

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Gary Hayzlett at 1:30 P.M. on February 15, 2006 in Room 519-S of the Capitol.

All members were present except:

Representative Barbara Ballard- excused

Committee staff present:

Hank Avila, Kansas Legislative Research

Bruce Kinzie, Revisor of Statutes Office

Betty Boaz, Committee Secretary

Conferees appearing before the committee:

Marcy Ralston, Chief, Driver Control Bureau, Dept of Revenue

Greg Nickel, Kansas Association Court Management

Jim Keller, Deputy General Counsel, Dept of Revenue

Others attending:

See attached list.

Chairman Hayzlett opened the hearing on **HB 2780**.

HB 2780 - Traffic violations, court notifying the division electronically

Chairman Hayzlett introduced the first proponent, Marcy Ralston, Chief, Driver Control Bureau, Dept. of Revenue. According to Ms. Ralston, for some time the Division of Motor Vehicles has actively encouraged the courts to seriously consider electronic submission. (Attachment #1) She said the main drive behind this bill is another bill introduced this session, SB 371, which concerns commercial driver's licenses and will bring Kansas into compliance with the federal Motor Carrier Safety Improvement Act. By the year 2008, Kansas must be in compliance with notification of convictions for commercial licensed drivers or for offenses committed in a commercial motor vehicle, within ten days from conviction date.

There were no other proponents. The Chairman recognized Greg Nickel, Kansas Association of Court Management as the only opponent. According to Mr. Nickel (Attachment #2) **HB 2780** proposes that abstracts of traffic convictions and bond forfeitures "shall be forwarded in an electronic format approved by the division." Mr. Nickel said they had two concerns. 1) the unfettered authority to dictate allowed formats and 2) a reasonable time to implement electronic reporting.

There were no other opponents. Chairman Hayzlett drew the Committee's attention to the written testimony provided by Larry R. Baer, Assistant General Counsel for the League of Kansas Municipalities. His testimony was more an expression of concern than an objection to this bill. (Attachment #3) He said of the 627 cities in Kansas 60% have a municipal court and many of those have non-lawyer judges. In the small municipal courts the judge may also perform the duties of the court clerk. Their concern is based on staffing problems and technological limitations.

After all questions were answered, Chairman Hayzlett closed the hearing on **HB 2780**.

Chairman Hayzlett opened the hearing on **HB 2781**.

HB 2781 - Administrative hearing for drivers license revocation by video/telephone

Chairman Hayzlett recognized Jim Keller, Deputy General Counsel, Department of Revenue, as the first proponent for **HB 2781**. (Attachment #4) According to Mr. Keller, Administrative hearing officers employed by the Division of Vehicles hold approximately 10,000 administrative hearings each year. This bill is intended to expedite administrative hearings on driver's license suspensions and save time and money expended for travel by hearing officers employed by the Division of Vehicles, as well as witnesses, licensees and their attorneys.

CONTINUATION SHEET

MINUTES OF THE House Transportation Committee at 1:30 P.M. on February 15, 2006 in Room 519-S of the Capitol.

There were no other proponents and no opponents. After all questions were answered, Chairman Hayzlett closed the hearing on **HB 2781**.

Representative Ruiz commended Representative Long for an outstanding job as Chairperson in Chairman Hayzlett's absence.

There being no other business Chairman Hayzlett adjourned the meeting. The next meeting will be on February 16, 2006, in Room 519-S at 1:30 p.m.

HOUSE TRANSPORTATION COMMITTEE GUEST LIST

DATE: 2-15-06

NAME	REPRESENTING
James Bartle	Dept. of Revenue
Lisa Kelly	Dept. of Revenue
Jim Keller	KDOR
Marcy Balston	KDOR
Diane Albert	KDOR
Star Jones	John Peterson



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: Marcy Ralston, Chief, Driver Control Bureau
Division of Vehicles

DATE: February 15, 2006

SUBJECT: House Bill 2780- Electronic Submission

Thank you Mr. Chairman and Committee Members. My name is Marcy Ralston, and I serve as the Chief of the Driver Control Bureau, Division of Vehicles, Department of Revenue. Thank you for the opportunity to speak on behalf of this bill.

