

MINUTES OF THE SENATE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Les Donovan at 8:30 A.M. on February 26, 2008 in Room 527-S of the Capitol.

All members were present.

Committee staff present:

Hank Avila, Kansas Legislative Research Department
Jill Shelley, Kansas Legislative Research Department
Mike Corrigan, Revisor of Statutes
Mary Jane Brueck, Committee Assistant

Conferees appearing before the committee:

Rep. Robert Olson
Chris Maurich, ABATE of Kansas
Capt. Mark Bruce, Kansas Highway Patrol
Sen. Phil Journey
Roger Werholtz, Secretary of Corrections

Others attending:

See attached list.

Chairman Donovan opened the hearing on **HB 2622 – Motor vehicles, display of certain license plates.**

Proponents:

Captain Mark Bruce was unable to attend today's hearing. Lt. A.L. Wilburn gave the testimony on behalf of the Kansas Highway Patrol. Lt. Wilburn told the committee the Patrol feels this is a safety issue, and explained the passage of this bill would make the Patrol's job easier. When the Patrol is looking for a particular Kansas license plate number, a vehicle with a front plate from another state may inadvertently be ignored when the back plate is the wanted Kansas license number. There could also be situations when someone reports a crime involving a vehicle with an out of state front license plate and a Kansas plate on the back. (Attachment 1)

Sen. Schmidt asked if license plates with university symbols would be illegal. Lt. Wilburn explained vanity plates in support of local high school and college teams are okay. The bill is to prevent license plates from other states being on the front of a car registered in Kansas. Sen. Schmidt asked what the penalty would be. Lt. Wilburn did not have that information.

Sen. Peterson asked if antique vehicles would still be allowed to have their front plates. Yes, for vehicles thirty-five years old or older.

Chris Maurich, with ABATE of Kansas, spoke to the bill as it might relate to motorcycle license plates that are not usually twelve inches from the ground. Mr. Maurich thought if that were to be an issue, perhaps changes to the bill should be made now. Lt. Wilburn said motor cycle back licenses need to be easily visible to officers, and this bill should not interfere with their placement on the back of the cycle. (Attachment 2)

Sen. Peterson asked if this would preclude license plates from another country and was told, yes, it would preclude licenses from any jurisdiction other than Kansas.

Seeing no others with questions on the bill the hearing on **HB 2622** was closed by Chairman Donovan, and he reopened the hearing on **HB 2071 – Designating certain highways as memorial highways.**

Proponent:

Rep. Robert Olson said he had talked to the Kansas Department of Transportation about the sign Operation Enduring Freedom and Operation Iraqi Freedom. That designation is too long to fit on one sign. The decision was made to divide the highway and use two signs. The highway from Jetmore west would be named Operation Enduring Freedom, and from Jetmore east would be Operation Iraqi Freedom. Rep. Olson said he

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MINUTES OF THE Senate Transportation Committee at 8:30 A.M. on February 26, 2008 in Room 527-S of the Capitol.

did check with research, and those are the proper names for the conflicts. He presented the new amendment to be adopted to make this happen.

There were no further questions. Since a hearing on this bill was held February 19, Chairman Donovan asked for a motion. Sen. Schmidt moved the adoption of the amendment. Sen. Peterson seconded the motion. The motion passed.

On the bill, Sen. Peterson moved that the bill as amended be moved out favorably. Sen. Wilson seconded the motion. The motion passed.

Chairman Donovan next opened the hearing on **SB 4 – Driver improvement clinics, fees, disposition thereof.**

Proponents:

Sen. Journey spoke to the bill. He explained this bill amends two existing statutes. He feels this bill is needed to improve the quality of drivers and their skills in the state of Kansas through attending the clinics. It would also raise money by a fee of three-hundred- fifty dollars (\$350.00) paid by the driver attending the clinic. One hundred-fifty dollars (\$150.00) would go to Kansas Division of Vehicles to implement the clinics. The remaining two-hundred (\$200.00) would be credited to the Community Corrections of Special Revenue fund for use in various post release programs they manage. Clinics would allow a driver whose has three traffic infractions on his or her record to enter into this program once every two years, it would not apply to commercial drivers. Upon completion of the clinic, one moving citation, only minor infractions, would be removed from the driver's records. (Attachment 3)

Sen. Donovan asked if this bill would mainly affect teenage drivers. Sen. Journey said a large number would likely be teenagers, but everybody does get tickets and would be included.

Sen. Schmidt asked how it would work, so the Division would make sure criteria would be met by drivers' schools? Sen. Journey said the Department of Revenue, Division of Motor Vehicles would create the curriculum, and then accept bids or assign it to a private provider or provide the services themselves. Then they would present these classes around the state, and notify drivers who fit the requirements of the classes.

