

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Gary Hayzlett at 1:30 P.M. on January 31, 2006 in Room 519-S of the Capitol.

All members were present except:

Representative Virginia Beamer- excused

Committee staff present:

Hank Avila, Kansas Legislative Research

Bruce Kinzie, Revisor of Statutes Office

Betty Boaz, Committee Secretary

Conferees appearing before the committee:

Representative Tom Burroughs

Romell Cooks, Regional Admin, National Highway Traffic Safety Admin

Terry Heidner, KDOT, Director, Div. of Planning and Development

Cindy Conner,

Jim Hanni, Executive Vice Pres. of AAA

Michelle Voth

Dr. Howard Rodenberg, Dir of Health, KDHE

Debby Cadwell

Terry Holdren, KS Farm Bureau

Lt. John Eichkorn, KHP

Representative Forrest Knox

Representative Doug Gatewood

Michael Gayoso, Attorney, Law Firm of Meeks, Gayoso and Battitori

Eddy Battitori, Attorney, Law Firm of Meeks, Gayoso and Battitori

Others attending:

See attached list.

Chairman Hayzlett opened the committee meeting and called for bill introductions. Chairman Hayzlett said he would like to introduce a bill concerning licensing and registration of antique military vehicles. Representative Hayzlett made a motion to accept this bill, it was seconded by Representative Peck and the motion carried.

Representative Burgess had a bill he wanted to introduce on fuel permits for out-of-state farm trucks. Representative Burgess made a motion to introduce this bill, it was seconded by Representative Olson and the motion carried.

Representative Long requested introduction on a bill for pre-payment at gas stations. Representative Long made a motion to introduce this bill, it was seconded by Representative Treaster and the motion carried.

Chairman Hayzlett opened the first hearing.

HB 2218 - Drivers' Licenses, Age Requirements

Chairman Hayzlett introduced the first proponent, Representative Tom Burroughs. Representative Burroughs said this bill calls for the enactment of a graduated drivers license. (Attachment #1) According to Representative Burroughs the leading cause of death among teenagers, ages 15-19, isn't drugs or shootings, but car wrecks. He said this bill opposes unrestricted teen driving. Representative Burroughs offered an amendment that will be discussed in sub-committee concerning driving times. He discussed several changes he was proposing.

The next proponent was Romell Cooks, Central Region Regional Administrator with the National Highway Traffic Safety Administration, an agency of the U.S. Department of Transportation. (Attachment #2) According to Ms. Cooks, the goal of her agency is to reduce the annual toll of some 42,000 deaths, 3 million injuries and \$230 billion in societal costs due to motor vehicle crashes in America. In 2004, there were fifteen

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drivers ages 15-17 killed in Kansas and of those 15 drivers killed, 12 were on rural roads and three were on roadways classified as urban. In addition two 14-year olds were killed on rural roads. According to Ms. Cooks the economic loss to the State is quite significant when you calculate the costs for medical expense, emergency services, insurance, property damage, funeral costs, legal services and years of productive life lost. These crashes total more than 16.5 million dollars for the seventeen teenagers.

Chairman Hayzlett recognized the next proponent, Terry Heidner, Director of the Division of Planning and Development for KDOT. (Attachment #3) According to Mr. Heidner, this bill will change the age for obtaining a full unrestricted drivers license from age 16 to 18, with one exception and would change the age of eligibility for a restricted license from 15 to 16 and an instruction permit from 14 to 15. He said KDOT believes that passage of this bill will be a step in the right direction in our efforts to make Kansas safer for everyone.

The next proponent was Cindy Conner, the mother of a 16 year old boy who was killed because he was a passenger in a car being recklessly driven by another 16 year old boy. (Attachment #4) It was her hope that by appearing before the Committee they could see that something really needs to be done.

James R. Hanni, AAA Executive Vice President, Kansas Region and Public Affairs was the next proponent. (Attachment #5) According to Mr. Hanni he represents more than 230,000 members in the state of Kansas and wanted to express support for the enhancements and proposed amendments to the Kansas graduated driver license law, **HB 2218**.

The Chairman recognized Michelle Voth who said she was appearing as a parent of three sons and as a professional who has worked in drug prevention for 16 years. (Attachment #6) Ms. Voth said that 40% of 16 year old drivers involved in deadly single-vehicle crashes in 2003 had one or more teen passengers. Also a teen's risk of dying nearly doubles with the addition of one male passenger. It more than doubles with two or more young men in the car.

Dr. Howard Rodenberg, Director of Division of Health, KDHE, said that crash rates among young drivers age 16 - 19 are higher than those for all other age groups and the crash risk among 16 - 17 year old drivers is almost three times as high as among 18 - 19 year olds. He said it seems fair to believe that those even younger than 16 are at even higher risk. (Attachment #7) According to Dr. Rodenberg the top contributing circumstances for fatalities include inattention, speed, driving under the influence, failure to yield, disregard for road signs and markings, all of which are more prominent in younger drivers. He said while teen drivers, ages 15 - 18, account for only 6.7% of all Kansas registered drivers, they represent 20.1% of all crashes.

Chairman Hayzlett introduced Debbie Cadwell. According to Mrs. Cadwell, their son Matt was killed on March 15, 2001 in a car driven by a 16 year old driver. (Attachment #8) There were three 14 year old passengers. She urged the Committee to do something to save young people from such tragedies.

The Chairman drew the Committee's attention to the written testimony submitted by Safe Kids of Kansas. (Attachment #9)

The Chairman asked if there were any other proponents and Representative Forrest Knox came forward. He said he was not for government interfering in people's lives, but licensing of drivers is a privilege not a right. He is from a rural area. He has a son who is 14 and will soon be driving. He said he supported the bill but had some amendments he would like to have considered. These amendments will be considered in the sub-committee.

