

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Gary Hayzlett at 12:30 p.m. on February 16, 2009, in Room 783 of the Docking State Office Building.

All members were present except Representative Jerry Henry who was excused.

Committee staff present:

Bruce Kinzie, Office of the Revisor of Statutes
Hank Avila, Kansas Legislative Research Department
Jill Shelley, Kansas Legislative Research Department
Betty Boaz, Committee Assistant

Conferees appearing before the committee:

Representative Niles Dillmore
Representative Lee Tafanelli
Representative Jason Watkins
Secretary of Health and Environment Roderick Bremby
Ron Gaches for Jim Hanni, AAA Kansas
Terry Heidner, Legislative Liaison, KDOT
Captain Art Wilburn, KS Highway Patrol
Tamara O'Conner, State Farm Insurance
Suzanne Wikle, KS Action for Children
Jim Gartner, Representing AT & T Kansas
Terry Holdren, KS Farm Bureau (Written Testimony Only)
Dennis Cooley, American Academy of Pediatrics, (Written Testimony Only)
Chris Maurich, Lobbyist for ABATE
Ray Thomas
Art Swank, Vermeer Great Plains, Olathe, KS
Don McNeeley, KS Automobile Dealers Ass'n.

Others attending:

See attached list.

The next meeting is scheduled for February 17, 2009.

The meeting was adjourned at 3:15 p.m.

Chairman Hayzlett called the meeting to order. He recognized two 4-H groups who were visiting.

Chairman recognized Earl Willis with the Highway 50 Association who made some brief comments then he introduced Willis Hecht, Vice Chairman of the Association, who provided a power-point presentation for the Committee. The Highway 50 Association asked for continued support for the completion of projects in the current plan, to be supportive of a new plan, and to be supportive of improvements to Highway 50 (for example four lanes, improved shoulders, and passing lanes). Mr. Hecht reintroduced Earl Willis who made some additional comments.

As a courtesy to Representative Dillmore, who needed to be in a meeting in the Capitol, Chairman Hayzlett allowed him to give his testimony on **HB 2133**. (Attachment #1)

The Chairman opened the hearing on **HB 2143**.

HB 2143 - Driver's licenses; restrictions.

Chairman Hayzlett recognized Secretary of Health and Environment Roderick Bremby. (Attachment #2) According to Secretary Bremby, Kansas statistics show while teen drivers ages 14 - 19 account for only six percent of all Kansas registered drivers, they represent 20 percent of all crashes. He said according to KDOT teen drivers were involved in 16,686 crashes in 2007 and 68 Kansas teens died with 4,526 being injured as

CONTINUATION SHEET

Minutes of the House Transportation Committee at 1:30 p.m. on February 16, 2009, in Room 783 of the Docking State Office Building.

a result of car crashes in our state. Secretary Bremby said comprehensive GDL programs are associated with reductions of approximately 20 percent in 16 year old drivers' fatal crash involvement rates. Additionally programs that include a mandatory waiting period, at least 30 hours of supervised driving, and passenger and nighttime restrictions were associated with reductions of 16-21 percent in fatal-crash involvement rates of 16 year old drivers. He concluded by saying it was time for Kansas to act on the evidence base that calls for graduated drivers licensing.

Chairman Hayzlett recognized Representative Lee Tafanelli. (Attachment #3) He said the chief reason for approving **HB 2143** is that it will save lives but he also wanted to point out the economic benefits of approving **HB 2143**. He said according to research conducted last year by AAA, teen crashes cost Kansans a total of \$467 million annually. According to Representative Tafanelli, these costs which include medical care, emergency and police services, and property damages do not just impact the individual drivers. He said national statistics show that almost 85% of medical costs for car crash victims fall on society. He concluded by saying because of the economic impact on our state, and the emotional impact on Kansas families and communities he urged the Committee to support **HB 2143**.

Ron Gaches provided testimony prepared by James Hanni, who had been called away. (Attachment #4) According to Mr. Hanni's testimony AAA Kansas supports **HB 2143** which would make Kansas the 48th state with an intermediate stage of licensing. He said the most important factor and effective countermeasure in reducing motor vehicle crashes among novice drivers is gaining experience with a supervising adult. His testimony concluded by saying the improvements proposed to the licensing system are simple, fair, and targeted at the issues most likely to keep kids safe and significantly reduce crashes on Kansas roads.

Terry Heidner, Legislative Liaison for the KDOT was the next proponent to present testimony. (Attachment #5) According to Mr. Heidner, this bill addresses the three areas where young drivers are most at risk, more driving experience while in the learning phase, limitations on teen passengers, and nighttime driving when they are first allowed to drive without adult supervision. He urged support for **HB 2143**.

The Chairman recognized Captain Art Wilburn, Kansas Highway Patrol. (Attachment #6) According to Captain Wilburn, this bill would incorporate components of what is commonly referred to as Graduated Driver's Licensing into Kansas law. He said the Patrol recognizes challenges that may exist when considering a bill, such as **HB 2143**, that would bring about a dramatic change in the way of life for young Kansans. The Highway Patrol supports the life-saving potential of **HB 2143**.

Tamara O'Conner, Public Affairs Supervisor for State Farm Insurance in Kansas was the next proponent. (Attachment #7), She said State Farm knows motor vehicle crashes are the leading cause of death for teenagers with inexperienced driving, lack of good judgment and risk-taking behaviors being significant contributors to the high number of teen-crash rates. She said most states have implemented the three-stage GDL approach that addresses the three greatest risks to young drivers; inexperience, multiple passengers and late-night driving -- **HB 2143** seeks to address all three of those areas.

The next proponent was Suzanne Wikle, Director of Health Policy for Kansas Action for Children. (Attachment #8) Ms. Wikle said when compared to the rest of the nation, Kansas is clearly lagging behind when it comes to properly preparing teens for the responsibility of driving. She said by instituting the components of **HB 2143** Kansas will bring our licensing system up to speed. She concluded by saying Kansas is one of only three states that have not taken important steps to better prepare novice teen drivers. Without a cost to the state implementing **HB 2143** will create safer roads for all of us.

Jim Gartner, representing AT & T Kansas was recognized next. (Attachment #9) Mr. Gartner said that AT & T Kansas is neutral on the issue of providing restrictions on teens related to using wireless communication services while driving. He said certain situations could arise in which a teenage driver may witness and need to report an illegal activity or summon medical or emergency help for themselves or someone else. Mr. Gartner provided proposed language that would amend **HB 2143** to allow use of wireless communications in an emergency situation.

CONTINUATION SHEET

Minutes of the House Transportation Committee at 1:30 p.m. on February 16, 2009, in Room 783 of the Docking State Office Building.

The Chairman drew the Committee's attention to written testimony in support of **HB 2143** from Representative Jason Watkins (Attachment #10); Dennis Cooley, MD, President-elect of the American Academy of Pediatrics (Attachment #11); and Terry Holdren, KS Farm Bureau (Attachment #12).

There were no other proponents to **HB 2143**.

Bill Kennedy was the only opponent (no testimony provided). He disagreed with the driver education part of the bill.

Chairman Hayzlett closed the hearing on **HB 2143**.

The Chairman open the hearing on **HB 2133**

HB 2133 - Right-of-way violations, increased penalties.

Representative Nile Dillmore spoke in support of **HB 2133**. (Attachment #1) According to Representative Dillmore he introduced this bill two years ago and the purpose is the same as it was then, that being to increase public safety. He said current law provides little in penalties for a right-of-way violation, even when that violation results in serious injury and death. This bill would strengthen those penalties and create greater awareness of this behavior and provide a meaningful deterrent.

Chairman Hayzlett recognized Chris Maurich, lobbyist for ABATE, Kansas. (Attachment 13) According to Mr. Maurich they are asking for changes to **HB 2133** to give the courts the tools they need to penalize violators appropriately when serious injury or death occurs because of right-of-way violations concerning vulnerable roadway users such as motorcyclists, bicyclists, pedestrians and others. This bill would increase penalties for violations and provide a mechanism for law enforcement to accurately charge those who violate the right of way of others and severely injure or kill other roadway users. He asked the committee to support this bill and work to provide a bill that will provide language authorizing judges to impose penalties on those convicted of accidents. Mr. Maurich concluded by providing names of other states who have passed such legislation.

The next proponent for **HB 2133** was Ray Thomas. (Attachment #14) According to Mr. Thomas previously suggested amendments had overly severe penalties and no case by case flexibility. Mr. Thomas supports this bill because it gives the judges authority to impose penalties on those convicted of accidents. He feels there should be some latitude for fines whether you hit a post or hit and kill a person. He said **HB 2133** is intended to reduce the high number of right-of-way violation accidents and deaths through deterrence as well as providing justice for victims of these illegal acts resulting in severe injury or death. He provided the Committee with statistics on the number of fatality accidents and each one was given a \$60 fine.

There were no other proponents and no opponents so the Chairman closed the hearing on **HB 2133**.

Chairman Hayzlett opened the hearing on **HB 2188**.

HB 2188 - Dealer-hauler full-privilege trailer license plates.

The Chairman recognized Art Swank, President of Vermeer Great Plains, Inc. (Attachment #15) He said Vermeer Great Plains, Inc. manufactures industrial and agricultural equipment with the territory they represent including all of Kansas, Oklahoma and the western half of Missouri. Mr. Swank said they sell, lease and rent equipment and their seven salesmen travel to job sites and demonstrate the equipment that the customer is considering buying. He said his salesmen are using trailers to haul equipment for demonstration purposes, delivery or for pick-up. Under current law they have to license and register all of the trailers regardless of whether these trailers are for resale. Mr. Swank said they are asking to be allowed to purchase up to ten "full-privilege license plates" per year for the dealerships. He said they would transfer the "full-privilege license plates" from one trailer to another. He concluded by saying passage of **HB 2188** would be of extreme benefit to their business and many other retailers and manufacturers of non-highway equipment that must be transported by trailers.

CONTINUATION SHEET

Minutes of the House Transportation Committee at 1:30 p.m. on February 16, 2009, in Room 783 of the Docking State Office Building.

The last proponent of **HB 2188** was Don McNeely, President of the Kansas Automobile Dealers Association. (Attachment #16) Mr. McNeely was appearing in support of **HB 2188**. He said he appreciated the opportunity to provide input into the drafting of this bill. He did ask to amend **HB 2188** to match the renewal date of full use dealer tags to that of the regular dealer tags to avoid the confusion of the expiration dates and to assist the Motor Vehicle Division in the administration of the annual dealer licensing renewal process.

There were no other proponents and no opponents so the Chairman closed the hearing on **HB 2188**.

It was the Chairman's desire to work **HB 2143** so he opened the floor to discussions, comments or motions. Representative King provided the Committee with the sub-committee report. He handed out a balloon amendment to the Committee. (Attachment #17) Representative King made a motion to adopt the sub-committee report into **HB 2143**, seconded by Representative Menghini and the motion carried. Discussion followed on the amendment proposed by Jim Gartner on the emergency use of a cell phone to report illegal activity or summon emergency help. A motion was made by Representative Wetta to amend **HB 2143** as a new bill and such bill will be designated as **Substitute HB 2143**, seconded by Representative Swanson, motion carried. A motion was made by Representative Swanson to favorably pass **Substitute HB 2143**, seconded by Representative Menghini, the motion carried.

Chairman Hayzlett opened **HB 2134** to the Committee for discussion, questions or motions. The Committee discussed this bill and an amendment proposed by the Motor Vehicle Division, Dept. of Revenue. The Chairman said he would open this bill for discussion again tomorrow.

The Chairman opened **HB 2152** for discussion, questions or motions. Staff provided an explanation of the bill. After discussions and all questions were answered, Representative Burgess made a motion to pass favorably **HB 2152**, seconded by Representative Kleeb and the motion carried.

There being no further business before the Committee, the meeting was adjourned at 3:15 p.m.

HOUSE TRANSPORTATION COMMITTEE GUEST LIST

DATE: February 16, 2009

NAME	REPRESENTING
Mary Ruth	KDOR
Kelly Bellato	KDOR
Vuki M. Boese	ABATE of Kansas
Paul J. Fan	ABATE of KANSAS Dist #4
Terry Mitchell	KDOR
Terry Heidner	KDOT
Montana Falls	
Kilee Hutchison	
Jessica Morgan	
David Gilchrist	
Melissa Williams	
Coryn Goff	
Samantha Morgan	
Paul Probst	
Michael Melin	KDOR
Ted Smith	KDOR
Wigh Keck	Hein Law firm
Jim Grotzner	AT&T
Bill Sneed	State Farm

HOUSE TRANSPORTATION COMMITTEE GUEST LIST

DATE: 2/16/09

NAME	REPRESENTING
Lamone O'Connor	State Farm
Robert Payne	Abate
Tom Conant	KDOR
DIM FISK	VERIZON
ART WILBURN	KHP
Jetty Lewis	ATT
Ron Gaches	AAA Kansas
Stephanie Mullinsland	KAE
Sharon Cottrick	KAC
Hank Paul	KLR
KEITH PANGBORN	KEARNEY ASSOC.
SEAN MILER	CAPITOL STRATEGIES
Bill Burke	Highway 69 / SW Assn.
Suzanne Wille	KS Action for Children
Whitney Lamm	K ADA
Carol Marich	
Chris Marich	ABATE
Doc Bohner	Abate
Don Murray	Federico Consulting
Leslie Kaufman	Ks Co-op Council

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JOINT COMMITTEE ASSIGNMENTS
MEMBER: ECONOMIC DEVELOPMENT
INFORMATION TECHNOLOGY



TOPEKA

HOUSE OF

REPRESENTATIVES

Testimony on HB 2133
House Transportation Committee
February 16, 2009

STATE CAPITOL BUILDING, ROOM 278-W
TOPEKA, KANSAS 66612-1504
(785) 296-7647
dillmore@house.state.ks.us

Mr. Chairman and members of the Transportation Committee I am appearing today in support of HB 2133 concerning certain right-of-way violations; providing for increased penalties.

Some of you may remember this bill when I introduced it two years ago. The purpose for this bill remains as it did then. That is increase public safety.

Current law provides little in penalties for a right-of-way violation, even when that violation results in serious injury and even death. This bill would strengthen those penalties and I believe create greater awareness of this behavior and provide a meaningful deterrent.

You will hear from other proponents who are much better prepared than I am to highlight the urgent need for this legislation. What I do know is that we have worked hard to prepare a bill that is, I believe workable and will help to ensure a safer environment for all Kansas drivers.

Thank you Mr. Chairman for hearing this bill and I urge you and this committee to pass HB 2133 favorably.

A handwritten signature in black ink, appearing to read 'Nile Dillmore'. The signature is fluid and cursive, with a large loop at the beginning.

Nile Dillmore

House Transportation
Date: 2-16-09
Attachment # 1



DEPARTMENT OF HEALTH
AND ENVIRONMENT

*Kathleen Sebelius, Governor
Roderick L. Bremby, Secretary*

www.kdheks.gov

**Testimony on HB 2143
Graduated Drivers Licensing**

**Presented to
Committee on Transportation**

**Presented by
Roderick L. Bremby, Secretary
Kansas Department of Health and Environment**

February 16, 2009

Chairman Hayzlett and members of the Committee on Transportation, I am Roderick Bremby, Secretary of the Kansas Department of Health and Environment. I am pleased to present testimony today in support of HB 2143 which proposes to strengthen graduated drivers licensing laws (GDL) in Kansas.

Motor vehicle crashes are a serious, though preventable, public health problem. Unintentional injuries kill more young Kansans than any other cause, and motor vehicle crashes result in nearly half of these deaths.