Sen. Schmidt asked if there was anything set forth about what the clinic would have to cover. What are the class requirements? Have to drive with someone? An eight week class? A one hour class? Sen. Journey said he thought it best to allow the experts in the Department of Revenue, Division of Motor Vehicles that regulate all the drivers licenses, to determine what that class should be. Sen. Schmidt asked where it says it is a one day class. Sen. Journey answered that is his envision of the class; maybe they will have a two day class. He feels they would do an excellent job of setting up this program. Sen. Schmidt asked if other states do this. Sen. Journey said many do. Texas has a similar program. There is a lot of information to draw from to implement a program for us.

Sen. Goodwin noticed in the original bill the word "may" is used, and it has been changed to "shall". She asked Sen. Journey if that is his change. He said it was.

Sen. Goodwin asked what Sen. Journey is anticipating the one-hundred-fifty dollar (\$150.00) fee will cover the fiscal aspects of this to the Department. Sen. Journey said it absolutely would. They can set class size and send a notice to those needing to attend. Currently these kinds of clinics are implemented by private entities; sometimes the court will order the defendant to go to this class to get a reduction in fines. That fee is fifty dollars (\$50.00) at this time. He intended to make this a revenue positive bill.

Sen. Goodwin asked about smaller rural communities that don't have the resources to do that. Sen. Journey said there are resources to have drivers license hearings out there. If we have a positive fiscal note for the department and the presenters it should not be a problem finding organizations who would want to do this as a way to supplement their income and continue their efforts.

Sen. Goodwin asked if we going to hear from the Department of Revenue on this. Chairman Donovan

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MINUTES OF THE Senate Transportation Committee at 8:30 A.M. on February 26, 2008 in Room 527-S of the Capitol.

acknowledged a representative is in the meeting.

There was discussion of the use of “may” and “shall” in the bill. Sen. Journey said the bill says “may” the balloon says “shall”. Sen. Goodwin pointed out on line 16 it says “shall” and on line 14 it says “may”. Sen. Journey said that is correct. That makes the bill work in the statutes.

Chairman Donovan recognized the Department of Revenue to hear their feelings about this bill. Carmen Alldritt explained she had not come to this meeting prepared to speak to this bill. She explained problems the department has had in the past in finding outside providers to hold these clinics. She is not certain what the cost may be to provide this service throughout the state. She does not have the resources available right now to know if the Department could dream up a way to put this into operation and what the cost would be.

Sen. Journey said when this bill was first submitted it had the okay from the Department of Motor Vehicles.

Chairman Donovan called upon Lt. Wilburn to get input on this issue from the prospective of law enforcement. He, too, was unprepared to speak to the bill. In concept, it sounds like it could be a good idea to forgive some things. He would hate to see all traffic infractions included in a lump sum because some that are more serious – like passing a school bus that is stopped, failure to yield to law enforcement officers or KDOT workers on the side of the road – should stay on the record. He agreed with excluding serious misdemeanors, such as reckless driving, fleeing and eluding, among others. They do receive inquiries from drivers coming from other states inquiring about a program such as the one being presented.

Secretary of Corrections Roger Werholtz had testimony to submit. It was included in each committee member’s packet of meeting information. Secretary Werholtz is in favor of this bill. (Attachment 4)

Chairman Donovan closed the hearing on **SB 4** and opened the hearing on **SB 543 – Definition of residency for registration of motor vehicles**.

Chairman Donovan spoke to the bill on behalf of Tom Docking, who was not able to attend today’s meeting. There was written testimony in each member’s meeting packet. This would provide for people from out of state who have property in Kansas to pay registration fees, pay taxes, provide insurance and have a Kansas tag for a vehicle, and be able to leave the vehicle in Kansas for use when they return to that property. (Attachment 5)

Carmen Alldritt was not aware we would be hearing this bill today. She said this is already being done by the Department of Revenue. People from out of state who have places by lakes, near hunting fields, etc. do register their vehicles in the proper county and get a tag for the vehicle. They have to be sure notification for renewal of their license will be mailed to their permanent home, so they know to pay the fees and get the license renewed. She suggested Mr. Docking may not be aware this is something that can be done. Carmen will contact Mr. Docking to be sure there is not a need for this bill.

Mike Corrigan, Revisor of Statutes, pointed out on page 2, line 17, of the bill, there is wording about a stay of 90 days in the state. He suggested that might be Mr. Docking’s concern. Carmen will ask about that when she talks to Mr. Docking. This closed the hearing on **SB 543**.

