

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Gary Hayzlett at 1:30 p.m. on March 4, 2010, in Room 783 of the Docking State Office Building.

All members were present except:

Representative Ballard, excused

Representative Kleeb, excused

Committee staff present:

Bruce Kinzie, Office of the Revisor of Statutes

Scott Wells, Office of the Revisor of Statutes

Jill Shelley, Kansas Legislative Research Department

Betty Boaz, Committee Assistant

Conferees appearing before the Committee:

Representative Jerry Henry for Representative Bill Feuerborn

Representative Gene Rardin

Janmarie Hornack, citizen,

Marcy Ralston, Chief, Driver Control Bureau, KDOR

Others attending:

See attached list.

Chairman Hayzlett called the meeting to order.

Representative Proehl, introduced David and Diane McConnell, who were visiting from his district.

Chairman Hayzlett opened the hearing on **HB 2678**.

HB 2678 - Designating a part of U.S. highway 59 as the Vern Chesbro memorial highway

Representative Jerry Henry read Representative Bill Feuerborn's testimony as Representative Feuerborn was unable to attend the meeting. (Attachment #1) According to Representative Feuerborn's testimony, Vern Chesbro was born in Ottawa, KS and retired there in 1983. After his retirement he pursued an active community career, serving as a board member or committee member with the Ottawa Chamber of Commerce and other civic organizations as well as a number of state and national committees. Mr. Chesbro was a well respected member of his community.

Representative William Prescott also spoke in support of **HB 2678**.

There were no other proponents and no opponents to **HB 2678** so the Chairman closed the hearing.

Chairman Hayzlett opened the hearing on **HB 2696**.

HB 2696 - Failure to stop or report accidents, suspension of driving privileges

Chairman Hayzlett recognized Representative Rardin. (Attachment #2) According to Representative Rardin, information from the National Highway Traffic Safety Administration showed that nationally in 2008, there were 34,017 known fatal hit-and-run accidents. He said in Kansas in 2008, there were 338 known fatal hit-and-run accidents with five of these involving collisions with a pedestrian. Representative Rardin said **HB 2696** is designed to provide easier to achieve sanctions in the form of graduated periods of suspension more accurately reflecting the severity of the offense.

The Chairman recognized Janmarie Hornack. (Attachment #3) Mrs. Hornack talked about her first-hand knowledge of a couple of hit-and-run accidents and the failure to report the accidents. She said she was tired of people not taking responsibility for their actions. Mrs. Hornack said she believes **HB 2969** would serve

CONTINUATION SHEET

Minutes of the House Transportation Committee at 1:30 p.m. on March 4, 2010, in Room 783 of the Docking State Office Building.

as a deterrent to hit-and-run situations. She included in her testimony some pictures of the accidents. She stood for questions.

The Chairman recognized Marcy Ralston, Chief of the Driver Control Bureau of KDOR. (Attachment #4) According to her testimony, the Driver Control Bureau records convictions and if the convicting court does not order suspension of driving privileges, the Driver Control Bureau imposes a 90-day revocation. This bill will require Driver Control to record additional convictions and impose separate suspension actions of driving privileges based on the type of conviction. She stood for questions.

There were no other proponents and no opponents to **HB 2969** so Chairman Hayzlett closed the hearing.

The Chairman opened **SB 409** to the Committee for discussion, comments or motions. Representative Wetta made a motion to pass out SB 409 favorably, seconded by Representative Swanson and the motion carried.

Chairman Hayzlett opened **HB 2678** to the Committee for discussion, comments or motions. Representative Henry made a motion to pass HB 2678 favorably, seconded by Representative Menghini and the motion carried.

There being no further business before the Committee, the meeting was adjourned.

