

MINUTES

SPECIAL COMMITTEE ON TRANSPORTATION

September 13-14, 2007
Room 519-S—Statehouse

Members Present

Representative Gary Hayzlett, Chairperson
Senator Dennis M. Wilson, Vice-Chairperson
Senator Terry Bruce
Senator Mark Gilstrap
Representative Margaret Long
Representative Julie M. Menghini
Representative Richard J. Proehl
Representative Vincent Wetta
Representative William Wolf
Representative Ron Worley

Member Excused

Senator Vicki Schmidt

Staff

Hank Avila, Kansas Legislative Research Department
Chris Courtwright, Kansas Legislative Research Department
Jill Shelley, Kansas Legislative Research Department
Bruce W. Kinzie, Office of the Revisor of Statutes
Michael K. Corrigan, Office of the Revisor of Statutes
June Evans, Secretary

Thursday, September 13
Morning Session

Chairperson Gary Hayzlett called the meeting to order at 9:15 a.m.

*Senator Wilson moved and Senator Gilstrap seconded approval of the minutes as corrected.
The motion carried.*

The Chairperson opened the continuation of the hearing on Topic 3 — Kansas Affiliation with the Midwest Interstate Passenger Rail Compact.

Derrick James, Senior Officer for Government Affairs, Amtrak, appeared before the Committee as the first conferee. He informed the Committee that Amtrak operates a national system of 300 passenger trains covering 21,000 route miles, serving 500 stations in 46 states. He said ridership was up 6 percent over the past year. In fiscal year 2006, Amtrak earned approximately \$2.5 billion in revenue and incurred approximately \$3.07 billion in expenses, covering 67 percent of their costs. He added that excluding depreciation, Amtrak covered 80 percent of operating costs from revenue. Mr. James noted that no country in the world operates a passenger rail system without some form of public financial support for capital costs and operating expenses.

Mr. James explained that Amtrak has partnered with 14 states to finance the operation of short-distance train service within their borders. He has discussed with the Iowa Transportation Commissioner the subject of federal matches for state transportation projects. He noted that the Commissioner said that if he and his fellow commissioners decided to invest one dollar of Iowa taxpayers' money in a road project, Iowa would get an additional one to nine dollars from the federal government. If, however, they invest one dollar in passenger rail, they get zero from the federal government. Mr. James said that a federal match similar to that provided for rail and air projects is the missing piece to begin to open the log-jam of proposed intercity rail projects. Amtrak is working with rail supporters on Capitol Hill to support S294, the Lott-Lautenberg Passenger Rail Investment and Improvement Act, which would, for the first time, authorize matching dollars to states for investments in passenger trains (Attachment 1).

Following Mr. James' presentation, the Chairperson called on Laura Kliewer, Director, Midwest Interstate Passenger Rail Commission (MIPRC). She noted that:

- The Commission was created to carry out the compact's objectives when the compact language was passed by three states – Indiana, Minnesota, and Missouri – in 2000.
- Current membership in the Commission included those three states, plus Illinois and Iowa (both joined the compact this year), Michigan, Nebraska, North Dakota, and Ohio – a total of nine to date.
- All 12 Midwestern states are eligible to join.
- The Commission has been a leading voice for rail improvements since 2000. This fiscal year, the MIPRC is working with its member states to help state elected officials, in conjunction with the other states' Departments of Transportation in developing state-specific passenger rail development plans and to move forward practically with those plans (Attachment 2).

Following Ms. Kliewer's testimony, Chairperson Hayzlett closed the hearing on Topic No. 3—Kansas Affiliation with the Midwest Interstate Passenger Rail Compact.

Chairperson Hayzlett next opened the hearing on Topic No. 1—Short Line Railroads.

