

STATE OF KANSAS

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TOPEKA

SENATE CHAMBER

COMMITTEE ASSIGNMENTS

RANKING
MINORITY MEMBER: FEDERAL AND STATE AFFAIRS
ETHICS AND ELECTIONS
LOCAL GOVERNMENT
MEMBER: COMMERCE
JOINT COMMITTEES: ARTS AND CULTURAL
RESOURCES
CHILDREN'S ISSUES
ECONOMIC DEVELOPMENT
RULES AND REGULATIONS

**January 30, 2013
Testimony in Support of HB 2009**

**Honorable Chair Representative Proehl,
Vice-Chair Representative Ryckman, Sr.,
Ranking Minority Member Rep. Emily Perry and other Honorable Members of this
Committee**

On New Year's Day this year I received phone calls from several constituents concerned about their suspended driver's licenses. The individuals had received traffic violations, but could not afford to pay their fines. This resulted in suspended licenses.

I remembered a bill passing in 2009 that allowed individuals with suspended licenses to apply for a restricted reinstatement through the division of vehicles. The restricted license allows individuals to retain insurance and drive legally to necessary places such as work or school while issuing payments on their fines. So, I instructed my constituents to contact the division of vehicles.

After contacting the division of vehicles, it was discovered that the bill passed in 2009 had sunset, or expired, January 1, 2012. I have introduced a bill in collaboration with Kansas House Representative Gail Finney (D-Wichita) that would repeal this sunset and reinstate the legislation passed unanimously by the senate in 2009.

Without the bill, drivers with suspended licenses often drive illegally without insurance and their fines are turned over to collections agencies resulting in added costs for the state. In some cases, the suspended licenses prevent individuals from working all together.

Reinstating the bill would allow individuals with suspended licenses that have resulted from unpaid fines related to traffic violations to submit an application with a \$25 non-refundable application fee to the division of vehicles. Upon approval, applicants receive a restricted driver's license and are allowed to drive to work so they can make wages to pay their fines. It also allows them to obtain insurance and drive legally. Plus, it has no cost to the state and the division of vehicles is already equipped to handle it. This bill is a win-win for everyone.

Thank you for your time and attention to this matter.

Senator Oletha Faust-Goudeau

House Transportation
Date: 1-30-13
Attachment # 2

3561 SW Mayo
Topeka, KS 66611
May 10, 2011

The Honorable Judge Michael McKone
Junction City Municipal Court
P.O. Box 287
Junction City, KS 66441

Dear Judge McKone:

I am requesting reconsideration of a judgment against me for driving on a suspended license. My license has been suspended until 2014.

In January of 2003 I was pulled over in Geary County for driving on a suspended license and was ordered to pay a fine. I was unable to pay the fine in a timely manner, which resulted in the suspension. In 2009 the fine was paid off and the charge was added to my driving report, resulting in another charge of driving on a suspended license.

I have learned a hard lesson with regard to complying with the law. As I have matured and am seeking a more positive lifestyle, I have come to respect the law as a responsible citizen. I have also come to realize the privilege that possessing a driver's license is. Being without a license has caused me a lot of hardship.

As a single mother raising three children and attending Washburn University full-time, being without a license to drive affects my ability to get to classes, secure employment, and limits my interactions with my children. Our activities are limited to our home and places within walking distance. My temporary position at Washburn ends May 13th. As I seek other employment options I am handicapped by not having a reliable means of transport to and from the work place because public transportation is limited. This limitation also means that I am unable to accept all work shifts.

Your honor, I am trying to lead by example and make positive changes in my life for my children and me. At this time, it is so important to get my license back because I am on a very fixed income, my job is ending, and as I seek other employment I don't have the availability that employers are looking for.

I am asking that you consider overturning this charge so that I can continue to attend college, be a positive role model for my children, and participate fully in society.

Respectfully,

Sylvian Arceneaux

Sharon Scarbrough

From: oletha29th@aol.com
Sent: Tuesday, January 29, 2013 12:21 PM
To: Sharon Scarbrough
Subject: Fwd: Suspended Driver Licence provision in 8-2110
Attachments: supp_notes_2009_SB_158_2008_SB_591.pdf