HOUSE TRANSPORTATION COMMITTEE GUEST LIST

DATE: 3/4/10

NAME	REPRESENTING
M Banka	KDOR
KEVIN GREGG	KMCA
Carmen Alford	KDOR
Ted Smith	KDOR
David R. Colvin	KDOR
Janmarie Hornack	Citizen
Terry Heidner	KDOT

STATE OF KANSAS

BILL FEUERBORN
 REPRESENTATIVE 5TH DISTRICT
 ANDERSON, FRANKLIN, MIAMI COUNTIES



TOPEKA

HOUSE OF
 REPRESENTATIVES

COMMITTEE ASSIGNMENTS
 RANKING DEMOCRAT APPROPRIATIONS
 MEMBER EDUCATION BUDGET
 JOINT COMMITTEE ON STATE
 BUILDING CONSTRUCTION
 CAPITOL RESTORATION
 CLAIMS AGAINST THE STATE

March 4, 2010

Chairman Hayzlett and Members of the Committee:

Thank you for this opportunity to come before you today to testify on HB 2678, which designates a part of Highway 59 as the Vern Chesbro Memorial highway.

Vern Chesbro was born in Ottawa, Kansas in 1925 and retired there in 1983. One of his greatest passions was politics and he became a leader in the Kansas Republican Party, serving as executive director, Republican state chairman and as a member of the National Republican Committee. He was a strong believer in the two-party system and was respected by leaders in both parties.

Following his retirement, he pursued an active community career, serving many times as a board member or committee member with the Ottawa Chamber of Commerce, The Ottawa-Franklin County Economic Development Organization and the Ransom Hospital Charitable Board to name a few. He also served on a number of state and national committees. He was on the Kansas Public Employees Retirement System (KPERs) board for 10 years, serving as chairman for two.

He was a 50 year member of the Ottawa Lodge #18, a 56 year "life" member of the Ottawa Elks Lodge and a member of the Veterans of Foreign Wars, the American Legion and the Ottawa Kiwanis Club.

Vern Chesbro was a very respected member of his community and worked tirelessly to promote his community and to pursue jobs and industry there.

It is a great privilege to appear before you today to request that a portion of Highway 59 from I-35 to the Franklin-Douglas county line be designated as the Vern Chesbro Memorial highway. There is no fiscal note connected with this request as I will be responsible for raising the money for signs along the highway.

Thank you.

Bill Feuerborn, Representative
 5th District

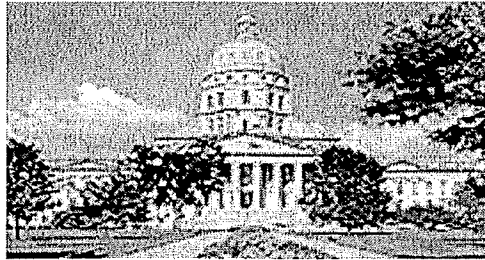
HOME
 1600 PARK RD.
 GARNETT, KS 66032
 785-448-6457
 billfeuerborn@embarqmail.com

House Transportation
 Date: 3-4-10
 Attachment # 1

STATE OFFICE
 STATE CAPITOL, ROOM 47-S
 785-296-7688
 1-800-432-3924 JAN-APRIL
 E-MAIL: bill.feuerborn@house.ks.gov

State of Kansas
House of Representatives

Gene Rardin
16TH DISTRICT
STATE CAPITOL
TOPEKA, KANSAS 66612
(785) 296-7646
Gene.Rardin@house.ks.gov



10900 W. 104TH STREET
OVERLAND PARK, KANSAS 66214
(913) 492 2253

MEMORANDUM

TO: The Honorable Gary Hayzlett, Chair
The Honorable Jene Vickrey, Vice Chair
The Honorable Margaret Long, Ranking Minority
Members, House Transportation Committee

FROM:  Representative Gene Rardin

DATE: March 4, 2010

RE: HB2696—Failure to stop or report accidents, suspension of driving privileges

I am offering this testimony in support of HB2696.

Hit and run accidents and the failure to report these accidents is a continuing and difficult problem.

