

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Gary Hayzlett at 1:30 p.m. on January 27, 2010, in Room 783 of the Docking State Office Building.

All members were present, except
Representative Dan Kerschen, excused

Committee staff present:

Bruce Kinzie, Office of the Revisor of Statutes
Scott Wells, Office of the Revisor of Statutes
Chris Courtwright, Kansas Legislative Research Department
Jill Shelley, Kansas Legislative Research Department
Betty Boaz, Committee Assistant

Conferees appearing before the Committee:

Carmen Alldritt, Director, Motor Vehicle Div., KS Dept. of Revenue
Representative Julie Menghini
Bill Kennedy, Topeka Driving School
Jack Morrill, Driver Education Trainer in Humbolt and Iola
Terri West, Twin City Driver Education, Overland Park
Jack West, Twin City Driver Education, Overland Park
Jim Hathaway, Driver Training Instructor, Leavenworth
Brad Wille, Driver Training Instructor, Manhattan
Ron Gaches, Representing AAA Allied Group
Ted Smith, Attorney for Motor Vehicle Division
Vicky Johnson, Chief Counsel, KDOT
Representative Pat George
Tom Krebs, Governmental Relations Specialist with KS Bd of Education
Ken Arnold, Superintendent, USD 327
Linda Kenne, Superintendent, USD 432, Victoria
Barbara Pringle, Director of Transportation, Emporia

Others attending:

See attached list.

Chairman Hayzlett opened the meeting and called for bill introductions.

The Chairman recognized Pat Hurley. Mr. Hurley had two bill introduction requests. The bills concerned two funding scenarios from the Special Committee on Transportation. Mr. Hurley requested that the two final funding recommendations be placed in bill form for legislative consideration. Representative Menghini made a motion to introduce these bills, seconded by Representative Worley and the motion carried.

Jerrald Forbes, representing Polaris Industries, asked to the Committee to introduce a bill tweaking the definition of utility/worksites vehicles. Representative Ballard made a motion to accept this bill, seconded by Representative Peck and the motion carried.

There were no additional bill introductions so the Chairman opened the hearings on **HB 2482.**

HB 2482 - Expiration and renewal of driver's licenses, requirements

The Chairman recognized Carmen Alldritt. (Attachment #1) According to Director Alldritt, this bill does two things, it clarifies and is a cost efficiency bill. In 2003 the State converted the driver's licenses to digital imaging and in 2004 the State moved to central issuing of licenses where you go in and take the test and get a receipt and in a few days your license is mailed to you. In 2007 Senate Bill 9 required digital image on file for all driver's license renewals, building a secure identification system. Currently Revenue has digital images on file where driver's licenses and identification cards are renewed. Anyone having digital image on file, especially military (including dependents), Revenue will renew their licenses, print new licenses and mail the

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The second part of this bill according to Director Alldritt is the cost-saving part. Revenue sends out approximately 300,000 renewal envelopes and approximately 3% are returned as undeliverable. According to Director Alldritt, savings per fiscal year would be \$450,000.

Director Alldritt asked for an amendment so the revisor could codify existing policy to allow for photographs on file to be used for renewal.

After all questions were answered Chairman Hayzlett closed the hearing on HB 2482 and opened the hearing on HB 2483.

HB 2483 - Removing drivers training course requirement for restricted driver's license

The Chairman recognized Representative Menghini who spoke in support of HB 2483. (Attachment #2) According to Representative Menghini this bill would remove a provision from the Graduated Drivers' License bill. That provision being to successfully complete a course in driver's education before receiving a restricted license. This provision was one the sub-committee thought they had removed but it actually remained in the original bill. She noted that many areas of the state do not offer reasonably priced driver's education courses. Additionally the subcommittee felt that requiring the restricted license holder to have a learner's permit for a full year AND complete at least 25 hours the driver would actually have more driving experience than required previously.

Carmen Alldritt, Director of Motor Vehicles, came forward to point out the fiscal impact of eliminating the requirement that a person successfully complete an approved course in driver training prior to receiving a restricted driver's license. (Attachment #3) She said that the Department of Revenue processes approximately 35,000 applications each year from individuals who have completed an approved driver's education course. If HB 2483 passes, the Division of Vehicles estimates that it would require an additional 20 full-time examiner positions at a cost of \$864,900 per year to conduct the additional driving tests.

There were no other proponents so Chairman Hayzlett called for opponents to HB 2483.

The Chairman recognized Bill Kennedy, Topeka Driving School as the first opponent. (Attachment #4) Mr. Kennedy said that driving was a privilege and as such it carried a great deal of responsibility for the driver and others sharing the road. Mr. Kennedy showed the Committee the results of a national study comparing teenagers who took a driver education course plus 50 hours of driving to those teens who did not take driver education but had 100 hours of practice.

