

MINUTES OF THE SENATE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Les Donovan at 8:35 A.M. on January 24, 2007 in Room 527-S of the Capitol.

All members were present except:
Anthony Hensley- excused

Committee staff present:
Hank Avila, Kansas Legislative Research Department
Mike Corrigan, Revisors of Statutes
Maggie Breen, Committee Assistant

Conferees appearing before the committee:
Senator Phil Journey

Others attending:
See attached list.

Chairman Donovan opened the hearing on **SB 6--Driver's licenses, habitual violators, allowing use motorized bicycle license.**

Proponent:

Senator Journey said the three bills being heard today are "retreads". All three bills passed the Senate, in identical form, but didn't pass the House. **SB 6** deals with habitual violators. Individuals that have a habitual violator's status have had 3 serious violations in a 5 year period. This is substantially different than having a suspension on their license. The habitual violator will have their license suspended for a minimum of 3 years and it's possible that they won't be able to drive for the rest of their lives. A least a moped gives them a real choice and would keep them from driving illegally. (Attachment 1)

A question was posed as to what type of license is required to drive a moped. Marcy Ralston, Division of Motor Vehicles, said a person can drive a moped with a class C driver's license.

Chairman Donovan said the fiscal note indicated they couldn't determine the fiscal effect but there could be some programming cost.

Chairman Donovan closed the hearing on **SB 6** and opened the hearing on **SB 8--Doubling speeding fines in school zones.**

Proponent:

Senator Journey said that doubling the speeding fines in school zones was originally introduced in 2005 as **SB 35** and then he split the bill apart in 2006 because this portion was holding down the rest of the bill. A couple of years ago, fines were doubled in construction zones and our kid are just a valuable as construction workers. It sends an important message and also improves the consistency in the treatment of traffic infractions. (Attachment 2)

Chairman Donovan said the fiscal note said if there was any fiscal impact at all it would be positive but they can't tell because some people might actually slow down.

Chairman Donovan closed the hearing on **SB 8** and opened the hearing on **SB 9--Regulating traffic, video or television-type equipment, operation thereof.**

Proponent:

Senator Journey said this is the bill that ended up with a defective interpretation on the House floor. Current statute K.S.A. 8-1748 prohibits the display of a video display screen, except for a GPS, in a motor vehicle, where it is observable by the driver. The after market stereo units being sold today have screens that pop out of the dash. If they are not wired according to manufacture's specifications, the screen will play while the car is in operation. If wired properly, they won't. An added component from the previous year's considerations, is that the current statute also prohibits video display terminals. As law enforcement goes to more efficient

CONTINUATION SHEET

MINUTES OF THE Senate Transportation Committee at 8:30 A.M. on January 24, 2007 in Room 527-S of the Capitol.

ways of dispatching and distributing information, they are using video display units and mounted laptops to receive information, for example Amber Alerts. In addition to this, every major utility dispatches their repairmen via video display terminals. The statute should cover current use of technology. He would not object to amendments. (Attachment 3)

Chairman Donovan closed the hearing on **SB 9**.

Chairman Donovan opened the floor for introduction of bills.

Senator Wilson said that last year a bill was passed dealing with self propelled cranes. It appears that the definition of cranes was not properly addressed. He proposed the introduction of a bill draft to clarify the definition of and authority of cranes on the highway.

Senator Palmer made a motion to introduce the bill. Senator Gilstrap seconded the motion. The motion carried.

Chairman Donovan presented the January 11th committee minutes for approval. Senator Wilson made a motion to approve the minutes as written. Senator Apple seconded the motion. The motion carried.

Senator Apple asked for clarification on how the program on speciality license plates works. It seems as the legislature is put in the position of endorsing an organization when asked to grant requests for speciality license plates. And once the request is granted, is there any way of knowing if the organization is operating in a good manner? Where's the accountability for the funds being generated by the speciality license plates helping who they are designated to help? He's heard of two speciality license plates that will be asked for this year.