Information from National Highway Traffic Safety Administration shows that nationally in 2008, the last year for which we have information, there were 34,017 known fatal hit-and-run accidents. 985 are known to involve collision with a pedestrian and 398 are known to involve collision with a motor vehicle in-transport

In Kansas in 2008, there were 338 known fatal hit-and-run accidents. Five of these are known to involve collision with a pedestrian and four are known to involve collision with a motor vehicle in- transport.

There are almost certainly many more hit-and-run accidents involving major bodily harm short of death and major damage to property, but the National Highway Traffic Safety Administration could not furnish data on those types of accidents.

HB 2696 is designed to provide easier to achieve sanctions in the form of graduated periods of suspension more accurately tuned to the severity of the offense.

It is hoped that this will also encourage more drivers to report hit-and-run accidents and also serve to keep more convicted drivers off of the road.

House Transportation
Date: 3-4-10
Attachment # 2

MEMORANDUM

TO: The Honorable Gary Hayzlett, Chair
The Honorable Jene Vickrey, Vice Chair
The Honorable Margaret Long, Ranking Minority
Members, House Transportation Committee

FROM: Janmarie Hornack

DATE: March 4, 2010

RE: HB2696–Failure to stop or report accidents, suspension of driving
privileges

I am offering this testimony in support of HB2696. I think the following incidents underline the increasing problem of hit and run accidents and failure to report those accidents. I believe HB2696 should serve as a deterrent to these situations.

In the first incident on Dec 12, 2009 my family and I were involved in a hit and run auto accident. My daughter had graduated with her Masters of Education in Nursing that day, so my sister and her two daughters had come up from Florida for the event.

That evening, since my sister and nieces had never seen the lights at the Plaza and Crown Center, we decided to drive down. Because of the Christmas lights I was going about 25 – 30 mph so the girls could see.

We were headed north when I noticed a vehicle heading south in the western most lane going very fast. I would estimate he was going 45 or 50. All of a sudden the vehicle, a small truck or SUV, veered toward me and headed in a direct diagonal line for my vehicle, crossing three lanes and smashing into my vehicle. It all happened very quickly.

I slammed my brakes and moved from the center lane to the eastern most lane heading north, when I saw the vehicle coming toward us. Had I not slammed the brakes the vehicle would have hit my vehicle (a Ford Taurus X with 3 rows of seats) between the second and third rows, most likely killing my niece Jessica and daughter Michelle). Because I slammed the brakes the vehicle instead ploughed into the front driver's side and the side of that side (pictures attached). The impact was very bad. It broke the right and left side of the vehicle and things inside the vehicle. Additionally, four out of the five of us were hurt. My daughter, Michelle was taken to the hospital.

The man who hit us did not even stop. He hit my vehicle, looked at us for like 3 to 5 seconds, backed up and drove away. Immediately after that a vehicle pulled up and a nice man (later I