- In 2007, 7,512 people were killed nationally in crashes involving young drivers ages 16-20; 3,108 of the fatalities were young drivers and 1,967 were passengers of teen drivers.
- Kansas statistics show a similar pattern.
 1. While teen drivers ages 14 – 19 account for only six percent of all Kansas registered drivers, they represent 20 percent of all crashes.
 2. According to the Kansas Department of Transportation teen drivers were involved in 16,686 crashes in 2007. Clearly, this represents an at risk population in which a focused intervention to promote safety can have far-reaching results.
 3. Sixty - eight Kansas teens died and 4,526 were injured as a result of car crashes in our state in 2007 (Kansas Department of Transportation).

Graduated Driver Licensing (GDL) programs have become an increasingly popular approach used by other states' policy makers to effectively reduce the serious problem of high rates of

fatal and nonfatal crashes among beginning drivers. These programs vary from state to state, but are designed to provide novice drivers the opportunity to gain driving experience in less risky circumstances, typically implementing a combination of provisions.

Comprehensive GDL programs are associated with reductions of approximately 20 percent in 16-year-old drivers' fatal crash involvement rates. Also, programs that include a mandatory waiting period, at least 30 hours of supervised driving, and passenger and nighttime restrictions were associated with reductions of 16-21 percent in fatal-crash involvement rates of 16-year-old drivers.

It is time for Kansas to act on the evidence base that calls for graduated drivers licensing. Enacting a Graduated Drivers License bill will save lives and reduce injuries to Kansas teens. Thank you again for the opportunity to provide this information to the committee. I will be happy to answer any questions you might have.

STATE OF KANSAS

House of Representatives

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THE CAPITOL

Lee Tafanelli

Representative, Party Seventh District

HB 2143
Testimony of
Representative Lee Tafanelli
to the
House Transportation Committee

February 16, 2009

Chairman Hayzlett and Members of the Committee,

Thank you for the opportunity to testify in support of HB 2143.

You'll hear from a number of proponents today about the lives that stand to be saved by our implementation of a Graduated Drivers Licensing policy. This is clearly the chief reason for approving of this bill. But, I also wanted to point to the economic benefits of approving HB 2143.

Economic Impact of Teen Crashes

With more than 16,000 teen crashes occurring in our state each year, the economic impact is tremendous and far-reaching. These crashes result in more than 12,000 property damage claims and more than 6,500 injuries every single year.

According to research conducted last year by AAA, teen crashes cost Kansans a total of \$467 million annually.

These costs – which include medical care, emergency and police services, and property damages – do not just impact the individual drivers. In fact, national statistics show that almost 85% of medical costs for car crash victims fall on society.

Employers in our state are absorbing the cost of teen crashes through lost productivity and the medical costs that fall to their group health care plans. Kansans can additionally bear the cost of teen crashes through their auto and health insurance premiums.

House Transportation
Date: 2-16-09
Attachment # 3

Timeliness in this Economy

As you are well aware, our state is facing a serious financial situation. We've had to make a number of difficult decisions, and will likely make many more before this Session is over.

Just as we are working to balance the state budget, Kansans are working to balance their personal budgets. In this economy, the cost of private driver's education and access to school-based driver's ed programs could be out-of-reach for many Kansas families. By strengthening our drivers licensing system in this way, we can equip parents with better resources and provide a more uniform system for training teen drivers.

Because of the economic impact on our state, and the emotional impact on Kansas families and communities, I urge you to support HB 2143.



TESTIMONY, HB 2143
Presented by James R. Hanni,
Executive Vice President, AAA Kansas
February 16, 2009
House Transportation Committee

AAA Kansas supports HB 2143 which would make Kansas the 48th state with an intermediate stage of licensing. The changes to K.S.A. 8-235d and 8-296 and K.S.A. 2008 Supp. 8-237 are simple and straightforward. They provide only the most effective, yet fair and reasonable, countermeasures to make substantial reductions in motor vehicle crashes, injuries and death among Kansas' young drivers: 1) A twelve-month learner's permit for supervised driving in phase one, before restricted licensing, and 2) the insertion of a six month intermediate stage of licensing at age 16, that extends supervised driving after 9 p.m. at night and limits to one the number of non-sibling passengers when driving unsupervised.

Research conducted by Wichita State University and others indicates overwhelming support from Kansas voters for a graduated system of licensing with these features. The study also identified a number of issues related to teen driving and the attitudes, knowledge, beliefs and behaviors of Kansas parents and teens.

Why is a one year learner permit important?

The most important factor and effective countermeasure in reducing motor vehicle crashes among novice drivers is *gaining experience with a supervising adult*. In the Kansas study mentioned above, more than 90 percent of both rural and urban parents said 12 twelve months was either about right or *not long enough*.

Those GDL systems whose effects have been studied with scientifically sound research designs show crash reductions of 20-39% (*Shope, 2007*). The largest crash-reducing effects of GDL are found among states with twelve month learner periods. Georgia and North Carolina, both with twelve-month learner periods, report almost identical effects with 16 year-old crash rates declining 39 and 38 percent, respectively. 17 year-old crashes declined 19 and 20 percent, respectively (*Rios et al., 2006; Foss et al., 2007*). States with six month learner periods consistently find lesser effects on teen crash rates.

Why is an intermediate stage of licensing important?

Forty-seven other states have intermediate stages that include night driving and passenger restrictions. Only Kansas, Arkansas and North Dakota remain without one. A bill has been introduced in the North Dakota legislature and they are on the verge of passage. The intermediate stage allows for the gradual transition to full driving privileges by extending supervised driving protections against the riskiest activities of novice young drivers: *driving at night* and *the presence of other passengers*, for an additional six months. Every state that has adopted an intermediate stage of licensing has achieved double-digit reductions in crashes.

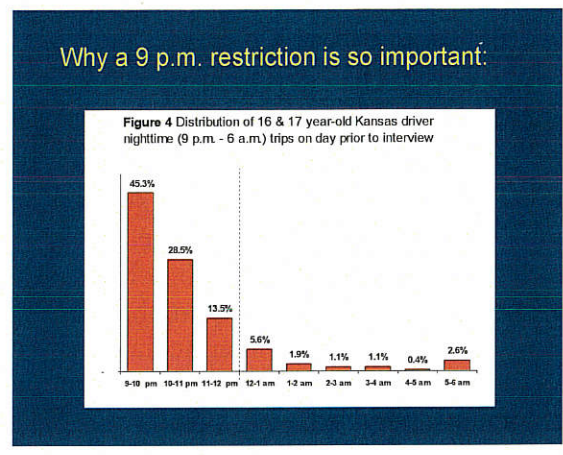
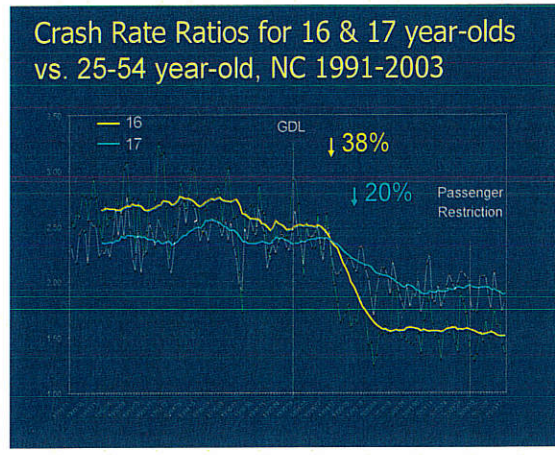
House Transportation
Date: 2-16-09
Attachment # 4

How effective is a night driving restriction and why 9 p.m. to begin?

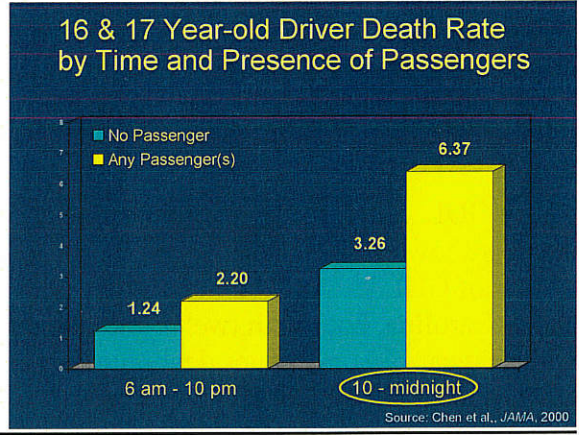
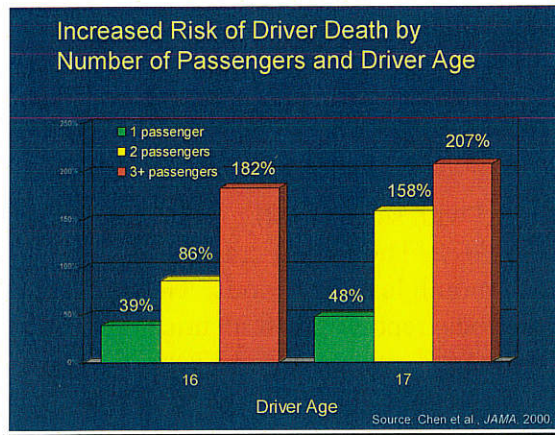
The chart (left) below shows the substantial reduction in 16 and 17 year-old crashes as a result of the 9 p.m. night driving restriction in North Carolina as compared to adult drivers. The chart also shows the lasting effects of the restriction. The other chart (right) shows the distribution of Kansas 16 & 17 year-old driving trips at night. Over 75 percent



of night crashes occur between 9 p.m. and midnight, with 32% of all night crashes occurring between 9 p.m. and 10 p.m. In order to truly protect and achieve a significant reduction in crashes among our young drivers, adopting this proposal is crucial.



Why is a passenger restriction important and is it effective in reducing crashes?
 The left chart below shows the increased risk of death for 16 and 17 year-old drivers based on the number of passengers in the vehicle. Passengers are a huge distraction for inexperienced drivers. Forty-one states have a passenger restriction. The chart on the right clearly shows both the increase in risk of passengers and night driving.



How do Kansas parents feel about these proposed restrictions?

- 82 percent of Kansas parents endorse having a passenger restriction limiting the number of young passengers for the initial six months of unsupervised driving by teen drivers.
- A substantial majority of parents think Kansas should also have a night driving restriction during teens first months of driving.
- Parents overwhelmingly endorse a cell phone restriction while teens are driving (89%).

The improvements we propose to the licensing system of licensing are simple, fair, reasonable and targeted at the issues most likely to keep kids safe and significantly reduce crashes on Kansas roads. A graduated system of licensing costs parents and taxpayers nothing, ultimately leads to lower economic costs, brings clarity to parents and their teens on how to keep their kids safe while they learn to drive and, most importantly, keeps our young adults safe at the most dangerous time of their lives. For these reasons and the reasons brought forth by other proponents, we support HB 2143 and ask that you pass it out of the House Transportation Committee favorably.

**TESTIMONY BEFORE THE
HOUSE TRANSPORTATION COMMITTEE**

**REGARDING HOUSE BILL 2143
RELATING TO GRADUATED DRIVERS LICENSE**

February 16, 2009

Mr. Chairman and Committee Members:

My name is Terry Heidner, Legislative Liaison, for the Kansas Department of Transportation. I am here to provide testimony in support for House Bill 2143, an act relating to a graduated driver's licensing system for Kansas teen drivers. This proposed legislation was one of the many recommendations from the *Driving Force*, a citizen task force studying ways to reduce fatalities and injuries on Kansas roadways. Young, novice drivers are greatly overrepresented in motor vehicle crashes. Although they make up only 6 percent licensed drivers, they are involved in 17 percent of fatal crashes and 23 percent of all crashes. According to research data provided by the National Highway Traffic Safety Administration (NHTSA), Graduated Driver Licensing (GDL) is a countermeasure with proven effectiveness in reducing novice driver crashes.

Over the past three years, Kansas has made significant progress toward improving the health and well-being of our next generation by updating two of three key child passenger safety policies. The Kansas Legislature approved a booster seat bill in 2006. The percent of children in the 5 through 9 age group that are properly restrained has risen from 53 percent in 2006, to 62 percent in 2007, and to 69 percent in 2008.

In 2007, the Kansas Legislature continued its commitment to child passenger safety by approving a primary teen seat belt law. This law permits law enforcement officials to stop and issue citations to unbelted teen drivers or teen passengers without the requirement of a second infraction. Our state's teen seat belt law officially went into effect January 1, 2008.

The third child passenger safety area is graduated drivers licensing. The Legislature first considered a comprehensive graduated drivers licensing policy in 2007 and again in 2008. During both Sessions, the proposal was approved by the Senate, but not brought before the full House for consideration. HB 2143 would provide teens with more driving experience prior to earning an unrestricted license. GDL policies that have most effectively reduced injuries and deaths in other states also include a limitation on the number of teen passengers riding with a teen driver and a limitation on late-night driving. HB 2143 addresses these two areas as well. To date, 40 other states have implemented a graduated drivers licensing policy that includes these two components.

This bill addresses the three areas where young drivers are most at risk; more driving experience while in the learning phase, limitations on teen passengers, and nighttime driving when they are first allowed to drive without adult supervision. I would appreciate your favorable action on House Bill 2143.

OFFICE OF THE BUDGET
Ethan Erickson, Chief

Dwight D. Eisenhower State Office Building

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House Transportation
Date: 2-16-09
Attachment # 5

**Testimony on House Bill 2143
House Transportation Committee**

**Presented by
Captain Art Wilburn
Kansas Highway Patrol**

February 16, 2009

Good afternoon Mr. Chairman and members of the committee. My name is Art Wilburn and I appreciate the opportunity to appear before you today regarding House Bill 2143. This bill would incorporate components of what is commonly referred to as Graduated Driver's Licensing or "GDL" into Kansas law.

The Patrol is dedicated to the promotion of traffic safety and the reduction of injuries and fatalities from motor vehicle crashes. Our experience as a law enforcement agency supports education and experience as key elements in developing safe driving habits, especially with teen drivers. We recognize that experience and maturity are two significant factors in a large number of crashes involving young drivers. Patrol troopers see the horrors of what happens when teens try to "show off" for their friends or when their peers distract their attention from driving. Teens also lack practical knowledge of driving, particularly in adverse weather conditions, such as heavy rain, dense fog, snow, and ice.

Graduated Driver's License programs are proven to help teens gain maturity and experience behind the wheel, which assist in reducing the high crash rates for drivers in this age group. Although teens make up a small percentage of licensed drivers, they are over-represented in injury and fatality crashes. Teens rank highest in crashes attributed to speeding, aggressive and reckless driving, and distractions. All these factors could be minimized with education, experience, and maturity. Several of the provisions set forth in House Bill 2143 tackle issues proven to reduce teen crash rates.

The Patrol recognizes challenges that may exist when considering a bill, such as HB 2143, that would bring about a dramatic change in the way of life for young Kansans. The Highway Patrol supports the life-saving potential of HB 2143, and we ask that your committee give this bill favorable support. I appreciate the opportunity to address you today. At this time, I will stand for questions.

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House Transportation
Date: 2-16-09
Attachment # 6

Good Morning Chairman and members of the committee. My name is Tamara O'Connor. I am a Public Affairs Supervisor for State Farm Insurance in Kansas.

State Farm has a long standing commitment to make our roads safer for all our customers, as well as families across Kansas. We feel it is our responsibility to be a leader in raising public awareness, supporting stronger laws, and leading research efforts on auto safety issues.

Nationally, we know motor vehicle crashes are the leading cause of death for teenagers. On average, more than 10 teens are killed each day in the United States and many more are injured as a result of motor vehicle crashes. Driving inexperience, lack of good judgment, and risk-taking behaviors are significant contributors to the high number of teen crash rates.

