

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES

The meeting was called to order by Chairperson Ben Vidrickson at 9:00 a.m. on February 11, 1993 in Room 254-E of the Capitol.

All members were present except:

Senator Harris - Excused
Senator Rock - Excused

Committee staff present: Hank Avila, Legislative Research Department
Ben Barrett, Legislative Research Department
Bruce Kinzie, Revisor of Statutes
Martha Ozias, Committee Secretary

Conferees appearing before the committee:

Senator Lana Oleen
Col. Marshall M. Kaplin, Staff Judge Advocate, Fort Riley
Chuck Yonker, Department Adjutant, The American Legion
Senator Robert Vancrum
Barbara Holzmark, Leawood, Kansas

Others attending: See attached list

The chairman presented three bills to the committee for introduction. A motion was made by Senator Tiahrt to introduce these bills. This was seconded by Senator Jones and the motion carried.

The chairman then introduced Senator Lana Oleen who presented **SB 163** which would provide exemptions for certain military personnel from the drivers' license act.

Col. Kaplin explained that this bill would allow active duty non-resident military personnel and their dependents to maintain a valid driver's license from their home state when they register a vehicle in Kansas. This would help the military personnel preserve important evidence of their domicile and alleviate the hardships faced by those who want to remain licensed in their home state. It would also encourage soldiers to purchase vehicles in Kansas as they would not have to surrender their driver's license from their home state. He explained that passage of **SB 163** would allow service members to make this decision without suffering potential adverse tax or benefits consequences. (See Attachment A)

Chuck Yonker also spoke in support of **SB 163** stating that requiring military personnel stationed in Kansas to make application for a Kansas driver's license creates unnecessary hardships on those serving in the Armed Forces and strips them of a tangible link to their home state. (Attachment B)

Attention was then turned to **SB 164** which was presented by Senator Vancrum and concerned the renewal of driver's licenses. (See Attachment C)

Barbara Holzmark urged passage of **SB 164** in an effort to save the state money by not mailing Drivers Licenses Renewals, the Drivers Manual and the Written Examination. (See Attachment D)

After some discussion a motion was made by Senator Burke to recommend **SB 163** for passage. This was seconded by Senator Emert. Motion carried.

The meeting was adjourned by the chairman

The next meeting will be February 12, 1993.

GUEST LIST

SENATE TRANSPORTATION COMMITTEE

DATE: February 11, 1993

[illegible]

STATEMENT OF

COLONEL MARSHALL M. KAPLAN

STAFF JUDGE ADVOCATE, FORT RILEY

CHAIRMAN VIDRICKSEN AND MEMBERS OF THE SENATE TRANSPORTATION COMMITTEE: I am Colonel Marshall M. Kaplan, the senior legal officer at Fort Riley. I welcome this opportunity to testify in support of Senate Bill 163. The purpose of this bill is to allow active duty non-resident military personnel and their dependents to maintain a valid driver's license from their home state when they register a vehicle in Kansas. The bill will not allow military personnel or their dependents to possess more than one valid license. There are several reasons why this bill should be passed. First, under The Soldiers' and Sailors' Civil Relief Act, a federal law, military income is only taxable by the service member's state of domicile. Senate Bill 163 will allow service members to maintain their driver's license from their home state and thus, preserve important evidence of their domicile. Second, the bill will alleviate the hardship now faced by many soldiers and dependents who want to remain licensed in their home state. These people will no longer be required to return to their home state periodically to re-register their vehicles. This change will also encourage soldiers to purchase vehicles in Kansas, since they will be able to do so without having to surrender their driver's license from their home state. Finally, the Soldiers' and Sailors' Civil Relief Act allows service members to register their vehicles in either their home state or the state where they are currently serving. Senate Bill 163 will allow service members to make this decision without suffering potential adverse tax or benefits consequences. Thank you again for allowing us to testify in support of this important bill.

ATTACHMENT A

2/11/93

TRANS.
2/11/93
A-1

SENATE BILL 163
TESTIMONY BY CHARLES M. YUNKER, DEPARTMENT ADJUTANT
THE AMERICAN LEGION, DEPARTMENT OF KANSAS
FEBRUARY 11, 1993

On behalf of the more than 61,000 members of The Kansas American Legion thank you for providing me the opportunity to address you today in support of Senate Bill 163.

SB163 will amend K.S.A. 8-234 in such a manner to eliminate hardships and unnecessary expenses imposed on military personal and their dependents who prior to their assignment to duty in Kansas, were for the most part, able to retain a motor vehicle operator's license in their home state of record.

As a veteran I can recall the frustration of having to apply for a driver's license in every state in which I was stationed. During four and one half years on active military duty I had driver licenses in California, Rhode Island, Massachusetts, Pennsylvania, California (again), and Hawaii. In addition to those state licenses I was required to apply for a military license at each duty station.

Although my military licenses were at no cost, each state required a fee which came out of my pocket. Additionally, several hours were required to be taken away from my military duties each time a new license was required. After I obtained higher rank in the military taking such time away from military duties was not too much of a problem, but on other occasions I had to take a day's leave which is the equivalent to a day's vacation.

My point is; requiring military personnel stationed in Kansas (for what could be a relatively short period of time), to make application for a Kansas driver's license creates unnecessary hardships on those serving in the Armed Forces. Also, requiring a service person to forfeit any license he/she may hold in their home state of record strips those service persons of a tangible link to their home state.

Again, thank you for allowing me to testify before you.

