

SESSION OF 2017

SUPPLEMENTAL NOTE ON SENATE BILL NO. 171

As Recommended by Senate Committee on
Transportation

Brief*

SB 171 would authorize issuance of a license to operate a motorized bicycle (also known as a moped) to a person whose driving privileges have been suspended for certain convictions related to driving under the influence (DUI), if the person would otherwise qualify for the license.

The bill would remove the prohibition on issuing a moped license to someone whose license is suspended for operating a commercial motor vehicle under the influence (KSA 2016 Supp. 8-2,144) or for a second or subsequent violation of driving under the influence (KSA 2016 Supp. 8-1567); driving under the influence by someone 21 years of age or younger (KSA 2016 Supp. 8-1567a); or refusing to submit to a test to determine the presence of alcohol or drugs (KSA 2016 Supp. 8-1025). The bill would remove a requirement for completing the period of mandatory suspension for test refusal, test failure, or alcohol- or drug-related conviction (KSA 2016 Supp. 8-1014).

The bill would also remove a prohibition on issuing a moped license to a person whose driving privileges have been revoked for test refusal, test failure, or alcohol- or drug-related conviction (as those terms are defined in KSA 2016 Supp. 8-1013) in the past five years or convicted of fleeing or attempting to elude a police officer in the past five years (KSA 2016 Supp. 8-1568).

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Background

Former Senator Journey, now a judge with the Sedgwick County District Court, testified in support of the bill in the Senate Committee on Transportation hearing. He stated enactment of the bill would allow people with these convictions to get to and from work and be able to pay all fines, court costs, and reinstatement fees.

No other testimony was provided.

“Motorized bicycle” is defined in KSA 8-1439a as a device with two or three wheels propelled by human power, a helper motor, or both and that has a motor that produces not more than 3.5 brake horsepower, a cylinder capacity of not more than 130 cubic centimeters, an automatic transmission, and the capability of a maximum design speed of no more than 30 miles per hour.

A \$40 nonrefundable application fee is required for a moped license if the applicant’s driving privileges were suspended.

According to the fiscal note prepared by the Division of the Budget, the Office of Judicial Administration indicates enactment of the bill would have no fiscal effect on Kansas courts. The Department of Revenue (KDOR) would require one-time expenditures from the State General Fund totaling \$2,601 to update KDOR’s issuance systems and forms. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2018 Governor’s Budget Report*.