It has been estimated that if the current status quo remains unchanged among this group, tens of thousands of teens will die in the United States in next ten years. Others are here today to provide teen driver crash statistics and estimates for Kansas, so I won't go into those equally alarming numbers. Instead, I will focus on sharing with you a comparison of what we know about Kansas compared to other states, as well as what we know about GDL in helping to reverse negative trends to improve the problem.

According to experts, Graduated Driver Licensing (GDL) is one of the few tools effective in reducing the crash risk of new drivers. Research studies estimate a crash reduction of up to 40% in states with strong GDL laws.

Driving conditions have changed tremendously in past 20 years across the U.S. and in Kansas. Speed limits have increased, cars are more powerful, and we spend twice the time on roadways as we did just two decades ago, yet the licensing law in Kansas has not changed. Kansas unfortunately lags behind 47 other states that have updated licensing systems in place. Meaning Kansas is 1 of only 3 states who hasn't updated its drivers licensing system.

Most states have implemented 3-stage GDL approach that addresses the 3 greatest risks to young drivers: inexperience, multiple passengers, and late-night driving. HB 2143 seeks to address all three of those areas.

Experts believe one of the most effective GDL provisions is an extended learner's period, whereby higher-risk, unsupervised driving is ultimately delayed. Currently some states, like Kansas, require the learner's permit to be held for six months. Unfortunately for many teens, this does not provide enough experience in varied circumstances including inclement weather and trip characteristics. We know after implementing a one-year, adult supervised learning period, other states have seen a 50% decrease in teen crashes and 20-30% fewer fatalities.

Minimizing distractions by restricting passengers is proven to reduce crash risks. The fatal crash risk of a 16 year-old driver is found to double with two teen passengers are in

the vehicle, and triple with more than three teen passengers, compared to the teen driving alone. Several states have reported positive results from passenger restrictions, including California, which showed a 38% reduction in crashes where teen passengers were injured or killed while riding with a 16-year-old driver. North Carolina attributes a 32% reduction in multi-passenger crashes among 16-year-old drivers and 15% reduction among 17-year-olds to their passenger restriction.

States with nighttime driving restrictions show crash reductions up to 60 percent. Teens are twice as likely to die in a car crash during nighttime hours. Fatality rates for 16-year-olds are approximately two times higher at night than during the daytime. National statistics indicate almost half of all teen crash fatalities occur after 9 p.m. at night.

As the country's leading auto insurer we know that auto insurance is more expensive for teens than any other group. Why? It's the math. Teens have more crashes than older drivers – a lot more. Sadly, the numbers represent injuries and fatalities. While there is no specific data on the effects of strengthened graduated licensing laws and their direct impact on insurance premium rates, I can tell you that rate setting is largely driven by claims costs. Any measure that reduces crashes, injury, etc., lowers claim costs, which in turn ultimately has a favorable influence on rates.

State Farm firmly believes strong graduated licensing systems like HB 2143 have merit. Research undeniably shows that immaturity and inexperience, coupled with distractions, equals a dangerous and deadly driving combination for teens learning to drive. Graduated licensing helps keep teens out of high-risk driving situations, while permitting them to gradually gain on-road experience in low-risk environments. Kansas is behind the curve on this important issue and has a significant opportunity to make simple, effective, no-cost changes that will help reverse negative teen driver trends, resulting in safer roads and reduced costs for all.

Chairman and the committee thank you for your time, and thank you to all those who helped draft this legislation.



February 16, 2009

Good afternoon Chairman Hayzlett and committee members. My name is Suzanne Wikle and I serve as director of health policy for Kansas Action for Children. It is my pleasure to appear before you today in strong support of HB 2143.

When compared to the rest of the nation, Kansas is clearly lagging behind when it comes to properly preparing our teens for the responsibility of driving. By instituting the components of HB 2143 Kansas will bring our licensing system up to speed and make the roads safer for everyone. The three greatest risks to new teen drivers are inexperience, multiple passengers and late night driving – all three of which are addressed in HB 2143.

Inexperience: The proposal before you address the inexperience of teen drivers by implementing a 12 month instruction permit. Under current law, 16 year olds are able to obtain a completely unrestricted license simply by passing a test – without the requirement of an instruction permit. By assuring that Kansas teens hold an instruction permit for a full year, they will have adult supervised driving in all seasons and weather conditions. Research in other states has shown up to a 50% decrease in 16 year old teen crashes after implementing a one-year adult-supervised learning period.

Multiple Passengers: Once teens have the privilege of unsupervised driving, the presence of multiple teen passengers poses one of the greatest dangers. The likelihood of death increases when the number of passengers increase. HB 2143 addresses the danger of multiple passengers by limiting new teen drivers to one teenage passenger during the first six months of unsupervised driving. This six-month limitation will better prepare teens to manage distractions on the road.

Late-Night Driving: Research tells us that late-night driving poses a serious risk for teen drivers. Nationally, nearly half of all teen crash fatalities occur after 9:00pm. HB 2143 limits teen drivers, during their first six months of unsupervised driving, to only driving after 9:00pm for work or school activities. This provision of the legislation, together with the passenger limitation, will prepare Kansas teen drivers for the full responsibility of driving.

In summary, Kansas is one of only three states that have not taken important steps to better prepare novice teen drivers. Without a cost to the state, implementing HB 2143 will bring our teen licensing system up to speed and create safer roads for all of us.

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Key components to strengthening Kansas' licensing policy

TWELVE-MONTH LEARNER'S PERMIT

Based upon licensing updates made in other states, we know that a one-year, adult-supervised learning period stands to reduce the number of teen crashes on Kansas roads by up to 50%. By incorporating a 12-month learner's permit phase into our licensing policy, Kansas teens will be better equipped for the lifelong responsibility of driving.

SIX-MONTH PASSENGER LIMITATION

The risk of death among teen drivers more than doubles when there are two passengers in the vehicle and more than triples when there are three passengers. By limiting young drivers to one teen passenger during the first six months of unrestricted driving, Kansas teens will be better equipped to manage distractions on the road.

SIX-MONTH LATE-NIGHT DRIVING LIMITATION

The research tells us that late-night driving poses a serious risk for young drivers. In fact, teens are twice as likely to die in a car crash during late-night hours. National statistics show that almost half of teen crash fatalities occur after 9 p.m. By limiting driving after 9 p.m. to work and school purposes during the first six months of unrestricted driving, we stand to significantly reduce the number of fatalities among Kansas teens.

EXISTING FARM PERMIT

Given our state's agricultural roots, this proposal would leave the existing Farm Permit in intact to best meet the needs of Kansas farm families.

Bringing Kansas up to speed

Driving conditions have changed. Speed limits have increased. Cars are more powerful. And, Kansans spend nearly twice as much time on the road as they did just two decades ago. But, one thing hasn't changed — our drivers licensing system.

Modern driving conditions require an updated licensing system. There's a no-cost step we can take that will:

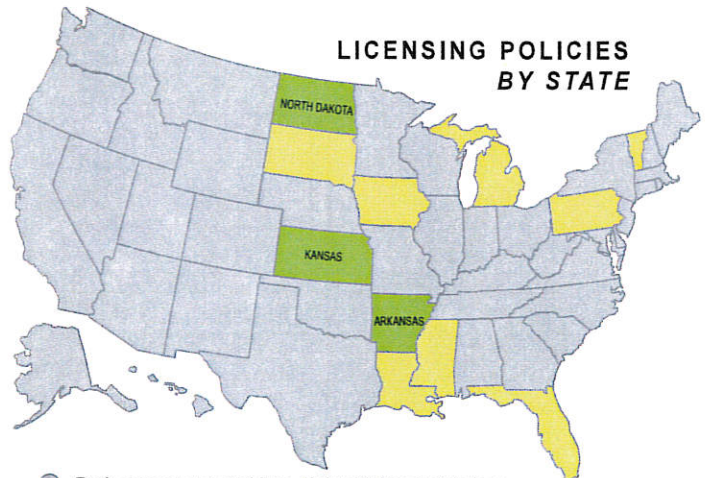
- Bring Kansas up to speed
- Make three simple, yet effective, changes to our licensing system
- Result in safer roads and reduced medical costs for all of us

KANSAS IS LAGGING BEHIND

Right now, Kansas is lagging behind most of the nation when it comes to preparing teens for the lifelong responsibility of driving. While 47 other states have updated their licensing systems, Kansas is among the three states that have not. By making a few simple, yet effective, changes to our licensing system, we can provide Kansas teens with the same level of driving experience as teens in neighboring states.

THREE SIMPLE STEPS

Most states have updated their licensing systems by implementing a three-stage approach — called a Graduated Drivers



- Both passenger and late-night driving restrictions
- Either a passenger and late-night driving restriction
- No passenger or late-night driving restrictions

Licensing system or GDL — that addresses the three greatest risks to young drivers: inexperience, multiple passengers in the vehicle and late-night driving. By addressing these three risks in our state's licensing system, we stand to significantly reduce the number of car crashes on Kansas roads.

SAFER ROADS, REDUCED MEDICAL COSTS FOR ALL OF US

Every year, more than 7,000 Kansas teens — a number twice the size of Kansas State University's freshman class — are injured or killed in car crashes. We know that fewer crashes mean fewer medical costs. In fact, almost 85% of medical costs for crash victims fall on society, increasing health insurance premiums for all of us. And, nationally, employers spend \$9 billion per year in health care costs associated with crash injuries.

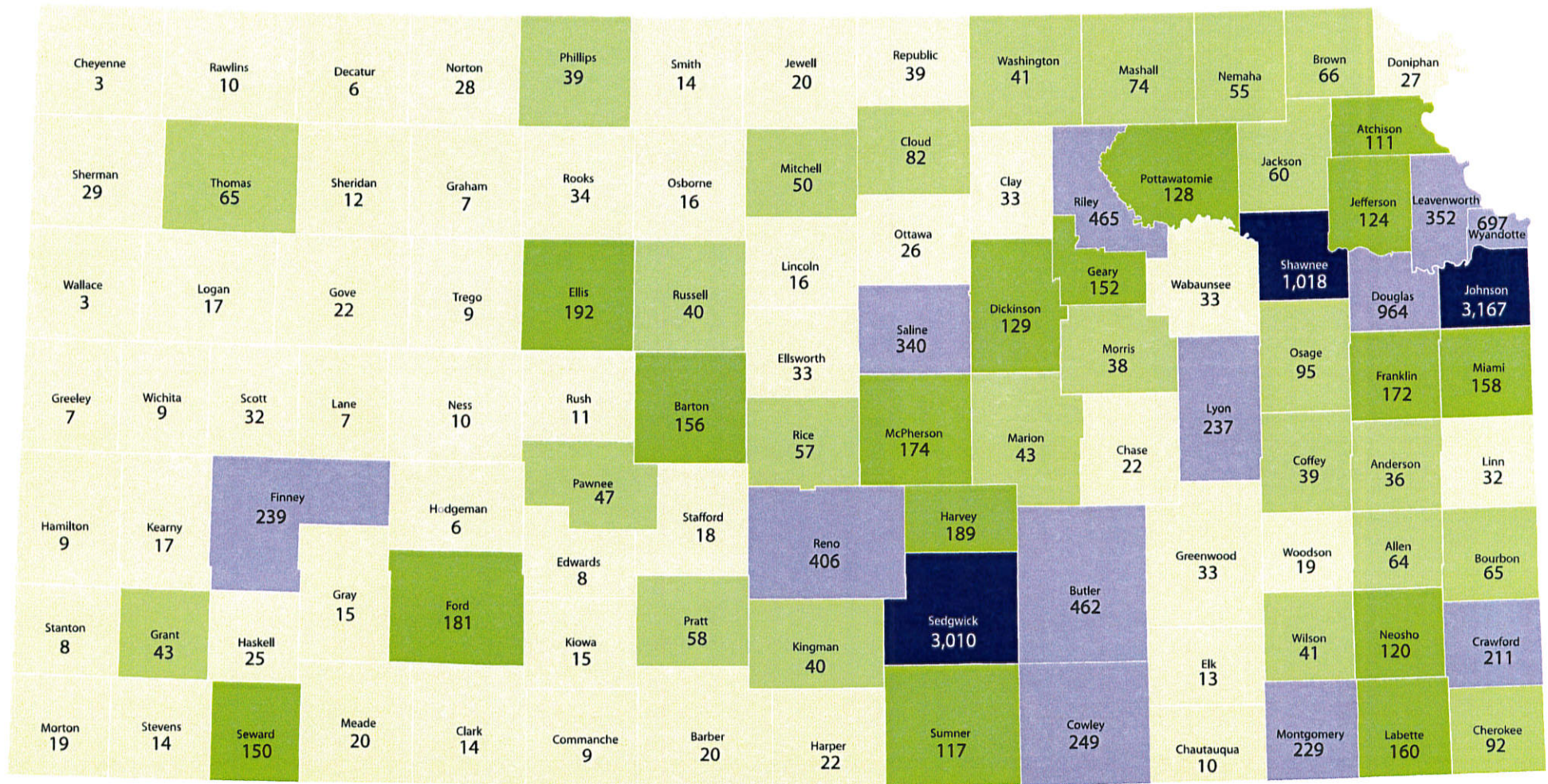


TEEN CRASHES *in 2007*

16,686 total teen crashes | 6,725 people injured



8-3



Source: Most recent data from Kansas Department of Transportation

TEEN CRASHES BY COUNTY

- More than 1,000 teen crashes per year
- Between 200 and 999 teen crashes per year
- Between 100 and 199 teen crashes per year
- Between 40 and 99 teen crashes per year
- Fewer than 40 teen crashes per year

HB 2143 | Graduated Drivers Licensing

8-4

	CURRENT POLICY	PROPOSED POLICY
<p>PHASE 1 Learner's permit</p>	<ul style="list-style-type: none"> • Available starting at age 14 • Permits teen drivers to drive when accompanied by a parent (or an adult age 18+) • Must hold a learner's permit for at least 6 months if choosing to obtain a restricted license (OR) teens may opt to skip the learner's permit and obtain a full license at age 16 	<ul style="list-style-type: none"> • Available starting at age 14 • Permits teen drivers to drive when accompanied by a parent (or an adult age 18+) • <u>Every teen must hold a learner's permit for 12 months before obtaining a restricted license or a full license</u>
<p>PHASE 2 Restricted license</p> <p><i>This phase is optional for Kansas teens</i></p>	<ul style="list-style-type: none"> • Available starting at age 15 • Teen drivers must successfully complete a drivers education course to obtain a restricted license • Permits teen drivers to drive unsupervised to and from work or school • Allows teen drivers to transport siblings and adult passengers; may not transport non-siblings under the age of 18 	<ul style="list-style-type: none"> • No changes to existing Restricted License phase
<p>PHASE 3 Full license</p>	<ul style="list-style-type: none"> • Available starting at age 16 • No limits on passengers or late-night driving 	<ul style="list-style-type: none"> • Available starting at age 16 • <u>Limits teen drivers to no more than one non-sibling passenger under the age of 18 during first 6 months of full licensing</u> • <u>Limits late-night driving to 9 p.m. during the first 6 months of full licensing unless driving to and from work/school</u>
<p>FARM PERMIT</p>	<ul style="list-style-type: none"> • Available starting at age 14 to teens who live or work on a farm 	<ul style="list-style-type: none"> • No changes to existing Farm Permit

The GDL Subcommittee recommends the following additions:

WIRELESS DEVICES — Use of wireless communication devices are prohibited until teen completes the six-month period of passenger and late-night driving restrictions.

PENALTIES FOR VIOLATION — 30-day suspension of license for first offense; 90-day suspension of license for second offense; and one-year suspension of license for third offense. Penalties would apply to all teen drivers.

