

## MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Gary Hayzlett at 1:30 P.M. on January 18, 2007 in Room 519-S of the Capitol.

The following members were excused:

Representative Julie Menghini  
Representative Gene Rardin  
Representative Tom Sloan  
Representative Bill Wolf

Committee staff present:

Hank Avila, Kansas Legislative Research  
Chris Courtwright, Kansas Legislative Research  
Bruce Kinzie, Revisor of Statutes Office  
Betty Boaz, Committee Secretary

Conferees appearing before the committee:

Representative Pat Colloton  
Representative Ann Mah  
Philip Bradley, KS Licensed Beverage Association  
Amy Campbell, KS Association of Beverage Retailers

Others attending:

See attached list.

Chairman Hayzlett opened the meeting and asked for bill introductions.

The Chairman recognized Representative Bob Bethell who asked to introduce a bill regulating running lights on new automobiles. Representative Humerickhouse made a motion to accept this bill, seconded by Representative Vickrey and the motion carried.

Chairman Hayzlett recognized Carmen Aldritt, Director of Motor Vehicle Division of the KS Department of Revenue. Director Aldritt asked to introduce a bill providing for an expedited processing fee and creating the expedited processing fee fund. Representative Henry made a motion to accept this bill, seconded by Representative Treaster and the motion carried.

Director Aldritt requested a second bill introduction concerning the registration of vehicles relating to license plates and establishing a license plate production fee. Representative Wetta made a motion to accept this bill, seconded by Representative McLachlan and the motion carried.

The Chairman recognized Doug Lawrence representing Midwest Crane and Rigging who requested a bill to clarify motor carrier and commercial vehicles language in a bill that was introduced last session. Representative Peck made a motion to accept this bill, seconded by Representative Humerickhouse, motion carried.

Representative Huntington requested introduction of a bill that would require helmets to always be worn while riding motorcycles. The motion was made by Representative Huntington, seconded by Representative Ballard and the motion carried.

There being no more requests for bill introductions the Chairman opened the hearings.

**HB 2041 - 95<sup>th</sup> division the iron men of Metz highway, highway designation**

The purpose of this bill was to clarify language in a bill that was passed a couple of years ago. When the highway sign was installed it was noticed that the sign designation was different than what was intended but because it was in the statutes it was necessary for another bill to be passed to correct the language.

There was no opposition to this bill. Chairman Hayzlett closed the hearing on **HB 2041**.

CONTINUATION SHEET

MINUTES OF THE House Transportation Committee at 1:30 P.M. on January 18, 2007 in Room 519-S of the Capitol.

**HB 2042 - Expiration of drivers' licenses for people under 21 years of age**

Chairman Hayzlett opened the hearings on **HB 2042** and introduced Representative Pat Colloton (Attachment #1). Representative Colloton urged the Committee to repeal the provision in the driver license law that causes the driver license to automatically expire the license on the 21<sup>st</sup> birthday of the driver. According to Representative Colloton this requirement is burdensome and unnecessary and creates a hardship on some 21 year olds whose birthday falls on a weekend or holiday or who go to school out of state.

The Chairman recognized Representative Mah as the next proponent of **HB 2042**. According to Representative Mah (Attachment #2) she voted for this law last year because she was assured her son could go in ahead of his 21<sup>st</sup> birthday and get his license renewed. Representative Mah said they found out that they could go in early and get an extension of his license but would have to make a second trip for the actual license renewal. In addition to this inconvenience Representative Mah's son was "grandfathered" until 2009 so the law won't have a practical effect for a couple of years. She urged the Committee to fix this law before the public has experiences similar to hers.

The Chairman asked if there were any other proponents. There being none the Chairman called the first opponent of **HB 2042**.

Chairman Hayzlett recognized Philip Bradley who represents the Kansas Licensed Beverage Association. (Attachment #3) Mr. Bradley explained the background of the bill. According to Mr. Bradley this law was implemented with great success. Mr. Bradley said expiration of the vertical license at 21 is working to prevent underage access to alcohol and that any difficulties that exist are in the renewal process and can be fixed if desired.

