

SESSION OF 2008

SUPPLEMENTAL NOTE ON SENATE BILL NO. 4

As Amended by Senate Committee of the Whole

Brief*

SB 4 would allow the Division of Motor Vehicles to permit a person (other than a person issued a commercial driver's license) whose driving privileges are subject to suspension to retain driving privileges if that person successfully completes a Division driver improvement clinic. The Division could establish or contract for the clinics. The Department of Revenue would adopt related rules and regulations, including standards and criteria to be used by the driver improvement clinics and setting a fee of not more than \$500. Fees collected for clinic participation would be split evenly between the Division of Vehicles operating fund and the Correctional Services Special Revenue Fund created by the bill. The Correctional Services Special Revenue Fund could be used by the Department of Corrections only for community corrections.

The effective date of the bill would be January 1, 2009.

Background

This bill updates provisions in current law (KSA 8-255(f)) that allowed the Division of Motor Vehicles to offer driver improvement clinics for a fee of \$15, provisions that had not been in use for many years, according to testimony.

Testifying in support of the bill were Senator Journey, who proposed the bill; Bill Kennedy, owner of Topeka Driving School Inc.; Patrick Bush and Kathie Holman of the Safety and Health Council of Western Missouri and Kansas; and Roger Werholtz, Secretary of Corrections. Representatives of the State Farm

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Insurance Companies and Farmers Alliance Companies also spoke in favor of the bill. The Kansas Highway Patrol provided neutral testimony. The Director of the Division of Vehicles, Carmen Alldritt, provided neutral testimony plus additional information to the Committee. No conferees testified in opposition to the bill.

According to testimony from conferees and information provided by the Kansas Department of Insurance, multiple entities are available to offer driver improvement clinics.

The Senate Transportation Committee made the following changes to the bill:

- Eliminated the requirement that the Division of Vehicles remove one moving violation upon successful completion of the driver improvement clinic;
- Eliminated language requiring the fee to be \$350;
- Eliminated the requirement that a driver not attend such a clinic more than once every two years;
- Changed the effective date to January 1, 2009;
- Changed the name of the fund created by the bill to the “correctional services special revenue fund”; and
- Updated dates in references to statute supplements.

The first three changes listed were formerly included in the original Section 1, which was eliminated in the amended bill.

The Senate Committee of the Whole made a technical amendment to the bill, referencing publication in the statute book.

The fiscal note prepared by the Division of the Budget on the original bill said that the Department of Revenue had reported that its Division of Motor Vehicles issued 10,200 warning notices in 2005 to drivers who had been convicted of at least three violations within a 12-month period. However, the Department was unable to estimate the fiscal effect on state revenue because it is unknown how many drivers would choose to participate in the program.