GRANDFATHER CLAUSE — Teens entering the licensing system prior to January 1, 2010, would fall under the current licensing guidelines rather than the GDL guidelines.



AT&T Kansas
220 East Sixth Street
Room 505
Topeka, KS 66603

Testimony of Jim Gartner, representing AT&T Kansas
Neutral, but recommending amendments to HB 2143, which provides certain restrictions
on driver's licenses.
Before House Transportation Committee
February 16, 2009

Mr. Chairman and Members of the Committee:

My name is Jim Gartner and I am here today representing AT&T Kansas. Thank you for the opportunity to speak regarding HB 2143. AT&T Kansas is neutral on the issue of providing restrictions on teens related to using wireless communications devices while driving, however we believe it is important that teen drivers be allowed to use wireless communications in an emergency situation.

Situations could arise in which a teenage driver may witness and need to report an illegal activity, or may need to summon medical or emergency help for themselves or someone else. Allowing an exception would avoid penalizing a teenager who is trying to be helpful, or avoid a potential dangerous situation in which a teenager might attempt to pull to the side of the road to make an emergency call when it is not safe to do so.

For your consideration, before you are copies of proposed language that would amend HB 2143 to allow use of wireless communications in an emergency. These proposed amendments appear on pages 2, 3 and 9 of the subcommittee bill version. This language is similar to that adopted in other states. We respectfully recommend your favorable consideration and adoption of these amendments.

Thank you.

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New Section 1. (a) Any person who is at least 14 years of age, but less than 17 years of age may apply to the division for an instruction permit. The division may issue an instruction permit under this section to any person who is at least 14 years of age, but less than 16 years of age only upon written application of a parent or guardian of the minor. The division may in its discretion, after the applicant has successfully passed all parts of the examination other than the driving test, issue to the applicant an instruction permit for a period of one year.

(b) An instruction permit issued under this subsection shall authorize the permit holder to drive a passenger car under the following conditions:

(1) The permit holder shall be in immediate possession of the instruction permit;

(2) a supervising driver shall be seated beside the permit holder in the front seat of the passenger car when such car is in motion. The supervising driver shall be an adult who is at least 21 years of age who is the holder of a valid commercial driver's license, class A, B or C driver's license and who has at least one year of driving experience. No person other than the supervising driver can be in the front seat;

(3) the permit holder may drive at any time in accordance with the provisions of this section;

(4) the permit holder shall not operate a wireless communication device while driving a passenger car.

(c) Any person who is at least 14 years of age, but less

, except that this subsection (e) shall not apply to any such licensee operating a moving motor vehicle while using a wireless communications device to (i) report illegal activity or (ii) summon medical or other emergency help.

1 section (c)(1) shall entitle a licensee to operate the appropriate motor
2 vehicles at any time:

- 3 (A) From 5:00 a.m. to 9:00 p.m.;
- 4 (B) while going to or from or in connection with any job, employment
5 or farm-related work;
- 6 (C) while going to or from authorized school activities;
- 7 (D) when the licensee is operating a passenger car, at any time when
8 accompanied by an adult, who is the holder of a valid commercial driver's
9 license, class A, B or C driver's license and who is actually occupying a
10 seat beside the driver; or
- 11 (E) when the licensee is operating a motorcycle, at any time when
12 accompanied by an adult, who is the holder of a valid class M driver's
13 license and who is operating a motorcycle in the general proximity of the
14 licensee.

15 After such six-month period, if the licensee has complied with the pro-
16 visions of this section, such restricted license shall entitle the licensee to
17 operate the appropriate motor vehicles at any time without any of the
18 restrictions required by this section.

19 (d) (1) Any licensee issued a restricted license under subsection (a):

- 20 (A) Who is less than 16 years of age shall not operate any motor
21 vehicle with nonsibling minor passengers; or
- 22 (B) who is at least 16 years of age, for a period of six months after
23 reaching 16 years of age, shall not operate any motor vehicle with more
24 than one passenger who is less than 18 years of age and who is not a
25 member of the licensee's immediate family.

26 (2) Any licensee issued a restricted license under subsection (c), for
27 a period of six months after such restricted license is issued, shall not
28 operate any motor vehicle with more than one passenger who is less than
29 18 years of age and who is not a member of the licensee's immediate
30 family.

31 (3) Any conviction for violating this subsection shall be construed as
32 a moving traffic violation for the purpose of K.S.A. 8-255, and amend-
33 ~~ments thereto.~~

34 (e) ~~A~~ restricted driver's license issued under this section is subject to
35 suspension or revocation in the same manner as any other driver's license.
36 ~~In addition, the division may suspend the restricted driver's license upon~~
37 ~~receiving satisfactory evidence that:~~

- 38 ~~(1) The licensee has violated the restriction of the license, or~~
- 39 ~~(2) the licensee has been involved in two or more accidents charge-~~
40 ~~able to the licensee.~~

41 ~~A license suspended under this subsection shall not be reinstated for~~
42 ~~one year.]~~

43 (f) Evidence of failure of any licensee who was required to complete

, except that this subsection (e) shall not apply to any such licensee operating a moving motor vehicle while using a wireless communications device to (i) report illegal activity or (ii) summon medical or other emergency help.

(e) Any licensee issued a restricted license under this section shall not operate a wireless communication device while driving a motor vehicle.

(f) (1)
(2) A restricted driver's license shall be suspended in accordance with K.S.A. 8-291, and amendments thereto, for any violation of restrictions under this section.
(3) The division shall suspend the restricted driver's license upon receiving satisfactory evidence that the licensee has been involved in two or more accidents chargeable to the licensee and such suspended license shall not be reinstated for one year.

and by relettering the remaining subsections accordingly

9-4

1 license, class A, B or C driver's license and who is actually occupying a
2 seat beside the driver.

3 After such six-month period, if the licensee has complied with the pro-
4 visions of this section, such farm permit shall entitle the licensee to operate
5 the appropriate motor vehicles at any time without the restrictions re-
6 quired by this section.

7 (b) (c) A farm permit shall be issued only if:

8 (1) The applicant can prove that such applicant resides or works on
9 a farm;

10 (2) the applicant has successfully completed the examination require-
11 ments in K.S.A. 8-235d, and amendments thereto; and

12 (3) the applicant submits the signed affidavit of either a parent or
13 guardian, stating that the applicant lives on a farm or, if the applicant
14 does not live on a farm but works on a farm, the applicant submits the
15 signed affidavit of the applicant's employer and parent or guardian, at-
16 testing to such employment.

17 (e) (d) Any licensee issued a farm permit under this section:

18 (1) Who is less than 16 years of age shall not operate any motor
19 vehicle with nonsibling minor passengers and; or

20 (2) who is at least 16 years of age, for a period of six months after
21 reaching 16 years of age, shall not operate any motor vehicle with more
22 than one passenger who is less than 18 years of age and who is not a
23 member of the licensee's immediate family.

24 Any conviction for violating this provision subsection shall be construed
25 as a moving traffic violation for the purpose of K.S.A. 8-255, and amend-
26 ments thereto.

27 (d) (e) As used in this section, "farm" means any parcel of land larger
28 than 20 acres which is used in agricultural operations.

29 (e) (f) A farm permit issued under this section is subject to suspension
30 or revocation in the same manner as any other driver's license. A person
31 who has been issued a farm permit and who violates this section by driving
32 beyond the scope allowed in subsection (a) shall lose the farm permit and
33 shall be issued no other driver's license for a period of one year or until
34 the person reaches 16 years of age, whichever period is longer. In addition,
35 the division may suspend the farm permit upon receiving satisfactory
36 evidence that:

37 (1) The licensee has violated the restrictions of the farm permit; or

38 (2) the licensee has been involved in two or more accidents chargeable
39 to the licensee.

40 A farm permit suspended under this subsection shall not be reinstated
41 for one year.

42 (f) (g) Any licensee issued a farm permit under this section on and
43 after July 1, 1999, shall provide prior to reaching 16 years of age, a signed

, except that this subsection (e) shall not apply to any
such licensee operating a moving motor vehicle while using
a wireless communications device to (i) report illegal activity
or (ii) summon medical or other emergency help.

(e) Any licensee issued a farm permit
under this section shall not operate a
wireless communication device while driving a
motor vehicle.

(g) (1)

(2) A farm permit shall be suspended in
accordance with K.S.A. 8-291, and amendments
thereto, for any violation of restrictions
under this section.

(3) The division shall suspend the farm
permit upon receiving satisfactory evidence
that the licensee has been involved in two or
more accidents chargeable to the licensee and
such suspended license shall not be
reinstated for one year.

and by relettering the remaining subsections accordingly

JASON P. WATKINS

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TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
CHAIR: GENERAL GOVERNMENT BUDGET
VICE CHAIRMAN: APPROPRIATIONS
MEMBER: JUDICIARY

Good afternoon, Chairman Hayzlett and fellow House members. I appreciate the opportunity to address your committee and express my support for this Graduated Drivers Licensing proposal.

A rural and urban issue

As you've seen from the handouts related to HB 2143, the number of crashes involving teen drivers in Kansas is staggering. In my county alone, we see more than 3,000 teen crashes every year, which result in more than 1,400 people being injured or killed.

Though counties like Sedgwick and Johnson experience thousands of teen crashes each year, the bright spot in those numbers is that we have immediate access to trauma care centers. That's not the case for many rural counties. Though the number of crashes may be fewer in remote parts of the state, the outcomes are more likely fatal.

There are two reasons for this:

- 1. Location of Trauma Centers.** We have five trauma centers in Kansas, but all five are located in urban areas - Wichita, Overland Park and Topeka. This leaves large parts of our state without timely access to a trauma center.
- 2. Discovery and Transport Time in Rural Areas.** In rural areas, it often takes more time to discover a crash, more time to transport the victims, and more time to reach a hospital equipped to handle trauma situations. This is critical because 72 percent of our highway fatalities occur in rural areas.

The bottom line is Kansans in urban areas experience more crashes, but are more likely to survive a crash than Kansans living in rural areas. This underscores how critical it is for teens in both urban and rural areas to receive the kind of supervised driving experience outlined in HB 2143 before they start driving on their own.

A bipartisan issue

I am convinced that the proposal you're considering today will significantly decrease the number of injuries and deaths on Kansas roads, and I am convinced it will be a welcome tool for parents across the state.

Based upon recent polling, this is a policy we can take back to our districts with confidence. In Sedgwick County, 83 percent of voters said they would support a driver's licensing policy that

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includes the three components outlined in this bill: a 12-month learner's permit, a passenger limitation and a late-night driving limitation.

And, the support among voters was consistent across age demographics and across party lines. Specifically, 88 percent of Democrats, 81 percent of Republicans, and 85 percent of independent voters indicated their support for this bill.

A life-saving issue

By approving HB 2143, we will have put in place a system that better prepares Kansas teens for the responsibility of driving. This is a rural and urban issue. This is a bi-partisan issue. And, most importantly, this is a life-saving issue. Thank you for your consideration of this bill.



Kansas Chapter

Kansas Chapter

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TESTIMONY FOR HB 2143 House Committee on Transportation

The Kansas Chapter of the American Academy of Pediatrics is a non-profit organization representing over 95% of the practicing pediatricians in the state. We are pleased to offer our support of House Bill 2143.

Teen drivers account for a disproportionate rate of motor vehicle accidents. Nationally teens make up 6% of total drivers but 14% of fatal crashes. In the state of Kansas teen drivers are involved in 20% of all motor vehicle accidents. The teen drivers themselves are not the only ones injured. Almost 60% of the fatalities were of passengers, occupants of other vehicles and pedestrians. One answer to this problem is to implement a graduated driver's license in Kansas.

There is large amount of data that indicates teens are involved in increased risk-taking behaviors. It is normal for teens to take chances, over estimate their abilities, and feel invincible. Recent evidence from MRI studies has shown the prefrontal cortex area of the brain does not fully mature until the early to mid-twenties. This is the area responsible for decision-making, planning, and impulse control. In addition peer-pressure, emotions and other stressors may particularly influence these behaviors. The result is teens take chances adults and more experienced drivers would not.

We now have data that shows that accident rates decrease when a three stage graduated driver's license is implemented. As the teen driver gets more experienced they become more proficient at integrating speed and making adjustments to hazards. Limiting distractions, such as other teen passengers and late night-time driving, have proven effective in decreasing the number of accidents involving teens.

Since 1996 the American Academy of Pediatrics has supported efforts to establish graduated drivers licenses. Graduated drivers licenses have been implemented successfully in many states. A review of 13 graduated driver license laws nationwide showed that in states with these laws total crashes decreased 26-41%, injuries decreased 4-43% and hospitalizations due to MVAs decreased 31%. HB 2143 would strengthen our current licensing law and protect not only the teen driver but the other people who are victims in these motor vehicle accidents.

In summary The Kansas Chapter of the American Academy of Pediatrics strongly encourages passage of HB 2143 to help save the lives of Kansas citizens young and old.

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Date: 2-16-09
Attachment # 11

PUBLIC POLICY STATEMENT

HOUSE COMMITTEE ON TRANSPORTATION

Re: HB 2143; Drivers License Age Restrictions.

February 16, 2009
Topeka, Kansas

Written Testimony Provided by:
Terry D. Holdren
KFB Governmental Relations

Chairman Hayzlett and members of the House Committee on Transportation, thank you for the opportunity to discuss the potential impacts of HB 2143 on farmers, ranchers, small businesses, and communities across the state. As you know KFB is the state's largest general farm organization representing more than 40,000 farm and ranch families through our 105 county Farm Bureau Associations.

Over the years of this discussion, KFB has enjoyed the opportunity to provide input to a number of legislative committees, task forces, and interest groups regarding the structure of the legislation and the need for farming, ranching, and rural families to continue to retain the ability for teens to drive under limited circumstances from farm related work and to and from school activities. The bill before you today is, in our opinion a significant step in the right direction and an effort that should result in better equipped young drivers in Kansas.

Our members have, on numerous occasions, considered this issue and support the graduated system presented to you today. Further, we support the increased supervised driving requirements and restrictions within the bill.

KFB supports HB 2143 as a rational approach to teen driving in Kansas. It will ensure that rural families and businesses retain their ability to depend on teen drivers while promoting education and safety on our roads and highways. We strongly support the bill and respectfully ask for your positive action when you work the measure.

Kansas Farm Bureau represents grass roots agriculture. Established in 1919, this non-profit advocacy organization supports farm families who earn their living in a changing industry.

House Transportation
Date: 2-16-09
Attachment # 12

Mr. Chairman, Members of the Committee, I am Chris Maurich – ABATE of Kansas. We are Proponents of HB 2133 concerning certain right-of-way violations & increased penalties for violations concerning vulnerable roadway users such as motorcyclists, bicyclists, pedestrians and others. This bill seeks to give the courts the tools they need to penalize violators appropriately when serious injury or death occurs. Under current law, the penalty for violating the right-of-way of another vehicle is \$60 plus any court fees. In many accidents of this nature, law enforcement and the courts cannot justify a higher charge that would include more severe penalties and the violators are given only minimal fines and penalties.

HB 2133 as written leaves questions and directs penalties. I would ask the committee to vote for this legislation, and work to provide a bill that will provide a mechanism for law enforcement to accurately charge those who violate the right of way of others and severely injure or kill other roadway users. I would like the directives contained in HB 2133 as written to provide language authorizing judges to impose penalties on those convicted of accidents within the parameters of this legislation while not specifying "shall", rather "may". The definitions of language contained therein also requires clarification, an example being what constitutes a serious injury? I have provided you examples of how other states that passed right of way legislation worded their bill that may help with ideas for language of clarification, should this committee vote favorably to work HB 2133.