The next opponent recognized by the Chairman was Amy Campbell, Executive Director of the Kansas Association of Beverage Retailers. (Attachment #4) According to Ms. Campbell, her association opposes this bill because it would delete the requirement that a drivers license be renewed at the age of 21. She said this was a simple requirement that makes the use of vertical driver licenses meaningful and is one more step in the partnership between liquor store licensees and the State in preventing underage access to adult beverages. She summarized by asking the Committee to not pass **HB 2042**.

There being no other proponents or opponents, the Chairman closed the hearing on **HB 2042**.

It was the Chairman's desire to work **HB 2041**. The Chairman asked for discussions, comments or motions on this bill. Representative Vickrey made a motion to pass HB 2041 favorably out of Committee and put it on the Consent Calendar. Representative Burgess seconded the motion and the motion carried.

Representative Henry introduced Tom Burrough's new intern, Ted Henry, who is Representative Henry's son.

There being no further business before the Committee the Chairman adjourned the meeting. The next meeting will be at 1:30 p.m, January 23, 2007, in Room 519-S.

# HOUSE TRANSPORTATION COMMITTEE GUEST LIST

DATE: 1-18-07

NAME	REPRESENTING
Bob Bethell	Dist 113 (Rice Co)
Don McNEELY	KADA
CARMEN ALDRICH	KDOR
Terry Mitchell	KDOR
Alan Andersen	KDOR
Kelly Harton	KDOR
Ann Mohr	Rep
Pat Collob	Rep
Ann Campbell	KABR
Phil Bradley	KLBA

**HOUSE TRANSPORTATION COMMITTEE**

**DATE** 1-18-07

<b>NAME</b>	<b>REPRESENTING</b>
Phil Bradley	KLBA
Tom PALACE	PMCA OF KS
Ken Gudenkaut	KDOT
Loug LAWRENCE	Midwest Crane & Rigging

STATE OF KANSAS  
HOUSE OF REPRESENTATIVES

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PAT COLLOTON  
28TH DISTRICT

January 18, 2007

Dear Chairman Burgess and Committee Members:

RE: Driver License Law For 21 Year Olds

I urge you to pass HB 2042 that repeals the provision in the driver license law (K.S.A. 8-247) that causes the driver license to automatically expire the license on the 21<sup>st</sup> birthday of the driver. This requirement was passed last year and is unnecessary and burdensome. It is already the law that a license issued prior to the 21<sup>st</sup> birthday is printed vertically. It is also provided by law that every underage driver license has printed on it: "Will not turn 21 until (actual date of the person's birthday)." Last year the Department of Motor Vehicles, while not opposing the change, did point out that the new 21<sup>st</sup> birthday law would create difficulties for any 21 year old whose birthday falls on a weekend or holiday or who goes to school out of state.

Since July, when the new provision became effective, constituents have complained to lawmakers about the undue inconvenience of having the license automatically expire on the 21<sup>st</sup> birthday.

Problems: (1) Many applicants must go twice to the Motor Vehicle Department. If the 21<sup>st</sup> Birthday falls on a weekend or a holiday, the applicant must apply for a temporary license before his birthday, for example on Friday, and then apply again for the regular license after the weekend at a time when the local driver license center is open; (2) Applicant can't go on an airplane for a week to ten days. If the 21 year old plans to, for example, go on a vacation with his family or come home from school on a holiday, the expired license may prevent him from getting past airport security. A temporary license can be applied for but it will not necessarily be accepted. (3) If the driver is stopped by a police officer or is applying for something or attending an event that requires showing a valid license, he/she is out of luck. (4) The Department of Motor Vehicles does not begin the issuance process until the 21<sup>st</sup> birthday. The request is sent to the company that prints the plastic card and then the card is mailed to the recipient. The process of printing takes several days as does the process of mailing the card so that the driver doesn't receive the new license until about a week to ten days after his 21<sup>st</sup> birthday even when he has applied in advance for the new license.

For all these reasons we should pass HB 2042 and repeal the automatic expiration of the drivers license at age 21.