Chairman asked if there is a motion on **SB 2622**. Mike Corrigan, Revisor of Statutes, commented that the bill encompasses motorcycles. There is not a problem with the placement of the tag as long as the tag is easily visible to law enforcement. Sen. Journey suggested making a change in wording of the bill. Chairman Donovan said he would hate to make a change to a subject that broad to accommodate only motorcycles. Sen. Journey agreed. Sen. Schmidt made a motion to move the bill out favorably. It was seconded by Sen. Wilson. The motion carried.

Back on **SB 4 – Driver improvement clinics, fees, disposition thereof**. Sen. Journey talked to the concern about which infractions should be eliminated from this bill. The infractions included in the balloon does not include the ones the Kansas Highway Patrol asked to be. Sen. Journey said he did not object to allowing the revisor to include those infractions. Sen. Schmidt asked Lt. Wilburn if there were more than 3 infractions

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that should be eliminated from this bill. He said he was not sure what other infractions might need to be included in the balloon to the bill at this time.

Chairman Donovan said he thinks this bill had a lot of merits, but he thinks the committee is a little short of being ready to put it into action. Also, he felt the committee should be certain the Department of Revenue is ready to handle something like this. This could be beneficial to drivers if it is done right. He suggests we keep studying this and carry it over. Sen. Journey asked for a “blessing” on the bill.

Sen. Goodwin said she agrees with Chairman Donovan’s suggestion. She counted the assumptions that are in the bill and thinks they could cause problems later. She also thinks the program can be an asset, but there are presently too many holes that the committee will have to answer.

Sen. Journey said he wants to make the above correction and he will carry it on the floor. He suggested the committee adopt the amendment and move the bill out. There area few days to work out any possible requirements, and he can do something on the floor if needed. Sen. Journey moved the adoption of the balloon amendment. Sen. Palmer seconded the motion. The motion carried. Sen. Goodwin voted no. (Attachment 6)

Sen. Wilson said if we adopt and move this bill there are too many problems and we need more time and input from the Department of Motor Vehicles and Kansas Highway Patrol.

Sen. Palmer said she agrees the committee needs time to work the bill. Sen. Journey asked, if the bill gets a “blessing”, could the committee meet at the rail tomorrow?

Sen. Peterson asked the Kansas Highway Patrol for a list they would allow and not allow as exemptions.

Carmen Alldritt said it looks like the Department of Revenue will do the work and somebody else will get all the money. Carmen explained convictions are recorded electronically. The report comes in with several infractions under one heading. It will be necessary to contact each court to learn what the specific infraction was.

Chairman Donovan asked what the committee’s wish is. Sen. Apple asked Chairman Donovan to see if he can get the bill blessed, and that be the recommendation of the committee. No objections.

Chairman Donovan asked for approval of the minutes of the February 19 meeting. Sen. Wilson moved for approval of the minutes. Sen. Peterson seconded the motion. The motion carried.

The meeting was adjourned at 9:29 a.m. No other meeting is scheduled at this time.

SENATE TRANSPORTATION COMMITTEE GUEST LIST

DATE: 2/26/08

NAME	REPRESENTING
Terry Heidner	KDOT
Spir Desch	PMCA of KS
Tim Medden	KDOC
Roger Wirtholtz	KDOC
CHRIS MAURIZH	AAATE
DAVE STAGKAL	SELF



Kathleen Sebelius, Governor
Terry L. Maple, Superintendent

www.kansashighwaypatrol.org

Written Testimony on House Bill 2622
Senate Transportation Committee

Presented by
CAPT Mark A. Bruce
Kansas Highway Patrol

February 26, 2008

The Kansas Highway Patrol is presenting this written testimony to express its support for House Bill 2622. This bill relates to motor vehicles and concerns the display of license plates.

House Bill 2622 would prohibit the display of a registration plate from this or any other state on the front of a Kansas registered vehicle. A model year license plate for an antique vehicle, a personalized license plate and license plates for truck tractors would be the sole exceptions to this prohibition. As a part of the Kansas law enforcement community, the Patrol supports the safety and security benefits that would be created by this bill. Under current law, the restriction regarding the display of front license plates only pertains to those issued in Kansas with the aforementioned exceptions.

Registration plates and the restricted and prohibited use thereof, are one of the most important tools available to officers in identifying a vehicle and its owner. There are law enforcement benefits to prohibiting Kansas registered vehicles from displaying front plates beyond the exceptions contained in K.S.A. 8-133 and listed on lines 19 – 24 of this bill. The following are a few benefits that House Bill 2622 would provide to law enforcement:

- It would assist officers when an attempt-to-locate is issued by dispatchers in connection with an Amber Alert, robbery or other crime, involving a Kansas registered vehicle. For example, if an officer is looking for a Kansas registered vehicle, he or she will expect that vehicle to display a license plate on the rear and no license plate on the front. If, however, an oncoming vehicle displaying out-of-state registration on the front is encountered, it is quite possible for the officer to unknowingly and mistakenly over look the actual suspect vehicle, which in this example, is displaying an out-of-state license plate on the front and a Kansas license plate on the rear.
- The best opportunity for law enforcement officers to apprehend a suspect is immediately following the commission of a crime. By continuing to allow other states' license plates on the front of Kansas registered vehicles, the vantage point (front or rear) of a witness, reporting a suspect vehicle, is of critical importance. Especially when the make or model of the vehicle is unknown and the descriptors only include vehicle color and the license plate it displays. The possibility of an immediate apprehension is thereby increased if only one license plate is allowed on Kansas registered vehicles.
- The identification of a vehicle by convenience store clerks, bank tellers and others when reporting gas skips, robberies, or other emergencies would prevent the reporting of such a vehicle as registered out of state if it indeed bears a Kansas license plate.

In conclusion, these are but a few examples of the benefits afforded by the provisions of House Bill 2622. The Kansas Highway Patrol appreciates the opportunity to provide written testimony on this most important safety topic. We would be happy to address any questions or provide follow-up information should the committee deem necessary.

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From: "Maurich, Christopher A SFC RET" <chris.maurich@us.army.mil>
To: <donovan@senate.state.ks.us>
Date: 2/25/2008 2:40 PM
Subject: HB2071 and HB2622 hearings

Hon. Senator Les Donovan,

My name is Chris Maurich, I am writing concerning HB2071, a bill that addresses issues with the display of license plates on automobiles. There is a stipulation within the bill that places the license plate not less than 12 inches from the ground. My concern as a motorcyclist is, some locations are less than 12 inches from the ground. Some plates are mounted on the rear fender, on a correct bracket with correct illumination but are only 4 inches or so from the ground. Other mounting positions incorporate a mount affixed to the rear axle, again with proper illumination and security, however the plate may be but four or so inches from the ground.

A statement that allows motorcycles latitude for a height requirement exclusion is suggested in this case. I am aware that the existing statute reads 12 inches, however since this bill will change some of the current language, it is a good time to address the motorcycle mounting differences.

I apologize for the manner that I have addressed this issue, I was out of state attending training at Fort Stewart, Georgia when this bill was heard by the house transportation committee. I was delayed due to weather / airport closures and failed to meet the time-line involving contacting Mary Brueck and supplying copies of testimony, etc.

I am registered as a lobbyist for ABATE of Kansas, Inc. and plan to attend the hearing as such. If the suggested changes are sensible, there is no need to extend the times and provide testimony.

I also would like to be recorded as a proponent for HB2071. As a twenty year Army veteran (retired), I appreciate your efforts in honoring the veterans of past and current armed conflicts in the way of memorial highways. I have relatives that were in every conflict our nation has endured to include the revolution. More recently, my dad was a veteran of World War II, Korea and Vietnam. I served in the first Gulf War, and have a son-in-law in Iraq now.

Chris Maurich
604 Birch Street
Wakefield, Kansas 67497
785-461-5287
chris.maurich@us.army.mil

Senate Transportation
2-26-08
Attachment 2

SENATOR PHILLIP B. JOURNEY

STATE SENATOR, 26TH DISTRICT
P.O. BOX 471
HAYSVILLE, KS 67060

STATE CAPITOL—221-E
300 S.W. 10TH AVENUE
TOPEKA, KANSAS 66612
(785) 296-7367

E-mail: journey@senate.state.ks.us



TOPEKA

SENATE CHAMBER

COMMITTEE ASSIGNMENTS

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

CORRECTIONS AND JUVENILE JUSTICE
OVERSIGHT (JOINT)

**Testimony in Support of Senate Bill 4
Before the Kansas Senate Transportation Committee
February 26th, 2008**

Mr. Chairman and members of the Committee, it is my privilege to come before you today in support of Senate Bill 4. Senate Bill 4 is a bill that amends two existing statutes, K.S.A. 8-255 and in the 2005 Supplement to the Kansas statutes annotated 8-267.

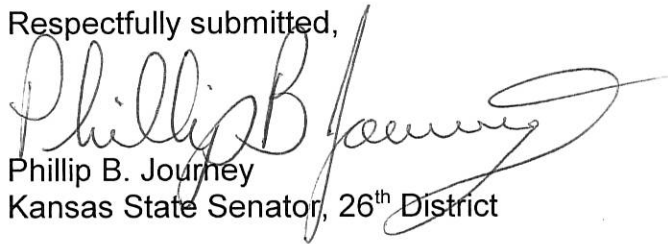
It's important to note that the bill does not affect individuals who have commercial driver's licenses under 8-2, 125 et seq., so that we maintain our compliance with federal rules and statutory mandates regarding these commercial driver's licenses. For noncommercial drivers this bill offers an opportunity for Kansas drivers to improve their driving habits through the provision of driver improvement clinics to be paid for at their cost. The clinic costs would require a payment of a fee of \$350.00 in Section One. The carrot at the end of the improvement clinic is that one moving violation would be removed from their driving record. It's important to note that no serious traffic offense such as driving while suspended, DUI, no proof of insurance, or other misdemeanor provisions would be allowed to be removed under this section. Only minor traffic infractions such as speeding and running a stop sign would be withdrawn from the driver's records. It's also important to note that the bill would not allow an individual to remove more than one citation in a two-year period through participation in the clinics, thus keeping the bill from being a license to speed for those who can afford to pay. Section One of the bill also authorizes the Secretary of Revenue to adopt rules and regulations necessary to implement this proposed statute.

