

## MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Gary Hayzlett at 1:30 P.M. on February 9, 2006 in Room 519-S of the Capitol.

All members were present except:

Representative Pat George- excused

Committee staff present:

Hank Avila, Kansas Legislative Research

Bruce Kinzie, Revisor of Statutes Office

Betty Boaz, Committee Secretary

Conferees appearing before the committee:

Representative Jo Ann Pottorff

David Shaeffer, Citizen

Carol Ann Dobbins, Citizen

Kim Harp, Citizen

Martha Bean, Manager, Driver Review, Kansas Dept. of Revenue

Representative Carl Krehbiel

Representative Tim Owens

Representative Dan Johnson

Charles Yunker, American Legion

Representative Bob Bethell

Others attending:

See attached list.

Chairman Hayzlett called the meeting to order.

**HB 2705 - Designating a part of Interstate 135 as the Vietnam War Vets Memorial Highway**

Chairman Hayzlett recognized Representative Carl Krehbiel as the first proponent. (Attachment #1) According to Representative Krehbiel **HB 2705** recognizes the service and sacrifices made by veterans of the Vietnam War by designating that portion of #-135 in McPherson and Harvey Counties as the Vietnam War Veterans Memorial Highway.

Representatives Tom Owens and Dan Johnson were also recognized by the Chairman. They both stood in support of this bill. No written testimony was submitted.

The next proponent was Charles Yunker, Adjutant, The American Legion Department of Kansas. (Attachment #2) Adjutant Yunker said the American Legion fully supports **HB 2705**.

Representative Lee Tafari submitted written testimony in support of **HB 2705**. (Attachment #3) He said as a legislator and a veteran he supported this bill to serve as a constant reminder for everyone who travels that section of highway of the proud service and sacrifice of those veterans from the Vietnam War.

There were no opponents. Chairman Hayzlett closed the hearing on **HB 2705**.

**HB 2707 - Drivers licenses, requirements for seizure disorder**

Chairman Hayzlett opened the hearing on **HB 2707** and introduced Representative Jo Ann Pottorff. (Attachment #4) Representative Pottorff said she had a special interest in this bill because a friend of hers had been killed by a driver who had a history of seizures. In fact the driver had been involved in seven accidents prior to the one that killed her friend and his license had been suspended in the past due to his seizure activity.

The next proponent for **HB 2707** was David Schaefer whose mother had been killed when the driver of a vehicle crashed into the store where his mother was shopping. (Attachment 5) The officers at the scene wrote

## CONTINUATION SHEET

MINUTES OF THE House Transportation Committee at 1:30 P.M. on February 9, 2006 in Room 519-S of the Capitol.

in the report that the driver possibly had had an epileptic seizure. This same driver had been involved in many accidents and each time he had a valid drivers license according to the police reports.

Carol Ann Dobbins was the next proponent for **HB 2707**. (Attachment #6) She said the purpose for the proposed changes in this bill are to further protect people with seizure disorders from harm as well as innocent drivers.

There were no other proponents so the Chairman called for any opponents.

Kimberly Harp came forward to testify in opposition to **HB 2707**. (Attachment #7) According to Mrs. Harp she has battled a seizure disorder for 13 years and believes that by increasing the waiting period from six months to 18 months will only cause patients to avoid their needed doctor appointments or lie to their physicians or neurologists for fear of reports and revocation. She said she also opposes the clause that requires a report from an examination no more than 30 days prior to submission because of the problems of getting in to see their doctors. - she said there was a four to eight month waiting period to get into her neurologist.

There were no other opponents listed. After questions were answered the Chairman called for anyone neutral to this bill. Martha Bean, Manager of the Driver Review Section for the Division of Vehicles came forward to testify. (Attachment #8) According to Ms. Bean, because each case is unique and involves individual differences, the Division of Vehicles requests the revocation time remain at six months for the first seizure. Subsequent seizures may require extending the revocation period or possible permanent revocation of driving privileges. She said those determinations should be made by the driver's physician and their Medical Advisory Board, utilizing the guidance of Kansas statute.

