Approved:	March 14, 2006
	Date

MINUTES OF THE SENATE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Les Donovan at 8:30 A.M. on March 8, 2006 in Room 527-S of the Capitol.

All members were present except:

Anthony Hensley- excused

Committee staff present:

Hank Avila, Kansas Legislative Research Department Bruce Kinzie, Revisors of Statutes Maggie Breen, Committee Secretary

Conferees appearing before the committee:

Representative Bonnie Huy Don McNeeley, Kansas Automobile Dealers Association Carmen Alldritt, Director of Motor Vehicles Deann Williams, Bureau Chief, Motor Carrier Service Bureau Mary Jane Stankiewicz, Kansas Grain and Feed

Others attending:

See attached list.

Chairman Donovan opened the hearing on HB 2645 - Vehicle title service agents, licensing.

Representative Bonnie Huy said **HB 2645** is a consumer protection measure that would close some existing loopholes relative to fraudulent title documentation on stolen vehicles. She shared what she learned as a victim of vehicular theft. Her truck was stolen and the title transferred three times without her knowing it. . She included copies of forged documents processed on her vehicle with her testimony. In our state it's incredibly easy for a thief to steal a vehicle, obtain a duplicate title, transfer title by forging the owner's signature and get away with it because of the current loopholes and the lack of any checks and balances. An application for a duplicate Certificate of Title and title transfer can be processed simply by forging the owner's name because a notarized signature is no longer required nor is proof of ownership. Also, the state is not currently linked to the National Crime Information Center (NCIC) and property crimes are the lowest priority for law enforcement. In Wichita there is a title company that operates almost completely "under the radar screen" and the word on the street is you can pretty much get anything you want done there. The Vehicle Title Service Licensing Act would require vehicle title service agents, that process third party title work, to pay a license fee of \$75 and maintain a bond of \$25,000. The Director of Motor Vehicles would have authority to suspend or revoke licenses and impose civil penalties for violation of the act. The bill is not intended to be burdensome to legitimate title businesses. This bill, along with the news that Kansas will soon start using NCIS, will make it much harder for would be thieves. The bill was amended in the House Transportation Committee to exempt Kansas Automobile Dealers Association and the Kansas Motor Carriers Association, both of which process title work. There have been no complaints regard those two groups. She asked for favorable support of the bill. It passed the House 118 to 7. (Attachment 1)

Don McNeeley, Kansas Automobile Dealers Association, said that one of the many services to their members is operating a title service on their behalf. The dealers send them title work, they run it through the Division of Motor Vehicles for processing and mail it back to their dealer members. They are very pleased to support the bill. (Attachment 2)

Carmen Alldritt, Director of Motor Vehicles, said there are approximately 25 title service agents or businesses in Kansas. The title services are used by some dealers and often by individuals. All the vehicle work is taken for processing to the County Treasurer's offices and it is stamped "hand carry." The agents bring that work to the front counter at the Docking Building for same day printing of titles. The Division is in agreement with the amended version of the bill. She said it had been very interesting and informative working with Representative Huy as she traced and retrieved her vehicle. A few years ago the state attempted to get into NCIC for this very problem but it was cost prohibitive. But when they made the call this time they found they can get hooked up with just the cost of a little programming time. They're thankful that Representative Huy took up the cause. (Attachment 3)

CONTINUATION SHEET

MINUTES OF THE Senate Transportation Committee at 8:30 A.M. on March 8, 2006 in Room 527-S of the Capitol.

Chairman Donovan closed the hearing on **HB 2645** and opened the hearing on:

HB 2878 - Motor fuel trip permits, issuance of.

Deann Williams, Bureau Chief, Motor Carrier Service Bureau, Division of Vehicles, said she just started working there last Thursday and is very pleased to be there. She appeared in support of **HB 2878**. Basically, it would allow a motor carrier to obtain a 72- hour fuel permit that will allow them to go back and forth across the state border. They would not have to buy a trip permit each and every time come into Kansas. Also, if they know they will be coming in for a week or two, then they would be able to purchase three additional permits at a cost of \$25 each. They feel the bill will make it easier for the carriers operating close to the border to bring commodities into Kansas. (Attachment 4)

Chairman Donovan asked if there was an increase in the fee. Deann said yes and no. It is \$13 right now for the one trip permit and it would increase to \$25 for the 72 hour permit.