Section Two provides for the distribution of funds between a community corrections special revenue fund and mandates those funds to be used by the Department of Corrections for funding community corrections. There is a strong public policy need for improvement in monitoring offenders who are placed on community corrections. Community corrections is a more intensive supervision program than standard court probation. Community corrections includes those on pre-trial services pending trial saving significant jail space for violent offenders in a pre-trial situation, and monitoring those individuals. This legislation, for example, could be used by Department of Corrections to pay for more intensive supervision officers, house arrest, telephonic interface monitors, and GPS locators for sexual offenders.

Section Three of the bill amends 8-255 of the Kansas statutes annotated and updates the current situation in statute where under current law, an individual whose license is to be suspended is given the opportunity to attend a class so that they may be able to keep their driving privileges for probationary period. The problem with current statute is that the nominal cost of \$15 does not pay the actual expense for the driver improvement clinic nor does it pay for the out-of-pocket expense to the state of Kansas for administrative action and employee time in applying the provisions of the current program to the driver's record and that monitoring. The Kansas Division of Vehicles operating fund receives \$150 of the \$350 paid by the individual and \$200 is credited to the Community Corrections of Special Revenue fund. I certainly would have no objection to adjustment of the fees in dividing them between the various entities nor would I object to crediting a certain portion of those funds initially earmarked for the community corrections program to Kansas Department of Corrections programs for pre-release programs established to help inmates in the Kansas Department of Corrections transition into general society upon completion of the term of their incarceration.

I sincerely appreciate the Committee's time and attention in this matter, and believe that it has the potential to raise significant funds for these worthy programs which are always in need of supplemental appropriation. I believe that this legislation offers an opportunity for the Kansas Legislature to not only benefit each of our constituents who have had minor traffic infractions with lower insurance rates but also improve the quality of driving in the state of Kansas along with funding programs which will substantially enhance public safety in the state of Kansas. Once again, thank you for your attention.

Respectfully submitted,



Phillip B. Journey
Kansas State Senator, 26th District



KANSAS

KANSAS DEPARTMENT OF CORRECTIONS
ROGER WERHOLTZ, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

Testimony on SB 4
to
The Senate Transportation Committee

By Roger Werholtz
Secretary
Kansas Department of Corrections
February 26, 2008

The Department of Corrections supports SB 4. The Department finds two aspects of SB 4 to be attractive public policy features. First, SB 4 would provide a revenue stream for community corrections funding since \$200 of the \$350 fee for participation in a driver improvement clinic would be dedicated to the community corrections special revenue fund. Secondly, SB 4 would provide a mechanism for released offenders whose driver's licenses have been suspended to regain their license through attending a driver improvement clinic.

The Department is not able to quantify with any precision the number of offenders on release supervision or who are preparing for reentry into the community that have had their driver's licenses suspended due to having had three or more moving violations within a 12 month period [Sec. 3(a)(2)]. The Department also is not able to project the amount of funding the Community Corrections Special Revenue Fund would receive pursuant to SB 4.

The Department urges favorable consideration of SB 4.



LAW OFFICES OF
MORRIS LAING
Evans Brock & Kennedy, Chtd.

Ralph R. Brock
Robert I. Guenther
Ken M. Peterson
Robert D. Overman
A.J. Schwartz, Jr.
Donald E. Schrag
William B. Sorensen, Jr.
Jeffery L. Carmichael
Robert W. Coykendall
Robert K. Anderson
Susan R. Schrag
Michael Lennen

Karl R. Swartz
Roger L. Theis
Richard F. Hayse
Thomas R. Docking
Diane S. Worth
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Of Counsel
John W. Johnson
Derek L. Park

Lester L. Morris
1901 - 1966
Verne M. Laing
1907 - 2000
Ferd E. Evans, Jr.
1919 - 1991
Joseph W. Kennedy
1932 - 2005
Dennis M. Feeney
1953 - 2001

January 18, 2008

The Honorable Les Donovan
Kansas Senate
Room 261E
300 S.W. 10th St.
Topeka, KS 66612

Dear Senator Donovan:

I am writing to ask you to consider an amendment to one of the Kansas Statutes. The specific statute is K.S.A. 8-1,138. This statute lists exceptions to the residency requirement for licensure of motor vehicles in Kansas.