Chairperson Hayzlett called on Terry Heidner, Legislative Liaison for the Kansas Department of Transportation (KDOT), to provide testimony regarding Class III (short line railroads) in Kansas. Mr. Heidner noted the following:

- Class III railroads operate 1,986 miles of line, or 42 percent of the state's rail infrastructure.
- Short line railroads are the remnants of Class I railroad light density lines. Short line railroads have successfully operated these lines and have developed solid working relationships with the state's Class I railroads to facilitate the movement of goods and products from both rural and urban centers of the state.
- KDOT's Rail Service Improvement Fund (RSIF) was established to receive a \$3 million annual transfer from the State Highway Fund (SHF) for FY 2000 through FY 2007. During the 2006 Legislative Session this transfer was extended for two additional years; it will sunset after FY 2009. The intent of the program is for the RSIF to become financially self-sustaining through the railroads' repayment of principal and interest on project loans. Currently, KDOT receives \$85,300 per month in loan payments. RSIF currently is estimated to provide approximately \$2.2 million per year in loan activities assuming no further transfers are received from the SHF beyond FY 2009 ([Attachment 3](#)).

The next conferee was Ed McKechnie, Watco Companies, Inc., Mr. McKechnie informed the Committee that Watco, a family owned company, is headquartered in Pittsburg and has 1,800 employees nationwide. Watco is the third largest shortline operator in the U.S., with 16 railroads in 15 states, 19 switching locations in 14 states, 19 mobile mechanical services in 9 states, 12 mechanical shops in 7 states, and 7 locomotive shops in 6 states. Mr. McKechnie gave details about damage to the South Kansas & Oklahoma Railroad (a Watco business) caused by the fast-water and slow-rising flooding in southeast Kansas in late June and early July. Watco's estimated costs for repairing flood damage are about \$4.6 million, and costs for rebuilding the track (as needed every 50-100 years) will total about \$39.6 million over 7 years. The company asks the Committee recommend to KDOT that it provide matching grants from the RSIF ([Attachment 4](#)).

The next conferee was Bob Alderson, Mid-States Port Authority (MSPA) and Kyle Railroad Company. Mr. Alderson informed the Committee that his primary purpose was to urge support of funding the Rail Service Improvement Fund at not less than its current level, as part of and throughout the duration of the state's next Comprehensive Transportation Plan. He said that the Kyle Railroad Company operates 625 miles of track, serves 102 customers, and handles more than 20,000 carloads per year. The MSPA has authorized Mr. Alderson to seek another loan from the RSIF, to help fund construction of a spur to the Goodland Energy Center ([Attachment 5](#)).

Following Mr. Alderson's presentation, Chairperson Hayzlett closed the hearing on Topic No. 1—Short Line Railroads

Afternoon Session

Chairperson Hayzlett called the meeting to order at 1:30 p.m. and opened the hearing on Topic No. 5—Regulation of Work Site Utility Vehicles.

Michael McLin, Bureau Manager, Titles and Registrations/Dealer Licensing, Division of Vehicles, Kansas Department of Revenue, was the first conferee, stating there were concerns regarding unconventional vehicles, aside from the all-terrain vehicles (ATVs) and Work Site Utility Vehicles. He said unconventional vehicles are a growing concern among his fellow Motor Vehicle

Administrators and Managers, and the American Association of Motor Vehicles Administrators (AAMVA) has spent a considerable amount of time on this matter and continue discussions regarding unconventional vehicles.

Mr. McLinn added that it is time to begin looking at the plethora of unconventional vehicles ranging from Trikke's to Rhodes Cars to Pocket Bikes or Super Pocket Bikes to T-Campers that are sold by businesses not required to follow the Dealer Licensing Act. This is just a beginning of what the Titles and Registration Department and County Treasurer's offices see on a daily basis. The Bureau also has experienced an increase in the number of Japanese mini trucks attempting to be registered and operated on public highways. Mr. McLinn said that export certificates for Japanese mini-trucks are printed in Japanese and the Department does not have an interpreter, making it difficult for staff to immediately ascertain that these vehicles do not meet current requirements for highway use vehicles. Moreover, mini-trucks do not meet the State's definition of work site utility vehicle. Owners of mini trucks will need a non-highway title before selling the vehicle (Attachment 6). He also stated that some other states require some of these types of vehicles to be registered and for their owners to carry insurance.