Chairman Donovan said there's two things that have sort of exploded in the last 10 years. Speciality license plates and naming of highways. He said they have tried to slow them down a little bit by putting parameters in place, such as a minimum number of 500 plates must be sold and increasing the cost of the signs to 150% of cost, to pay for the maintenance of the signs. But that hasn't slowed them down and it's difficult to deny a request when someone thinks they have a worthy cause. He said he doesn't think any speciality plates have been taken back except one case where a group that asked for it were never able to reach the required number. He also mentioned that the KSU and KU tags have been very successful, they sell a lot of tags.

Senator Apple said he's not worried about them, he knows the universities are accountable. But he is concerned with small private organizations, regardless of whether they're nonprofit or not, they might say they would like to raise money for something, like the disabled or children in wheel chairs. Who can vote against that. Then what happens when it's discovered that 90% of the money is going to the people who raise funds and not to the cause it proposes to be for. He's concerned that the legislature is in the position of semi-endorsing the organization. He's wondering where the accountability comes in and should there be some criteria. He said he's not as concerned with the naming of the highways.

A request was made that the committee be given a report of how many speciality tags we have and who the groups are. Also, whether a group sells the tags for additional funds or just charges the cost of the tag.

Ken Gudenkauf, KDOT, gave the following statistics of the number of sections of highways that have been named in honor of an individual or group: In the 1950's - 4; in the 1960 - 10; in the 1970's - 2; in the 1980's - 9; in the 1990's -14; and since 2000 - 25. There were as many in the last 6 years as there were in the 40 year period from 1950 through 1989.

Senator Donovan thanked Senator Wilson for taking over the committee until he was able to return.

The meeting adjourned at 9:03 a.m.

The next meeting is scheduled for January 25.

**SENATE TRANSPORTATION COMMITTEE
GUEST LIST**

DATE: January 24, 2007

NAME	REPRESENTING
ROBIN HORTON	KS MOTOR CARRIERS ASSOC.
TOM WHITAKER	" " "
DAN HOLTHAUS	KEC
LARRY BERG	MIDWEST ENERGY
Joe Dick	KCBPU
Ken Gudenkauf	KDOT
Jessica Bergman	Sen. Schmidt
Marcy Balsta	KSER - DMV

SENATOR PHILLIP B. JOURNEY

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TOPEKA

SENATE CHAMBER

COMMITTEE ASSIGNMENTS

MEMBER: SPECIAL CLAIMS AGAINST THE STATE
(JOINT), CHAIR .
HEALTH CARE STRATEGIES
JUDICIARY
PUBLIC HEALTH AND WELFARE
TRANSPORTATION

CORRECTIONS AND JUVENILE JUSTICE
OVERSIGHT (JOINT)

SOUTH CENTRAL DELEGATION, CHAIR

**Testimony for the Kansas Senate Transportation Committee
Presented January 24th, 2007, in Support of Senate Bill 6**

I would like to thank the committee for allowing me to testify in support of Senate Bill 6. Senate Bill 6 amends K.S.A. 8-235, 8-286, 8-287 and 8-288. The effect of this legislation would be to allow the licensing of individuals declared to be habitual violators by the Kansas Department of Revenue to operate a moped. In 2005, this act was filed as SB 76, it passed the Senate but was used as a vehicle for a gut and go at the end of the 2006 session.

The Kansas Department of Revenue may declare an individual to be a habitual violator upon the conviction of three serious traffic misdemeanors in any five-year period. The revocation of a habitual violators driver's license upon three convictions is for a minimum three years. Conviction of operating a motor vehicle after being declared a habitual violator is a Class A misdemeanor subject to a penalty of up to one year in custody and a \$2,500 fine. Under current Kansas law individuals whose driver's license has been suspended for other reasons such as failing to pay for traffic ticket for failing a breath alcohol test may receive a moped only license from the Kansas Department of Revenue, habitual violators may not. Approximately 5500 drivers per year are declared to be habitual violators in Kansas. Offenses that can trigger the declaration of someone being a habitual violator include, no proof of insurance, driving while suspended, transporting an open container, hit and run and driving under the influence.

