

MINUTES OF THE SENATE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Les Donovan at 8:30 A.M. on January 25, 2005 in Room 120-S of the Capitol.

Committee members absent: Anthony Hensley- excused

Committee staff present: Hank Avila, Kansas Legislative Research Department
Robert Waller, Kansas Legislative Research Department
Bruce Kinzie, Revisors of Statutes
Maggie Breen, Committee Secretary

Conferees appearing before the committee:

Proponents:

Senator Phil Journey
Terry Forsyth, Kansas National Education Association
David Church, Kansas Department of Transportation

Neutral:

Jim Edwards, Kansas Association of School Boards

See Attached List.

SB 35: School zones, disobeying crossing guard, speeding in zone, fines doubled

Senator Journey stated he originally filed the bill last year as **SB 385**. It died in the House due to a misinterpretation. **SB 35** does two simple things. It mirrors what is going on in many municipalities where fees are doubled for speeding violations in a school zone just as in construction zones. Wichita and other areas in the state have already adopted this. The bill just brings the violation of a state statute to the same level as some of our municipalities. The second section creates a new traffic infraction for disobeying a crossing guard. He included a copy of the original Attorney General's opinion with his testimony.. (Attachment 1)

Terry Forsyth, KNEA, appeared in support of **SB 35**. KNEA appreciates this action to ensure that school zones are safe for our children as it will encourage motorists to respect school zones. They urge the passage of the bill. (Attachment 2)

David Church, Chief of Bureau of Traffic Engineer, KDOT said his department supports the proposed changes relating to doubling fines in Reduced Speed Zones as well as imposing a fine for anyone refusing to comply with a direction given by a uniformed adult school crossing guard to control traffic. KDOT is currently working on a "School Zone Toolbox" to be used to improve student safety in school zones across Kansas. One idea to improve student safety in urban areas includes doubling fines. The National Safe Kids Campaign published a document in 2000 entitled "Child Pedestrians at Risk in America: A National Survey of Speeding in School Zones." One of their findings was that the likelihood of a pedestrian being killed if struck by a motor vehicle traveling at 20 miles an hour is about 5%, compared to a 40 % likelihood of death if the vehicle is traveling 30 mph or more. Also, in a conducted speed survey, looking at 16,000 vehicles in 63 school zones located in 29 cities across the United States, 65% of all of the vehicles were traveling over the posted speed limit . And almost one-quarter of the vehicles were traveling at least 10 mph over the speed limit. KDOT supports the language being proposed within **SB 35**. (Attachment 3)

Jim Edwards, Governmental Relations Specialist, Kansas Association of School Boards, said they wholeheartedly support the basic premise of the bill. But for the measure to be effective, more work needs to be done. The bill doesn't deal with youth that might be serving as crossing guards. Their staff looked at the Attorney's General's opinion and it specifically says school security officials, not crossing guards. It asks that security officials be allowed to be used as crossing guards. They feel that the bill is good and it will do many things that need to be done but to truly be effective, it needs more work. Their legal staff would be more than willing to work with others to further refine the bill. (Attachment 4)

Questions regarding a clarification of the factors missing in the bill, where the collected fines go, and whether the violations have increased were made and answered. Chairman Donovan suggested that Mr. Edwards work together with Senator Journey to come up with a proposed balloon.

CONTINUATION SHEET

MINUTES OF THE Senate Transportation Committee at 8:30 A.M. on January 25, 2005 in Room 120-S of the Capitol.

Fiscal Notes

The fiscal note for **SB 35** doesn't show a figure but obviously, the impact would be positive. The fiscal note for **SB 41**, which was previously passed out of committee, shows a savings of \$5.6 million over 3 years. The current letter/number combinations have been used up. The savings comes about by rearranging the combinations so that brand new tags will not have to be issued.

SB 60: All-terrain vehicles, defined

Chairman Donovan had a letter from the Russell County Attorney requesting the bill. (Attachment 5) Bruce Kinzie, Revisor, said the current definition of an all-terrain includes a width of 45 inches or less and a weight of 650 pounds or less. The bill would change the maximum width to 48 inches and the maximum weight to 800 pounds. The reason for the change is that the manufacturers are making them bigger. The vehicles are not required to be tagged right now but they are legal to operate in smaller communities such as Russell. It creates a problem in areas where ATV's are legal, because the legal definition does not include the larger vehicles. Carmen Alldritt, Department of Revenue, Division of vehicles, said she asked Ray Wilk from the Title and Registration Bureau to come over with pictures of the vehicles being talked about. (Attachment 6) The vehicles do go on the tax roll even though they have a non highway title on them. Carmen said they felt the 800 pounds should be bumped up to 1,000 as Ray is seeing them going up as high as 992 pounds. Anything over 1,000, they would have to tagged and titled as a non highway car or truck.

Introduction of Bills

Ron Gaches, appeared representing Experian, a diversified data and information services company, one of the giants in the field. They provide all types of information data collection for government, private business, and consumer organizations. The bill draft he has would allow modification to the current restrictions on the distribution of information available from the Division of Motor Vehicles. They worked closely with the Director of the Division and her staff in assembling the draft for the bill. (Attachment 7) Current law provides a very wide prohibition of the distribution, by the Division of Motor Vehicles, of any type of personal information regarding motor vehicle titles and registrations. There is an exception in the law that provides for the distribution of statistical reports to automobile manufacturers. There is a significant market out there by automobile dealers, automobile parts manufacturers, customization shops like speed shops, AAA clubs, etc. They aren't interested in knowing who owns what vehicle where, but in knowing the distribution of vehicles across a geographical area. Most of the information is collated and available on an area code basis. The bill would simply broaden the current exception, specific only to automobile manufacturers, to allow distribution of statistical reports for other business purposes as well, maintaining all of the current protections on individual information.

Senator O'Connor moved to introduce the bill. Senator Wilson seconded the motion. Motion carried.

Chairman Donovan said he had received a requests from Daryl Lutz, Butler County Engineer, for 2 bills to be introduced. (Attachment 8) Judy Moler, Kansas Association of Counties, said that for the third year, the engineers have been taking a tedious amount of time going through Chapter 68 getting rid of archaic statutes. Bruce Kinzie, Revisor, said that there were some modification to the requests received from Mr. Lutz that needed to be worked out due to some of KDOT.'s funding.

Senator O'Connor moved to introduce the bills. Senator Palmer seconded the motion. Motion carried.

Meeting adjourned at 9:12 a.m.

Next meeting schedule for Tuesday, February 1.