2005 10:50 AM
Subject: Introduction of Kansas County Highway Association Legislative Proposals

Dear Senator Donovan:

The Kansas County Highway Association (KCHA) since 2003 legislative session has work with the Kansas Legislature to revise Chapter 68 and related statutes for the purpose of updating the County road statutes. Thanks to your support and the work of the Senate Transportation Committee, the KCHA has been successful at passing into law all five legislative proposals made over the last 2 sessions.

During 2004, the KCHA continued its work to review Chapter 68 and to develop proposals for additional revisions. This work has been a combined effort of staff from the Kansas Association of Counties (KAC) and KDOT. Once again this year, the KCHA wishes to submit two proposals to the Senate Transportation Committee for consideration to introduce as bills. I have attached these proposals for your review. The proposals are generally as follows:

Revisions to Road Classification Statutes: This proposal is a result of 3 years of work of the KCHA Legislative Committee and KDOT staff. In 1991 with the ISTEA Federal Highway Bill, the old designations of "secondary roads" was done away with and replaced with the "major and minor collector road" system. This proposal brings statutory language in line with current federal and state designations used to classify rural roads and to define which roads are eligible for federal aid funding.

Revisions to Road and Bridge Bidding Statutes: This is a cleanup proposal. In 2004, the state legislature passed and the governor signed into law a bill that made revisions to the bidding statutes for county bridge projects and county special benefit district projects. During interim review by the KCHA, it was discovered that some minor inconsistencies still existed in the county road bidding statutes. This proposal makes those minor changes and also revises the limits by which the Counties may award a contract for road and bridge work based upon competitive bids. Right now, bids can only be awarded if below the County Engineer's estimate. The KCHA believes that Counties should have an option to award a contract if the lowest bid is within 110% of the County Engineer's estimate.

The work of the KCHA to update the County road statutes is supported by the KAC and is included in the adopted 2005 legislative policy of the KAC.

Thanks for your consideration of these proposals. I look forward to an opportunity to present these to the Senate Transportation Committee.

Respectfully,

Darryl C. Lutz, P.E.
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Butler County, Kansas
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<<Proposed Revised Road Classification Statutes 120404.doc>> <<Proposed Revised Road Bridge Project Bidding Statutes 120304.doc>>

CC: "Keith Browning (E-mail)" <browning@douglas-county.com>, "Senator Peggy Palmer (E-mail)" <palmer@senate.state.ks.us>, "Bruce Kinzie (E-mail)" <brucek@rs.state.ks.us>, "Judy Moler (E-mail)" <moler@kansascountries.org>, "Larry Emig (E-mail)" <larry@ksdot.org>