Chairperson Hayzlett next called on Lt. John Eichkorn, Kansas Highway Patrol. Lt. Eichkorn stated that the Kansas Highway Patrol supports the Kansas Legislature for exempting work site utility vehicles (or micro utility trucks) from registration. He said that keeping these vehicles off of interstates and federal and state highways was a responsible move, primarily because they do not comply with federal motor vehicle safety standards.

Lt. Eichkorn also said that the Highway Patrol applauds the Kansas Legislature for further restricting the use of ATVs. ATVs have been exempt from registration for a number of years and limited to roadways other than interstates, federal and state highways. The Patrol has had concerns associated with their use on other roadways, including those within the corporate limits of a city of the first class (Attachment 7).

The next presenter was Sheriff Mike Keating, Hamilton County Sheriff's Office. Sheriff Keating noted that he is responsible for policing the City of Syracuse, the County Seat, and its recently developed Sandhills Recreation Park. He said that 2007 SB 8 did not address the use of ATVs and work site utility vehicles in unincorporated areas of the state. He suggested that any changes in legislation closely mirror this year's regulations on cities, in order that individual county commissions could pass resolutions for regulation as well (Attachment 8).

Chairperson Hayzlett called on Brian Shirley, BS Trailer Sales, Dodge City, Kansas. Mr. Shirley told the Committee that he imports and sells mini-trucks from Japan. These vehicles are shipped with English translation of the Japanese registrations, which costs him extra. These vehicles are used for farming, ranching, and acreage, by contractors, fishermen, hunters, among others. He also stated that they are inexpensive to operate and are low maintenance (Attachment 9).

Following Mr. Shirley's testimony, a Committee member asked whether the word "incidental" could be defined, to clarify for law enforcement when off-road vehicles could be used on federal and state highways. The Chairperson stated the Committee would try to clarify "incidental" during the legislative session.

Chairperson Hayzlett closed the hearing on Topic 5 - Regulation of Work Site Utility Vehicles.

The meeting adjourned at 3:00 p.m. and the Chairperson stated the meeting would reconvene Friday, September 14 at 9:00 a.m.

**Friday, September 14
Morning Session**

Chairperson Hayzlett called the meeting to order at 9:00 a.m. and opened the hearing on Topic No. 4 — Graduated Driver's Licensing.

The first conferee was Suzanne Wikle, Director of Health Policy, Kansas Action for Children. She said that in Kansas, 7 out of every 100 drivers are teens, but 20 out of every 100 crashes involve a teen driver. According to Ms. Wikle, this high rate of teen crashes can be attributed to three causes: inexperience, distractions by passengers, and driving during the most dangerous hours to be on the road. A graduated driver's license system addresses these risk factors and by allowing teens to gain more driving experience under safer conditions before they assume full driving responsibility. She said graduated driver's license systems contained in SB 294 have proven to reduce crash and fatality rates in other states (Attachment 10).

Following Ms. Wikle's testimony, Senator Bruce asked whether there was data to support a correlation between the number of non-sibling passengers in the car and teen car crashes.

Ms. Wikle replied that there was a correlation between the number of passengers and the likelihood of a teen crash and actually a teen fatality. She said that it increases with every passenger and with two passengers the risk is around 80 percent and with three passengers the increased risk is near 100 percent.

Senator Bruce also asked whether the crashes were caused by true distractions or were incidents of teens showing off to impress their fellow teens.

Ms. Wikle answered that crashes were caused by both kinds of behaviors. She added that she was not sure distractions and showing off could be separated; however, it is a dangerous combination. She further noted that North Carolina reduced crashes by 25 percent and that state's laws are very similar to the provisions of SB 294.

Representative Menghini asked whether raising the age would make a difference. She pointed out that parents who let children drive illegally would continue to do so. Some children drive now who do not have drivers' licenses or restricted licenses.

Ms. Wikle stated it was a safety issue across the state and thought raising the age would make a difference, not just for teens but for all drivers.

Representative Long asked whether raising the driving license age would result in lower insurance rates.

Ms. Wikle stated she did not know but would check that out and provide the information.

The next conferee was Melissa Savage, National Conference of State Legislatures. Ms. Savage appeared before the Committee to explain the studies on teen driving. She provided the following information:

- Many states have a three-tiered graduated drivers licensing systems that includes a learner's permit, an intermediate phase, and full licensure.
- States have been strengthening their laws that include passenger restrictions and nighttime restrictions.