STATE OF KANSAS



DIVISION OF THE BUDGET

Room 152-E
State Capitol Building
Topeka, Kansas 66612-1504
(913) 296-2436
FAX (913) 296-0231

Joan Finney
Governor

Gloria M. Timmer
Director

February 11, 1993

The Honorable Ben Vidricksen, Chairperson
Committee on Transportation and Utilities
Statehouse, Room 143-N
Topeka, Kansas 66612

Dear Senator Vidricksen:

SUBJECT: Fiscal Note for SB 164 by Senator Vancrum

In accordance with KSA 75-3715a, the following fiscal note concerning SB 164 is respectfully submitted to your committee.

SB 164 would amend current law regarding the renewal of driver's licenses. Under present law, the Division of Vehicles of the Department of Revenue is directed to mail a notice of expiration or a renewal application for an individual's driver's license at least 30 days prior to the expiration of the license. The Division also sends a copy of an eyesight examination form and the written examination and driver's manual. Applicants for renewal complete the examination and submit it to the Division of Vehicles and may have an eyesight examination performed by a physician or optometrist instead of an examiner of the Division of Vehicles.

Under SB 164, the language directing the Division of Vehicles to mail the notice of expiration is deleted and a requirement for a written examination for all renewals of commercial driver's licenses is added. A written examination would be required of other applicants if:

1. The applicant had failed to make application for renewal of the license on or before the expiration date;
2. The applicant was convicted of four moving traffic violations committed on separate occasions during the license period;

ATTACHMENT C

2/11/93

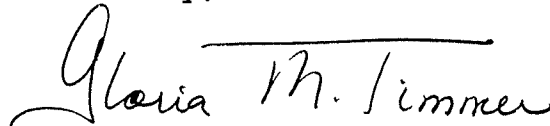
TRANS.
2/11/93
C-1

3. The applicant's license has been suspended, revoked or canceled during the license period; or
4. The applicant has had a conviction for a violation enumerated in KSA 8-254 or 8-285 during the license period.

The Department of Revenue indicates that the provisions of SB 164 would reduce expenditures by approximately \$136,900 in FY 1994, because the agency would not have to print and mail renewal examinations and handbooks to 400,000 licensees a year. The Department also indicates, however, that the Division of Vehicles would continue to send a renewal notice by postcard to prevent late renewal and avoid the written examination. The postcard notification would cost approximately \$77,400 a year.

The net fiscal impact of SB 164, as introduced, would decrease the transfer from the Highway Fund to the Division of Vehicles Operating Fund for FY 1994 by approximately \$59,500 below the amounts included in the *FY 1994 Governor's Budget Report*. The amount assumes decreased expenditures of \$136,900 for the mailing of renewal examinations and handbooks and a subsequent increase of \$77,400 for mailing renewal postcards.

Sincerely,



Gloria M. Timmer
Director of the Budget

cc: Steve Stotts, Department of Education
Bill Watts, Department of Transportation

164.fn

TRANS.
2/11/93
C-2

Testimony by BARBARA HOLZMARK

Senate Transportation and Utilities
Committee

February 11, 1993

Mr. Chairman and Members of the Committee:

Good morning. My name is Barbara Holzmark and I live in Leawood Kansas. I am representing myself here this morning as a "citizen" of the State of Kansas, concerned about the mailing of Drivers License Renewals, the Drivers Manual and the Written Examination as set forth in the proposed Senate Bill 164.

In the 1990 primary election, I ran against Kerry Patrick of Leawood. Since that time, I have become more involved in state issues. I had hoped to author this bill myself, but I decided not to run again for the State Legislature. Therefore, I am here to ask you for passage of SB 164.

I would like to relate to you the circumstances which prompted my thoughts. In July of 1991, my daughter, Leslie moved to Denver, Colorado. Upon arriving in Denver, I went with her to get her drivers licence. When we reached the Department of Motor Vehicles, Leslie was given a Colorado Manual (which I present to you for viewing) and told that she must take a written exam. She took the test right then, and was able to pass it without reading the manual. She was then told that her next renewal would be prior to her expiration date, written on her licence. No renewal notice would be mailed out and if she had less than a certain amount of points, she would not have to take a written exam. I was certainly taken back by this law as I tried to relate this in my mind towards Kansas. My immediate thoughts were: How much money could Kansas save by not sending out a renewal notice which included the drivers manual and an open-book examination.

I understand the method of review by requiring an open-book written

ATTACHMENT D

2/11/93

TRANS.
2/11/93
D-1

exam, however, since costs are a factor and citizens should be more responsible, why not save these monies and put them to better use. As it states in Section 2 of SB 164 page 3, lines 10-17, any person licensed to operate a motor vehicle in this state shall submit to an examination whenever: (1) The division of vehicles has good cause to believe that such person is incompetent or otherwise not qualified to be licensed; or (2) such person has been convicted of a violation of K.S.A. 8-1567, and amendments thereto.

In the state of Missouri, a written examination is not required as long as you renew with a valid drivers license. The state of Arizona automatically sends a renewal sticker to be placed upon the drivers license.

I feel that there are excellent safeguards within the existing law as well as those written in SB 164 No.3, page 5, lines 36-43 and lines 1-3 of page 6. Requirements for a written examination are included in the following circumstances: (1) If an applicant has failed to renew on or before expiration, (2) The applicant was convicted of 4 moving violations within the license period, (3) The applicant's license has been suspended, revoked or canceled within the license period or (4) The applicant has had a conviction for violation as set forth in K.S.A. 8-254 or 8-285. The eye examination remains a requirement for all renewals as stated on page 5, (d) (1), lines 11 & 12.

Once again, I urge you to pass SB 164.

Thank you for your time and consideration.

Sincerely,

Barbara Holzmark

Barbara Holzmark
8504 Reinhardt Lane
Leawood, Kansas 66206
913-381-8222

TRANS.
2/11/93
D-Z