For over ten years, The Division of Motor Vehicles has offered the district and municipal courts the option to submit convictions in an electronic format. During this time, only a handful of courts chose to submit their convictions in this manner until a few years ago when the Office of Judicial Administration brought on-line 103 county courts. While we appreciate the additional electronic submissions, this represents about one-third of the total convictions received by the Division. The remaining convictions continue to be submitted by paper and manually processed. Suspensions and reinstatements for persons failing to comply with their traffic citations produce the highest volume of suspensions administered by the Division. In 2001 we made available to the courts the option to submit these actions electronically. As of this date, only three courts submit their suspensions and reinstatements electronically.

This bill is not intended to punish or penalize the courts. For quite some time, the division has actively encouraged the courts to seriously consider electronic submission and to speak with their judges or city councils if needed. The main drive behind this bill is another bill introduced this session, Senate Bill 371, which concerns commercial driver's licenses and will bring Kansas into compliance with the federal Motor Carrier Safety Improvement Act. By the year 2008, Kansas must be in compliance with notification of convictions for commercial licensed drivers or for offenses committed in a commercial motor vehicle, within ten days from conviction date. If we continue with submission of convictions and suspensions/reinstatements by paper, we will not be able to comply with this requirement and it will result in the loss of federal highway funds to the State.

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House Transportation
Date: 2-15-06
Attachment # 1

The Division of Vehicles considers the courts our partners in administering the state's traffic laws. Many courts only have single clerk to handle all court business and we realize they may not have an IT department or staff to convert their processes from paper to electronic. The Division is more than willing to provide whatever support and assistance we can in their efforts.

In addition, we respectfully request the committee to amend the effective date of the bill to July 1, 2007, to provide the courts with time to comply.

Thank you for your consideration of this bill and I stand for any questions.

**Testimony Before The
HOUSE TRANSPORTATION COMMITTEE**

**For The
LEGISLATURE OF THE STATE OF KANSAS**

by
**Greg Nickel
Newton Municipal Court Administrator
Representing the Kansas Association for Court Management (KACM)**

February 15, 2006

Representative Hayzlett and members of the Committee –

My name is Greg Nickel, and I am the Municipal Court Administrator for the City of Newton and chair of the legislative committee for KACM. Thank you for the opportunity to address you on this issue which will impact our daily operations.

HB 2780 proposes that abstracts of traffic convictions & bond forfeitures "*shall be forwarded in an electronic format approved by the division.*" We recognize that receiving abstracts in written form requires a tremendous amount of staff time to data input, which also creates a potential for error. The impetus to transmit electronically is clear and it is our desire to accommodate the division of motor vehicles as they work to increase their efficiency.

Before proceeding, however, we request that two (2) concerns be addressed:

1) Unfettered Authority to Dictate Allowed Formats: There are numerous municipal courts around the state of all sizes. Some employ sophisticated software programs which are designed specifically for municipal court operations; there are several different software systems out there being used. But many of the municipal courts, serving the smaller communities, are utilizing simple word processing and database programs -- and some are still basically paper systems.

We see the potential for problems in this area, depending upon how the division would exercise this unrestricted authority to mandate some form of electronic reporting. This could potentially force smaller cities -- some of whom have minimal court activity of this type to report -- to expend significant sums in order to acquire a system capable of meeting whatever the State requirements might turn out to be. Reviewing data collected by Kansas Supreme Court's Office of Judicial Administration, 75 municipal courts filed 25 or fewer traffic citations last year. The same data shows that the smallest 50% of courts account for than barely more than 1% of the total traffic convictions reported to the state.

Thus, before this kind of authority is granted to the division, **there needs to be some assurances:**

A) That the required electronic reporting won't be so customized that it will compel the purchase of special software programs or systems, and can be accommodated with standard systems which are already in place, and

B) That some exceptions be made for courts which only have some minimal reporting activity.

2) Reasonable Time to Implement: Without ample time to develop and test reliable means of electronic reporting, these reporting techniques risk bearing errors inherent in thrown-together, last-minute efforts. To accommodate the electronic reporting requirement, many larger courts will need to develop, or contract for the development of report-writing tools that automatically extract and format this data -- these must be created and tested to the point of being error free. Smaller courts may need to purchase and develop new systems -- these courts generally lack the staffing that will allow this to be done at a moment's notice, without seriously disrupting the order of business for which they exist.

My court already has the ability to report electronically and have been working towards this goal for the past 6 months, but have not implemented because I am not yet confident that the reporting tool is reliable -- I have identified scenarios where false convictions can be reported. Errors of this kind cannot be risked, and will require time to correct the problem.