Mary Jane Stankiewicz, Vice President and General Counsel for Kansas Grain and Feed Association (KGFA), said they discovered that one of their members last year, due to some changes in the law, missed out on approximately one million bushels of grain from Kansas City. They are seeking the ability to buy either a day or a 72-hour permit rather than a one trip permit. Some of their people were actually fined when they were driving through our state, to the point of entry, to buy their trip permits. Their only other option was to get up earlier and do it online. Some can do this but it is not convenient, especially during your busy season. They have one recommended change for consideration. The bill eliminates individual trip permits altogether, in effect raising fees for anyone who wants to make 1 trip into the state. They suggest the 24-hour permit be \$13 and the 72-hour permit be \$25. (Attachment 5)

Bruce Kinzie said he'd visited with Ms. Williams and there is some concern with the language in the bill and the way law enforcement personnel might interpret it. In essence, if would be clearer if we got away from the wording "trip permits" and referred to them as "motor fuel permits." He said the wording "within the state" should also be taken out so there would be no confusion about them crossing the borders in and out of the state.

Chairman Donovan asked Ms. Williams if the Feed and Grain amendment works for them. Ms. Williams said they want to make sure that the \$13 for a 24-hour period will work on the fiscal side. They will get back to him.

Chairman Donovan closed the hearing on HB 2878.

Chairman Donovan said his plans are to take final action on <u>SB 456 - Open records</u>; disclosure of certain records pertaining to drivers of motor vehicles transporting members of the public, when the committee meets on February 14.

HB 2645

Senator Wilson made a motion to pass **HB 2645** out favorably. Senator Petersen seconded the motion. The motion carried.

Chairman Donovan initiated approval of the committee minutes for February 22, 2006.

Senator Schmidt made a motion to approve the minutes as written. Senator Wilson seconded the motion. The motion carried.

The meeting adjourned at 9:10 a.m.

The next meeting is scheduled for Tuesday, March 14, 2006.

SENATE TRANSPORTATION COMMITTEE GUEST LIST

DATE: March 8, 2006

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STATE OF KANSAS

Bonnie Huy Representative, 87th District Capitol Building, Room 110-S Topeka, Kansas 66612 (785) 296-7644 huy@house.state.ks.us



Committee Assignments Member:

- Member:
- Appropriations
- Education Budget

HOUSE OF REPRESENTATIVES 87" DISTRICT

Testimony in Support of
House Bill 2645
Before the Senate Transportation Committee
By Representative Bonnie Huy

March 8, 2006

Chairman Donovan and Committee Members:

I appreciate the opportunity to appear in support of House Bill 2645, which is a consumer protection measure that would close some existing loopholes relative to fraudulent title documentation on stolen vehicles.

If the committee would indulge me, I would first like to share what I have learned as a victim of vehicular theft.

Back in December 2004, our truck was stolen along with my husband's prized tools that he had collected over the past 50 years.

Between December 2004 and October 2005, I periodically contacted the detective assigned to our case to inquire about the status of the investigation. When I called in October 2005, I remarked that, if the truck were still in the state, at least the title could not be transferred because we held the Certificate of Title. The detective enlightened me about how simple it is to obtain a duplicate title in Kansas and furthermore that he had not checked to see if an application for a duplicate had been processed. I subsequently requested that he do so and received a follow-up call the next day informing me that the title had transferred three times.

In Kansas, it is incredibly easy for a thief to steal a vehicle, obtain a duplicate title, transfer title by forging the owner's signature and get away with it because of the current loopholes and the lack of any "checks and balances." For example:

• There is no in-state check to detect the stolen status of a Vehicle Identification Number (VIN) when an application for a duplicate title is processed. The Division of Motor Vehicles is not presently linked to the National Crime

Information Center (NCIC), the computerized index of criminal justice information, which includes stolen properties.

- Property crimes are the lowest priority for law enforcement and are not aggressively pursued due to heavy caseloads.
- An application for a duplicate Certificate of Title and title transfer can be processed simply by forging the owner's name because a notarized signature is no longer required nor is proof of ownership.

Law enforcement tells me that the real problem with stolen vehicles started when the criminals figured out how easy it is to apply for a duplicate Certificate of Title due to the lack of "checks and balances" in the system. They just simply forge and complete an affidavit for power of attorney and receive a duplicate title on any vehicle of choice. The vehicle is usually immediately sold and the new buyer has no way to know if the seller is in fact the actual owner.

As examples of how uncomplicated it is for criminals to obtain a duplicate title and transfer ownership by forging a signature, I have attached to this testimony copies of the forged documents processed on our vehicle.