After all the questions were answered the Chairman closed the hearing on **HB 2707**.

### **HB 2708 - Traffic regulations, auxiliary driving lamps, operation**

Chairman Hayzlett opened the hearing on **HB 2708**. He recognized Representative Bob Bethell. According to Representative Bethell (Attachment # 9) **HB 2708** does not exclude the use of "vanity lights" it in fact limits their usage to the times that the high beam lights are illuminated. He said the purpose of higher power lights should be for better lighting of the roadways that are traveled.

There were no other proponents and no opponents so the Chairman closed the hearing on **HB 2708**.

It was the Chairman's desire to work **HB 2705** as there were no opponents. Representative Ruiz made a motion to favorably pass this bill and put it on the consent calendar. Representative Yonally seconded the motion and the motion carried.

It was also the Chairman's desire to work **HB 2708** as again there were no opponents, so he opened this bill up to the Committee for discussion, comments or motions. Representative Yonally made a motion to favorably pass this bill, it was seconded by Representative Ballard and the motion carried.

There being no further business before the Committee, Chairman Hayzlett adjourned the meeting. The next meeting will be on February 13, 2006, at 1:30 p.m. in Room 519-S.

# HOUSE TRANSPORTATION COMMITTEE GUEST LIST

DATE: 2-9-06

NAME	REPRESENTING
JoAnn Pottorff	Legisature
David R. SCHAEFER	
Carol Dobkins	
Martha Bean	Driver Review
CAEMEL ACCOIT	KDOR
DIANE ALBERT	KDOR
Sara Turpin	Rep Henry
Kim Harp	self
<del>Champagne</del>	<del>Medicaid Council</del>
Gary Spotswood	Self
Julie Wiens	observer - Nurses day
Catherine Bender	observer
Bob Bethell	House
Linda McIlk	MOCSA
Beverly Johnson	KCSOV & BPW/Kansas

# HOUSE TRANSPORTATION COMMITTEE

DATE 2-9-06

NAME	REPRESENTING
REP. CARL KREHBIEL	74th DISTRICT
Rep Tim Owens	19th District
Amber Kolman	Rep. Dan Johnson
Rep Dan Johnson	110 <sup>th</sup>
LTC (RET) W. Wiederde	KS. DEPT. MIL. ORDER WORLD WARS
Charles m Yunker	Ks American Legion
Tom Whitman	Ks Motor Carriers Assn
Kenny Wilber	Southwestern College (Nursing Program)
Ken Gudenkauf	KDOT

ARL C. KREHBIEL  
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STATE OF KANSAS



TOPEKA  
—  
HOUSE OF  
REPRESENTATIVES

COMMITTEE ASSIGNMENTS  
VICE CHAIRMAN: UTILITIES  
KANSAS SECURITY  
MEMBER: HIGHER EDUCATION  
EDUCATION BUDGET  
ECONOMIC DEVELOPMENT

Thank you Chairman Hayzlett and members of the Committee.

I appreciate the introduction of HB 2705, which designates that portion of I-135 in McPherson and Harvey Counties as the Vietnam War Veterans Memorial Highway.

In general, recognition of the service and sacrifices made by veterans of the Vietnam War has been belated across the country. Fortunately the people of the United States have entered into a new era of appreciating their fellow citizens who serve the country in the military, regardless of whether they agree with a particular government action that puts fellow Americans in harm's way. I believe this would be an opportune time for Kansas to extend this gesture of recognition and appreciation to all of our fellow Kansans who served their country during that conflict.

I also hope that in the near future, a similar gesture of recognition and appreciation will be extended to those who have served in subsequent conflicts.

I am confident that all Kansas veterans would join in appreciation of the Committee's support for HB 2705.

Thank you for your consideration of this bill.

House Transportation  
Date: 2-9-06  
Attachment # 1

**Testimony before the  
House Transportation Committee  
Regarding House Bill 2705  
February 9, 2006  
By  
Charles M. Yunker, Adjutant  
The American Legion Department of Kansas**

Thank you for providing me the opportunity to testify in favor of HB 2705 which would designate a portion of Interstate Highway 135 as the Vietnam War Veterans Memorial Highway. The American Legion fully supports HB 2705 and applauds its sponsors.

