

State of Kansas

Senate Chamber



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JOHNSON COUNTY

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Mr. Chairman and Members of the Transportation Committee:

Thank you for allowing me to testify as a proponent of SB 451 this morning. The subject matter of an exemption to the tinted window restrictions in Kansas law for certain medical reasons amending K.S.A. 2011 Supp. 8-1749 came to my attention as a result of a contact from one of my former law associates. Mr. Barry Duwe, a long-time practitioner in Johnson County and Codes Judge in Johnson County provided me with the following statement concerning a client of his who in fact has a medical condition related to Lupus. His comment speaks for itself.

"My client, Sarah, is about 57 years old and has been dealing for years with the various symptoms associated with Lupus. Her specific diagnosis was "polymorphic light eruption," a condition which result in skin rashes that are exacerbated by sunlight. She works at night as a result of this condition and she has no choice but to work given her financial circumstances. She had to go to Miami County during the day and was ticketed for having automobile windows tinted too dark per K.S.A. 8-1749a and she was told by the citing officer that, even though she had the medical letters from her doctor with her, there are no exceptions available for such a medical condition in Kansas. In my pro bono assistance of Sarah in district court, I received the same response from the county prosecutor. Subsequently I learned there are at least a dozen states (including Missouri) which allow a person to apply with the DMV of the given state for an exception to the tinting laws based upon a medical provider's certification. I reviewed a number of these state statutes and found them all to be both safe and reasonable, and relatively simple to administer from my perspective."

I have had clients in the past who had difficulties with this law related to tinted windows and can attest to the fact that something needs to be done that addresses exceptions for medical needs.

Thank you again for considering this bill to help those who are medically effected by exposure to sunlight and have a valid medical certificate from their physicians concurring in their need for the exceptions sought in SB 451. I will be happy to be available for questions.

Sincerely,

Thomas C Owens
Senator Tim Owens

Senate
Transp.

Att: 1

3-13-12