Many states have passed such legislation to Increase Penalties for Right of Way Violations. Both West Virginia and Iowa's governors have signed their Right of Way bills into law, joining New York, Maine, Missouri, Virginia, North Carolina, Pennsylvania, Arkansas and Washington. I would like to see Kansas listed among states that have laws that protect the most vulnerable roadway users that include motorcycles, mopeds, motor scooters and bicyclists.

Thank you for time and consideration of HB 2133,

Chris Maurich

ABATE of Kansas, Inc.

House Transportation
Date: 2-16-09
Attachment # 13

Missouri passes "Clutch's Law," raising fines for right-of-way violations

Missouri Governor Matt Blunt has signed a bill that includes "Clutch's Law," in memory of John Michael "Clutch" Clubine, who was killed by an inattentive driver. The new law, which takes effect January 1, 2007, increases penalties for drivers who injure or kill others by committing right-of-way violations.

Clutch's Law was passed after several years of effort by the AMA and Freedom of Road Riders, an active grassroots motorcyclists rights organization in Missouri. The law follows model legislation proposed as part of the AMA's Justice for All campaign, and allows for additional penalties of up to \$1,000 in fines and a drivers license suspension of up to 180 days, when someone is injured or killed, beyond the other fines for right-of-way violations.

The AMA supported the Missouri legislation by issuing Action Alerts through the AMA Rapid Response Center and AMA Grassroots Manager Terry Lee Cook, a close friend of Clutch, personally testified on behalf of the legislation. "I'm happy that this law was passed in the memory of my good friend Clutch, but the best reward will be if other husbands, wives, sons, daughters, friends and family don't have to suffer through senseless tragedies because of driver inattention," said Cook. "The state of Missouri has sent the message that there have been too many funerals and these offenses need to be taken more seriously."

The AMA launched the Justice for All campaign in response to numerous instances across the country in which drivers killed or injured motorcyclists and walked away with minor fines. In many cases, state laws do not provide for additional fines beyond a simple ticket for a traffic offense. The Missouri law addresses that potential injustice. Elsewhere, laws consistent with the Justice for All campaign have been passed this year in Louisiana, Wisconsin, Georgia, Oklahoma, New Hampshire, Iowa, and West Virginia.

© 2006, American Motorcyclist Association

State Legislation - Tennessee R-O-W BILL

Concerns motor vehicles; increases penalties for violations of rights of way that result in serious personal injury or death. - [Enacted - 6/27/2007]

Bill #: SB794 Year: 2007

Bill Summary: (Source Tennessee Legislature)

2007 TN S 794 same as: 2007 TN H 1335

AUTHOR: Burchett

VERSION: Enacted - Final

VERSION DATE: 06/27/2007 PUBLIC ACTS, 2007 PUBLIC CHAPTER NO. 537

SENATE BILL NO. 794 By Burchett, Marrero, Henry, Kilby, Raymond Finney

Substituted for: House Bill No. 1335 By Briley, Tidwell, Dean, Bell, Bass, Sontany, Moore, Lundberg, Mike Turner, Hill, Lollar

AN ACT to amend Tennessee Code Annotated, Title 55, relative to motor vehicle accidents.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 55, Chapter 8, Part 1, is amended by adding a new section thereto, as follows:

Section ____.

(a) Any person who violates the provisions of Sections 55-8-128, 55-8-129, 55-8-130 or 55-8-131 by failing to yield the right of way as provided in such statutes and such violation results in an accident resulting in serious bodily injury to or death of any person shall be guilty of a misdemeanor.

(b) For the purposes of this section, serious bodily injury means:

(1) Substantial risk of death;

(2) Serious disfigurement; or

(3) Protracted loss or impairment of the function of any bodily member, organ or mental faculty.

(c) (1) A violation of subsection (a) is a Class B misdemeanor punishable by a fine of two hundred and fifty dollars (\$250) if the accident results in serious bodily injury of another.

(2) A violation of subsection (a) is a Class A misdemeanor punishable by a fine of five hundred dollars (\$500) if the accident results in the death of another.

(d) The court shall send the department a record of any of the convictions of any of the sections indicated in subsection (a). The court shall indicate on such record or abstract whether the violation resulted in serious bodily injury of another or death of another.

(e) Upon conviction, the court may revoke the license or permit to drive and any non-resident operating privilege of a person convicted under this section for a period of up to six (6) months if the accident results in serious bodily injury of another and up to one (1) year if the accident results in death of another.

SECTION 2. This act shall take effect July 1, 2007, the public welfare requiring it.

Georgia Right-Of-Way violation legislation;

To amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, so as to revise penalties for causing serious injury due to right of way violation resulting in a collision with a motorcyclist, pedestrian, bicyclist, or farmer hauling agricultural products; to provide a penalty for a second offense; to provide for license suspension; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is amended in Article 3 of Chapter 5, relating to cancellation, suspension, and revocation of licenses, by adding a new Code section to read as follows:

(a) The driver's license of any person who is convicted for a second or subsequent offense of violating Code Section 40-6-77 within a five-year period of time, as measured from the dates of previous arrests for which convictions were obtained or pleas of nolo contendere were accepted to the date of the current arrest for which a conviction is obtained or a plea of nolo contendere is accepted, shall be suspended for 30 days. The person shall submit his or her driver's license to the court upon conviction and the court shall forward the driver's license to the department.

(b) After the suspension period and the person pays a restoration fee of \$60.00 or, when processed by mail, \$50.00, the suspension shall terminate and the department shall return the person's driver's license to such person."

SECTION 2.

Said title is further amended by revising Code Section 40-6-77, relating to penalties for causing serious injury due to right of way violation resulting in a collision with a motorcyclist, pedestrian, bicyclist, or farmer hauling agricultural products, as follows:

(a) For purposes of this Code section, 'serious injury' shall include, but shall not be limited to, causing bodily harm to another by depriving him or her of a member of his or her body, by rendering a member of his or her body useless, by seriously disfiguring his or her head or body or a member thereof, or by causing organic brain damage which renders the body or any member thereof useless.

(b) Any person who causes a serious injury to another person as a result of a collision with a motorcyclist, bicyclist, pedestrian, or farmer operating any vehicle used to transport agricultural products, livestock, farm machinery, or farm supplies by committing any right of way violation under this chapter when such motorcyclist, bicyclist, pedestrian, or farmer operating any vehicle used to transport agricultural products, livestock, farm machinery, or farm supplies is abiding by the provisions of this title shall be guilty of a misdemeanor and shall be punished:

(1) For a first offense, by a fine of not less than \$250.00 in addition to any other penalties stipulated by law; and

(2) For a second or subsequent offense within a five-year period of time, as measured from the dates of previous arrests for which convictions were obtained or pleas of nolo contendere were accepted to the date of the current arrest for which a conviction is obtained or a plea of nolo contendere is accepted, by a fine of not less than \$500.00 nor more than \$1,000.00 and imprisonment for not less than ten days nor more than 12 months. Any fine imposed under this paragraph shall be mandatory and shall not be suspended or waived or conditioned upon the completion of any course or sentence. The court imposing punishment under this paragraph shall forward a record of the disposition of the case to the Department of Driver Services.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

Maryland utilized this language in a Right-Of-Way violation bill;

(a) For purposes of this Code section, 'serious injury' shall include, but shall not be limited to, causing bodily harm to another by depriving him or her of a member of his or her body, by rendering a member of his or her body useless, by seriously disfiguring his or her head or body or a member thereof, or by causing organic brain damage which renders the body or any member thereof useless.

(b) Any person who causes a serious injury to another person as a result of a collision with a motorcyclist, bicyclist, pedestrian, or farmer operating any vehicle used to transport agricultural products, livestock, farm machinery, or farm supplies by committing any right of way violation under this chapter when such motorcyclist, bicyclist, pedestrian, or farmer operating any vehicle used to transport agricultural products, livestock, farm machinery, or farm supplies is abiding by the provisions of this title shall be guilty of a misdemeanor and shall be punished:

(1) For a first offense, by a fine of not less than \$250.00 in addition to any other penalties stipulated by law; and

(2) For a second or subsequent offense within a five-year period of time, as measured from the dates of previous arrests for which convictions were obtained or pleas of nolo contendere were accepted to the date of the current arrest for which a conviction is obtained or a plea of nolo contendere is accepted, by a fine of not less than \$500.00 nor more than \$1,000.00 and imprisonment for not less than ten days nor more than 12 months. Any fine imposed under this paragraph shall be mandatory and shall not be suspended or waived or conditioned upon the completion of any course or sentence. The court imposing punishment under this paragraph shall forward a record of the disposition of the case to the Department of Driver Services.

Hawaii passed a bill into law several years ago however, this language was added last year to the statute:

The penalty for a motorist failing to yield the right-of-way to a motorcyclist and contributing to a crash was raised from a \$150 fine to up to \$1,000, plus a 180-day license suspension. Previously, a driver's license was not suspended.

AN ACT to amend the vehicle and traffic law, in relation to inattentive driving, and to amend the state finance law, in relation to creating the attentive driver education fund

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS: Section 1. Legislative findings and intent. The legislature finds and determines that the National Highway Traffic Safety Administration (NHTSA), whose mission it is to save lives, prevent injuries, and reduce traffic related health care costs and other economic costs through regulation, enforcement, economic incentives, educational programs, basic and applied research, and technology demonstration programs, has taken a particular interest in the issue of driver distraction. The legislature finds that NHTSA encourages states to actively enforce their reckless and inattentive driving laws, regardless of the causes of such behavior.

For this reason, the legislature finds that New York state should vigorously enforce its current reckless driving law and enact an inattentive driving statute to better discourage drivers from engaging in non-driving related activities while driving or using a motor vehicle; activities that can interfere with or endanger other users of public highways.

The legislature further directs the governor's traffic safety committee to create a public outreach program to inform and educate the public about the dangers of reckless and inattentive driving and to encourage safe driving habits.

Section 2. The vehicle and traffic law is amended by adding a new section S1212-A. to read as follows:

S 1212-A. INATTENTIVE DRIVING.

1. INATTENTIVE DRIVING SHALL MEAN ENGAGING IN ANY NON-DRIVING ACTIVITY WHILE DRIVING A MOTOR VEHICLE, MOTORCYCLE, OR ANY OTHER VEHICLE PROPELLED BY ANY POWER OTHER THAN MUSCULAR POWER, WHERE (A) THE NON-DRIVING ACTIVITY UNREASONABLY INTERFERES WITH THE FREE AND PROPER USE OF THE PUBLIC HIGHWAY; OR (B) THE NON-DRIVING ACTIVITY UNREASONABLY ENDANGERS OTHER PEOPLE WHO ARE USING THE PUBLIC HIGHWAYS. EVERY PERSON VIOLATING THE PROVISIONS OF THIS SECTION SHALL BE GUILTY OF A TRAFFIC INFRACTION.
2. ANY PERSON WHO VIOLATES THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION SHALL BE PUNISHED AS FOLLOWS: (A) BY A FINE OF NOT LESS THAN FIFTY DOLLARS NOR MORE THAN ONE HUNDRED FIFTY DOLLARS FOR ANY CONVICTION THAT IS NOT COVERED UNDER PARAGRAPH (B) OF THIS SUBDIVISION; OR (B) BY A FINE OF NOT LESS THAN ONE HUNDRED FIFTY DOLLARS NOR MORE THAN TWO HUNDRED FIFTY DOLLARS FOR A CONVICTION THAT OCCURS WITHIN SIX MONTHS OF A PREVIOUS CONVICTION UNDER THIS SECTION.
3. Section 1212 of the vehicle and traffic law, as added by chapter 47 of the laws of 1988, is amended to read as follows: S 1212. Reckless driving. (A) Reckless driving shall mean:
 1. driving or using any motor vehicle, motorcycle or any other vehicle propelled by any power other than muscular power or any appliance or accessory thereof in a manner which unreasonably interferes with the free and proper use of the public highway, or unreasonably endangers users of the public highway. Reckless driving is prohibited; OR
 2. VIOLATING THE PROVISIONS OF SECTION TWELVE HUNDRED TWELVE-A OF THIS ARTICLE THREE TIMES, ALL OF WHICH ARE WITHIN A PERIOD OF EIGHTEEN MONTHS.(B) Every person violating this provision shall be guilty of a misdemeanor. The governor's traffic safety committee, with the cooperation of the department of motor vehicles, the department of transportation, the division of state police, and any other department, division, board, bureau, commission, agency or public authority of the state or any political subdivision deemed necessary by the committee shall develop and implement a public outreach campaign to inform the general public of the dangers of reckless and inattentive driving, including additional hazards created by engaging in non-driving related activities while

driving a motor vehicle; and to encourage safe driving habits.

Subdivision 3 of section 1809 of the vehicle and traffic law, as amended by chapter 309 of the laws of 1996, is amended to read as follows:

3. The mandatory surcharge provided for in subdivision one of this section shall be paid to the clerk of the court or administrative tribunal that rendered the conviction. Within the first ten days of the month following collection of the mandatory surcharge the collecting authority shall determine the amount of mandatory surcharge collected and, if it is an administrative tribunal or a town or village justice court, it shall pay such money to the state comptroller who shall deposit such money in the state treasury pursuant to section one hundred twenty-one of the state finance law to the credit of the general fund; PROVIDED, HOWEVER, THAT THE COMPTROLLER SHALL DEPOSIT SUCH MONEY COLLECTED FOR VIOLATIONS OF SECTION TWELVE HUNDRED TWELVE-A OF THIS CHAPTER TO THE CREDIT OF THE ATTENTIVE DRIVER EDUCATION FUND ESTABLISHED PURSUANT TO SECTION NINETY-EIGHT-D OF THE STATE FINANCE LAW. If such collecting authority is any other court of the unified court system, it shall, within such period, pay such money to the state commissioner of taxation and finance to the credit of the criminal justice improvement account established by section ninety-seven-bb of the state finance law; PROVIDED, HOWEVER, THAT THE STATE COMMISSIONER OF TAXATION AND FINANCE SHALL DEPOSIT SUCH MONEY COLLECTED FOR VIOLATIONS OF SECTION TWELVE HUNDRED TWELVE-A OF THIS CHAPTER TO THE CREDIT OF THE ATTENTIVE DRIVER EDUCATION FUND ESTABLISHED PURSUANT TO SECTION NINETY-EIGHT-D OF THE STATE FINANCE LAW. The crime victim assistance fee provided for in subdivision one of this section shall be paid to the clerk of the court or administrative tribunal that rendered the conviction. Within the first ten days of the month following collection of the crime victim assistance fee, the collecting authority shall determine the amount of crime victim assistance fee collected and, if it is an administrative tribunal or a town or village justice court, it shall pay such money to the state comptroller who shall deposit such money in the state treasury pursuant to section one hundred twenty-one of the state finance law to the credit of the criminal justice improvement account established by section ninety-seven-bb of the state finance law. The state finance law is amended by adding a new section 98-d to read as follows: ATTENTIVE DRIVER EDUCATION FUND. 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE COMMISSIONER OF MOTOR VEHICLES A FUND KNOWN AS THE ATTENTIVE DRIVER EDUCATION FUND. 2. THE FUND SHALL CONSIST OF MONIES RECEIVED BY THE STATE FROM ANY COURT OF THE UNIFIED COURT SYSTEM PURSUANT TO SECTION EIGHTEEN HUNDRED NINE OF THE VEHICLE AND TRAFFIC LAW FOR VIOLATIONS OF SECTION TWELVE HUNDRED TWELVE-A OF SUCH LAW, AND ALL OTHER FINES, FEES, GRANTS, BEQUESTS, OR OTHER MONIES CREDITED, APPROPRIATED OR TRANSFERRED THERETO FROM ANY OTHER FUND OR SOURCE. 3. THE MONIES OF THE FUND, FOLLOWING APPROPRIATION BY THE LEGISLATURE, SHALL BE MADE AVAILABLE TO THE GOVERNOR'S TRAFFIC SAFETY COMMITTEE FOR THE DEVELOPMENT AND IMPLEMENTATION OF A PUBLIC OUTREACH CAMPAIGN AS PROVIDED IN SECTION FOUR OF THE CHAPTER OF THE LAWS OF TWO THOUSAND EIGHT THAT ADDED THIS SECTION. 4. THE MONIES OF THE FUND MADE AVAILABLE PURSUANT TO SUBDIVISION THREE OF THIS SECTION SHALL BE PAID OUT ON THE AUDIT AND WARRANT OF THE COMPTROLLER ON VOUCHERS APPROVED AND CERTIFIED BY THE COMMISSIONER OF MOTOR VEHICLES. AT THE END OF EACH YEAR ANY MONIES REMAINING IN THE FUND SHALL BE RETAINED IN THE FUND AND SHALL NOT REVERT TO THE GENERAL FUND. THE INTEREST AND INCOME EARNED ON MONEY IN THE FUND, AFTER DEDUCTING ANY APPLICABLE CHARGES, SHALL BE CREDITED TO THE FUND.
2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.