- There are nearly 7,500 drivers between 15 and 20 killed each year in car crashes and about 300,000 injured.
- Teens are 10 percent of licensed drivers, but 12 percent of the fatalities.
- Teens not only crash with other teens, but also with other drivers.
- Fatalities are much higher immediately after school, from 3:00 p.m. to 3:00 a.m.
- There is an increase of crashes and fatalities from Friday night through Sunday.

Ms. Savage introduced Anne Teigen, National Conference of State Legislatures, who addressed other states' activity. She noted that:

- In 2007, 37 states introduced more than 100 bills relating to teen driving or graduated drivers' licenses. As of September, 14 bills have been passed.
- Twenty-two states have introduced legislation that prohibits cell phone use for young drivers. Maine, Nevada, Virginia, and West Virginia passed those laws in 2007, whereas Washington passed a prohibition on text messaging.
- In Colorado, 2007 SB 77 provides that a driver's license can be issued in rural areas if there is no driver education within 30 miles of the permit holder's residence. The parent can replace the driver education requirement and certify the hours of driving have been accomplished and the student can attend a one-day class in a larger city. A student 15 or older can only apply for a permit after having passed driver education.
- Illinois previously required only proof of enrollment in a driver education class. Illinois SB 1557 requires classroom instruction on distracted driving as a course since the advent of cell phones and text messaging. Illinois has passed many graduated drivers' licensing bills and is studying all issues of teen driving.
- Idaho passed SB 1119 regarding passenger restrictions and extended the instruction permit period from 4 months to 6 months. It also limits the passenger restriction to 6 months until after the driver is licensed. It updated the law to where the permit would be canceled if the teen had an alcohol violation.
- Nebraska updated its law and requires a learner's permit to be held for six months. It also requires supervised driving with ten hours driving at night. It includes a passenger and wireless device use restriction.
- Arizona, like Kansas, does not have a real intermediate stage. The trend is to incorporate an intermediate licensing stage.
- Hours that the teens are able to drive vary by state.

Ms. Teigen noted that every state has some kind of graduated driver's licensing but they differ from state to state. There are enforcement issues when it comes to the nighttime issues; however, they seem very effective (Attachments 11,12, and 13).

During the question and answer period, Representative Menghini asked how other states handle the farm permit issue.

Ms. Teigen replied that many states include a farm permit. She noted that research is inconclusive on that issue. She said most rural areas have had to balance for the good of the state and that some states have no exceptions.

Representative Menghini requested a breakdown of the data on fatalities for the 18-20 year old drivers.

Ms. Teigen said she would provide that information, but teens are safer drivers as they age and have more experience. She also said that a new study says teen brains are still developing and are more mature at 18-20.

Senator Bruce added that by restricting drivers by age, teens are not getting the experience of driving, meaning 18 to 20-year-olds will still be inexperienced.

Ms. Teigen replied that a parent must work with the teen driver to gain driving experience.

Senator Bruce commented researchers are looking at statistics in a vacuum. He asked whether teen crashes caused by distractions include all age groups, and whether they are controlled by population? He added that studies need to see where Kansas ranks with other states.

Representative Wetta asked what states had done anything about elderly drivers. He added that he is concerned about too much government control.

Ms. Teigen said there have been studies on older drivers as well, and have come to the conclusion they would not want to restrict driving based on age as some drivers in their 90s are good drivers, but some states have gone to a shorter licensing period. When older drivers go in for their driver's license, the driver's license employee can see them eye to eye.

The next conferee, James Hanni, Executive Vice President, Kansas Region & Public Affairs, AAA, shared information regarding the Kansas Teen Driver Research & Education Project being conducted by the Elliott School of Communication at Wichita State University and the Center for the Study of Young Drivers at the University of North Carolina. He said that the goal was to obtain and analyze a wide range of data pertaining to teen drivers in Kansas and inform parents, teens, school officials, public safety officials, advocates for adolescent health and policymakers, among others. He noted that a questionnaire has been sent to 800 families asking about the experiences of both parents and teens. The project expects to have conclusions before the 2008 Session (Attachment 14).