I would like to offer an amendment for your consideration; currently, to the best of my knowledge, there is not a similar portion of highway in Kansas dedicated to the veterans of the Civil War, the Spanish American War, World War I, World War II, the Korean War (often referred to as the "forgotten" war) the Persian Gulf War, and the War on Terrorism. I ask that you consider amending HB 2705 to honor the service of those veterans who served our nation during the Civil War, the Spanish American War, World War I, World War II, the Korean War, the Persian Gulf War, and the War on Terrorism.

The American Legion does not have any specific highways in mind but we suggest the length be similar to the proposed Vietnam Veterans Memorial Highway. Each of the aforementioned wars exposed our veterans to unique conditions and weapons; therefore in an effort to avoid controversy about the importance of one war over the other, the lengths of each war memorial highway should be the same or as close to the same as possible. I might suggest that you consider US 36 in Smith County be named as a part of the World War I Memorial Highway in honor of our states last known WWI veteran and the oldest living Marine, J. S. "Jud" Wagner who currently resides in a rest home in Smith Center, Kansas.

House Transportation  
Date: 2-9-06  
Attachment # 2

# STATE OF KANSAS

## House of Representatives



THE CAPITOL

Lee Tafanelli

Representative, Forty Seventh District

February 8, 2006

### Testimony in Support of HB 2705

Chairman Hayzlett and Members of the Committee:

Thank you for the opportunity to testify here today in support of HB 2705. As a legislator and a Veteran, I support HB 2705. HB 2705 would serve as a constant reminder for everyone that travels that section of highway of the proud service and sacrifice of those Veterans from the Vietnam War. These Veterans received little recognition for their sacrifice and their defense of Freedom and this bill would serve as a small token of our appreciation for their service to our State and Nation.

Mr. Chairman, members of the Committee, thank you again for the opportunity to submit this brief testimony and I ask for your support of HB 2705.

COMMITTEE ASSIGNMENTS  
APPROPRIATIONS  
PUBLIC SAFETY BUDGET  
JOINT COMMITTEE ON KANSAS SECURITY

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House Transportation  
Date: 2-9-06  
Attachment # 3

STATE OF KANSAS



TOPEKA

HOUSE OF REPRESENTATIVES

**JO ANN POTTORFF**

REPRESENTATIVE, EIGHTY-THIRD DISTRICT  
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WICHITA, KANSAS 67208-3611

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COMMITTEE ASSIGNMENTS

**Member**  
APPROPRIATIONS  
HIGHER EDUCATION  
LEGISLATIVE EDUCATION PLANNING  
COMMITTEE  
**Chairman**  
GENERAL GOVERNMENT AND  
COMMERCE BUDGET

Testimony on HB 2707

Drivers' licenses, requirements for seizure disorders

Chairman Hayzlett and members of the House Transportation Committee:

Thank you for allowing me to speak on HB 2707 today. I have a keen interest in this bill because a friend of mine was killed by a driver who had a history of seizures. He has been involved in seven accidents prior to this one. Two of those happened within the past two years. His license has been suspended in the past due to his seizure activity.

This bill addresses the need for change in the statute to assure safe driving habits of a licensed person who experiences seizures.

I respectfully request your consideration of this issue that I would like to refer to as the Yvonne bill.

Representative JoAnn Pottorff

House Transportation  
Date: 2-9-06  
Attachment # 4





6000 S. Western  
Oklahoma City, OK 73139  
(405) 636-4582

February 8, 2006

Testimony on HB 2707

Douglas C. Crowe was legally able to drive after being involved in 7 prior accidents. On April 18, his eighth accident left my mother, Yvonne Schaefer dead at the age of 76.