Sent: Sun, Jan 6, 2013 12:58 pm
Subject: Fwd: Suspended Driver Licence provision

Thanks to Jason Thompson, senior assistant revisor, I learned 2009 SB 158 was originally 2008 SB 591 as amended by the Senate Judiciary Committee, with the sunset date changed from 2011 to 2012. According to minutes, the supp notes (attached), and the spokesperson for the Division of Vehicles, the 2008 bill was amended after much discussion. (The supp notes, specifically the background on the 2008 bill, provide what I think you will find to be useful information about the impetus for the bill.) Both Mr. Thompson and the Division spokesperson thought the bill was amended to include a sunset date just to give the program a trial run; it was suggested perhaps Judge Journey or Senator Donovan might have additional information on why the sunset was added or how a date was chosen. (Both the 2008 and 2009 bills gave the program two and a half years.) The Division spokesperson said the program was not particularly challenging to administer and the capability for that program is included in the new DMV System. If you have further questions for the Division of Vehicles, you may contact the Division's legislative liaison,

Senator Oletha Faust-Goudeau
Kansas State Senate
District 29
(785)-296-7387
(316)-652-9067

Hello Jill, Happy New Year! would you please read the message below and research the reason for the sunset. Thanks, Senator Oletha Faust-Goudeau

Dear Senator Faust-Goudeau,
The bill you are referring to is 2009 SB 158. I looked through the supplemental notes for the bill and they gave no indication as to why a sunset was put on this legislation. I am attaching the committee minutes for the bill to this email. As a librarian, I cannot ascertain why certain language was put into a bill. I would recommend taking this information to Legislative Research as they may have a better answer. Please feel free to contact us with any further questions.
Thank you,

Good morning Kim, I wish you a Happy New Year!

I am hoping you can help me with this information below:

CONTINUATION SHEET

Minutes of the House Judiciary Committee at 3:30 p.m. on March 3, 2009, in Room 143-N of the Capitol.

Melissa Doebin, Staff Revisor, presented the Committee with an overview of the bill.

There were no proponents appearing before the Committee.

Proponent-Written Only

1 → Roger Werholtz, Secretary, Kansas Department of Corrections, provided written testimony in support of this bill. (Attachment 3)

Judge Phil Journey, Wichita provided the Committee with written testimony in support of this bill as amended. (Attachment 4)

2 → A joint letter of written testimony in support of the bill was received from the following Presiding Judges: Karen Arnold-Burger, Overland Park; Randy McGrath, Lawrence; Steve Ebberts, Topeka; Brenda Stoss, Salina; Jennifer Jones, Wichita; Maurice Ryan-Unified Government-Wyandotte County. (Attachment 5)

3 → Mary Ralston, Chief, Driver Control Bureau, Division of Vehicles, Department of Revenue appeared as neutral on this bill and stated they could administer the bill in its current form. (Attachment 6) She stated that based upon a person's driving record, restricted driving privileges may not always be granted for the purpose set out in the bill, therefore she did request a balloon to amend the bill to clarify that the \$25.00 application fee is "non refundable". (Attachment 7)

The hearing on ~~SB 158~~ was closed.

SB 132-Enacting business entity transaction act.

Melissa Doebin provided an overview of the bill and provided copies of Balloon 1 and explained the technical changes. (Attachment 8)

Representative Kleeb moved SB 132 be passed favorably with amendments. Representative Brookens seconded the motion.

Representative Brookens asked about the change requested by Diane Minear, Assistant Secretary of State, on the day the bill was heard, which referred to Page 6, Section 10, Line 24 to add "insurance companies organized. After additional research, it was determined this change was not necessary.

Motion carried.

The next meeting is scheduled for March 4, 2009.

The meeting was adjourned at 4:10 p.m.

electronically notify the Division of the driver's compliance. The Division would be required to terminate the suspension action upon notification by the Court of the driver's compliance with the terms of the citation.

The bill would clarify that the \$25 application fee is nonrefundable and is in addition to the reinstatement fee already assessed in current law.

The bill would expire on January 1, 2012.

Other amendments are technical in nature.

Background

The proponents of the bill, as introduced, who presented testimony at the Senate Committee hearing were the Hon. Phil Journey, Judge of the 18th Judicial District Court (Sedgwick); and Roger Werholtz, Secretary, Kansas Department of Corrections.

The opponents of the bill, as introduced, who presented written testimony to the Senate Committee were Municipal Court Judges Karen Arnold-Burger, Maurice Ryan, Randy McGrath, Steve Ebberts, Brenda Stoss, and Jennifer Jones.

The judges had no objection to restricted driving privileges if handled solely and exclusively by the Division of Vehicles. Further, the judges stated they would not object to the bill if it also were amended to add explicit restrictions in the bill.

Kathy Porter, Office of Judicial Administration, provided neutral testimony on the bill, as introduced.

The Senate Committee on Judiciary amended the bill to:

- Clarify the written request and the \$25 application fee would be directed to the Division;