In Wichita we have a glaring example of a title service that operates almost completely "under the radar screen." The word on the street is that this person will apply for and process duplicate titles and vehicle registrations for anyone for cash -- no questions asked. According to law enforcement, this person is even willing to forge documents. Whenever an investigator has inquired about a particular transaction, the standard answer from this person is: "I do not have any record of nor do I remember that transaction. I did not ask for identification and I do not know if they were being truthful or not." Because this person requires no proof of ownership or identification, illegal aliens who do not have drivers' licenses frequently utilize her services. (All persons involved with our truck were illegal aliens.)

The Vehicle Title Service Agent Licensing Act would require vehicle title service agents that process third party title work to pay a license fee of \$75 and maintain a bond of \$25,000 deposited with the State Treasurer. The Director of Vehicles would have the authority to suspend or revoke licenses and impose civil penalties between \$100 and \$2,000 for each violation of the Act. The licensee would be required to maintain for three years a log containing a record entry of the date of each application, the name of the person for whom the title services were performed, the name of the owner and the vehicle identification number of each vehicle and, if the service is performed for an individual, photo identification of the owner.

The bill is not intended to be burdensome to legitimate title businesses most of whom are honest and have a reputation for cooperating with law enforcement. The intent of this legislation is to tighten existing loopholes utilized by criminals and a few unscrupulous title service agents.

Licensing of title service agents and linking to NCIC (which I'm told will soon be implemented by the Division of Motor Vehicles) will make it much more difficult to process fraudulent title documents.

HB 2645 was amended in the House Transportation Committee to exempt Kansas Automobile Dealers Association and the Kansas Motor Carriers Association, both of which process title work.

If we don't tighten the known loopholes that make it all too easy for the criminal, we may as well erect a billboard stating, "Crime Pays in Kansas."

I ask for your favorable support of HB 2645 that will make it more difficult for a thief to fraudulently obtain a duplicate Certificate of Title on a stolen vehicle.

Thank you for your time and attention.

Respectfully,

Representative Bonnie Huy

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If application for Kansas title and registration is not made within 30 days of date the vehicle was sold and delivered, penalty and interest will be assessed. Only One Additional Dealer Re-Assignment May be Attached



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Please Type or Print Clearly

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KANSAS AUTOMOBILE DEALERS ASSOCIATION

March 8, 2006

To: Chairman Les Donovan

and the Members of the Senate Transportation Committee

From: Don L. McNeely, KADA President

Re: HB 2645 – Vehicle Title Service Agent Licensing Act

Chairman Donovan and Members of the Committee:

Good morning, my name is Don McNeely, and I serve as President of the Kansas Automobile Dealers Association (KADA). Mr. Whitney Damron, KADA's Legislative Counsel, also accompanies me this morning. On behalf of the Kansas Automobile Dealers Association, which represents the interests of the state's franchised new motor vehicle dealers, and as one of our member services performs the services of a title service agency to meet the needs of our membership, we respectfully request your support of HB 2645.

The House Transportation Committee at the request of KADA adopted our proposed amendments which exempts the state's licensed motor vehicle dealers from the proposed legislation's licensing requirements due to the fact, they are already licensed with the Division of Vehicles, which requires an annual licensing fee, an established place of business, minimum liability insurance, property and sales tax clearance, \$30,000 bonding and open records inspections. In addition, the House also adopted KADA's proposed amendment which streamlines the recordkeeping requirements required of a licensee.

On behalf of the Kansas Automobile Dealers Association, I would like to thank the Members of the Committee for allowing me to appear before you this morning and we respectfully request your support of HB 2645, as amended. Thank you.



DIVISION OF VEHICLES

JOAN WAGNON, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

TO:

Chairman Les Donovan

Members of the Senate Transportation Committee

FROM:

Carmen Alldritt, Director

Division of Vehicles

DATE:

March 8, 2006

SUBJECT:

House Bill 2645 – Title Service Agents

Thank you, Mr. Chairman and Committee members.

We have approximately twenty five title service agents or businesses in Kansas. They are located throughout the state, but primarily in Kansas City, Wichita, Topeka, Hutchinson, Salina and two out of Missouri. Title services are used by some dealers and often, some individuals. All vehicle work is taken for processing to the County Treasurers' offices, and it is stamped "hand-carry". The agents bring that work to our front counter at the Docking Building for same day printing of titles or whatever their business needs require.

The Division is in agreement with the amended version of this bill, as we consider Motor Carriers, Dealers and Financial Institutions, as party to these transactions.

This bill would require the title service to keep records of identification of their customers in case there would ever be any question regarding a transaction. The bonding would be in place for any consumer issues that might arise. And, of course, since we do tax clearance on any licenses issued, such as dealers licensing, title service agents would be subject to that process.