Since 1993, when on Oldsmobile driven by Douglas C. Crowe smashed into a front window of Ken-Mar Drugs, 4728 E. 13<sup>th</sup> Street, Wichita, Kansas, he has been at the wheel in several traffic accidents, according to my review of the police reports in five of those accidents, officers at the scene wrote in the report that the driver possibly had an epileptic seizure or some unknown medical condition that contributed to or caused the accident. Twice police reported he had had seizures or blacked out.

In instance after instance, he struck another vehicle from behind or veered off the street crossing into the wrong lanes or colliding with objects off the roadway – vehicles, a house, fences and a tree. Once, his car traveled half the length of a football field jumping a curb.

In each accident, including my mother's, he had a valid drivers license, according to the police reports. And legally, he can still drive. This is wrong and the system needs to be changed!

Sincerely,

David R. Schaefer, CPA  
President

House Transportation  
Date: 2-9-06  
Attachment # 5

February 8, 2006

The purpose for the proposed changes in House Bill No. 2707 are to further protect people with seizure disorders from harm as well as innocent drivers.

We ask that people with controlled seizures not sustain a seizure involving loss of consciousness in the waking state for 18 months prior to application for license or renewal as opposed to the current six month period and provide a written report from a licensed medical practitioner dated less than 30 days from license application that the licensee's seizures are controlled. Currently the medical report can be three months old at the time of application. With the requested changes in place, I believe my mother would be alive today.

Douglas C. Crowe had 8 accidents in a 12 year span. In 5 of those accidents, officers recorded that an epileptic seizure possibly contributed to the accident. Twice, Mr. Crowe told police he had a seizure or blacked out. The last accident on April 18<sup>th</sup>, 2005 was a violent head on collision that took the life of my mother, Yvonne Schaefer. It is too late for her but can we see clearly to save other lives?

In order to protect the privacy of all drivers, the Kansas Department of Transportation and law enforcement agencies maintain accident reports. The Division of Motor Vehicles, part of the Department of Revenue, administers driver's licenses but has limited access to this accident information. The law provides that when the division has reason to believe that an applicant is not qualified to operate a motor vehicle in accord with public safety and welfare, that additional examinations or review may be necessary. Full access to the accident information would be extremely helpful but in lieu of changes in this area, I believe that the proposed changes in this bill would help the Division of Motor Vehicles determine who should be free to drive, and live, on Kansas highways. Your approval of these changes may save your life or someone close to you.

Thank you very much for your consideration.

Carol Ann Dobbins

House Transportation  
Date: 2-9-06  
Attachment # 6

Thursday, February 09, 2006  
Kimberly A. Harp  
785-215-1562  
[kharp@hotmai.com](mailto:kharp@hotmai.com)

**Concerning House bill 2707**

I oppose House Bill 2707. I feel that driving restrictions for individuals with epilepsy or seizure disorders is a necessity to protect all Kansans on the road. I do agree that the 6 month seizure-free period does need to be increased, but not by three fold. I have battled a seizure disorder for 13 years, and I believe that by increasing this waiting period to 18 months will only cause patients to avoid their needed doctor appointments or to lie to their physicians or neurologists for fear of reports and revocation. The shock of having to wait a year-and-a-half will result in patients not receiving the care they require, and thus, further seizures. I recommend that the waiting period be increased, instead, to 12 months. This allows time for patients to get treatment, adjust their medications as needed, and to gain control of their seizures.

I also oppose the clause that requires a report from an examination no more than 30 days prior to submission. Anyone who has tried to get in to see their doctor knows that appointments are made, then rescheduled by the doctor's office, and rescheduled again. This trend is magnified if you are trying to get in to see a specialist, such as a neurologist. My own neurologist has a 4-8 month waiting list. If one cannot get in to see their doctor, their license will be revoked, put on their permanent record without a "due to health" stipulation. This can affect insurance costs or the ability to receive insurance at all. The clause on line 1 of page 4 of this bill should not be amended. Three months is a reasonable time to get in to see a doctor and have him or her sign the needed paperwork.

Thank you for your time and consideration.