The circumstance of which I inquire is when a person who is a resident of another state owns and maintains real property in Kansas and concurrently maintains a motor vehicle at that real property, can they license a vehicle in Kansas to maintain with that property? There is no provision in Kansas to permit that individual to obtain a vehicle license plate for that vehicle; nor is there any provision for renewal of a registered vehicle unless they are domiciled within the county for more than 90 days (K.S.A. 8-1,138(b)(1)), have a child enrolled in the school district of the county (K.S.A. 8-1,138(b)(2)), have a place of domicile in the county and employment within the state (K.S.A. 8-1,138(b)(3)), maintain an office or equivalent in the county and maintain vehicles for more than 90 days (K.S.A. 8-1,138(b)(4)), or are engaged in intrastate haulage in the state (K.S.A. 8-1,138(b)(5)). A person not fitting those five exceptions and who is not a registered voter in the county (K.S.A. 8-1,138(a)(1)), or who maintains an office to lease or rent the vehicles for a period exceeding 60 days (K.S.A. 8-1,138(a)(2)), may not pay the taxes and register the vehicle in Kansas.

The residency requirement for registration in Kansas is set forth in K.S.A. 8-129 which requires residency in the county of registration under section 1 or the ownership of a bona fide business, through which the registration would be made, in section 2. These are the only two classes set forth in the statute which requires Kansas residency for vehicle registration. The department of vehicles, as directed in K.S.A. 8-132 "shall furnish to every owner whose vehicle shall be registered one license plate." The problem is that if an individual wants to maintain a fishing cabin or hunting cabin or to merely maintain a property to use for visits and other related purposes and to keep a vehicle there for their use upon the return, there is no provision for them

January 18, 2008

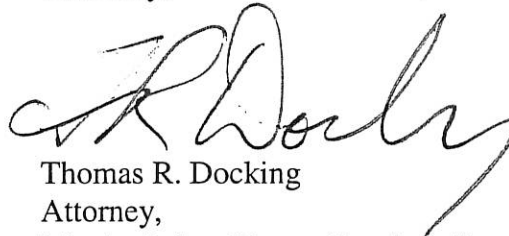
Page 2

to obtain a Kansas license plate for that vehicle, for which they have duly paid property taxes and maintained within the state. The same would apply to one who maintains a second house in Kansas for their personal use and a vehicle garaged at that house.

I would wish to see an added exception to K.S.A. 8-1,138 which would permit a person who owned real property in a county to be eligible to register a motor vehicle in that county, provided that all other conditions of eligibility were met, such as current taxes being paid, maintenance of insurance and other such conditions within the other statutes of that title. Needless to say, a county has an interest in maximizing tax revenue from property properly taxable within its borders, and this would further that interest.

I would appreciate your response to this inquiry. Thank you for your consideration and attention to this matter. I look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Docking', written in a cursive style.

Thomas R. Docking

Attorney,

Morris, Laing, Evans, Brock & Kennedy, Chtd.

SENATE BILL No. 4

By Senator Journey

12-8

Senate Transportation
2-26-08
Attachment 6

9 AN ACT relating to drivers' licenses; concerning driver improvement
10 clinics; providing for the disposition of certain moneys; amending
11 K.S.A. ~~2006~~ Supp. 8-255 and 8-267 and repealing the existing sections.

2007

12
13 *Be it enacted by the Legislature of the State of Kansas:*

14 New Section 1. (a) The division of vehicles may, in the interest of
15 improving traffic safety, establish driver improvement clinics throughout
16 the state. The director of vehicles shall develop the minimum standards
17 and criteria to be utilized by such driver improvement clinics. Any person,
18 other than a person issued a commercial driver's license, under K.S.A. 8-
19 2,125 et seq., and amendments thereto, desiring to attend a driver im-
20 provement clinic shall make application to the division and such appli-
21 cation shall be accompanied by the required fee of \$350. The division
22 shall remove one moving violation from a person's driving record who has
23 successfully completed the driver improvement clinic. A person who has
24 completed a driver improvement clinic shall not be eligible to attend
25 another clinic for a period of two years following completion of the pre-
26 vious clinic.

traffic infraction

As used in this section traffic infraction shall not include any conviction prescribed by K.S.A. 8-285, and amendments thereto.

27 (b) The secretary of revenue shall adopt such rules and regulations
28 deemed necessary for the carrying out of the provisions of this section,
29 including the development of standards and criteria to be utilized by the
30 driver improvement clinic.