House Transportation
Date: 3-4-10
Attachment # 3

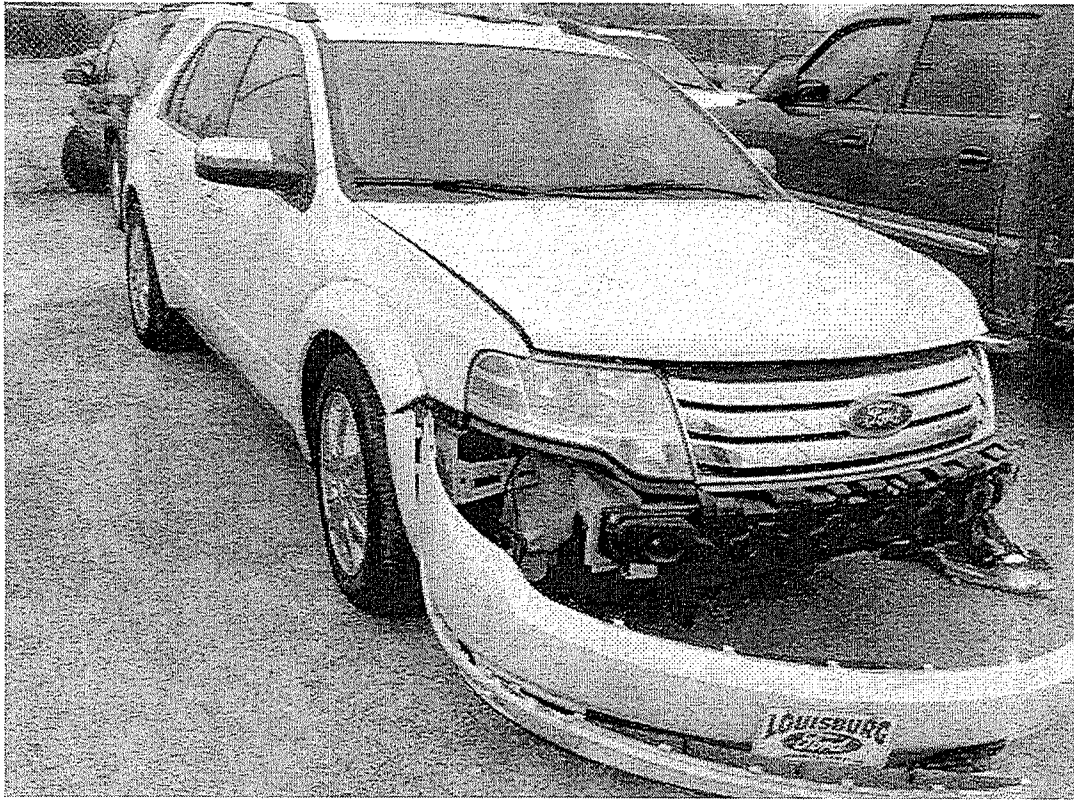
found out his name was Michael Condon) pulled up into the most easterly lane heading south, rolled down his window and said, are you ladies all right? We indicated we were not sure. He said he called the police, that he had been following this man since Prairie Village because the man hit something there and the PV police were also coming for him. He said he was going to continue to follow the man, which he did. Several blocks away Michael Condon caught up with this man. Mr. Condon indicated to me that when he caught up with the driver, the driver indicated he was drunk and did not know what he was doing. The driver was not 21.

We were all in shock and hurting. Soon afterwards the police came. My daughter went to the hospital and we stayed and finished the reports with both the Leawood and Overland Park police. Officer Losee took the report on us. Michelle (daughter), Jessica (niece), Nance (sister) and I were all hurt and are still being treated today. Only Christina is ok. In a second hit and run incident this summer, a lady who lived just two blocks from me was killed in her front yard by a hit and run driver. The girl who hit her ran off the street (99th Terrace in Overland Park) up onto the curb and into the lady's yard. The lady was 72 years old and was gardening. She was killed instantly. The police could not find the driver. Later, the driver turned herself in to the police. Her father, an attorney, MADE her do it. She was 17 years old and drunk. Between the time of this accident and her court date I believe she was written up two times for DUI's.