Representative Menghini asked Mr. Hanni whether the respondents would be a fair sampling. She explained that some parents do not restrict their teens from driving.

Mr. Hanni said he felt it would be a fair sampling and the goal is to try to find a wide range of information.

Senator Wilson asked which restrictions were most important: age limitations, limits to daylight driving hours, cell phone restrictions, or limits on the number of passengers. He stated that the restrictions, in the bill would be difficult to enforce.

Mr. Hanni replied the most important item is experience, driving with a supervised adult. He said that driving at night is the most dangerous time to drive.

Chairperson Hayzlett asked whether teens are included in crash data when the accident was not the teen's fault.

Mr. Hanni said they would be included in the statistics.

Chairperson Hayzlett asked whether there was any breakdown between urban and rural and whether there are statistics regarding crashes caused by cell phones.

Mr. Hanni replied that there are breakdowns between urban and rural crashes. Deb Miller, Secretary of Transportation, said she had information on both of those issues.

Secretary Miller stated that KDOT is in full support of SB 294. Secretary Miller also spoke for Driving Force, the task force studying ways to reduce fatalities and injuries on Kansas roadways. The task force includes representatives from the Kansas Highway Patrol and the Kansas Department of Health and Environment.

The Secretary provided the following statistics on this topic:

- Motor vehicle crashes are the leading cause of death and serious injury for teenagers in Kansas.
- In the U.S., motor vehicle crashes account for 39 percent of teen deaths. In Kansas, they account for 48.7 percent. Most statistics in Kansas are worse than the national average.
- There have been studies on crashes by age groups and most accidents occur with teenagers, not older drivers. The task force has focused on the teenage driver issue. In 54 percent of crashes involving a 14-17-year-old driver, there was another teen passenger (ages 14-19) in the vehicle. In 75 percent of fatal crashes involving a 14-18 year-old driver, there was another teen passenger in the vehicle.
- The combination of nighttime driving and teenage passengers increases the risk of death and injury even more.
- Experience is the most important issue. This bill would lengthen the amount of time that teens are getting driving experience with an experienced driver with them, limiting the number of passengers allowed and limiting night time hours of driving.
- The bill does not limit the amount of experience for teens but increases the experience in a safer environment and that is extremely important.
- Statistics show it is a bigger issue in the rural areas than in the urban areas.

- Teens are not irresponsible, but driving is a complicated task and they are inexperienced. The bill would give teens experience that lowers their risk.
- Teens get value from having a responsible adult in the car.

Ms. Miller next reviewed SB 294. She said the bill was amended on the Senate Floor to include students being able to drive to and from school-sponsored activities and religious functions. The bill raised questions of the definition of a school event and whether there should be a limit on the distance of the school event. She said that the bill would be more acceptable if that amendment were stricken (Attachment 15).

Representative Menghini asked whether there were statistics on teen driver fault and not just involvement.

Secretary Miller replied that the statistics include only involvement and not just fault, but teens are much more likely to have crashes. In Kansas, 6 percent of the licensed drivers are teens and they are involved in 15.5 percent of all crashes. In Kansas, drivers between the ages of 16 and 20, there are 60 percent more fatalities than the national average.

Representative Menghini asked whether driver education courses help reduce crashes. She noted that if it were required, the cost could be a burden to the families, so part of that amount should be included.

Secretary Miller said Ms. Peterson (the Kansas Department of Education's driver education consultant) would have some of that information. She noted that education is important and that some of that curriculum could be changed.

Senator Wilson asked which issues were most important to keep teens safe.

Secretary Miller replied the two most important issues were longer periods of driving experience and passenger restriction.

Senator Wilson asked to which part of the amendment to SB 294 did Ms. Miller object.

Ms. Miller replied she objected to both issues: school activities and religious activities, because of the possibilities that both late hours and long distances could be involved.