Ray Thomas Testimony
HB 2133
February 16, 2009

- I. Suggested amendment
 - A. Previous submission had overly severe penalties
 - B. Previous submission had no case by case flexibility

- II. Intent of HB2133
 - A. Reduce high number of ROW violation accidents and deaths through deterrence
 - B. Justice for victims of these illegal acts resulting in severe injury or death

- III. Comparison with pending/current legislation
 - A. Neighboring states of Iowa/Oklahoma
 - B. HB2263 enhances DUI penalties
 - C. Enhanced stalking penalties passed last session

House Transportation
Date: 2-16-09
Attachment # 14

HOUSE BILL No. 2133

By Committee on Transportation

1-28

9 AN ACT regulating traffic; concerning certain right-of-way violations; providing for increased
10 penalties.

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

13 Section 1. (a) Any person who is convicted of violating K.S.A. 8-1526,
14 8-1527, 8-1528, 8-1529 or 8-1531, and amendments thereto, and as a
15 result of such violation, such person was involved in a vehicle accident or
16 collision resulting in injury to any person, upon conviction such person
17 shall be guilty of a misdemeanor and shall be fined **not more than** \$500 and such person's
18 driving privileges may be suspended for a period not to exceed 90 days.

19 (b) Any person who is convicted of violating K.S.A. 8-1526, 8-1527,
20 8-1528, 8-1529 or 8-1531, and amendments thereto, and as a result of
21 such violation, such person was involved in a vehicle accident or collision
22 resulting in the death of any person, upon conviction such person shall
23 be guilty of a misdemeanor and shall **may** be sentenced to not less than six
24 months imprisonment and fined **not more than** \$1,000. Such person's driving privileges
25 may be suspended for a period not to exceed three years.

26 (c) Upon a second or subsequent conviction of a violation of subsec-
27 tion (a), a person shall be guilty of a misdemeanor and shall **may** be sentenced
28 to not less than 90 days imprisonment and fined **not more than** \$2,000. Such person's
29 driving privileges may be suspended for a period not to exceed one year.

30 (d) Upon a second or subsequent conviction of a violation of subsec-
31 tion (b), a person shall be guilty of a misdemeanor and shall **may** be sentenced
32 to not less than one year imprisonment and fined not less **more** than \$5,000.

33 Such person's driving privileges may be suspended for a period not to
34 exceed three years.

35 (e) For the purpose of this section, "conviction" means a final con-
36 viction without regard whether sentence was suspended or probation
37 granted after such conviction. Forfeiture of bail, bond or collateral de-
38 posited to secure a defendant's appearance in court, which forfeiture has
39 not been vacated, shall be equivalent to a conviction.

40 Sec. 2. This act shall take effect and be in force from and after its
41 publication in the statute book.

FACT SHEET

Eight Year Comparison:

Year	ROW Accidents	DUI Accidents
2000	10,707	2,890
2001	10,705	3,081
2002	10,346	3,139
2003	9,928	2,927
2004	9,731	2,894
2005	8,871	2,654
2006	8,587	2,753
2007	8,334	2,847
Totals	77,209	23,185

Source: Kansas Department of Transportation,

16 states (Arkansas, California, Georgia, Iowa, Louisiana, Maine, Missouri, New Hampshire, New York, North Carolina, Oklahoma, Pennsylvania, Virginia, Washington, West Virginia, Wisconsin) have recently passed increased ROW violations laws, and legislation is pending in 4 others. (Massachusetts, Michigan, Minnesota, New Jersey and Ohio.)

14-4

**STATEWIDE FATALITY SUMMARY
WHERE A DRIVER FAILED TO YIELD THE RIGHT OF WAY**

		Fatalities by Vehicle Body Type											Pedestrian Fatalities		
	Year	ATV	Car	Commercial Truck	Motorcycle	Pickup Truck	Camper/RV	SUV	School Bus	Transit Bus	Van	Other	Ped	Pedal Cyclist	Rider of Animal
57	1990	-	41	3	7	14	-	-	-	-	2	-	1	-	-
46	1991	-	40	-	5	10	1	-	-	-	1	-	-	-	-
53	1992	-	41	2	2	10	1	-	-	-	4	-	1	-	-
67	1993	-	57	4	3	8	-	-	-	-	5	-	-	-	-
50	1994	-	37	4	6	12	-	-	-	-	1	2	3	1	-
50	1995	-	41	-	2	13	-	-	-	-	1	-	2	1	-
63	1996	-	49	5	2	11	-	-	-	-	4	-	1	-	-
70	1997	-	53	2	4	16	-	-	-	-	7	-	-	-	-
56	1998	-	40	3	3	10	-	-	-	-	6	4	2	-	-
70	1999	2	52	2	5	17	-	-	-	-	5	-	2	1	-
60	2000	-	49	-	6	12	-	1	-	-	2	-	1	1	-
72	2001	-	48	1	7	18	-	-	-	-	5	-	1	-	-
58	2002	-	38	2	4	14	-	-	-	-	7	-	-	-	-
57	2003	1	30	2	10	5	-	8	1	-	2	-	2	1	-
64	2004	-	34	2	10	9	-	4	1	-	6	1	-	-	1
58	2005	-	36	2	6	16	-	3	-	1	5	-	1	-	-
58	2006	2	29	2	17	8	-	3	1	-	6	-	2	-	-
40	2007	-	27	2	4	7	-	5	-	-	-	-	1	-	-
	:Total:	5	742	38	103	210	2	24	3	1	69	7	20	5	1



IRT CASE: 06TM018342
INCIDENT: 06C019171

IN THE MUNICIPAL COURT
OF THE CITY OF WICHITA,
KANSAS

Defense Att'y: W. Eisenbire Bar No.: 5454 Date Entered: 5-15-06 Date W/D: _____
Defense Att'y: _____ Bar No.: _____ Date Entered: _____ Date W/D: _____

The City of Wichita, Plaintiff vs.
WISE, MELISSA D

AKA: _____

4955 KIMBERLY LN
WICHITA, KS 67204
SSN: 511785403 DOB: 01/08/1977 F / W

OFFICERS:
KENNEDY, JOSEPH

WITNESSES:
MCVEIGH, KEVIN W - W
MITCHELL, MONICA A - W
LANE, JIMMIE R - W
LEIJA, RODOLFO * - W
PRIBBENOW, TROY L - W

Ticket/UCC #	Offense Date	Charge:
1 51034522	03/16/2006	1138175 - INATTENTIVE DRIVING
PLEA: _____	COURT FINDING: <u>DR</u>	DISPOSITION DATE: _____ FINE: _____ JAIL: DAYS _____ MNTHS _____
CHARGE AMENDED TO: _____		
2 51034522	03/16/2006	1128060 - YIELD ROW-LEFT TURN
PLEA: <u>r</u>	COURT FINDING: <u>6</u>	DISPOSITION DATE: <u>7-21</u> FINE: <u>50</u> JAIL: DAYS _____ MNTHS _____
CHARGE AMENDED TO: _____		

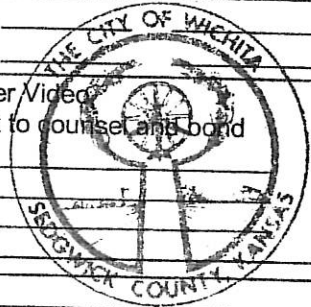
INTERPRETER NEEDED FOR EACH COURT APPEARANCE: YES: _____ NO: _____
COMMERCIAL DL: YES _____ NO _____ # _____

SCHEDULED HEARINGS:
FIRST APPEARANCE DATE: ARR (B) 5-19-2006 LAB FEE ASSESSED:

DATE	REQ. BY	JUDGE	CODE	NXT CT DATE	TIME	CT	BFBW
<u>5-18-06</u>	<u>atty</u>	<u>Clerk</u>	<u>App</u>	<u>6-23-06</u>	<u>830</u>	<u>B</u>	_____
<u>6-23-06</u>	<u>atty</u>	<u>BB</u>	<u>Tul</u>	<u>7-21-06</u>	<u>900</u>	<u>C</u>	_____
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____

Paulo on court

Arraignment: _____ In Person _____ Prisoner/Videotape _____
Accused advised of charges, penalties, right to counsel and bond conditions on: _____
Defendant given complaint on: _____
Defendant signs waiver of counsel on: _____



BOND CONDITIONS:
NO ALCOHOL OR DRUGS _____
NO DRIVING WITHOUT VALID DL OR INSURANCE _____
72 HOURS NO CONTACT WITH VICTIM _____

Diver./Defer. Judg. granted / denied on: _____
Diver./Defer. Judg. terminated / completed on: _____
I HEREBY CERTIFY THIS TO BE A TRUE AND CORRECT COPY OF THE RECORDS OF THIS OFFICE IN THE _____

AMOUNTS DUE:
Total Fine: 50.00
Paroled Fine Amt.: 0
Court Costs: 97.50
Reinstatement: _____
Total Amt. Due: 97.50

Sentences here in: Concurrent _____ Consecutive _____
Concurrent all cases _____ Consecutive all cases _____
Commit / Schedule to jail: serve _____
Work Release approved for _____ days.

Defendant to pay fines and costs as ordered & to obey these conditions:
____ Sign Journal Entry of Probation today.
____ Non-reporting probation for _____ months.
____ Submit to fingerprinting today.
____ Forfeit weapon(s) seized herein to City.
____ Obey all federal, state and city laws.

Defendant advised of appeal & expungement rights. Yes _____ No _____
Stay of sentence granted to: _____
if Defendant fingerprinted on: _____
Appeal Bond: \$ _____ Judge: _____
Conditions: _____
OR _____ NO OR _____ SURETY _____ CASH ONLY _____

**THE HOUSE COMMITTEE ON TRANSPORTATION
OF THE KANSAS LEGISLATURE
Representative Gary K. Hayzlett, Chairman**

February 16, 2009

**Testimony of Arthur E. Swank
In Support of HB 2188**

Mr. Chairman and the Members of the House Transportation Committee,

I am Art Swank, president of Vermeer Great Plains, Inc. of Olathe, Kansas.

Vermeer Great Plains, Inc. is a family-owned equipment dealership with two locations in Kansas – Olathe, where we are headquartered and a branch in Goddard. We also have locations in Springfield, MO, Oklahoma City and Tulsa, Oklahoma. The territory we represent includes all of Kansas, Oklahoma and the western half of Missouri. We retail Vermeer industrial equipment. Our company was founded in 1964.

Vermeer Corporation manufactures industrial and agricultural equipment. We do not represent the agricultural line of Vermeer equipment, we only represent the industrial line which includes, environmental, trenching, terrain leveling and compact equipment. Examples of the types of equipment we sell, lease and rent are brush chippers, stump-cutters, excavators, tree spades, horizontal drills, track trenchers, and many other products.

As we work to sell, lease and rent equipment to our customers, our seven salesmen who work and travel Kansas, for the most part, travel to job sites and demonstrate the equipment that the customer is considering buying. These salesmen load equipment on trailers and haul the equipment behind their trucks to the job site where the equipment is put into use and demonstrated so that the customer is assured that the equipment will operate in the soil and rock conditions he is dealing with on his particular job site.

Some of our equipment is sold with a trailer as the equipment has to be transported by the customer from job site to job site. Sometimes, the customer has his own trailer or other means of transporting the equipment once he owns it. In either case, our salesmen are using trailers to haul equipment for demonstration purposes, delivery or for pick-up and delivery in the situation where the equipment needs repair.

Under current Kansas law, we find that we have to license and register all of the trailers we are using – regardless of whether these trailers are for resale purposes or not. For example, if we have a drill that we normally would sell with a trailer, our salesman hauls the drill and trailer to the job site for a demonstration. We have the trailer licensed in our name and if the customer buys the drill/trailer “package” and our salesman leaves the drill and trailer on the site, then we have paid the registration and licensing on that particular trailer, sold it and the new owner then registers and licenses the same trailer.

We are asking for relief from this cumbersome manner of doing business by allowing us to purchase up to ten (10) “full-privilege license plates” per year for our dealerships. These plates would exempt us from having to purchase a regular trailer registration and license plate and we could transfer the “full-privilege license plates” from one trailer to another that we own or are in our inventory for resale.

House Transportation
Date: 2-16-09
Attachment # 15

HOUSE COMMITTEE ON TRANSPORTATION
OF THE KANSAS LEGISLATURE
Testimony of Arthur E. Swank
In Support of HB 2188
February 16, 2009

Passage of HB2188 will be of extreme benefit to our business and to many other retailers and manufacturers of nonhighway equipment that must be transported via trailers.

Thank you for this opportunity to appear before you, and I will be happy to answer any questions you may have.

Sincerely,

Arthur E. Swank
President



KANSAS AUTOMOBILE DEALERS ASSOCIATION

February 16, 2008

To: The Honorable Gary Hayzlett, Chairman
and Members of the House Transportation Committee

From: Don McNeely, President *DM*

Re: HB 2188 - An Act concerning dealer-hauler full-privilege trailer license plates

Good afternoon Chairman Hayzlett and Members of the House Transportation Committee. I am Don McNeely and I serve as the President of the Kansas Automobile Dealers Association, which represents the retail new franchised motor vehicle industry in Kansas.

I am pleased to appear today in support of HB 2188 and thank the sponsor of this legislation and the Division of Vehicles for the opportunity to provide input in the drafting of the legislation.

After induction of HB 2188, discussions were held with the Division of Vehicles in regard to the expiration and renewal date of January 31st for full-use dealer tags and the expiration and renewal date of February 16th for regular dealer tags. I appear this afternoon requesting an amendment to HB 2188 to match the renewal date of full use dealer tags to that of the regular dealer tags to avoid the confusion of the expiration dates and to assist the Division in the administration of the annual dealer licensing renewal process.

On behalf of the Kansas Automobile Dealers Association, we respectfully request the Committee's consideration of this amendment.

House Transportation
Date: 2-16-09
Attachment # 16

House Transportation
Date: 2-16-09
Attachment # 17

HOUSE BILL No. 2143

By Committee on Transportation

1-29

9 AN ACT relating to driver's licenses; providing for certain restrictions;
10 amending K.S.A. 8-235d and 8-296 and K.S.A. 2008 Supp. 8-237 and
11 repealing the existing sections.

