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Testimony for the Kansas Senate Judiciary Committee
Presented January 31, 2011, in Support of Senate Bill 34

I would like to thank the committee for allowing me to testify in support of Senate Bill 34.

Senate Bill 34 amends K.S.A. 8-235, 8-286, 8-287 and 8-288. The effect of this legislation would be to allow the licensing of individuals declared to be habitual violators by the Kansas Department of Revenue to operate a moped. In 2005, this act was filed as SB 76, it passed the Senate but was used as a vehicle for a gut and go at the end of the 2006 session. Filed in 2007 as Senate Bill 6, it passed the Senate floor vote again.

The Kansas Department of Revenue may declare an individual to be a habitual violator upon the conviction of three serious traffic misdemeanors in any five-year period. The revocation of a habitual violators driver's license upon three convictions is for a minimum three years. Conviction of operating a motor vehicle after being declared a habitual violator is a Class A misdemeanor subject to a penalty of up to one year in custody and a \$2,500 fine. Under current Kansas law individuals whose driver's license has been suspended for other reasons such as failing to pay for traffic ticket for failing a breath alcohol test may receive a moped only license from the Kansas Department of Revenue, habitual violators may not. In 2007 approximately 5500 drivers per year are declared to be habitual violators in Kansas. Offenses that can trigger the declaration of someone being a habitual violator include, no proof of insurance, driving while suspended, transporting an open container, hit and run and driving under the influence.

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Attachment 6

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

Individuals who have been placed on probation for convictions for crimes such as driving under the influence are required as a condition of their probation to attend probation meetings, outpatient substance abuse counseling and Alcoholics Anonymous meetings. They must get there somehow. Too many Kansas citizens faced with this choice make the wrong choice. This bill gives them a real choice. It presents no threat to public safety and allows those declared to be habitual violators the opportunity to support their families and get the help they need to deal with their issues. I hope that the committee recommends Senate Bill 34 favorably for passage.

Respectfully submitted

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