Joan Peterson, Kansas State Department of Education Consultant, was the next conferee. She said that drivers education is offered in all but 5 of the school districts in the state. The Dodge City district expects to offer driver education courses again, and Topeka 501 has an agreement with a commercial driving school. If drivers education became mandatory, school districts could handle it. The commercial drivers schools have a statute all their own, and they are governed by time: 8 hours in the classroom and 6 hours behind the wheel. Drivers education in the school districts is not time-based but competency-based. However long it takes the person to learn is how long they are going to be in the course. The goal is the same: students end up with professional instruction. The average fee school districts charge is \$72.00. If it is offered during the summer it would cost more as the instructor is paid an hourly wage. The average fee at the commercial schools is \$364 (Attachment 16).

Representative Proehl asked whether driving training is more valuable during the school year or during the summer session.

Ms. Peterson stated during the school year she could bring in guest speakers and former students so that was beneficial, but that individual students likely get more driving time during the summer.

Representative Menghini asked how often driver education was offered during the day as a regular course.

Ms. Peterson stated it was frequently taught as a regular course during the regular school day.

Chairperson Hayzlett asked what the Kansas driver's license fee generates to fund drivers' education programs.

Ms. Peterson replied there is a cap of \$1.5 million. The fund had \$4 million to \$5 million available but schools had been capped at the \$1.5 million and \$2 million had been swept from the fund. Two years ago, the Legislature raised the cap as it is for driver education. Some states spend \$25 million to \$30 million on driver education.

Chairperson Hayzlett asked if the course is required, would schools be asking for more money.

Ms. Peterson said there is more money in the fund that could be going to schools.

Afternoon Session

Chairperson Hayzlett called the meeting to order at 1:30 p.m. and continued the hearing on Topic No. 4—Graduated Driver's Licensing.

He called on Eldon L. Chlumsky, Coordinator, Technology Education/Driver Education, Wichita Public Schools. Mr. Chlumsky said he was offering his perspective as an educational administrator, a taxpayer, and a parent. He noted that:

- Students have changed drastically as their environments and tools have drastically changed.
- Administrators attempt to offer and teach driver education to students in the Wichita Public Schools via classes in the regular school year at 7 comprehensive high school sites, during the evening through six 6-week sessions open to the community, during summer school sessions offered at two high school sites, and through Special Education Driver Education at one comprehensive high school.
- Successfully passing an approved driver education course should be mandatory for all students seeking a license.
- Funds are generated annually to assist in funding this implementation through fees on drivers' licenses but the total funds do not make it to the state's Driver Education Fund, as each year, millions of dollars are encumbered by our state Legislature and are diverted to other budgets. This part of the driving license system appears to be broken and legislators can fix this situation by ensuring all

funds that are generated for driver education are dispersed to driver education programs in our state.

- The budget for the Wichita schools this year for driver education is \$1.5 million. The state reimbursement for successful completion last year was \$158,000. The state reimbursement does not offset the expense to the Wichita School District. (Attachment 17).

Representative Long asked whether the district charges a fee to provide the difference.

Mr. Chlumsky replied the district last year was reimbursed \$94 for each student that completed the course successfully. Students are charged \$124.16 unless they are on reduced lunches, then it is half and if they receive free lunches the fee is around \$20. Summer students or evening students do not receive any reduction of fees. Even with the state reimbursement and the collection of fees, the district is still putting out multiple hundreds of thousands of dollars to maintain a quality driver education program. If the district chose not to fund the program in other ways, the district could not offer driver education.

Representative Worley asked whether Mr. Chlumsky was speaking for himself or the Wichita School District.

Mr. Chlumsky replied he was speaking for himself.

Chairperson Hayzlett asked how much districts receive from the state and whether the amount differs from district to district.

Mr. Chlumsky replied that was the same for each district.

Joan Peterson stated the amount could increase to as much as \$105 to \$108 per student.

Carmen Aldritt, Director of Vehicles at the Department of Revenue, said that the numbers are estimates, but a driver's license costs \$22.00 for 6 years, 4 years, or 1 year, depending on for what type of license a person qualifies; and \$4.00 off the top goes to the Photo Fund. The rest of the money is split out in different ways. \$2.7 million goes to the Department of Education, and the Department of Transportation received \$4.6 million from fees for Class C drivers licenses, which is what most drivers operate under, a total of \$7.4 million. There may be further splits at agencies other than the Department of Revenue with which the Department has no knowledge.