8-239, 8-291, 8-296 and 8-297

8-234a and

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

14 New Section 1. The division of vehicles may issue a restricted class
15 C or M driver's license in accordance with the provisions of this section.
16 A restricted class C license issued under this section shall entitle the
17 licensee, while possessing the license, to operate any motor vehicle in
18 class C, as designated in K.S.A. 8-234b, and amendments thereto. A re-
19 stricted class M license shall entitle the licensee, while possessing such
20 license, to operate a motorcycle.

New Section 1
(see attached)

21 (a) The division may issue a restricted class C or M driver's license
22 to any person who:

- 23 (1) Is at least 15 years of age;
- 24 (2) has successfully completed an approved course in driver training;
- 25 (3) has held an instructional permit issued under the provisions of
26 K.S.A. 8-239, and amendments thereto, for a period of at least one year
27 and has completed at least 25 hours of adult supervised driving; and
- 28 (4) upon the written application of the person's parent or guardian,
29 which shall be submitted to the division.

30 Any licensee issued a restricted license under this subsection, shall
31 provide prior to reaching 16 years of age, a signed affidavit of either a
32 parent or guardian, stating that the applicant has completed the required
33 25 hours prior to being issued a restricted license and 25 hours of addi-
34 tional adult supervised driving. Of the 50 hours required by this subsec-
35 tion, at least 10 of those hours shall be at night. The adult supervised
36 driving shall be conducted by an adult who is at least 21 years of age and
37 is the holder of a valid commercial driver's license, class A, B or C driver's
38 license.

39 (b) (1) A restricted license issued under subsection (a) shall entitle a
40 licensee who is at least 15 years of age but less than 16 years of age, to
41 operate the appropriate motor vehicles at any time:

- 2 (A) While going to or from or in connection with any job, employ-
3 ment or farm-related work;

New Section 1. (a) Any person who is at least 14 years of age, but less than 17 years of age may apply to the division for an instruction permit. The division may issue an instruction permit under this section to any person who is at least 14 years of age, but less than 16 years of age only upon written application of a parent or guardian of the minor. The division may in its discretion, after the applicant has successfully passed all parts of the examination other than the driving test, issue to the applicant an instruction permit for a period of one year.

(b) An instruction permit issued under this subsection shall authorize the permit holder to drive a passenger car under the following conditions:

(1) The permit holder shall be in immediate possession of the instruction permit;

(2) a supervising driver shall be seated beside the permit holder in the front seat of the passenger car when such car is in motion. The supervising driver shall be an adult who is at least 21 years of age who is the holder of a valid commercial driver's license, class A, B or C driver's license and who has at least one year of driving experience. No person other than the supervising driver can be in the front seat;

(3) the permit holder may drive at any time in accordance with the provisions of this section;

(4) the permit holder shall not operate a wireless communication device while driving a passenger car.

(c) Any person who is at least 14 years of age, but less

than 17 years of age may apply for an instruction permit to operate a motorcycle either separate from or in conjunction with an instruction permit to operate a passenger car. The applicant shall successfully pass all parts of the examination other than the driving test. An instruction permit issued under this subsection shall authorize the permit holder to operate a motorcycle if such permit holder is accompanied by an adult who is at least 21 years of age, who is the holder of a valid class M driver's license, who has had at least one year of driving experience and who is riding a motorcycle in the general proximity of the permit holder.

(d) An instruction permit issued under this section is subject to suspension or revocation in the same manner as any other driver's license. An instruction permit shall be suspended in accordance with K.S.A. 8-291, and amendments thereto, for any violation of restrictions under this section.

(e) This section shall be a part of and supplemental to the motor vehicle driver's license act.

1 (B) on days while school is in session, over the most direct and accessible route between the licensee's residence and school of enrollment for the purposes of school attendance;

4 (C) when the licensee is operating a passenger car, at any time when
5 accompanied by an adult, who is the holder of a valid commercial driver's
6 license, class A, B or C driver's license and who is actually occupying a
7 seat beside the driver; or

8 (D) when the licensee is operating a motorcycle, at any time when
9 accompanied by an adult, who is the holder of a valid class M driver's
10 license and who is operating a motorcycle in the general proximity of the
11 licensee.

12 (2) For a period of six months, a restricted license issued under sub-
13 section (a) shall entitle a licensee who is at least 16 years of age to operate
14 the appropriate motor vehicles at any time:

15 (A) From 5:00 a.m. to 9:00 p.m.;

16 (B) while going to or from or in connection with any job, employment
17 or farm-related work;

18 (C) while going to or from authorized school activities;

19 (D) when the licensee is operating a passenger car, at any time when
20 accompanied by an adult, who is the holder of a valid commercial driver's
21 license, class A, B or C driver's license and who is actually occupying a
22 seat beside the driver; or

23 (E) when the licensee is operating a motorcycle, at any time when
24 accompanied by an adult, who is the holder of a valid class M driver's
25 license and who is operating a motorcycle in the general proximity of the
26 licensee.

27 After such six-month period, if the licensee has complied with the pro-
28 visions of this section, such restricted license shall entitle the licensee to
29 operate the appropriate motor vehicles at any time without any of the
30 restrictions required by this section.

31 (c) (1) The division may issue a restricted class C or M driver's li-
32 cense to any person who is under 17 years of age but at least 16 years of
33 age, who:

34 (A) Has held an instructional permit issued under the provisions of
35 K.S.A. 8-239, and amendments thereto, for a period of at least one year;
36 and

37 (B) has submitted a signed affidavit of either a parent or guardian,
38 stating that the applicant has completed at least 50 hours of adult super-
39 vised driving with at least 10 of those hours being at night. The required
40 adult supervised driving shall be conducted by an adult who is at least 21
41 years of age and is the holder of a valid commercial driver's license, class
42 A, B or C driver's license.

43 (2) For a period of six months, a restricted license issued under sub-

1 section (c)(1) shall entitle a licensee to operate the appropriate motor
2 vehicles at any time:

- 3 (A) From 5:00 a.m. to 9:00 p.m.;
- 4 (B) while going to or from or in connection with any job, employment
5 or farm-related work;
- 6 (C) while going to or from authorized school activities;
- 7 (D) when the licensee is operating a passenger car, at any time when
8 accompanied by an adult, who is the holder of a valid commercial driver's
9 license, class A, B or C driver's license and who is actually occupying a
10 seat beside the driver; or
- 11 (E) when the licensee is operating a motorcycle, at any time when
12 accompanied by an adult, who is the holder of a valid class M driver's
13 license and who is operating a motorcycle in the general proximity of the
14 licensee.

15 After such six-month period, if the licensee has complied with the pro-
16 visions of this section, such restricted license shall entitle the licensee to
17 operate the appropriate motor vehicles at any time without any of the
18 restrictions required by this section.

19 (d) (1) Any licensee issued a restricted license under subsection (a):
20 (A) Who is less than 16 years of age shall not operate any motor
21 vehicle with nonsibling minor passengers; or

22 (B) who is at least 16 years of age, for a period of six months after
23 reaching 16 years of age, shall not operate any motor vehicle with more
24 than one passenger who is less than 18 years of age and who is not a
25 member of the licensee's immediate family.

26 (2) Any licensee issued a restricted license under subsection (c), for
27 a period of six months after such restricted license is issued, shall not
28 operate any motor vehicle with more than one passenger who is less than
29 18 years of age and who is not a member of the licensee's immediate
30 family.

31 (3) Any conviction for violating this subsection shall be construed as
32 a moving traffic violation for the purpose of K.S.A. 8-255, and amend-
33 ments thereto.

34 (e) A restricted driver's license issued under this section is subject to
35 suspension or revocation in the same manner as any other driver's license.
36 In addition, the division may suspend the restricted driver's license upon
37 receiving satisfactory evidence that:

- 38 (1) The licensee has violated the restriction of the license; or
- 39 (2) the licensee has been involved in two or more accidents charge-
40 able to the licensee.

41 A license suspended under this subsection shall not be reinstated for
42 one year.]

43 (f) Evidence of failure of any licensee who was required to complete

(e) Any licensee issued a restricted license under this section shall not operate a wireless communication device while driving a motor vehicle.

(f) (1)

(2) A restricted driver's license shall be suspended in accordance with K.S.A. 8-291, and amendments thereto, for any violation of restrictions under this section.

(3) The division shall suspend the restricted driver's license upon receiving satisfactory evidence that the licensee has been involved in two or more accidents chargeable to the licensee and such suspended license shall not be reinstated for one year.

and by relettering the remaining subsections accordingly

1 the 50 hours of adult supervised driving under this section shall not be
 2 admissible in any action for the purpose of determining any aspect of
 3 comparative negligence or mitigation of damages.

4 (g) Any licensee issued a restricted license under:

5 (1) Subsection (a) who:

6 (A) Is under the age of 16 years and is convicted of two or more
 7 moving traffic violations committed on separate occasions shall not be
 8 eligible to receive a driver's license which is not restricted in accordance
 9 with the provisions of subsection (b)(1) until the person reaches 17 years
 10 of age;

11 (B) is under 17 years of age but at least 16 years of age and is con-
 12 victed of two or more moving traffic violations committed on separate
 13 occasions shall not be eligible to receive a driver's license which is not
 14 restricted in accordance with the provisions of subsection (b)(2) until the
 15 person reaches 18 years of age; or

16 (C) fails to provide the affidavit required under subsection (a) shall
 17 not be eligible to receive a driver's license which is not restricted in ac-
 18 cordance with the provisions of subsection (b)(1) until the person provides
 19 such affidavit to the division or the person reaches 17 years of age, which-
 20 ever occurs first.

21 (2) Subsection (c) who is under the age of 17 years and is convicted
 22 of two or more moving traffic violations committed on separate occasions
 23 shall not be eligible to receive a driver's license which is not restricted in
 24 accordance with the provisions of subsection (c) until the person reaches
 25 18 years of age.

26 (h) This section shall be a part of and supplemental to the motor
 27 vehicle driver's license act.

Sec. 3. K.S.A. 2008 Supp. 8-234a (see attached)
--

28 Sec. 2. K.S.A. 8-235d is hereby amended to read as follows: 8-235d.

29 (a) Drivers' license examiners of the division shall accept original appli-
 30 cations for drivers' licenses and instruction permits, as distinguished from
 31 applications for renewals of licenses, on forms prescribed by the division
 32 and also shall issue instruction permits. Drivers' license examiners of the
 33 division shall examine every applicant for a driver's license who is required
 34 by the provisions of the motor vehicle drivers' license act to be examined.
 35 Such examination shall be held in the county where the applicant resides
 36 or at a place adjacent thereto reasonably convenient to the applicant or
 37 at a location established by the secretary for the issuance of a commercial
 38 driver's license. Such examination shall include a test of the applicant's
 39 eyesight, the applicant's ability to read and understand highway signs reg-
 40 ulating, warning and directing traffic, the applicant's knowledge of the
 41 traffic laws of this state and shall include an actual demonstration of ability
 42 to exercise ordinary and reasonable control in the operation of motor
 43 vehicles which the class of license applied for would entitle the applicant

Sec. 3. K.S.A. 2008 Supp. 8-234a is hereby amended to read as follows: 8-234a. (a) As used in the motor vehicle drivers' license act, the following words and phrases shall have the meanings respectively ascribed to them herein:

(1) "Drivers' license examiner" or "examiner" means a drivers' license examiner of the division of vehicles or any person whom the director of vehicles has authorized, pursuant to the authority granted by this act, to accept applications for drivers' licenses and administer the examinations required for the issuance or renewal of drivers' licenses. Any county treasurer authorized to accept applications for drivers' licenses or administer drivers' license examinations shall be deemed to be acting as an agent of the state of Kansas;

(2) "nonresident" means every person who is not a resident of this state. For the purposes of the motor vehicle drivers' license act any person who owns, rents or leases real estate in Kansas as such person's residence and engages in a trade, business or profession within Kansas or registers to vote in Kansas or enrolls such person's children in a school in this state or purchases Kansas registration for a motor vehicle, shall be deemed a resident of the state of Kansas 90 days after the conditions stated in this subsection commence, except that military personnel on active duty and their military dependents who are residents of another state, shall not be considered residents of the state of Kansas for the purpose of this act;

(3) "patrol" means the state highway patrol;

(4) "address of principal residence" means: (A) The place where a person makes his or her permanent principal home; (B)

place where a person resides, has an intention to remain and where they intend to return following an absence; or (C) place of habitation to which, whenever the person is absent, the person intends to return. If a person eats at one place and sleeps at another, the place where the person sleeps shall be considered the person's address of principal residence; and

(5) "state" means a state of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa and the Commonwealth of Northern Mariana Islands; and

(6) "wireless communication device" means any wireless electronic communication device that provides for voice or data communication between two or more parties, including, but not limited to, a mobile or cellular telephone, a text messaging device, a personal digital assistant that sends or receives messages, an audio-video player that sends or receives messages or a laptop computer.

(b) As used in this act, the words and phrases defined by the sections in article 14 of chapter 8 of the Kansas Statutes Annotated, and amendments thereto, shall have the meanings respectively ascribed to them therein, unless a different meaning is ascribed to any such word or phrase by subsection (a) of this section.

6
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1 to drive. At the conclusion of the examination the examiner shall issue a
license to the applicant, if the applicant has successfully passed the ex-
amination with the class of license the applicant has applied for.

4 (b) In addition to the requirements of subsection (a):

5 (1) Any person applying for a driver's license shall comply with the
6 provisions of subsection (b) of K.S.A. 8-240, and amendments thereto;
7 and

8 (2) any person who is under the age of 18 years and at least ~~16~~ 17
9 years of age, who is applying for a driver's license for the first time, not
10 including an instruction permit, shall submit a signed affidavit of either
11 a parent or guardian, stating that the applicant has completed at least 50
12 hours of adult supervised driving with at least 10 of those hours being at
13 night. The required adult supervised driving required in this subsection
14 shall be conducted by an adult who is at least 21 years of age and is the
15 holder of a valid commercial driver's license, class A, B or C driver's
16 license.

17 Evidence of failure of any licensee who was required to complete the
18 50 hours of adult supervised driving under this subsection shall not be
19 admissible in any action for the purpose of determining any aspect of
20 comparative negligence or mitigation of damages.

21 Sec. 3. K.S.A. 2008 Supp. 8-237 is hereby amended to read as fol-
22 lows: 8-237. The division of vehicles shall not issue any driver's license to
23 any person:

24 (a) Who is under the age of ~~16~~ 17 years, except that the division may
25 issue a restricted class C or M license, as provided in ~~this act, to any~~
26 ~~person who: (1) Is at least 15 years of age, (2) has successfully completed~~
27 ~~an approved course in driver training, (3) has held an instructional permit~~
28 ~~issued under the provisions of K.S.A. 8-239, and amendments thereto,~~
29 ~~for a period of at least six months and has completed at least 25 hours of~~
30 ~~adult supervised driving; and (4) upon the written application of the per-~~
31 ~~son's parent or guardian. The required adult supervised driving required~~
32 ~~in clause (3) above shall be conducted by an adult who is at least 21 years~~
33 ~~of age and is the holder of a valid commercial driver's license, class A, B~~
34 ~~or C driver's license. Except as hereafter provided, the application of the~~
35 ~~parent or guardian shall be submitted to the division. The governing body~~
36 ~~of any city, by ordinance, may require the application of any person who~~
37 ~~is under 16 years of age and who resides within the city to be first sub-~~
38 ~~mitted to the chief law enforcement officer of the city. The board of~~
39 ~~county commissioners of any county, by resolution, may require the ap-~~
40 ~~plication of any person who is under 16 years of age and who resides~~
41 ~~within the county and outside the corporate limits of any city to be first~~
42 ~~submitted to the chief law enforcement officer of the county. No ordi-~~
43 ~~nance or resolution authorized by this subsection shall become effective~~

1 until a copy of it is transmitted to the division of vehicles. The chief law
 2 enforcement officer of any city or county which has adopted the ordi-
 3 nance or resolution authorized by this subsection shall make a recom-
 4 mendation on the application as to the necessity for the issuance of the
 5 restricted license, and the recommendation shall be transmitted, with the
 6 application, to the division of vehicles. If the division finds that it is nec-
 7 essary to issue the restricted license, it shall issue a driver's license to the
 8 person:

9 —A restricted class C license issued under this subsection shall entitle
 10 the licensee, while possessing the license, to operate any motor vehicle
 11 in class C, as designated in K.S.A. 8-234b, and amendments thereto. A
 12 restricted class M license shall entitle the licensee, while possessing such
 13 license, to operate a motorcycle. The restricted license shall entitle the
 14 licensee to operate the appropriate vehicle at any time:

15 —(1) While going to or from or in connection with any job, employment
 16 or farm-related work;

17 —(2) on days while school is in session, over the most direct and ac-
 18 cessible route between the licensee's residence and school of enrollment
 19 for the purposes of school attendance;

20 —(3) when the licensee is operating a passenger car, at any time when
 21 accompanied by an adult who is the holder of a valid commercial driver's
 22 license, class A, B or C driver's license and who is actually occupying a
 23 seat beside the driver; or

24 —(4) when the licensee is operating a motorcycle, at any time when
 25 accompanied by an adult who is the holder of a valid class M driver's
 26 license and who is operating a motorcycle in the general proximity of the
 27 licensee:

28 —Any licensee issued a restricted license under this subsection shall not
 29 operate any motor vehicle with nonsibling minor passengers and any con-
 30 viction for violating this provision shall be construed as a moving traffic
 31 violation for the purpose of K.S.A. 8-255, and amendments thereto.

