

SESSION OF 2016

**CONFERENCE COMMITTEE REPORT BRIEF
HOUSE BILL NO. 2522**

As Agreed to March 23, 2016

Brief*

HB 2522 would amend law relating to driver's licenses to do the following:

- Restrict a class M license of an applicant who passes a driving examination administered by the Division of Vehicles (Division) on a three-wheeled motorcycle, which is not an auticycle, to the operation of a registered three-wheeled motorcycle. An applicant for a class M license who passes a driving examination administered by the Division on a two-wheeled motorcycle, under current law, may operate any registered two-wheeled or three-wheeled motorcycle. This provision of the bill would take effect on January 1, 2017;
- Authorize a laser-engraved photograph to be placed on a Kansas driver's license, instruction permit, or nondriver identification card. Current law requires a digital image in color; that option would be retained. The bill also would specify the image be displayed on the front of the driver's license or nondriver identification card;
- Authorize electronic online renewal of a driver's license if permitted by the Director of Vehicles or the Director's designee. Electronic online renewal

*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at <http://www.kslegislature.org/kldr>

would not be allowed if the license previously had been renewed through an electronic online application in the immediately preceding driver's license period or if the person is younger than 30 days from turning 21, 65 or older, a registered offender under the Kansas Offender Registration Act, or licensed only for the period of time the holder is authorized to be present in the United States. The bill would allow the Division to rely on the Division's most recent color digital image and signature image for the class C or M driver's license if the Division has the information on file. The bill would authorize the Secretary of Revenue to adopt and administer rules and regulations to implement a program to permit an electronic online renewal of a driver's license;

- Reflect changes made in 2012 that extended temporary registration permits for vehicles from 30 days to 60 days; and
- Add a \$40 nonrefundable fee to accompany an application for a license to operate a motorized bicycle from a person who has had driving privileges suspended. Under continuing law, such a license is available only if the violation leading to the suspension was for a violation other than driving a commercial vehicle under the influence of alcohol or drugs (DUI) or a second or subsequent DUI violation in any vehicle. Also under continuing law, the applicant must have completed a mandatory period of suspension for test refusal, test failure, or alcohol- or drug-related conviction, and the class C license to be issued clearly indicates it is valid only for the operation of motorized bicycles. Moneys raised by the fee would be deposited in the Division of Vehicles Operating Fund, to be applied to costs to implement restricted driving privileges.

Conference Committee Action

The Conference Committee agreed to the contents of HB 2522, as amended by the Senate Committee of the Whole, regarding facial images on driver's licenses and limited online driver's license renewal, and to add the contents of three bills:

- SB 373, as introduced, to replace a reference to a 30-day temporary registration permit that no longer exists with a reference to a 60-day permit, and including an amendment by the House Committee on Transportation to refer to a statute rather than directly stating the permit is valid for 60 days;
- HB 2436, as amended by Senate Committee on Transportation, regarding licenses restricted to operating three-wheeled motorcycles; and
- HB 2563 as introduced, adding an application fee for a restricted license to operate a motorized bicycle, if the applicant's driver's license has been suspended as the result of a DUI conviction, but amending the amount of the proposed fee to \$40.

Background

The Conference Committee Report would include the contents of HB 2522 and add the contents of SB 373, HB 2436, and HB 2563.

HB 2522 Background

The Director of the Office of Special Investigations, Kansas Department of Revenue (Department), provided proponent testimony to the House Committee on Transportation and to the Senate Committee on Transportation. He testified a printing process known as laser

etched engraving would allow higher resolution images that are very difficult to counterfeit or alter to be used on Kansas driver's licenses and identification cards, and the laser etched engraving process that produces black and white images is less expensive than the color version but produces high-resolution, distinctive images. He stated there are no costs associated with the bill because the Department has not yet decided whether or when to add this feature to the licenses and identification cards. There was no other testimony.

The Senate Committee amended the bill to remove a requirement the laser engraved photograph be in black and white and to make technical changes. (These amendments would be retained in the Conference Committee Report.)

The Senate Committee of the Whole amended the bill to add provisions related to electronic online renewal of a driver's license. (This amendment would be retained in the Conference Committee Report.)