Darlene S. Whitlock, RN, MSN, CEN, Trauma Prevention Coordinator/ED Clinical Educator, the next conferee, stated the "Driving Force" was developed through the Department of Transportation, the Kansas Highway Patrol, and the Kansas Department of Health and Environment. Meetings were held around the state and teenage driving was a serious concern. Driving Force supports the Graduated Driver's Licensing bill as an improvement that would save lives (Attachment 18).

Dennis Cooley, M.D., Medical Advisor, Safe Kids Kansas, the next conferee, stated motor vehicle crashes are still the leading cause of death for Kansas children ages 1 through 17. Teen drivers account for more than 20 percent of all the motor vehicle crashes in Kansas – even though they comprise less than 7 percent of all registered drivers.

Dr. Cooley said that inexperience is the single most important risk factor. He said data shows that accident rates decrease as more experience is obtained (Attachment 19).

The Chairperson asked if anyone in the audience would like to comment.

Lt. John Eichkorn, Kansas Highway Patrol (KHP), said that KHP has been very involved with the Graduated Driver's Licensing bill and sees the importance of doing all it can to reduce the injuries typically associated with young drivers. He said that it is a complex and important issue. He said the Patrol would support legislation to restrict teens long enough to give them the experience and knowledge. Teens often do not have the skills and experience necessary to make good decisions when they are behind the wheel.

Chairperson Hayzlett asked why the law should be changed if current law cannot be enforced.

Lt. Eichkorn replied it is harder to enforce because the KHP usually does not know who is behind the wheel until the driver is stopped on a violation. When a trooper checks the driver's license, he or she may find a teen is driving against restrictions. He said that it is hard for law enforcement to know about restrictions, some adults are restricted and do not know until they are stopped. It may be hard to enforce, but law enforcement does have an opportunity and can do better in that regard.

Ed Klumpp, Legislative Committee Chairperson, Kansas Association of Chiefs of Police, stated that many laws are difficult to enforce. He said many laws have restrictions based on age or other factors. He explained that a law enforcement officer cannot simply look at a driver and tell whether he or she is violating the law. A huge problem for law enforcement is students who profess that they are going to and coming from work. Law enforcement officers might not know every time, but if they see that same car go by five times and stop them for some reason, the officer will know that the teen is not simply coming from work. Mr. Klumpp also said that if these drivers say they are working at Wendy's on Wanamaker, live north of town, and stop them on 37th and Topeka, the officer will know the teen is not just coming from work. He added that sometimes it is very obvious. Mr. Klumpp also said that there are many people driving who are not supposed to drive. Most people driving when they should not be will be very careful and obey the law and not get stopped (Attachment 20).

Chairperson Hayzlett called on Bruce Kinzie, Office of the Revisor of Statutes, to review the funding for drivers' licenses. It was noted that KSA Supp 8-267 provides that 37 percent of fees from Class C drivers' licenses goes to drivers' education and administration of the drivers' education program. The remaining driver's license fees from other classes of vehicles are distributed to other funds.

Terry Heidner, Kansas Department of Transportation, clarified some statements. He said that the seat belt requirement for under-18-year-olds is just a warning until January 1, 2008. He added that it would be some time before statistics can show what the law has accomplished. No laws are fully enforced but the vast majority of people would follow the law if it were changed whether enforced or not. There will always be some who will not, but the laws are made for those who primarily follow the law.

Chairperson Hayzlett announced the next meetings would be held October 22 and 23. One day is available for a meeting in November; however, it is not certain whether that meeting would be necessary. The Chairperson thanked the Committee and staff for their work. The meeting adjourned at 2:30 p.m.

Written testimony also was provided by Brad Harrelson, Kansas State Policy Director, Kansas Farm Bureau, (Attachment 21), and David Church, Chief of the Bureau of Traffic Engineering, Kansas Department of Transportation (Attachment 22).

Prepared by June Evans
Edited by Hank Avila and Jill Shelley

Approved by Committee on:

October 22, 2007
(Date)