

MINUTES OF THE HOUSE COMMITTEE ON TRANSPORTATION.

The meeting was called to order by Chairperson Rep. Gary Hayzlett at 1:40 p.m. on February 15, 2000 in Room 519-S of the Capitol.

All members were present except:

Representative John Ballou, excused
Representative Phill Kline, excused

Committee staff present:

Bruce Kinzie, Revisor of Statutes
Hank Avila, Research Department
Ellie Luthye, Committee Secretary

Conferees appearing before the committee:

Tom Palace - Petroleum Marketers and Convenience Stores Association of Kansas
Matt Serrano, Serrano Petroleum & Convenience Co., Inc., Olathe, Kansas
Terry Presta, Presta Oil Company, Inc., Garden City, Kansas
Brian Suter, Vice-President of SACO Petroleum, Inc., N Kansas City, Missouri
Rochelle Mead, N Kansas City, Missouri
Sheila Walker, Secretary of Revenue
Ron Henneberg, President, ABATE
Cindy Patterson, Topeka, Kansas
Christopher Maurich, Motorcycle Riders Foundation
Ken McNeill, ABATE
Scott Wickham, St. Marys, Kansas
Steven Christenberry, Board President, SMART
Jeanie Christenberry, Board Secretary, SMART
Mike Patterson, President, Topeka Harley Davidson

Others attending:

See attached list

HB 2883 - crimes, not paying for motor fuels, penalties

Chairman Hayzlett opened hearings on **HB 2883**. The first proponent to speak was Tom Palace, Petroleum Marketers and Convenience Stores Association of Kansas. He stated the introduction of this bill would offer petroleum retailers a legal avenue to prosecute "drive-offs". At present there is little, or no, enforcement powers to stop drive-offs and **HB 2883** would act as a deterrent, warning would be offenders that if they drive-off without paying for their fuel, they could lose their driving privileges. ([Attachment 1](#))

Matt Serrano, Serrano Petroleum and Convenience Co. Inc., urged the committee to help deter motorists from continuing the gas thievery at the pumps. He concluded with margins on gasoline as low as a few pennies a gallon it takes a lot of gas sales to make up for a \$20-\$30 gas drive-off. He cited as an example at a margin of 4 cents a gallon it takes 500 gallons of sales to make up a \$20.00 gas drive off. ([Attachment 2](#))

Terry Presta, President of Presto Convenience stores, told the committee he has 28 convenience stores in 19 difference counties and they can lose from \$2,000 to \$3,000 a month to drive-off activity. In each case this also affects the revenues remitted to the State of Kansas. He asked the committee to help these retailers combat crime and hopefully remain in business and be a part of the Kansas economy. ([Attachment 3](#))

Brian Suter, Vice-President of SACO Petroleum, related to the committee that in 1999 the 16 stores which they operate lost more than \$30,000 in drive-offs in Kansas and the state loses about \$1,2000 a year in income tax because of this. He suggested suspension of a license as a deterrent for drive-offs and also posting a decal at the fueling site that would warn about loss of their driver license for stealing gasoline. ([Attachment 4](#)) He then introduced Rochelle Mead, an employee, who told of some of her experiences with drive-offs and showed tickets that showed eight drive-offs in the last five days.

Written testimony was presented by Curt Wright ([Attachment 5](#)) and Kevin Brown ([Attachment 6](#)). Following questions from the committee, Chairman Hayzlett closed hearings on **HB 2883**.

CONTINUATION SHEET

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE, Room 519-S Statehouse, at 1:40 p.m. on February 15, 2000.

B 2737 - motorcycle safety education program

Chairman Hayzlett opened hearings on **HB 2737**. The President of ABATE, Ron Henneberg, told the committee that for 15 years ABATE has been working to provide more opportunities for motorcycle rider education in the state, however, the program is still hampered by archaic rules administered by the state. He concluded this bill was necessary as a means of providing the opportunity for rider education to all riders in the state of Kansas. (Attachment 7)

Cindy Patterson relayed to the committee the importance of the rider education program and how she benefitted from it when she made the decision to learn to ride a motorcycle. (Attachment 8)

Christopher Maurich spoke to the committee as a nationally certified Motorcycle Safety Foundation instructor for the Motorcycle Riders Course; Riding Street Skills and the Experienced Riders Course. He said the Department of Education currently has no program in place to recruit, train or monitor instructors. He asked the committee to move to allow Kansas to have a riders education program accessible to all Kansans and similar to what is available in nearly every other state. (Attachment 9)

The lobbyist for ABATE of Kansas, Ken McNeill, testified in favor of **HB 2737**. He stated that because motorcyclists are such a small percentage of the motor vehicles in Kansas, the Board of Education's priorities are focused on teaching students to drive cars. The aim of ABATE, however, is to make motorcycling as safe as possible for all motorcycle riders through education. He then requested four amendments which he felt would make the bill more effective. (Attachment 10)

Scott Wickham told the committee he had taken the MSF course, as taught by the professional staff of SMART, Inc., and was so impressed with the course, and feels so strongly about the education of riders, that he has volunteered to become an instructor this year. He said with the passage of **HB 2737** the opportunity for more riders across the state to obtain high quality training can become a reality, instead of a dream. (Attachment 11)

Steven Christenberry, Board President, SMART, told the committee that until 1999 Kansas was the only state out of 46 states with a state legislated program that did not use the nationally recognized Motorcycle Safety Foundation curriculum. He gave statistics which showed that from 413 students trained in New Mexico to 16,674 trained in California in 1998, Kansas had only 132 students trained at MSF approved sites in Kansas. He said passage of this bill would change that. (Attachment 12)

Jeanie Christenberry, Enrollment Coordinator and Board Secretary for SMART, related she had received over 700 calls from potential students as far as 400 miles away from the nearest Department of Education approved site. Out of those 700 or more, SMART was only able to train 234, which was a major accomplishment considering the fact that there are only 8 instructors and 2 approved sites. She concluded this bill can bring Kansas up to national motorcycle training standards by establishing a statewide program, which as demonstrated in other states can reduce motorcycle accidents and fatalities. (Attachment 13)

Mike Patterson, President of Harley Davidson, said the motorcycle industry as a whole continues to grow at a tremendous rate and there is a great need for an increase in rider training to assist new riders, as well as experienced riders, to be safer on the streets. (Attachment 14)

Sheila Walker, Director of Vehicles, said the Division is neutral on the bill however she expressed some concerns regarding the time it would take to implement the program and also to fund the requirements which are listed in the bill. (Attachment 15)

In response to a question from the committee, Steven Christenberry said the training classes run for approximately 20 hours with approximately 10-12 hours spent in actual riding of the cycle. Following further questions and discussion, Chairman Hayzlett closed hearings on **HB 2737**.

Chairman Hayzlett adjourned the meeting at 3:05 p.m.

The next meeting of the House Transportation Committee is scheduled for Wednesday , February 16, 2000 in Room 519-S.