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the bill would have no effect on state revenues and has the potential to increase expenditures. However, the Department is unable to estimate the additional costs until a credential printing vendor is obtained. Any fiscal effect associated with the bill is not reflected in *The FY 2017 Governor's Budget Report*.

SB 373 Background

The bill was introduced by the Senate Committee on Transportation at the request of the Kansas Association of Chiefs of Police, Kansas Sheriffs' Association, and Kansas Peace Officers Association. In the hearing of the Senate Committee, a representative of the Kansas Association of Chiefs of Police, Kansas Sheriffs' Association, and Kansas Peace Officers Association indicated the bill essentially is a technical fix because the statute was overlooked in 2012 SB 300 when the terms of temporary registration permits were

increased from 30 to 60 days. The representative also stated the temporary exemption from a requirement for a class M license to operate a motorcycle requires clarification because the exemption is dependent on the display of a 30-day permit and a 30-day permit is no longer issued. Written proponent testimony was provided by a representative of the Kansas Highway Patrol. No other testimony was provided.

The Senate Committee recommended the bill be placed on the Consent Calendar.

The representative of the Kansas Association of Chiefs of Police, Kansas Sheriffs' Association, and Kansas Peace Officers Association also testified as a proponent to the House Committee on Transportation. There was no other testimony.

The House Committee amended the bill to make technical changes, to increase the minimum age for a license to operate a motorized bicycle, and to change the effective date of the bill to January 1, 2017. (The latter two changes would not be included in the Conference Committee Report.)

The fiscal note prepared by the Division of the Budget states, according to the Department, enactment of the bill would have no fiscal effect.

HB 2436 Background

At the House Committee on Vision 2020 and Senate Committee on Transportation hearings, a representative of A Brotherhood Against Totalitarian Enactment (ABATE) of Kansas, Inc., testified in favor of the bill, stating the bill would allow individuals with less skill or physical strength to obtain a modified motorcycle license restricted to the use of a three-wheeled motorcycle. Written testimony in favor of the bill provided by Representative Merrick and another representative of ABATE indicated the bill would allow individuals, who due to physical limitations or choice, desire

to ride a three-wheeled motorcycle, to be tested on that type of a vehicle, instead of the existing requirement that testing be done on a two-wheeled motorcycle.

No opponent or neutral testimony was provided at either hearing.

The Senate Committee amended the bill to change the effective date of the bill from publication in the statute book to January 1, 2017. (This amendment would be retained in the Conference Committee Report.)

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Department estimates enactment of the bill would require costs totaling \$67,702 for administrative costs, the printing of manuals, programming, and testing. It is assumed expenditures incurred would be offset by revenue derived from application, examination, and other associated fees. Any fiscal effect associated with the bill is not reflected in *The 2017 Governor's Budget Report*.

HB 2563 Background

Representatives of the Division of Vehicles, Department of Revenue, testified as proponents of the bill in the House Committee on Transportation and the Senate Committee on Transportation hearings. The representatives stated moneys from the application fee are needed to cover the costs of the extensive records review necessary to determine eligibility for this restricted license and to increase awareness of this licensing option for qualifying people. There was no other testimony.

The House Committee amended the bill to add a reference to the definition of "motorized bicycle" in KSA 2015 Supp. 8-126: a device having two tandem wheels or three wheels, propelled by human power or helper motor or both, and having a motor which produces not more than 3.5 brake

horsepower, a cylinder capacity of not more than 130 cubic centimeters, an automatic transmission, and a maximum design speed of no more than 30 miles per hour.

The Senate Committee amended the bill to decrease the nonrefundable fee from \$50 to \$25. (The Conference Committee report would change the amount of the fee to \$40.)

According to the fiscal note prepared by the Division of the Budget on the original bill, the Department estimates \$12,040 in administrative costs to implement the bill, including updating instructions for county officials and examination stations, and to modify the driver's license processing system. If the combined effect of implementing this bill and other enacted legislation exceeds the Department's programming resources, or if the time for implementing the changes is too short, expenditures for outside contract programmer services beyond the Department's current budget may be required. The Department indicates the bill, as introduced, would increase revenues to the Division of Vehicles Operating Fund, but any additional revenues would cover the costs to process applications and to issue the licenses. Any fiscal effect associated with the bill is not reflected in *The FY 2017 Governor's Budget Report*.

driver's license; motorcycle; motorized bicycle

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