The next opponent was Jack Morrell, Driver Education Teacher USD 257 and 258. (Attachment #5) Mr. Morrell believes that removing the driver education requirement and discontinuing driver education programs will cause a dramatic increase in teen driver crashes and traffic deaths. Mr. Morrell said he believes an unintended consequence of teens not being taught to drive is that a lot more teens will be involved in more collisions because they were not exposed to the correct way to drive. He said this will cost Kansans more because of the cost of replacing vehicles, medical costs, and lost productivity because of time off for injuries and lost wages.

Terri West, co-owner of Twin City Driver Education was the next opponent. (Attachment #6) Mrs. West said in her opinion driver education should be mandatory for all teenagers under seventeen years of age, not just fifteen year olds because there are many skills and attitudes that are better taught and much of the time better received when a teenager learns them from a professional driving instructor than from a parent. She said they teach defensive driving, accident avoidance, road rage, impaired driving (including drowsy driving), personal safety, driving under adverse conditions, safety features in automobiles and other curriculum. She said they teach skills to include stop position, complete dead stops, right of way situations, the Kansas Basic Speed Law, the two second and the two second plus following distance rule, the correct steps for a safe lane change, etc.

The next opponent was Jack West, co-owner of Twin City Driver Education. (Attachment #7) Mr. West said motor vehicle crashes are the leading cause of death for teenagers, accounting for more than one in three

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deaths in this age group. He said "per mile driven, teen drivers ages 16 to 19 are four times more likely to crash than older drivers." He stated that a Readers Digest article listed Kansas along with nine other states as being in the "worst" category for laws pertaining to teenage drivers. Mr. West said parents may inadvertently contribute to the failure of driver education to reach its safety goals because they give more freedom and less supervision which leads to more risk and crashes. He concluded by saying parents are often not the best examples that modern driver education is making a difference and is a fundamental component of graduated licensing.

Jim Hathaway, driver education instructor at Easton, USD 449 and 409. (Attachment #8) Mr. Hathaway said he feels it is extremely important that teenagers have a personal contact with a state-certified driver education instructor. He said passage of this bill would create unsafe practices on the roads. He said other states are putting more educational requirements on all age drivers in their states, not less. He concluded by saying the job of the driver education community is to train and educate students to be able to react to many different driving situations.

Chairman Hayzlett recognized Brad Wille, Driver Education Supervisor, Manhattan High School. (Attachment #9) He said driver education provides a tremendous opportunity for young men and women to develop the confidence to safely operate a 3,000 pound vehicle on our highways. Mr. Wille said approximately 6,000 fifteen to nineteen year olds will die on our nations highways because of automobile accidents. He said driver education won't save them all, but it can make a difference in the number of lives saved.

The Chairman recognized Ron Gaches speaking for James R. Hanni, Executive Vice President, AAA Allied Group. (Attachment #10) According to Mr. Hanni's testimony, AAA expresses opposition to **HB 2483** because they believe that organized driver education and training programs enhance safety and mobility and should be included in the licensing system. He said passage of **HB 2483**, while well intended, would move Kansas backward in protecting teen drivers and other drivers on the road. Mr. Hanni's testimony mentioned the unintended increase in operating cost for the Motor Vehicle Division because without the presentation of a driver education completion certificate, staff of Department of Revenue will need to be hired and trained to conduct driving tests to satisfy state licensure laws. He concluded by saying passage of **HB 2483** will make our licensing system weaker and will likely increase the number of crashes and fatalities on Kansas highways with significant cost implications for the Motor Vehicle Division.

The next opponent was Eldon L. Chlumsky, Coordinator, Technology Education/Driver Education, Wichita Public Schools. (Attachment #11) Mr. Chlumsky said it was his understanding that driver education programs are an important part of the Kansas Strategic Highway Safety Plan and should therefore not be eliminated. He shared statistics from the KS Department of Transportation website, in part, that "motor vehicle crashes are the leading cause of death for ages 15 to 18." Also that "teen drivers account for 6% of all Kansas registered drivers but 18% of all crashes." He concluded by saying the effects of this bill will not only be on the 15 to 19 age group but on all Kansans as they would be exposed to greater risk if this bill passes.

After all questions were answered the Chairman closed the hearing on **HB 2483** and opened the hearings on **HB 2484**.

HB 2484 - Commercial driver's licenses, prohibiting diversion agreements

Chairman Hayzlett recognized Ted E. Smith, Attorney with the Office of the Director of Vehicles. (Attachment #12) Mr. Smith said in 2003 the State made some changes to its commercial drivers' license laws, modeled on Federal Motor Carrier safety regulations. One change attempted to prohibit the diverting or masking of criminal and traffic convictions for CDL holders, regardless of whether the activity occurred in a regular vehicle or a commercial motor vehicle. Later an Attorney General's Opinion construed the term "driver" in a manner that limited the prohibition's usefulness and consistency with the intent of the Federal regulations. Since then the Federal Motor Carrier Safety Administration has expressed concern with the State's practice in two successive audits by identifying the systematic granting of DUI diversions to CDL holders as a major violation and significant divergence from Federal safety standards. The Federal Motor

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holders as a major violation and significant divergence from Federal safety standards. The Federal Motor Carrier Safety Administration has emphasized that closing the State's loophole for masking DUI convictions and other criminal and traffic convictions should be a legislative priority.