For some city's, complying with the requirement for electronic reporting will require the expenditure of funds that need time to be budgeted. Small, non-computerized courts will need to purchase hardware, make decisions about software, and finally spend the necessary time to responsibly develop and/or configure these new systems.

We request that the effective date for any required electronic submission allow a **minimum of one year to comply.**



League of Kansas Municipalities

300 SW 8th Avenue
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Phone: (785) 354-9565
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Date: February 15, 2006
To: House Transportation Committee
From: Larry R. Baer
Assistant General Counsel
Re: H. B. 2780
Written Testimony

Thank you for allowing me to present written testimony on behalf of the League of Kansas Municipalities and its member cities. This testimony is presented more as an expression of concern than in objection to HB 2780.

HB 2780 would mandate the electronic filing of certain information with the department of vehicles by courts, including municipal courts. The request is made without regard to whether the court has the technological capability to do so and without a phase-in procedure.

There are 627 cities in the State of Kansas. Of those more than 60% have a municipal court. Very many of these, particularly those in smaller cities, have non-lawyer judges. In the small municipal courts the judge may also perform the duties of the court clerk. The League is concerned that HB 2780 would impose reporting requirements upon the small courts that neither the court personnel nor the cities are presently prepared to handle either because of staffing or technological limitations.

The League asks that the committee give consideration to these concerns when it discusses this matter. We would also ask, should HB 2780 become law, that the division of vehicles give consideration to these concerns including a willingness to allow a phase in of the reporting much in the way that the Department of Revenue worked with businesses in the implementing of destination based sourcing for sales tax collection.

House Transportation
Date: 2-15-06
Attachment # 3



K A N S A S

JOAN WAGNON, SECRETARY

DEPARTMENT OF REVENUE
LEGAL SERVICES

KATHLEEN SEBELIUS, GOVERNOR

TESTIMONY

TO: House Transportation Committee, Chair Gary Hayzlett
Members of the House Transportation Committee

FROM: James G. Keller
Deputy General Counsel
Kansas Department of Revenue

DATE: February 15, 2006

RE: House Bill 2781

Chairman Hayzlett and members of the House Transportation Committee, thank you for the opportunity to provide testimony today on House Bill 2781.

Administrative hearing officers employed by the Division of Vehicles hold approximately 10,000 administrative hearings each year. This bill is intended to expedite administrative hearings on driver's license suspensions and save time and money expended for travel by hearing officers employed by the Division of Vehicles, as well as witnesses, licensees and their attorneys.

The present law requires hearing officers to travel to specific locations to hold administrative hearings on driver's license suspensions. That process involves the expenditure of considerable time and expense. It also involves numerous problems in resolving scheduling conflicts with licensees, attorneys and witnesses to try to have all of them available for the limited dates and times the hearing officers are in particular locations.

The present law allows administrative hearings to be held by telephone or video conference only if requested by the licensee. In those cases where licensees have made such a request, the Division has noticed that hearings can be scheduled sooner and there has been a savings in time and money. A greater use of telephone or video conference calls will allow matters to be held sooner with less expense to the Division of Vehicles. It would also allow for greater flexibility in scheduling than the present system of requiring the hearing officer, licensee, licensee's attorney and any witnesses to all be physically present in the same location at the same time.

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House Transportation
Date: 2-15-06
Attachment # 4

Under the present system, hearings often have to be continued for months because of scheduling conflicts regarding the limited number of hearing dates. Hearing officers are now sometimes required to spend considerable travel time to arrive at specific hearing locations for one or two hearings. In some cases, licensees, attorneys or law enforcement officers also are required to travel large distances to hearings.

The Division does not intend to use telephone or video conference hearings in all cases—only in those cases where such hearings would provide a cost or time savings. For example, greater use of telephone or video hearings will allow the Division to schedule several hearings in succession with one attorney, although the cases arise out of different locations. Licensees who live some distance from the physical hearing location would be able to participate by telephone instead of being required to travel. Law enforcement officers who have been reassigned or who have moved to another location would not be required to travel to the hearing location.

Telephone or video hearings would* allow hearings to be held more expeditiously by not being tied to a time when the hearing officer is physically present at the hearing location. A reduction in travel time on the part of the Division's hearing officers would also allow hearing officers to hold more hearings in the time they would have been traveling from one location to the next.

This bill will help the Division of Vehicles provide hearings in a more efficient manner. Thank you for your consideration of this legislation.