32 —A restricted driver's license issued under this subsection is subject to
 33 suspension or revocation in the same manner as any other driver's license.
 34 In addition, the division may suspend the restricted driver's license upon
 35 receiving satisfactory evidence that: (1) The licensee has violated the re-
 36 striction of the license, (2) the licensee has been involved in two or more
 37 accidents chargeable to the licensee or (3) the recommendation of the
 38 chief law enforcement officer of any city or county requiring the rec-
 39 ommendation has been withdrawn. The suspended license shall not be
 40 reinstated for one year or until the licensee reaches the age of 16, which-
 41 ever period is longer.

42 —Any licensee issued a restricted license under this subsection who: (1)
 43 Is under the age of 16 years and is convicted of two or more moving

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1 traffic violations committed on separate occasions shall not be eligible to
2 receive a driver's license which is not restricted in accordance with the
3 provisions of this subsection until the person reaches 17 years of age; or
4 (2) fails to provide the required affidavit stating that the licensee has
5 completed at least 50 hours of adult supervised driving with 10 of those
6 hours being at night shall not be eligible to receive a driver's license which
7 is not restricted in accordance with the provisions of this subsection until
8 the person provides such affidavit to the division or the person reaches
9 17 years of age, whichever occurs first.

10 —Any licensee issued a restricted license under this subsection on and
11 after July 1, 1990, shall provide prior to reaching 16 years of age, a signed
12 affidavit of either a parent or guardian, stating that the applicant has
13 completed the required 25 hours prior to being issued a restricted license
14 and 25 hours of additional adult supervised driving. Of the 50 hours re-
15 quired by this subsection, at least 10 of those hours shall be at night. The
16 adult supervised driving shall be conducted by an adult who is at least 21
17 years of age and is the holder of a valid commercial driver's license, class
18 A, B or C driver's license.

19 —Evidence of failure of any licensee who was required to complete the
20 50 hours of adult supervised driving under this subsection shall not be
21 admissible in any action for the purpose of determining any aspect of
22 comparative negligence or mitigation of damages section 1, and amend-
23 ments thereto, or a farm permit, under K.S.A. 8-296, and amendments
24 thereto.

25 (b) Who is under the age of 18 years, except as provided in K.S.A. 8-
26 2,147, and amendments thereto, for the purpose of driving a commercial
27 or class A or B motor vehicle.

28 (c) Whose license is currently revoked, suspended or canceled in this
29 or any other state, except as provided in K.S.A. 8-256, and amendments
30 thereto.

31 (d) Who is a habitual drunkard, habitual user of narcotic drugs or
32 habitual user of any other drug to a degree which renders the user in-
33 capable of safely driving a motor vehicle.

34 (e) Who has previously been adjudged to be afflicted with or suffering
35 from any mental disability or disease and who, at the time of making
36 application for a driver's license, has not been restored to capacity in the
37 manner provided by law. Application of this limitation to any person
38 known to have suffered any seizure disorder is subject to the provisions
39 of paragraph (7) of subsection (e) of K.S.A. 8-247, and amendments
40 thereto.

41 (f) Who is required by the motor vehicle drivers' license act to take
42 an examination, unless the person has successfully passed the
43 examination.

Sec. 6. K.S.A. 8-239 is hereby amended to read as follows:
8-239. (a) Any person who is at least ~~14~~ 17 years of age may apply to the division for an instruction permit. The division may in its discretion, after the applicant has successfully passed all parts of the examination other than the driving test, issue to the applicant an instruction permit which shall entitle the applicant while having such permit in such person's immediate possession to drive a passenger car upon the public highways for a period of one year subject to the restrictions herein contained. ~~The division may issue an instruction or restricted instruction permit to any person who is at least 14 years of age and under the age of 16 years only upon the written application of a parent or guardian of the minor.~~ The one having the instruction permit may operate a passenger car at any time when accompanied by an adult who is at least 21 years of age, who is the holder of a valid commercial driver's license, class A, B or C driver's license, who has had at least one year of driving experience and who is occupying a seat beside the driver. Any person who is at least ~~14~~ 17 years of age may apply for an instruction permit to operate a motorcycle either separate from or in conjunction with an instruction permit to operate a passenger car, and such permit shall entitle the permittee to operate a motorcycle if such person is accompanied by an adult who is at least 21 years of age, who is the holder of a valid class M driver's license, who has had at least one year of driving experience and who is riding a motorcycle in the general proximity of the permittee.

~~(b) The division upon receiving proper application may issue~~

in-its-discretion-a-restricted-instruction-permit-effective-for-a school--year--or-for-a-more-restricted-period-to-an-applicant-who is--at--least--14--years--of--age--and--who--is--enrolled--in--a driver-education--program--which--includes--practice--driving-and which-is-approved-by-the-division, even-though-the-applicant--has not--reached-the-legal-age-to-be-eligible-for-a-driver's-license. Such-instruction-permit-shall--entitle--the--permittee--when--the person--has--such-permit-in-such-person's-immediate-possession-to operate-a-passenger-car-only-on-a-designated-highway-or-within--a designated-area-but-only-when-an-approved-instructor-is-occupying a-seat-beside-the-permittee-or-when-such-permit-has-been-endorsed by--an--approved--instructor--to--operate--a-passenger-car-with-a parent-or-guardian-who--is--the--holder--of--a--valid--commercial driver's--license,--class-A, B-or-C-driver's-license, who-has-had at-least-one-year-of-driving-experience-and-who--is--occupying--a seat-beside-the-driver.

(c)--The--division,--in-its-discretion,--may-issue-a-temporary driver's-permit-to-an-applicant-for-a-classified-driver's-license permitting-the-applicant-to-operate-a-motor-vehicle--within--such classification-while-the-division-is-completing-its-investigation and-determination-of-all-facts-relative-to-such-applicant's-right to--receive--a--driver's--license.--The-division-may-issue-such-a temporary--driver's--permit--to--any--applicant--whose--employer certifies--that--such--permit--is--necessary-to-complete-seasonal agricultural-operations--of--the--employer.--Any--such--temporary driver's--permit--issued--pursuant-to-this-subsection-shall-be-in the-immediate-possession-of-the-permittee-while-operating-a-motor vehicle, and-it-shall-be-invalid-on-the-date--specified--thereon,

~~which--shall--not--be--more--than--15--days--after--its--issuance,--or--when
the--applicant's--license--has--been--issued--or--for--good--cause--has
been--refused.~~

Sec. 7. K.S.A. 8-291 is hereby amended to read as follows:
8-291. (a) It is a misdemeanor for any person to operate a motor vehicle in violation of the restrictions on any driver's license or permit imposed pursuant to any statute.

(b) Except as provided in subsection (c):

(1) Any person guilty of violating this section, upon the first conviction, shall be fined not to exceed \$250, and the court shall suspend such person's privilege to operate a motor vehicle for not less than 30 days and not more than two years.

(2) Any person guilty of violating this section, upon a second or subsequent conviction, shall be fined not to exceed \$500, and the court shall suspend such person's privilege to operate a motor vehicle for not less than 90 days and not more than two years.

~~(c) In--addition--to--the--penalties--provided--by--subsections
(b)(1)--and--(2),--if--the--conviction--is--for--a--violation--of--this
section--committed--after--June--30,--1994,--and--before--July--1,--1996,
and--committed--while--the--person's--driving--privileges--are
restricted--pursuant--to--K.S.A.--8--1014--and--amendments--thereto,--the
division--upon--completion--of--the--period--of--suspension--provided--by
this--section,--shall--restrict--the--person's--driving--privileges--for
an--additional--20--days--to--driving--only--a--motor--vehicle--equipped
with--an--ignition--interlock--device,--as--defined--by--K.S.A.--8--1013
and--amendments--thereto,--approved--by--the--division--and--obtained,
installed--and--maintained--at--the--person's--expense.~~

~~On--or--before-February-17-1996, the division shall report to the legislature regarding the use of the provisions of this subsection and making recommendations concerning continuation or modification of such provisions.~~ Any person guilty of violating this section, for violating restrictions on a driver's license or permit imposed pursuant to K.S.A. 8-237, 8-296, section 1 or section 2, and amendments thereto:

(1) Upon first conviction, the court shall suspend such person's privilege to operate a motor vehicle for 30 days;

(2) upon a second conviction, the court shall suspend such person's privilege to operate a motor vehicle for 90 days; and

(3) upon a third or subsequent conviction, the court shall suspend such person's privilege to operate a motor vehicle for one year.

(d) Nothing in this section shall limit a court in imposing penalties, conditions or restrictions authorized by any other statute arising from the same occurrence in addition to penalties and suspensions imposed under this section.

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1 license, class A, B or C driver's license and who is actually occupying a
2 seat beside the driver.

3 After such six-month period, if the licensee has complied with the pro-
4 visions of this section, such farm permit shall entitle the licensee to operate
5 the appropriate motor vehicles at any time without the restrictions re-
6 quired by this section.

7 ~~(b)~~ (c) A farm permit shall be issued only if:

8 (1) The applicant can prove that such applicant resides or works on
9 a farm;

10 (2) the applicant has successfully completed the examination require-
11 ments in K.S.A. 8-235d, and amendments thereto; and

12 (3) the applicant submits the signed affidavit of either a parent or
13 guardian, stating that the applicant lives on a farm or, if the applicant
14 does not live on a farm but works on a farm, the applicant submits the
15 signed affidavit of the applicant's employer and parent or guardian, at-
16 testing to such employment.

17 ~~(e)~~ (d) Any licensee issued a farm permit under this section:

18 (1) Who is less than 16 years of age shall not operate any motor
19 vehicle with nonsibling minor passengers ~~and~~; or

20 (2) who is at least 16 years of age, for a period of six months after
21 reaching 16 years of age, shall not operate any motor vehicle with more
22 than one passenger who is less than 18 years of age and who is not a
23 member of the licensee's immediate family.

24 Any conviction for violating this ~~provision~~ subsection shall be construed
25 as a moving traffic violation for the purpose of K.S.A. 8-255, and amend-
26 ments thereto.

27 ~~(d)~~ (e) As used in this section, "farm" means any parcel of land larger
28 than 20 acres which is used in agricultural operations.

29 ~~(e)~~ (f) A farm permit issued under this section is subject to suspension
30 or revocation in the same manner as any other driver's license. A person
31 who has been issued a farm permit and who violates this section by driving
32 beyond the scope allowed in subsection (a) shall lose the farm permit and
33 shall be issued no other driver's license for a period of one year or until
34 the person reaches 16 years of age, whichever period is longer. ~~In addition,~~
35 ~~the division may suspend the farm permit upon receiving satisfactory~~
36 ~~evidence that:~~

37 (1) ~~The licensee has violated the restrictions of the farm permit; or~~

38 (2) ~~the licensee has been involved in two or more accidents chargeable~~
39 ~~to the licensee.~~

40 ~~A farm permit suspended under this subsection shall not be reinstated~~
41 ~~for one year.~~

42 (f) (g) Any licensee issued a farm permit under this section ~~on and~~
43 after July 1, 1999; shall provide prior to reaching 16 years of age, a signed

(e) Any licensee issued a farm permit under this section shall not operate a wireless communication device while driving a motor vehicle.

(g) (1)

(2) A farm permit shall be suspended in accordance with K.S.A. 8-291, and amendments thereto, for any violation of restrictions under this section.

(3) The division shall suspend the farm permit upon receiving satisfactory evidence that the licensee has been involved in two or more accidents chargeable to the licensee and such suspended license shall not be reinstated for one year.

and by relettering the remaining subsections accordingly

Sec. 9. K.S.A. 8-297 is hereby amended to read as follows:
8-297. Notwithstanding any other provisions of this act, any person who held any valid restricted class C or class M driver's license, instruction permit ~~or~~, restricted instruction permit or farm permit on the effective date of this act may continue to operate motor vehicles subject to the conditions, limitations and restrictions contained in K.S.A. 8-237 ~~and~~, 8-239 and 8-296, and amendments thereto, as in effect on ~~June-30-1993~~ December 31, 2009.

1 affidavit of either a parent or guardian, stating that the applicant has
2 completed at least 50 hours of adult supervised driving with at least 10
3 of those hours being at night. The adult supervised driving required by
4 this paragraph shall be conducted by an adult who is at least 21 years of
5 age and is the holder of a valid commercial driver's license, class A, B or
6 C driver's license.

7 Evidence of failure of any licensee who was required to complete the
8 50 hours of adult supervised driving under this subsection shall not be
9 admissible in any action for the purpose of determining any aspect of
10 comparative negligence or mitigation of damages.

11 ~~(g)~~ (h) Any licensee issued a farm permit under this section who: (1)
12 Is under the age of 16 years and is convicted of two or more moving
13 traffic violations committed on separate occasions shall not be eligible to
14 receive a driver's license which is not restricted in accordance with the
15 provisions of subsection ~~(a)~~ (b)(1), until the person reaches 17 years of
16 age; ~~or (2) is at least 16 years of age, but less than 17 years of age and is~~
17 ~~convicted of two or more moving traffic violations committed on separate~~
18 ~~occasions shall not be eligible to receive a driver's license which is not~~
19 ~~restricted in accordance with the provisions of subsection (b)(2), until the~~
20 ~~person reaches 18 years of age; or (3) fails to provide the affidavit required~~
21 ~~under subsection ~~(f)~~ (g) shall not be eligible to receive a driver's license~~
22 ~~which is not restricted in accordance with the provisions of subsection ~~(a)~~~~
23 ~~(b)(1), until the person provides such affidavit to the division or the person~~
24 ~~reaches 17 years of age, whichever occurs first.~~

25 Sec. 5. K.S.A. 8-235d ~~and 8-296~~ and K.S.A. 2008 Supp. 18-237 are
26 hereby repealed.

27 Sec. 6. This act shall take effect and be in force from and after Jan-
28 uary 1, 2010, and its publication in the statute book.

(h)

Sec. 9. K.S.A. 8-297
(see attached)

8-234a and

8-239, 8-291, 8-296 and 8-297

and by renumbering the sections accordingly