Respectfully Submitted:

*Pat Colloton*

Representative Pat Colloton

House Transportation  
Date: 1-18-07  
Attachment # 1

**ANN E. MAH**  
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TOPEKA

HOUSE OF  
REPRESENTATIVES

COMMITTEE ASSIGNMENTS  
EDUCATION  
FEDERAL AND STATE AFFAIRS  
GOVERNMENT EFFICIENCY AND  
TECHNOLOGY

House Committee on Transportation  
Testimony – Rep. Ann Mah  
HB 2042

Thank you, Mr. Chairman and committee for allowing me to testify before you today. I am testifying in favor of HB 2042 because of my personal experience as the parent of a young man who turned 21 on a Sunday this year and because I believe the current law is bad public policy.

I voted for this law last year because I was assured my son could go in ahead of time at his convenience and get his license renewed. What I found out was that those turning 21 on a weekend or holiday or a Monday when the bureaus are closed or who were living out of state or were in Las Vegas celebrating the day or who were otherwise unable to get to a license bureau on their 21<sup>st</sup> birthday, had to come in prior to their birthday and get an extension of their license (so they wouldn't get a fine for driving without a license). Then they had to make a second trip into the bureau after their birthday for the actual license renewal. The law is simply an inconvenience and a waste of time and money.

When my son went in to get his new license, he was told that he was “grandfathered” until 2009 because he got his previous license in 2005, before the law went into effect. So if there is a policy reason to make this change, it won't have any practical effect for several years, until all the “grandfathered” licenses expire. If the purpose for this law was to spot underage drinkers, it makes even less sense. The “fail-safe” mode to make sure underage drinkers don't get alcohol is for them to have the “under-21” version license and make them get checked at the door. That's what my son will do until 2009, when his current license expires on his 24<sup>th</sup> birthday.

If you have not been hearing from your constituents about this law, it is because relatively few have been through the process due to the grandfathering. We have the opportunity now to turn around this “clunker” before the public experiences the problems en masse.

House Transportation  
Date: 1-18-07  
Attachment # 2



*Kansas  
Licensed  
Beverage  
Association*

*President*  
James "Jim" Fager

*Vice Presidents*  
Tammy Davis  
Tom Intfen  
Robert Farha  
Jim Hendricks  
Curt Melzer  
Richard Markle  
Paul Boone  
Billy Long  
Leigh Watkins  
Drew Mullen  
Sean Haydock

*Treasurer*  
Mark Barrett

*National  
Director*  
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Philip Bradley

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Testimony on HB2042, January 18, 2007  
House Transportation Committee

Mr. Chairman, and Representatives of the Committee,

I am Philip Bradley representing the Kansas Licensed Beverage Assn., the men and women, in the hospitality industry, who own and manage bars, clubs, caterers, restaurants, breweries and hotels where beverage alcohol are served. Thank you for the opportunity to submit testimony today.

**We Oppose HB-2042 and urge you to vote against it.**

In 2003 the legislature passed SB-159, establishing the use of Vertical DL and ID cards. This action requested and advocated by the KLBA has assisted in our mutual goal of assuring that underage persons do not get access to beverage alcohol in Kansas. SB-159 passed with huge support (Senate 39-0, House 121-2) and was signed into law. Since then this statute has been implemented with great success. Many other states use the same Vertical DL/ID process. **Unfortunately there was one vital tool missing in our law that other states use to attain our mutual goal.** Although Vertical ID cards expire on the 21<sup>st</sup> birthday, this was left out of the DL statute. This fatal flaw was corrected in 2006 with SB 554. (passed the House 112 to 10 and the Senate 40 to 0)

The reason to have a differently appearing card for those under 21 is to reduce the accessibility of alcohol to underage persons. This helps in several ways; 1) immediate and obvious recognition that this is an underage card; 2) that underage persons could not "pass on" or sell their cards to others when they become 21 and replace their card; 3) assuring that no person over 21 has a valid vertical card.