Mopeds are motor vehicles defined in Kansas statutes as having less than three and half brake horsepower and a maximum speed of 30 miles per hour. Kansas citizens who have run afoul of law must still continue with their lives. I am sure no one on this committee nor I wish to ease the legal penalty imposed upon drunk drivers. The reality of the situation individuals are confronted in these situations are difficult to say the least. With little or no public transportation in the vast majority of the State of Kansas habitual violators who must go to work, attend school, and complete the tasks of their lives. They are faced with an impossible choice. They must decide whether they should violate the law and risk a year in jail or lose their jobs. They must decide whether to take the children to the doctor in a medical emergency and risk a \$2,500 fine or wait until the taxi arrives.

Individuals who have been placed on probation for convictions for crimes such as driving under the influence are required as a condition of their probation to attend probation meetings, outpatient substance abuse counseling and Alcoholics Anonymous meetings.

They must get there somehow. Too many Kansas citizens faced with this choice make the wrong choice. This bill gives them a real choice. It presents no threat to public safety and allows habitual violators the opportunity to support their families and get the help they need to deal with their issues. I hope that the committee sees past the political side of this issue and recommends Senate Bill 6 favorably.

Respectfully submitted

A handwritten signature in blue ink that reads "Phillip B. Journey". The signature is written in a cursive style with a large, looping flourish at the end.

Phillip B. Journey

STATE OF KANSAS

SENATOR PHILLIP B. JOURNEY

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OVERSIGHT (JOINT)
SOUTH CENTRAL DELEGATION, CHAIR

**Testimony for the Kansas Senate Transportation Committee
Presented January 24, 2007 in Support of Senate Bill 8**

It is a privilege and an honor to have the opportunity to address the Senate Transportation Committee and to offer comments in support of Senate Bill 8.

This was originally filed in 2005 as SB 35 and was passed by the Senate in 2005. SB 35 was comprised of two parts. In 2006, those two parts were separated to create SB 344 and SB 347. It is intended to amend K.S.A. 8-2118. SB 344 was enacted into law in 2006. This bill doubles the fines for the traffic infraction of speeding when in a school zone. SB 347 passed the Kansas Senate in 2006. It did get out of the House Committee, but not to the floor for debate. A few years ago this body voted to double fines for speeding when violators were in a construction zone. Currently, many cities across the State have done the same as intended in this Bill. A few cities have tripled fines for speeding in a school zone, such an amendment would not be opposed by this senator. Adoption of this provision will create consistency in enforcement across the state.

Respectfully submitted,


Senator Phillip B. Journey
26th District

SENATOR PHILLIP B. JOURNEY

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OVERSIGHT (JOINT)
SOUTH CENTRAL DELEGATION, CHAIR

**Testimony for the Kansas Senate Transportation Committee
Presented January 24, 2007 in Support of Senate Bill 9**

It is a privilege and an honor to have the opportunity to address the Senate Transportation Committee and to offer comments in support of Senate Bill 9. In 2006, this act passed the Kansas Senate but failed on the House floor near the end of the session. There seemed to be some confusion of the effect of the bill, and many wrongly believed that it was an attempt to outlaw the screens altogether.

Senate Bill 9 is a simple piece of legislation which addresses the circumstances where technology has outpaced current law. It amends K.S.A. 8-1748 repealing the existing section and replacing it with the language in the bill.

Current law says that no motor vehicle can be equipped with a television-type receiving equipment located where the screen is visible from the driver's seat. Current technology being sold every day in Kansas includes not just the video screens we see in mini-vans that are appropriately placed under current law behind the driver's seat, but also screens that are installed in the dash which are viewable by the driver. Many law enforcement, public utility and service vehicles contain video display terminals (VDT). All are legal under the current law. Their purpose in the vehicle is to dispatch drivers and to relay alerts or other information. This information proves its worth on a daily basis saving funds and lives every day. Many after-market entertainment systems have screens that retract inside the dash and pop out with operation. Senate Bill 9 amends that statute so as to make only the operation of the screen while driving, rather than possession, a violation of state statute.

I would ask the committee to favorably recommend this legislation for passage as it more accurately represents our circumstances and technologies.

Respectfully submitted,

Senator Phillip B. Journey
26th District