31 New Sec. 2. There is hereby created in the state treasury the com-
32 munity corrections special revenue fund. All moneys credited to the com-
33 munity corrections special revenue fund shall be used by the department
34 of corrections only for the purpose of funding community corrections. All
35 expenditures from the community corrections special revenue fund shall
36 be made in accordance with appropriation acts, upon warrants of the
37 director of accounts and reports issued pursuant to vouchers approved
38 by the secretary of corrections.

2007

39 Sec. 3. K.S.A. ~~2006~~ Supp. 8-255 is hereby amended to read as fol-
40 lows: 8-255. (a) The division is authorized to restrict, suspend or revoke
41 a person's driving privileges upon a showing by its records or other suf-
42 ficient evidence the person:

43 (1) Has been convicted with such frequency of serious offenses

6-7

1 against traffic regulations governing the movement of vehicles as to indicate a disrespect for traffic laws and a disregard for the safety of other persons on the highways;

4 (2) has been convicted of three or more moving traffic violations committed on separate occasions within a 12-month period;

6 (3) is incompetent to drive a motor vehicle;

7 (4) has been convicted of a moving traffic violation, committed at a time when the person's driving privileges were restricted, suspended or revoked; or

10 (5) is a member of the armed forces of the United States stationed at a military installation located in the state of Kansas, and the authorities of the military establishment certify that such person's on-base driving privileges have been suspended, by action of the proper military authorities, for violating the rules and regulations of the military installation governing the movement of vehicular traffic or for any other reason relating to the person's inability to exercise ordinary and reasonable control in the operation of a motor vehicle.

18 (b) The division shall suspend a person's driving privileges when required by K.S.A. 8-262, 8-1014, 41-727 or K.S.A. ~~2006~~ Supp. 21-3765, and amendments thereto, and shall disqualify a person's privilege to drive commercial motor vehicles when required by K.S.A. 8-2,142, and amendments thereto. The division shall restrict a person's driving privileges when required by K.S.A. ~~2006~~ Supp. 39-7,155, and amendments thereto.

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24 (c) When the action by the division restricting, suspending, revoking or disqualifying a person's driving privileges is based upon a report of a conviction or convictions from a convicting court, the person may not request a hearing but, within 30 days after notice of restriction, suspension, revocation or disqualification is mailed, may submit a written request for administrative review and provide evidence to the division to show the person whose driving privileges have been restricted, suspended, revoked or disqualified by the division was not convicted of the offense upon which the restriction, suspension, revocation or disqualification is based. Within 30 days of its receipt of the request for administrative review, the division shall notify the person whether the restriction, suspension, revocation or disqualification has been affirmed or set aside. The request for administrative review shall not stay any action taken by the division.

38 (d) Upon restricting, suspending, revoking or disqualifying the driving privileges of any person as authorized by this act, the division shall immediately notify the person in writing. Except as provided by K.S.A. 8-1002 and 8-2,145, and amendments thereto, and subsections (c) and (g), if the person makes a written request for hearing within 30 days after such notice of restriction, suspension or revocation is mailed, the division

1 shall afford the person an opportunity for a hearing as early as practical
2 not sooner than five days nor more than 30 days after such request is
3 mailed. If the division has not revoked or suspended the person's driving
4 privileges or vehicle registration prior to the hearing, the hearing may be
5 held within not to exceed 45 days. Except as provided by K.S.A. 8-1002
6 and 8-2,145, and amendments thereto, the hearing shall be held in the
7 person's county of residence or a county adjacent thereto, unless the
8 division and the person agree that the hearing may be held in some other
9 county. Upon the hearing, the director or the director's duly authorized
10 agent may administer oaths and may issue subpoenas for the attendance
11 of witnesses and the production of relevant books and papers and may
12 require an examination or reexamination of the person. When the action
13 proposed or taken by the division is authorized but not required, the
14 division, upon the hearing, shall either rescind or affirm its order of re-
15 striction, suspension or revocation or, good cause appearing therefor, ex-
16 tend the restriction or suspension of the person's driving privileges, mod-
17 ify the terms of the restriction or suspension or revoke the person's driving
18 privileges. When the action proposed or taken by the division is required,
19 the division, upon the hearing, shall either affirm its order of restriction,
20 suspension, revocation or disqualification, or, good cause appearing there-
21 for, dismiss the administrative action. If the person fails to request a
22 hearing within the time prescribed or if, after a hearing, the order of
23 restriction, suspension, revocation or disqualification is upheld, the per-
24 son shall surrender to the division, upon proper demand, any driver's
25 license in the person's possession.

