

MINUTES OF THE SENATE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Les Donovan at 8:30 a.m. on March 16, 2004 in Room 527-S of the Capitol.

All members were present except:

Senator David Adkins - absent
Senator Edward Pugh - absent

Committee staff present:

Hank Avila, Legislative Research Department
Bruce Kinzie, Revisors of Statutes
Marian F. Holeman, Committee Secretary

Conferees appearing before the committee:

Ed Klumpp, Topeka Chief of Police
Representative Rene Vickery
Representative Bill Feuerborn
John Eichkorn, KS. Highway Patrol

Others attending:

See Attached List.

HB 2633: Impounded motor vehicles, requirements for recovery

Ed Klumpp; Chief of Police, Topeka Police Department requested this bill as a tool to help with the problem of unlicensed automobiles and stolen tags. Mr. Klumpp provided data detailing the growth of the problem. The revenue loss resulting from this is astounding. Another problem is it allows unlicensed and uninsured drivers on our roads. His Department has begun seizing any vehicle displaying a stolen tag. Current law indicates they cannot hold a car until it is properly licensed. While owners cannot illegally “drive” away such vehicle, they can have it towed once they prove ownership. This bill would require any seized vehicle to be properly titled prior to release from impound. He provided information related to loss of revenue and the problem with uninsured motorists (Attachment 1). Members had several questions for Mr. Klumpp. No other conferees appeared on this bill. Hearing closed.

HB 2695: Littering, traffic infraction, criminal littering

Representative Jene Vickrey testified in support of this bill, which is designed to “put teeth” into our efforts to stop careless littering and dumping. It splits the definition into two parts: 1st a traffic violation, and 2nd a definition of criminal dumping. It retains the ability of the court to order someone to pick up trash in the case of criminal dumping but removed the defined hours (Attachment 2). Questions involved courts and costs and what would be involved in “criminal littering.” These would be handled in a manner similar to any other traffic violation and the “criminal” category, is Class C misdemeanor which usually involves just a fine. Representative Feuerborn who had joined Representative Vickrey to introduce this bill, advised that in passing this bill Kansas will be following a national trend in dealing with the issue. He presented information regarding steps being taken in several other states (Attachment 3). No other conferees were present. Hearing closed.

HB 2709: Regulating traffic, motorized skateboards

Lt. John Eichkorn appeared on behalf of Kansas Highway Patrol to comment on this bill which defines “motorized skateboard. In this bill they are considered “vehicles” but are excluded from the definition of “motor vehicles.” The Patrol and many other agencies receive many questions about these. Clarification would be helpful (Attachment 4). Representative Beggs provided written testimony in support of the bill (Attachment 5). Billy Brown, Redfield, Kansas submitted written testimony urging passage (Attachment 6). Lisa Dehon, Assistant City Attorney, Lenexa, Johnson County, Kansas submitted written testimony only with suggested changes to the proposed legislation (Attachment 7). There were no more conferees. Hearing closed. Discussed background on this bill. Staff explained it applies to all motorized toys now being sold to everyone. The Attorney General issued an opinion that motorized skateboards are motor vehicles and as such, if they are to be operated on any streets or highways they must have a tag, license

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and meet all safety requirements a normal vehicle must have. The Department of Revenue must meet certain requirements for a vehicle to be registered, one being that the operator have a driver's license, so they can't license them. Representative Beggs idea was simply to prohibit them. The provisions come largely from the revised Uniform Traffic Code. There are a number of issues in this area. They keep bringing out new things and the bill draft tries to define them. It does not include motorized scooters. Previous clarification legislation included ATVs and motorized wheelchairs which are no longer considered motor vehicles.

SB 506: Repealing statute allowing Dept. Of Administration to terminate the van pool program
HB 2624: Cotton modules, intrastate registration, special permits

Committee members discussed this bill which would have prevented cancellation of the van pool project as the Governor proposes. The House had a companion bill, which it was understood, they would run. Therefore, no action was taken on it in this Committee. However, something happened and the House bill did not pass out of Committee. Working with the Department of Administration and other interested parties, the House had presented and passed some amendments. Senator Jackson presented a proposed amendment to incorporate what the House had done. The key in his proposal is that it must be a self supporting program. Also, the driver can no longer use the van as a personal vehicle. The Department of Administration is to come up with a uniform passenger fee. Further, the Department must come to the Legislature for permission to discontinue the program. Current riders were never given the opportunity to provide input on benefits of the program. They were never asked to contribute more to make it self sufficient. Senator Jackson stated the Chairman of the House Transportation Committee has no problem with his proposed amendment. The Department of Administration, Director of Facilities Management supports this. Discussion determined that an appropriately germane House Bill for the proposed amendment is **HB 2624**. Senator Jackson moved to amend the language in his proposed amendment into **HB 2624**. Senator Schodorf seconded the motion. Motion carried.

Since time is very short, House action on **SB 384** which increases the maximum speed limits on certain highways is also uncertain. Members felt the need for a backup position. Senator Schodorf moved to amend the essential language of this bill into **HB 2624**. Senator Jackson seconded the motion. Motion carried. The same thing is true of **SB 329**, the child passenger safety act. Senator Goodwin moved to amend the essential language of **SB 329** into **HB 2624**. Senator Schodorf seconded the motion. Motion carried. Senator Dave Jackson moved to recommend **HB 2624**, as amended, favorable for passage. Senator Schodorf seconded the motion. Motion carried.

HB 2563: Motor vehicles: increasing amount for reporting accidents

The committee held hearings on this bill on March 10, 2004. The House had amended the bill to further increase the reporting level to \$1,500. Since that time it has been brought to our attention that there could be problems with data acquired at that level and interested parties would really prefer the level to return to \$1,000. Senator Goodwin moved to amend what was a \$500 threshold back to \$1000 level rather than \$1,500 level. Senator Schodorf seconded the motion. Motion carried. Chair called for further discussion. There was none. Senator Goodwin moved to recommend the bill, as amended, favorable for passage. Senator Schodorf seconded the motion. Motion carried.

Approval of minutes

Senator Salmans moved to recommend approval of minutes for meeting of February 24, 2004 and March 9, 2004. Senator Goodwin seconded the motion. Motion carried.

The meeting adjourned at 9:28 a.m.

The next meeting is scheduled for March 17, 2004.