Chairman Hayzlett asked if there were any other proponents, none came forward so he called for opponents to **HB 2218**.

Chairman Hayzlett recognized Terry Holdren, representing Kansas Farm Bureau. He said Kansas Farm Bureau opposes the changes suggested in **HB 2218**. According to Mr. Holdren, (Attachment #10) referring to a 2004 KDOT report, the Department found that 90% of teen driving fatalities were caused by driver error, however, only 8 of the 51 fatalities reported were among 15 year olds. Also that the data reflected that far

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fewer crashes and injuries were reported among the 15 year old age category, indicating that younger drivers are not necessarily the most dangerous and most likely to be involved in an accident. Mr. Holdren said that the Kansas Farm Bureau has significant concerns about the increased age requirement for both restricted and non-restricted licenses, that this will impact not only farms and ranches, but general businesses that rely on teens as a labor supply for delivery, and other positions that require the ability to drive.

There being no other opponents the Chairman called for anyone who was Neutral on this bill and Lt. John Eichkorn addressed the Committee. According to Lt. Eichkorn (Attachment # 11) the Patrol is aware that statistics show drivers ages 15 to 19 are more frequently involved in injury and fatal crashes than any other age group. Teens rank highest in crashes attributed to speeding, aggressive and reckless driving, and distractions, such as cell phones and electronic devices. Lt. Eichkorn said all these factors could be minimized with education, experience and maturity.

Because of the complexity of this issue the Chairman formed a sub-committee consisting of Representatives Faber, Long, Menghini, Beamer and George and asked them to work with the other interested parties and report back to the Committee.

The Chairman closed the hearing on **HB 2218**.

Chairman Hayzlett opened hearings on **HB 2633**.

HB 2633 - PROVIDING FOR A HARDSHIP DRIVER LICENSE

Chairman Hayzlett introduced Representative Doug Gatewood who introduced Michael Gayoso, attorney in the Law Firm of Meek, Battitori and Gayoso. According to Mr. Gayoso (Attachment #12) **HB 2633** would provide for the Kansas Department of Revenue to issue a hardship driver's license to individuals whose driver's license has been suspended or revoked. This hardship license would only be issued for the period of time remaining after the initial thirty days of the driver's suspension or revocation has expired. Mr. Gayoso said that without a hardship license many Kansas citizens face the danger of losing their jobs and if they lose their jobs, they may lose their housing and face the reality of placing a strain on their family. He said people who have had their license suspended or revoked will find themselves compelled to unlawfully drive in order to maintain their employment and comply with court orders because they have no other recourse. Mr. Gayoso also pointed out that the State would stand to gain \$2,000,000. for issuing hardship licenses

The next proponent was Edward J. Battitori who said his testimony mirrored that of Michael Gayoso. He said that in rural communities they did not have the advantages of public transportation and if someone lost their license they could also lose their employment, housing and possibly prolong the return of their children to the home because of not maintaining regular visits with their children or otherwise complying with court orders seeking to reintegrate the family. He said he had seen the loss of drivers licenses lead to out and out failure of individuals and families. He urged the Committee's support for **HB 2633**.

The Chairman asked if there were any other proponents. Attorney Billy Rork came forward, he said there were too many situations that could come into play to cause suspension of a drivers license. He also said that people were still going to drive to get to work or the doctor or wherever without a license if they needed to get somewhere. He did not present any written testimony.

There being no other proponents, Chairman Hayzlett called for opponents of **HB 2633**. The Chairman introduced Terry Heidner, Director of the Division of Planning and Development, KDOT. Mr. Heidner said their opposition is based on the consequences of what this bill would do to Kansas highway construction funding. (Attachment #13) According to Mr. Heidner, if the bill were enacted, our state would be out of compliance with Federal requirements outlined in 23 USC 164. When a similar bill was introduced last year, KDOT requested a determination from the National Highway Traffic Safety Administration on whether that bill would put Kansas out of compliance and their response was that it would. As a result of being out of compliance, three percent of the state's core highway construction funds for Interstate Maintenance, National Highway System, and Surface Transportation Program would be transferred to safety programs to address alcohol-impaired driving or hazard elimination projects. He concluded by saying that it is vital that Kansas

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remain in compliance with the federal requirements so that we are able to use the federal construction funds.

The next opponent was Lt. John Eichkorn of the Kansas Highway Patrol. According to Lt. Eichkorn, the Legislature routinely examines the State's laws to ensure that laws serve as a deterrent to criminal activity and that violators are adequately punished. (Attachment #14) He said that **HB 2633** would diminish the sanctions currently in place by returning a violator's driving privileges sooner than current law allows. Lt. Eichkorn said that under **HB 2633** an offender would only be required to serve a fraction of his or her license revocation if it were determined that a hardship existed by keeping them from being allowed to drive. Not only would this weaken current law and lessen the penalty, it may result in additional violations. He concluded by saying that the Patrol supports the drivers license suspension and revocation laws currently in effect and that if anything, current laws need to be strengthened.

Chairman Hayzlett drew the Committee's attention to the written testimony (Attachment #15) submitted by Mothers Against Drunk Driving.

There being no other opponents, the Chairman closed the hearing on **HB 2633**.

When Chairman Hayzlett asked if there was anything else to come before the Committee, Representative Menghini introduced her new intern, Jesyca Shores.

There being no further business the Chairman adjourned the meeting. The next meeting will be at 1:30 p.m., February 1, 2006, in Room 519-S.