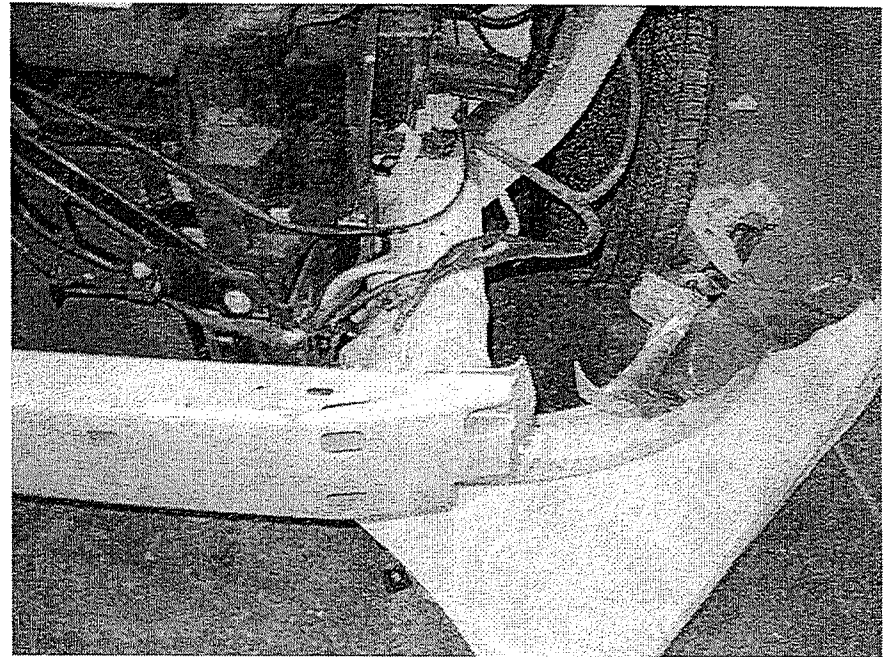
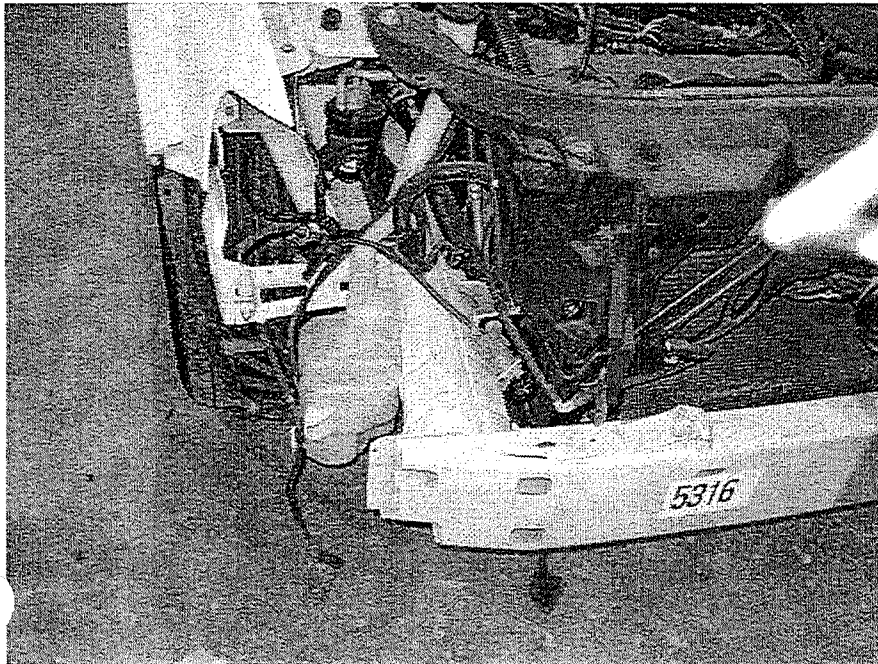
I also heard from another citizen recently about his father who was killed by a hit and run driver. It seems that people do not care if they hurt someone else if they can get away with it. In 1999, my daughter was run off I 35 by a mini-van. She went down a cliff, was thrown from the car and almost died. The driver of the van was never caught.