We now have a DL that is extremely difficult to counterfeit and easier than ever to verify authenticity. *However that is all lost if someone is using a real DL to obtain alcohol illegally.* The appearance of our youth varies greatly from 15 to 21 years of age. **NOW anyone using a vertical ID will either be underage or using an expired card and this will assist all of us in preventing underage access to alcohol.**

We have worked with the KDOR, Drivers License Bureau and appreciate their help. Minor adjustments necessary to allow them to quickly and seamlessly implement this change were made in the Senate Committee. We also thank Mr. Kinzie for his efforts and skills.

**Other supporters-** In the law enforcement community, we were given and continue to receive support for this bill by the following associations; *the Kansas Peace Officers Association, the Kansas Association of Chiefs of Police and the Kansas Sheriff's Association.* Also in support are the *Kansas Association of Beverage Retailers and the Petroleum Marketers and Convenience Store Assn. of Kansas.*

In summary, expiration of the vertical license at 21 is working to prevent underage access to alcohol. Any difficulties that exist are in the renewal process and can be fixed if desired. I am willing and ready to assist in this endeavor.

Thank you for your consideration,

Philip Bradley  
Executive Director  
Kansas Licensed Beverage Association

House Transportation  
Date: 1-18-07  
Attachment # 3





# The Kansas Association of Beverage Retailers

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kabr@amycampbell.com

*Larry Knackstedt, President*

*Amy A. Campbell, Executive Director*

**TESTIMONY PRESENTED TO THE  
HOUSE COMMITTEE ON TRANSPORTATION  
JANUARY 18, 2007  
BY AMY A. CAMPBELL, EXECUTIVE DIRECTOR**

House Transportation  
Date: 1-18-07  
Attachment # 4

Thank you, Chairman and members of the Committee. My name is Amy Campbell and I appear before you today on behalf of the Kansas Association of Beverage Retailers to oppose HB 2042. The Kansas Association of Beverage Retailers represents the State licensed owners of retail liquor stores. Currently, there are 731 stores in the state of Kansas.

KABR opposes HB 2042 because it would delete the requirement that a drivers license be renewed at the age of 21. This is a simple requirement that makes the use of vertical drivers licenses meaningful. It is one more step in the partnership between liquor store licensees and the State in preventing underage access to adult beverages.

KABR members are small business owners. The responsibility for every action of the employees within that store comes to rest on the liquor store owner. This includes administrative penalties for illegal sales, which result in fines from \$100 to \$1000 per individual and suspension of the license for 1 weekend day up to 14 consecutive days. If not corrected, the license can be revoked. These are serious implications. Imagine that you have owned your store for ten years and there is a State agency which on any given day will send an underage individual through your front doors to "test" the employee on duty. For many of our stores, the employee on duty is the owner. For the others, this is a serious risk to be managed on a daily basis.

This is why our organization has worked hard to implement our licensee and employee training program. Beverage Alcohol Training (B.A.T.) is a nationally recognized training program and our instructors - who are liquor store owners themselves - are certified to conduct these seminars by the national program and the Division of ABC. KABR determined long ago that server training might provide a partial solution to punitive ABC enforcement actions. Additionally, we are always searching for methods to demonstrate to you and the public that State licensed liquor stores are operated in a responsible manner.

Attracting and maintaining good employees is one of the challenges faced by our members. Liquor store employees must be 21 years of age and do not typically work for minimum wage. These employees face criminal charges if they make a mistake and sell to an underage individual. The misdemeanor charge against the clerk is prosecuted locally and the State manages the administrative charges against the licensee. And yet - mistakes are made. We hope the State will share our commitment to preventing underage sales and taking steps to deter underage kids from even attempting to buy adult beverages.

Kansas qualifies for \$1.5 million from the Federal Government for its efforts in reducing alcohol related fatalities. One of the requirements for qualifying for this grant is to implement efforts to reduce underage access to alcohol. These efforts include controlled buys and education efforts. The drivers license initiative is simply another tool in this effort.

Please encourage the development of policies which will maintain the requirement that drivers' licenses be renewed at the age of 21. Please do not pass HB 2042.