

SESSION OF 2012

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2506

As Amended by House Committee on
Corrections and Juvenile Justice

Brief*

HB 2506 would allow a person to obtain a class C license for the operation of a motorized bicycle if such person's driving privileges have been suspended for a first time DUI conviction. Further, a person whose license has been revoked for being a habitual violator could obtain a class C license, so long as in the last five years the person has not had a test refusal; test failure; "alcohol or drug related conviction," as defined in Kansas law; or conviction for fleeing or eluding a police officer.

Background

KSA 8-285 defines "habitual violator" as a person who has been convicted three or more times within the preceding five years of various crimes, including vehicular homicide, DUI, driving while suspended, failing to stop at the scene of an accident, or any felony crime in which a motor vehicle was used. Under KSA 8-286, a habitual violator's driving privileges shall be revoked for three years. The definition of "motorized bicycle" in KSA 8-126(aa) includes the requirements that such a device be capable of a speed of no more than 30 miles per hour and have a motor producing not more than 3.5 brake horsepower.

In the House Committee on Corrections and Juvenile Justice, Judge Phillip Journey and two concerned citizens appeared in support of HB 2506. A representative of the

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Kansas Association of Chiefs of Police, Kansas Sheriffs' Association, and Kansas Peace Officers Association offered testimony in opposition to the bill. The Committee amended the bill to allow a person with one DUI conviction to obtain a class C license and to restrict a person whose license has been revoked for being a habitual violator from obtaining a class C license if, in the last five years, the person has had a test refusal; test failure; "alcohol or drug related conviction," as defined in Kansas law; or conviction for fleeing or eluding a police officer.

The fiscal note indicates passage of HB 2506, as introduced, would require \$3,476 from the Department of Revenue Division of Vehicles Operating Fund for the costs associated with modifying the driver's licensing segment of the Division of Motor Vehicles Modernization Project.