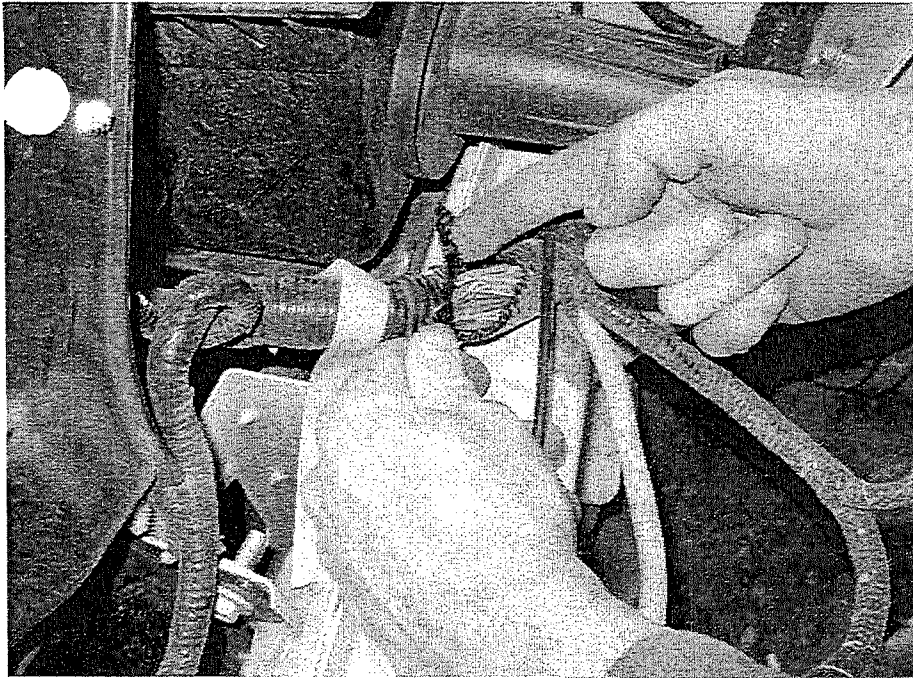
As a victim, I am trying to be concerned in advance for others who may suffer at the hands of hit and run drivers and drunk or intoxicated drivers. If a few people have to go to jail or have their licenses suspended for this behavior, maybe others will get the message and realize that the consequences of running off are serious and this may act as a deterrent. I also believe the law should include a fine to cover the cost of the incarceration in a police facility and to enforce the new law, even if the person has to sign an agreement and have their wages garnished. It is too bad that people cannot be responsible because they want to do the right thing. But unfortunately for the rest of us, that is how it is.

Thank you.
Janmarie Hornack



3-3





3-4

TO: Chairman Gary Hayzlett
Members of the House Transportation Committee

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

DATE: March 4, 2010

RE: House Bill 2696

Thank you Mr. Chairman and Members of the Committee. I am Marcy Ralston, Chief of the Driver Control Bureau, Division of Motor Vehicles.

Driver Control currently records convictions of K.S.A. 8-1602 and if the convicting court does not order suspension of the driving privileges, we will impose a ninety day revocation. A conviction of K.S.A. 8-1603 is recorded but does not result in a revocation. Convictions pursuant to K.S.A. 8-1605 and K.S.A. 8-1606 are not recorded at all. House Bill 2696 will require Driver Control to record the additional convictions and impose separate suspension action of driving privileges based on the type of conviction. Our fiscal note of approximately \$10,000 is due to programming changes to the existing driver's license system to include the additional statutes and to distinguish convictions for "injury", "great bodily harm" and "death". Administratively, we can implement the amendments with existing staff and resources.

I would inform the Committee that convictions pursuant to K.S.A. 8-1602 and K.S.A. 8-1603 are also included in Kansas law, K.S.A. 8-285, which lists convictions that define a person to be a habitual violator; resulting in a three year revocation of the driving privileges. I suggest convictions under K.S.A. 8-1605 and K.S.A. 8-1606 also be included in K.S.A. 8-285 for consistency and accuracy in administering the revocation. Furthermore, convictions listed in K.S.A. 8-285 are required to file evidence of liability insurance, (commonly referred to as an SR22 form), with Driver Control for one year. The seriousness of convictions under K.S.A. 8-1605 and K.S.A. 8-1606 to now mandate suspension of the driving privileges should also warrant their inclusion in the definition of being a habitual violator.

Thank you for allowing me to speak on House Bill 2696 and I stand for any questions.

House Transportation
Date: 3-4-10
Attachment # 4