

SESSION OF 2017

**SUPPLEMENTAL NOTE ON SUBSTITUTE FOR SENATE
BILL NO. 74**

As Amended by Senate Committee of the Whole

Brief*

Sub. for SB 74 would enact Joey's Law. The bill would authorize issuance of placards to persons who need assistance with cognition including, but not limited to, persons with autism spectrum disorder, for use in a vehicle. The bill would also authorize a decal to be affixed to a license plate in addition to a placard and placement of an indicator that the person needs assistance with cognition on a driver's license or nondriver identification card issued by the Division of Vehicles (Division). Issuance of a placard would require an application submitted to the Division, and placement of an indicator on a driver's license or nondriver identification card would be upon request to the Division.

If a person requests a decal, the bill would direct such information be included as part of the vehicle registration.

The bill would require satisfactory proof a person needs assistance with cognition and that the proof include a statement from a person licensed to practice the healing arts in any state, an advanced practice registered nurse licensed in Kansas, a licensed physician assistant, or a person clinically licensed by the Kansas Behavioral Sciences Regulatory Board (BSRB) certifying that such person needs assistance with cognition.

The design of the placard would be determined by the Director of Vehicles (Director) for use in any motor vehicle operated or occupied by such person. The bill would require

*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>

the placard be suitable for attachment to the visor of the vehicle or placement on the dash of the vehicle.

In addition to the placard, the bill would direct the Director to issue to the person who needs assistance with cognition an individual identification card to be carried by the person who needs assistance with cognition when the motor vehicle with the placard is being operated or occupied by such person. Information on the card would include the date of birth and the gender of the person to whom the card is issued.

Placards and individual identification cards associated with them would be valid as long as the person who needs assistance with cognition is eligible for a placard. The bill would require permanent placards and individual identification cards be returned to the Kansas Department of Revenue (KDOR) upon the death of the person who needs assistance with cognition.

Any person who willfully and falsely represents that such person has the qualifications to obtain a placard would be guilty of a class C misdemeanor. Any person authorized to certify a person needs assistance with cognition for purposes of obtaining a placard who willfully and falsely certifies a person has the qualifications to obtain a placard and an individual identification card would also be guilty of a class C misdemeanor. Any person who utilizes any placard or associated identification card issued to another person would be guilty of an unclassified misdemeanor punishable by a fine of not less than \$100 and not more than \$300.

The bill would authorize the Secretary of Revenue to adopt rules and regulations necessary to carry out the provisions of Joey's Law.

Background

The bill was introduced by Senator Billinger. According to testimony, the law, if enacted, would be named for Joey Weber, a man who needed assistance with cognition and who was killed in a struggle with a police officer after a traffic stop in Hays. His father was among those providing proponent testimony in the Senate Committee on Transportation hearing.

Those also providing proponent testimony included Senator Billinger; a person with an autism spectrum disorder and his mother, from Wichita; and the executive directors of the National Alliance on Mental Illness Kansas and the Topeka Independent Living Resource Center. Written-only proponent testimony was provided by Representative Finney and the attorney for Mr. Weber's family. Among the points they made were that currently no information is available to help officers identify a person who needs assistance with cognition; that the stimuli associated with an encounter with law enforcement can be overwhelming for certain people, causing them to behave inappropriately; identification by any of the means in the bill would be voluntary; and a high percentage of those killed by officers have some sort of disability.

A representative of the Kansas Association of Chiefs of Police, the Kansas Sheriffs' Association, and the Kansas Peace Officers Association provided neutral testimony and proposed an amendment to authorize a placard rather than a decal on a license plate. He noted no method would alert officers in all circumstances but currently no such information is available to officers. He noted a high percentage of those with autism spectrum disorder become victims of crime and a decal on a license plate could increase the chances such a person is targeted by criminals.

No other testimony was provided.

The Senate Committee amended the bill to authorize a placard, rather than a decal on a license plate, and to authorize proof the person needs assistance with cognition be provided by someone clinically licensed by the BSRB, rather than by a Christian Science practitioner listed in the Christian Science Journal. The Senate Committee recommended a substitute bill incorporating those amendments.

The Senate Committee of the Whole amended the bill to authorize the Director to issue a decal, upon request, to be affixed to the license plate in addition to the placard and to include such information as part of the vehicle registration.

Requirements for placards and accompanying identification cards would be very similar to those for receiving a placard indicating a person with disability (KSA 2016 Supp. 8-1,125).

According to the fiscal note provided by the Division of the Budget on the bill, as introduced, KDOR indicates enactment of the bill would require \$25,230 from the State General Fund (SGF) in FY 2018 to implement the bill and to modify the driver's licensing system and motor vehicle registration system. The required programming for this bill by itself would be performed by existing staff of KDOR. However, if the combined effect of implementing this bill and other enacted legislation exceeds available resources, additional expenditures for outside contract programmer services beyond KDOR's current budget could be required. No estimate of costs for placards was available when the Senate Committee on Transportation recommended the substitute bill or the Senate Committee of the Whole recommended the bill.

The Kansas Bureau of Investigation (KBI) estimates the bill would require \$29,620 from the SGF in FY 2018 for modification and testing of computer systems. The KBI indicates the bill does not specifically provide information on the new designation to law enforcement, but the KBI assumes this information would be made available to law

enforcement and the interface between the KBI and the Division would need to be modified to provide law enforcement officers driver and vehicle information on the roadside and for criminal justice purposes through the Kansas Criminal Justice Information System. The KBI also notes interfaces between the KBI and local law enforcement agencies, as well as client systems that connect to KBI systems, would need to be modified.

The League of Kansas Municipalities (LKM) indicates the bill has the potential to increase costs for local law enforcement to train each employee about this new designation. LKM estimates the training costs for local governments would be negligible and vary depending on the size of each law enforcement staff.

The Kansas Commission on Peace Officers' Standards and Training and the Kansas Highway Patrol indicate the bill would have no fiscal effect on their operations.

Any fiscal effect associated with enactment of the bill, as introduced, is not reflected in *The FY 2018 Governor's Budget Report*.