The next proponent for **HB 2484** was Vicky Johnson, Chief Counsel with the Kansas Department of Transportation. (Attachment #13) She said in its current form this bill prohibits a driver from entering into diversion agreement in lieu of further criminal proceedings. Ms. Johnson said the federal concern is that it allows a person who holds a commercial driver's license but whose employment does not require that license to enter into a diversion agreement but if at a later date the person may then operate a commercial motor vehicle with no record of their alcohol related offense. The Federal Motor Carrier Safety Administration has entered a finding that Kansas is not in compliance with 49 CFR Parts 384, and has recommended that Kansas introduce legislation prohibiting the masking of convictions of holders of commercial driver's licenses which results from allowing holders to enter diversion agreements. Ms. Johnson concluded that passage of this bill is required for the State to be in compliance with the federal requirements.

After all questions were answered the Chairman closed the hearing on **HB 2484**. He opened the hearing on **HB 2486**.

HB 2486 - Extending school bus exception to 25 years.

Chairman Hayzlett recognized Representative Pat George as the first proponent of this bill. (Attachment #14) He explained that under current law buses must be replaced at 20 years of age and this bill will allow school districts to keep their school busses until they are 25 years old. Representative George said school superintendents have asked for the authority to keep busses for five additional years in order to save money. He also said that school busses are subject to annual inspections and would continue to be inspected for the five additional years.

The next proponent was Tom Krebs, Governmental Relations Specialist with the Kansas Association of School Boards. (Attachment #15) Mr. Krebs said the Board of Directors of the KASB voted as a priority that school districts should have the ability to make decisions regarding the most effect use of resources to meet the needs of their community. He said this bill fits perfectly into that priority because then districts would be able to replace busses when necessary.

The Chairman recognized Ken Arnold, Superintendent of USD 327, Ellsworth. (Attachment #16) Superintendent Arnold's testimony included a brief survey of 15 other states. The survey showed out of the 15 states listed only Louisiana had a 25 year bus limit. Everyone else relied on annual inspections (quarterly inspection in Mississippi) to determine the reliability of their buses. In Kansas the busses have a yearly inspection and then a Kansas Highway Patrol inspection. According to Mr. Arnold, the last thing he wants to do is put an unsafe bus on the roads, they just want to be able to determine how long a bus should be in service based upon the condition of the bus and their roads.

Linda Kenne, Superintendent, USD 432, Victoria, was the next proponent. (Attachment #17) According to Superintendent Kenne, Victoria does not have regular bus routes because parents bring their kids to school and the school pays them mileage. They do have the regular yellow school busses which come under current law. She said last year they had their first bus turn 20 and had to replace the bus which was in excellent condition. She said they wound up selling this perfectly good bus for \$550. Superintendent Kenne said all of their busses are well maintained and must be inspected each year. She concluded by saying this bill will give them some relief and allow them to use equipment that is in great working order for a few more years.

There were no additional proponents. Chairman Hayzlett drew the Committee's attention to written testimony submitted in support of this bill from: Bill Froese, Transportation Director for McPherson Schools (Attachment #18); David Carriger, Superintendent, USD 493, Columbus (Attachment # 19); Michael Baldwin, Superintendent/HS Principal of Comanche County USD #300 (Attachment #20); and Cheryl Semmel, Executive Director of United School Administrators of Kansas (Attachment #21).

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The Chairman called for opponents of **HB 2486**.

The only opponent to this bill was Barbara Pringle, Executive Director, KS State Pupil Transportation Association. (Attachment #22) According to Ms. Pringle this bill would extend the time period for a bus from 20 to 25 years and would exempt the busses from meeting many safety requirements. She said extending the bus life is a safety concern for the children. She named several pieces of current safety equipment that would not be on busses for an additional five years. Ms. Pringle said the National Transportation Safety Board and National Highway Traffic Safety Administration have determined certain safety features to be necessary for the safety of the children. She said passing this bill will mean a step backwards for school bus safety in Kansas and putting children in jeopardy unnecessarily. Ms. Pringle asked the Committee if they did choose to pass this bill to make it temporary and at some point revert back to the 20 year limit. She concluded with saying that this is more than a financial issue it could have serious safety consequences.

There being no other opponents after all questions were answered, the Chairman closed the hearing on **HB 2486**.

There being no further business before the Committee the meeting was adjourned.