House Transportation  
Date: 2-9-06  
Attachment # 7



# K A N S A S

JOAN WAGNON, SECRETARY

DEPARTMENT OF REVENUE  
DIVISION OF VEHICLES

KATHLEEN SEBELIUS, GOVERNOR

**TO:** Chairman Gary Hayzlett  
Members of the House Transportation Committee

**FROM:** Martha Bean, PSA  
Division of Vehicles, Driver Review Section

**DATE:** February 9, 2006

**SUBJECT:** House Bill 2707 – Seizure Free Period

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Thank you Mr. Chairman and members of the committee.

My name is Martha Bean. I am the Manager of the Driver Review Section for the Division of Vehicles. We review all vision and medical cases for Drivers License.

Driver Review processed over 13,000 cases in 2005. These cases involve any medical or vision problem for persons of any age, not just seizure cases. We have 909 drivers listed as having a neurological concern. This category also includes stroke, aneurysm, multiple sclerosis, Parkinson's disease and includes brain and spinal cord injuries.

Applicants come to our attention in a variety of ways. They may self report, or we may receive a letter of concern. We might receive an officer's complaint when someone has had an accident or the officer is helping a lost or impaired person and has a concern for their well being. We receive referrals from Examiners when applicants answer the health questions on the drivers license application or from driver education applications.

The Medical Advisory Board was put in place in 1969. The board consists of three licensed physicians and an optometrist.

Prior to 1994, applicants had to wait one year prior to submitting a medical report for review for reinstatement. In the view of the Board at that time, one year was considered excessive. Their recommendation was 6 months, which they felt was long enough to confirm a diagnosis or make sure medication was in the proper dosage, thus controlling the seizures. This is what the current statute requires.

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House Transportation  
Date: 2-09-06  
Attachment # 8

For comparison, Missouri requires applicants to be 6 months seizure free. Nebraska requires 3 months seizure free. Oklahoma requires 6 months seizure free.

When we reinstate an applicant after a seizure, we require that the applicant submit a medical report from a new exam and, report annually for a period of not less than 3 years. This annual report is mailed to the applicant approximately 30 days before his birthday and due back within 60 days. We frequently request additional information or additional reports at any time we feel it is necessary. There are of course those who "fib" to their doctors and to our department. These are the folks we are most concerned about. We will request additional reports at 3 or 6 month intervals if medical evidence suggests a pattern.

House Bill 2707 proposes to amend the length of time a person must wait to drive after a seizure to 18 months and we understand the reasons for this proposed language.

Because each case is unique and involves individual differences, the Division of Vehicles requests the revocation time remain at 6 months for the first seizure. Subsequent seizures may require extending the revocation period or possible permanent revocation of driving privileges. Those determinations should be made by the driver's physician and our Medical Advisory Board, utilizing the guidance of Kansas statute.

I would be happy to answer any questions, Mr. Chairman.

BOB BETHELL  
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COMMITTEE ASSIGNMENTS  
CO-CHAIRMAN: LONG TERM CARE TASKFORCE  
MEMBER: APPROPRIATIONS  
HEALTH & HUMAN SERVICES  
SOCIAL SERVICES BUDGET

STATE CAPITOL—ROOM 175-W  
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TOPEKA

### Testimony on HB 2708

Mr. Chairman, and members of the House Transportation Committee, I am Bob Bethell and I appear today in support of HB 2708.

As you will remember I appeared before this committee to request this bill be introduced. I guess my interests really are directed to those things that are old. In this case the old is only a subset of those effected by the so called “vanity lights” on new vehicles.

After discussing the concept contained in HB 2708 with several different individuals and groups I find that the discomfort and temporary blindness caused by these lights runs through all age groups.

HB 2708 does not exclude the use of “vanity lights” it in fact limits their use to the times that the high beam lights are illuminated. The purpose of higher power lights should be for better lighting of the roadways that are traveled. It appears however that some like to, in their own way, intimidate others or show a lack of concern for others using the same roadways.

Mr. Chairman, and committee members I would encourage your favorable passage of HB 2708 and Mr. Chairman I would stand for questions.

House Transportation  
Date: 2-9-06  
Attachment # 9