DIVISION OF VEHICLES

JOAN WAGNON, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

TO:

Chairman Les Donovan

Members of the Senate Transportation Committee

FROM:

Deann Williams, Chief, Motor Carrier Services Bureau

Division of Vehicles

DATE:

March 8, 2006

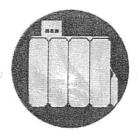
SUBJECT:

House Bill 2878 - Motor Carrier Trip Permits

My name is Deann Williams, Bureau Chief, Motor Carrier Services Bureau, Kansas Department of Revenue. We appear here this morning in support of House Bill 2878.

House Bill 2878 would provide for a 72-hour fuel permit to be issued by Kansas motor carrier permit offices for a cost of \$25.00. This bill gives the motor carrier the ability to purchase three additional 72-hour permits, making it easier for motor carriers making multiple trips into Kansas, especially for those carriers conducting business close to state borders.

I would be pleased to stand for questions at the appropriate time.



Kansas Grain & Feed Association

P.O. Box 2429 816 SW Tyler Topeka, KS 66601-2429 Phone: 785-234-0461 Fax: 785-234-2930 www.KansasAg.org

Statement in Support of HB 2878 Senate Transportation Committee March 8, 2006

Thank you Chairman Donovan, members of the Senate Transportation Committee. My name is Mary Jane Stankiewicz, I am Vice President and General Counsel for the Kansas Grain and Feed Association (KGFA). The KGFA is a voluntary state association with membership encompassing the entire spectrum of the grain receiving, storage, processing and shipping industry in the state of Kansas. KGFA's membership includes over 950 Kansas business locations and represents 99% of the commercially licensed grain storage in the state. Our members include both state and federally licensed warehouses. On behalf of our members I am appearing today in support of HB 2878.

Last year, the Legislature removed the exemption for out-of-state farmers that do not have an IFTA tag, to purchase individual motor fuel trip permits when they enter the state. That law has had the unintended consequence of driving grain business out of the state. One elevator in Kansas City estimates that over 1 million bushels of grain didn't come to their elevator as a direct result of last year's law.

Under the current law, permits are valid for <u>one trip</u> into the state, regardless of the number of miles actually driven. The permits are only valid the day they are purchased. For example, during harvest season, an out-of-state farmer might purchase 6 permits and only be able to use 4 in a given day. The other two permits are worthless and they must purchase new permits the next day.

HB 2878 is an attempt to make the law work better. We have worked with the Kansas Motor Carriers Association and the Department of Revenue to craft this bill so out-of-state truckers can comply with the law easily with the minimum amount of interaction with the state bureaucracy.

This bill creates a 72-hour permit at a cost of \$25 that allows the out-of-state trucker to make as many trips as they choose for a single rate. It also allows the out-of-state trucker to purchase multiple 72-hour permits at a time, lessening the amount of interaction they must have with the state.

We would recommend a minor amendment to the bill to allow for a 24-hour trip permit as well. The current fee is \$13 for a single trip, but HB 2878 eliminates individual trip permits altogether, in effect raising fees for anyone who only wants to make 1 trip into the state. We would suggest the committee amend HB 2878 to allow a 24-hour trip permit at the \$13 rate and a 72-hour trip permit at the \$25 rate.

Thank you Mr. Chairman, I'll stand for questions at the appropriate time.

HOUSE BILL No. 2878

By Committee on Transportation

2-10

AN ACT relating to motor fuel trip permits; providing for 72-hour permits; amending K.S.A. 2005 Supp. 79-34,118 and repealing the existing 10 11 section.

12

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 2005 Supp. 79-34,118 is hereby amended to read 14 15 as follows: 79-34,118. Upon application to the director of taxation and payment of the fee prescribed under this section any interstate motor fuel user may obtain a trip permit which will authorize one commercial motor 17 vehicle to be operated for a period of 72-hours within this state without 18 compliance with the other provisions of the interstate motor fuel use act 19 and in lieu of the tax imposed by K.S.A. 79-34,109 and amendments

thereto. The fee for each trip permit issued under this section shall be Strike out

\$12.50 until July 1, 2003, and \$13 until July 1, 2020, and \$10 thereafter

\$25. Trip permits may be purchased in multiples of three upon making proper application and payment of the required fees. The secretary of

revenue shall adopt rules and regulations specifying the conditions under

which trip permits will be issued and providing for the issuance thereof.

The secretary may designate agents or contract with private individuals,

firms or corporations to issue such trip permits so that such permits will

be obtainable at convenient locations. 29 30

Sec. 2. K.S.A. 2005 Supp. 79-34,118 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its 31

publication in the statute book.

The fee for a 24 hour trip permit shall be \$13. The fee for a 72 hour trip permit Shall be \$25.