26 (e) In case of failure on the part of any person to comply with any
27 subpoena issued in behalf of the division or the refusal of any witness to
28 testify to any matters regarding which the witness may be lawfully inter-
29 rogated, the district court of any county, on application of the division,
30 may compel obedience by proceedings for contempt, as in the case of
31 disobedience of the requirements of a subpoena issued from the court or
32 a refusal to testify in the court. Each witness who appears before the
33 director or the director's duly authorized agent by order or subpoena,
34 other than an officer or employee of the state or of a political subdivision
35 of the state, shall receive for the witness' attendance the fees and mileage
36 provided for witnesses in civil cases in courts of record, which shall be
37 audited and paid upon the presentation of proper vouchers sworn to by
38 the witness.

39 ~~(f) The division, in the interest of traffic and safety, may establish~~
40 ~~driver improvement clinics throughout the state and, upon reviewing the~~
41 ~~driving record of a person whose driving privileges are subject to suspen-~~
42 ~~sion under subsection (a)(2), may permit the person to retain such per-~~
43 ~~son's driving privileges by attending a driver improvement clinic. A person~~

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1 who is required to attend a driver improvement clinic shall pay a fee of
2 \$15. Amounts received under this subsection shall be remitted to the state
3 treasurer in accordance with the provisions of K.S.A. 75-4215, and
4 amendments thereto. Upon receipt of each such remittance, the state
5 treasurer shall deposit the same in the state treasury to the credit of the
6 division of vehicles operating fund.

7 (g) (f) When the action by the division restricting a person's driving
8 privileges is based upon certification by the secretary of social and reha-
9 bilitation services pursuant to K.S.A. 2006 Supp. 39-7,155, and amend-
10 ments thereto, the person may not request a hearing but, within 30 days
11 after notice of suspension is mailed, may submit a written request for
12 administrative review and provide evidence to the division to show the
13 person whose driving privileges have been restricted by the division is not
14 the person certified by the secretary of social and rehabilitation services,
15 did not receive timely notice of the proposed restriction from the secre-
16 tary of social and rehabilitation services or has been decertified by the
17 secretary of social and rehabilitation services. Within 30 days of its receipt
18 of the request for administrative review, the division shall notify the per-
19 son whether the restriction has been affirmed or set aside. The request
20 for administrative review shall not stay any action taken by the division.

21 Sec. 4. K.S.A. 2006 Supp. 8-267 is hereby amended to read as fol-
22 lows: 8-267. All moneys received under this act shall be remitted by the
23 secretary of revenue to the state treasurer in accordance with the provi-
24 sions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each
25 such remittance, the state treasurer shall deposit the entire amount in the
26 state treasury and shall:

27 (a) Credit 37.5% of all moneys so received from class C driver's li-
28 censes and 20% of all moneys so received from class M driver's licenses
29 and 20% of all moneys so received from class A or B driver's licenses and
30 20% of all moneys so received from all commercial driver licensee classes
31 remaining after the \$2 credit provided in subsection (c) to a special fund,
32 which is hereby created and shall be known as the state safety fund;

33 (b) credit 20% of all moneys so received from class M driver's licenses
34 to a special fund which is hereby created and shall be known as the
35 motorcycle safety fund;

36 (c) credit \$2 from each commercial driver's license fee to a special
37 fund which is hereby created and shall be known as the truck driver
38 training fund;

39 (d) credit all photo fees collected under K.S.A. 8-243, and amend-
40 ments thereto, to the photo fee fund; and

41 (e) credit all hazardous materials endorsement fees collected under
42 K.S.A. 2006 Supp. 8-2,151, and amendments thereto, to the hazmat fee
43 fund; and

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1 (f) credit the driver improvement clinic fees collected under section
2 1, and amendments thereto, as follows:

3 (1) Credit \$150 of each such fee to the division of vehicles operating
4 fund; and

5 (2) credit \$200 of each such fee to the community corrections special
6 revenue fund.

7 Moneys in the state safety fund and in the motorcycle safety fund shall
8 be distributed to provide funds for driver training courses in the schools
9 in Kansas and for the administration of this act, as the legislature shall
10 provide. In addition, moneys in the motorcycle safety fund shall be dis-
11 tributed to provide funds for courses in motorcycle safety in community
12 colleges in Kansas. Moneys in the truck driver training fund shall be
13 distributed to provide funds for courses in truck driver training in com-
14 munity colleges, area vocational schools and area vocational-technical
15 schools in Kansas. Except as otherwise provided by K.S.A. 8-241, and
16 amendments thereto, the state treasurer shall credit the balance of all
17 moneys received under this act, including all moneys received from com-
18 mercial driver's license endorsements to the state highway fund.

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19 Sec. 5. K.S.A. ~~2006~~ Supp. 8-255 and 8-267 are hereby repealed.

20 Sec. 6. This act shall take effect and be in force from and after its
21 publication in the statute book.