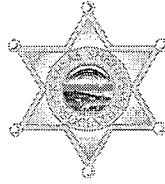




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**Testimony to the Senate Judiciary Committee
In Opposition to SB34
January 31, 2011**

Chairperson Owens and Committee Members,

This bill is about accommodating persons who have had their driver's license revoked as a result of being declared an habitual violator by allowing them to operate a motorized bicycle. It is important to understand how a person becomes a habitual violator. A habitual violator is a person who has three or more convictions in five years for listed offenses. Some of those offenses are very serious traffic offenses. These offenses are 1) vehicular homicide; 2) DUI; 3) driving while suspended; 4) Perjury relating to licensing; 5) Using a false or fictitious name or address to acquire a vehicle title or registration; 6) a felony using a motor vehicle; or 7) liability insurance violation.

While some of these seem innocuous as it pertains to allowing them to operate a motorized bicycle, others are problematic. If these were only the insurance violations, the perjury, or using a false name or address we might feel differently. But do the citizens using the roadways of our state really want offenders legally operating a vehicle, even a motorized bicycle, when they have three offenses of vehicular homicide, DUI, driving while suspended or using a motor vehicle in a felony? Motorized bicycles are capable of speeds up to 30 mph. A speed which even a motorized bicycle could cause serious injury or damage to others especially pedestrian and particularly children. Should we allow a person who has previously refused to provide liability insurance along with a couple of DUIs or vehicular homicide be on the road where they can cause damage again? We do not think this is a good idea.

Subsection (d)(3) was passed in 2000. In 2007 there was a conscious decision by legislators to not allow a person suspended for DUI to have a motorized bicycle only license under that provision. (L. 2007, ch181§1) This bill leaves that intact. However, as proposed, this bill would allow a person who is revoked as an habitual violator due to three DUIs in five years to obtain a motorized bicycle only license. So if this bill passes and a person is currently suspended due to a DUI conviction they cannot get class C motorized bicycle only license, but if they are revoked as a habitual violator because they have three DUI convictions this bill would allow it.

The proposed law does not seem very clear on whether the suspension or revocation remains enforceable if the person is operating any class of motor vehicle other than a motorized bicycle. There is also an issue with how the suspension or revocation can be enforced by officers. The driver's license will only indicate they have a valid class C motorized bicycle only license. Only if the officer runs a computer check can they know the person is suspended or revoked for the purposes of operating any other type of vehicle.

This bill is a bad idea and we strongly encourage you to not recommend it favorably.

Ed Klumpp
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Senate Judiciary
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Attachment 7