

MINUTES OF THE SENATE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Les Donovan at 8:30 A.M. on March 6, 2008 in Room 527-S of the Capitol.

All members were present.

Committee staff present:

Hank Avila, Kansas Legislative Research Department
Jill Shelley, Kansas Legislative Research Department
Mike Corrigan, Revisor of Statutes
Mary Jane Brueck, Committee Assistant

Conferees appearing before the committee:

Carmen Alldritt, Director, Department of Revenue, Division of Vehicles
Sen. Phil Journey
Bill Kennedy, owner Topeka Driving School, Inc.
Kathy Holman, Program Co-ordinator for Safety and Health Council for Eastern Missouri and the State of Kansas
Secretary Roger Werholtz, Department of Corrections
Marcy Ralston, Department of Revenue, Division of Motor Vehicles
Captain Mark Bruce, Kansas Highway Patrol
Bill Sneed, State Farm Insurance Companies
Rick Wilborn, Farmers Alliance

Others attending:

See attached list.

Chairman Donovan opened the hearing on **HB 2665 – Driver's licenses, destruction of surrendered licenses.**

Proponents:

Carmen Alldritt, Director of Department of Revenue Division of Vehicles, spoke to this bill in place of Marcy Ralston. (Attachment 1)

Chairman Donovan inquired about possibility of someone whose license had been revoked getting a new one. Carmen explained records will show license is revoked.

Seeing no others who want to speak to the bill, Chairman Donovan closed the hearing on **HB 2665.** Sen. Wilson moved HB 2665 be passed out favorable and put on the Consent Calendar since there is no controversy regarding this bill. Sen. Gilstrap seconded the motion. The motion carried.

Chairman Donovan reopened hearing on **SB 4 – Driver improvement clinics, fees, disposition thereof.**

Proponents:

Sen. Journey briefly explained the bill.

Bill Kennedy, owner of Topeka Driving School, Inc., explained he feels it is important to offer re-education of drivers who make mistakes. His business offers these types of classes for offenders. They are eight hour classes for \$100 for offenders and \$50 for general public. He left the committee information of Driver Improvement Programs presently available to the public. (Attachments 2, 3, and 4)

Kathy Holman, Program Co-ordinator with the Safety and Health Council for eastern Missouri and the entire state of Kansas, has worked with the Highway Patrol for a number of years. Their program also offers classes to help drivers improve their skills. They are a chapter of the National Safety & Health Council. Ms. Holman said she would like to recommend that when the criteria is being developed for these classes, since the age group from 16 to 25 is the most apt to need this service, it would be wise to have a separate class for that age group and another for adults over 25. (Attachment 5)

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Secretary Roger Werholtz, Department of Corrections, spoke about his support of this bill. Of 58,000 people released from prison per year, about half need a new drivers license and this bill would be important in getting them back on the road appropriately. He also appreciates the revenue stream created in the bill that would provide resources to the Department. Secretary Werholtz suggested amendments to the bill: on page 1, lines 31, 32, and 34 and on page 5, lines 5 and 6, to substitute the words Community Corrections for the words Correctional Services.

Neutral:

Marcy Ralston from the Department of Revenue, Division of Motor Vehicles, suggested a Driver Improvement Clinic be offered in place of suspension of a drivers license and in place of removing points. Other states have a point system rather than convictions. Now send notice when driver has 3 convictions that license may be suspended. That could be changed to say the license will be suspended unless you attend this class. Sen. Goodwin asked if a certification would be sent to the Department advising them the person has completed the class. Yes, that is right.

Sen. Apple asked how the \$350.00 fee would be handled. Sen. Journey suggested there be a requirement that the net funds be collected by the Department of Revenue and then distributed to the Department of Corrections. It would be handled through Rules and Regulations. When Department of Revenue receives the certificate stating the individual has successfully completed the class, he/she would be eligible to have his license reinstated. Sen. Schmidt asked about administrative costs. Sen. Journey said the Department of Corrections is willing to make the division of the fee \$200 to Department of Revenue and \$150.00 to Department of Corrections. Sen. Schmidt suggested the ceiling on the fee be made high enough and let Rules and Regulations allow Department of Revenue time to figure expenses involved, so we do not make the fee unrealistic in the statute. Ms. Alldritt added that time would be needed to get that information together to know a probable fee. Sen. Donovan asked if putting off implementation time to January 1, 2009 would be acceptable. Ms. Alldritt thought that would be.

Sen. Apple suggested certified vendors actually doing the driving program. He thinks it would work better if the client write a check to the driving school to pay for that, the, when the client receives a certificate, a check be sent to the Department of Revenue where it will be handled only one time. The Department would not take any action on the suspension of the license until they receive the money.

Captain Mark Bruce was present to give the Kansas Highway Patrol's neutral opinion on the bill. They neither support nor oppose the bill. They have concerns about a carte blanc application of what violations would be included in the forgiveness clause of the bill. The Department is interested in working with Department of Revenue and law enforcement partners to identify some specific violations that the committee may not want to include within forgiveness. Sen. Donovan said he did not see anything in the bill that would prevent such cooperation.

Bill Sneed, State Farm Insurance Companies, said they recommend that the committee consider the amendment the Department of Motor Vehicles is proffering as opposed to removing tickets from records. Since Kansas does not have a points system this is a good option. He urges the committee to adopt the amendment proposed by the Department of Motor Vehicles. (Attachment 6)

Rick Wilborn, with Farmers Alliance, a company that writes automobile insurance, also supports the amendment not to remove offences from records.

Sen. Goodwin had some questions. She is concerned over a driver getting to choose which offence he wants removed from his record. Bill Sneed said that is why they support the amendment Department of Motor Vehicles suggested, which would continue to show offences on the drivers' records.

Sen. Journey asked how much of a cost savings is given to drivers who take such a class. Mr. Sneed explained those who take this sort of class seem to improve skills as a general rule. Those who take these types of classes generally see a 5 to 10% decrease in premiums.

Sen. Donovan pointed out there are a lot of programs available throughout the state to take these classes, so it should not be a hardship for drivers to attend a class.

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Sen. Journey asked about completing this bill. We have a technical amendment to be added plus working with the revisor and Carmen and Marcy to change the program to reflect what they have been requesting. Sen. Donovan would entertain an amendment to change the mix of funding in some degree possibly favoring the Department of Motor Vehicles more than it does now. We will vote on these amendments whenever we have another hearing on this bill.

Sen. Schmidt would suggest an amendment that would put a higher cap into the bill, so it is not necessary to change the bill later. Carmen said many of these sorts of bills are drafted in such a way that the Department of Revenue has authority to review these programs on a yearly basis and make cost adjustments. An amendment giving a fee “not to be above” a certain amount would be helpful.

Marcy Ralston wanted to say there currently are regulations and repeat violators’ actions.

Chairman Donovan said there will be four potential amendments to look at when we meet again to discuss this bill, and get this bill in shape to get voted out of committee and to the floor.

There were no further questions. Chairman Donovan closed the hearing on **SB 4**.

Chairman Donovan asked for approval of the minutes. Sen. Wilson moved the minutes be approved as written. Sen. Schmidt seconded the motion. The motion passed.

The meeting was adjourned at 9:15 a.m. No other meeting is scheduled at this time.