

**Testimony Before the  
Kansas State Senate Transportation Committee  
in Support of Senate Bill 171  
Thursday, February 16<sup>th</sup>, 2017**

Mr. Chairman, members of the Committee thank you very much for the opportunity to have a hearing and testify in support of Senate Bill 171.

Senate Bill 171 modifies previously enacted law. This bill would require the Division of Motor Vehicles to issue restricted licenses for the operation of a motorized bicycle (moped) to individuals whose license has been suspended, revoked, or canceled for failing to pay a traffic citation or other reasons such as a driving under the influence conviction. Under current law, the restrictions on the driver's license are required to be printed conspicuously on the face of the operator's license. The current law, prohibits the issuance of a moped only license to individuals convicted of driving under the influence, failure or refusal of a law enforcement requested test or conviction of evade or elude law enforcement.

8-1439a. "Motorized bicycle" defined. "Motorized bicycle" means every device having two tandem wheels or three wheels which may be propelled by either human power or helper motor, or by both, and which has:

- (a) A motor which produces not more than 3.5 brake horsepower;
- (b) a cylinder capacity of not more than 130 cubic centimeters;
- (c) an automatic transmission; and
- (d) the capability of a maximum design speed of no more than 30 miles per hour except a low power cycle.

The fees for reissuance of driver's licenses and the \$40.00 application fee should generate sufficient funds to cover much of the cost. Current funding for enhancements of the driver's license computer system occurs through registration fees for vehicles.

The genesis of this concept came from the 3R Commission. One of the 3R's tasks was to determine ways in which individuals during pre-release programs and under post-release supervision programs such as participating in the Department of Correction's Work Release Programs could obtain driving privileges while they were under DOC supervision. The predicament many offenders find themselves in is that they do not simply get into trouble in one jurisdiction, but in many instances get into trouble in multiple jurisdictions. While they are placed into custody of the Department of

Corrections for felony convictions, misdemeanor traffic cases and traffic infractions do not get resolved in DOC custody. While they are in DOC custody they are not able to inform the Department of Revenue of their new place of residence. Their licenses are suspended for their failure to comply with pending citations that they may have received immediately prior to their placement in custody. Upon release, old cases are awaiting resolution. New conviction cause new administrative sanctions. They are unable to obtain a driver's license while they are in these pre-release programs such as work release until the pending cases are resolved and all fines, court costs, and reinstatement fees are paid in full. Without the ability to get from the work release facility to their place of employment, they are unable to obtain the funds necessary to pay the citation. Too often they rationalize themselves into more trouble too. These issues are not limited to individuals in KDOC custody but are impinging the lives of Kansans across the State in all strata of our society.

As a Judge in Sedgwick County District Court I have presided over the Traffic Department for over half a decade. I see good people every day become ensnared by a mistake such as failing to comply with a traffic citation or DUI compound their circumstances as they go to work, ultimately having their privilege to drive revoked for years. Opportunities evaporate and employment becomes unsustainable. Families' financial capacities degrade to a level of poverty even homelessness that is difficult to understand. When their earnings decrease so does the revenue they generate.

Senate Bill 171 eliminates prior exceptions to the issuance of motorized bicycle only licenses to all Kansans. It will expand the number of people able to go to work and not get in more trouble. Public safety will not be diminished by its enactment.

I urge the Committee to recommend the Bill out favorably.

Respectfully submitted,

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