

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Gary Hayzlett at 12:30 p.m. on February 16, 2009, in Room 783 of the Docking State Office Building.

All members were present except Representative Jerry Henry who was excused.

Committee staff present:

Bruce Kinzie, Office of the Revisor of Statutes
Hank Avila, Kansas Legislative Research Department
Jill Shelley, Kansas Legislative Research Department
Betty Boaz, Committee Assistant

Conferees appearing before the committee:

Representative Niles Dillmore
Representative Lee Tafanelli
Representative Jason Watkins
Secretary of Health and Environment Roderick Bremby
Ron Gaches for Jim Hanni, AAA Kansas
Terry Heidner, Legislative Liaison, KDOT
Captain Art Wilburn, KS Highway Patrol
Tamara O'Conner, State Farm Insurance
Suzanne Wikle, KS Action for Children
Jim Gartner, Representing AT & T Kansas
Terry Holdren, KS Farm Bureau (Written Testimony Only)
Dennis Cooley, American Academy of Pediatrics, (Written Testimony Only)
Chris Maurich, Lobbyist for ABATE
Ray Thomas
Art Swank, Vermeer Great Plains, Olathe, KS
Don McNeeley, KS Automobile Dealers Ass'n.

Others attending:

See attached list.

The next meeting is scheduled for February 17, 2009.

The meeting was adjourned at 3:15 p.m.

Chairman Hayzlett called the meeting to order. He recognized two 4-H groups who were visiting.

Chairman recognized Earl Willis with the Highway 50 Association who made some brief comments then he introduced Willis Hecht, Vice Chairman of the Association, who provided a power-point presentation for the Committee. The Highway 50 Association asked for continued support for the completion of projects in the current plan, to be supportive of a new plan, and to be supportive of improvements to Highway 50 (for example four lanes, improved shoulders, and passing lanes). Mr. Hecht reintroduced Earl Willis who made some additional comments.

As a courtesy to Representative Dillmore, who needed to be in a meeting in the Capitol, Chairman Hayzlett allowed him to give his testimony on **HB 2133**. (Attachment #1)

The Chairman opened the hearing on **HB 2143**.

HB 2143 - Driver's licenses; restrictions.

Chairman Hayzlett recognized Secretary of Health and Environment Roderick Bremby. (Attachment #2) According to Secretary Bremby, Kansas statistics show while teen drivers ages 14 - 19 account for only six percent of all Kansas registered drivers, they represent 20 percent of all crashes. He said according to KDOT teen drivers were involved in 16,686 crashes in 2007 and 68 Kansas teens died with 4,526 being injured as a result of car crashes in our state. Secretary Bremby said comprehensive GDL programs are associated with

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reductions of approximately 20 percent in 16 year old drivers' fatal crash involvement rates. Additionally programs that include a mandatory waiting period, at least 30 hours of supervised driving, and passenger and nighttime restrictions were associated with reductions of 16-21 percent in fatal-crash involvement rates of 16 year old drivers. He concluded by saying it was time for Kansas to act on the evidence base that calls for graduated drivers licensing.

Chairman Hayzlett recognized Representative Lee Tapanelli. (Attachment #3) He said the chief reason for approving **HB 2143** is that it will save lives but he also wanted to point out the economic benefits of approving **HB 2143**. He said according to research conducted last year by AAA, teen crashes cost Kansans a total of \$467 million annually. According to Representative Tapanelli, these costs which include medical care, emergency and police services, and property damages do not just impact the individual drivers. He said national statistics show that almost 85% of medical costs for car crash victims fall on society. He concluded by saying because of the economic impact on our state, and the emotional impact on Kansas families and communities he urged the Committee to support **HB 2143**.

Ron Gaches provided testimony prepared by James Hanni, who had been called away. (Attachment #4) According to Mr. Hanni's testimony AAA Kansas supports **HB 2143** which would make Kansas the 48th state with an intermediate stage of licensing. He said the most important factor and effective countermeasure in reducing motor vehicle crashes among novice drivers is gaining experience with a supervising adult. His testimony concluded by saying the improvements proposed to the licensing system are simple, fair, and targeted at the issues most likely to keep kids safe and significantly reduce crashes on Kansas roads.

Terry Heidner, Legislative Liaison for the KDOT was the next proponent to present testimony. (Attachment #5) According to Mr. Heidner, this bill addresses the three areas where young drivers are most at risk, more driving experience while in the learning phase, limitations on teen passengers, and nighttime driving when they are first allowed to drive without adult supervision. He urged support for **HB 2143**.

The Chairman recognized Captain Art Wilburn, Kansas Highway Patrol. (Attachment #6) According to Captain Wilburn, this bill would incorporate components of what is commonly referred to as Graduated Driver's Licensing into Kansas law. He said the Patrol recognizes challenges that may exist when considering a bill, such as **HB 2143**, that would bring about a dramatic change in the way of life for young Kansans. The Highway Patrol supports the life-saving potential of **HB 2143**.

Tamara O'Conner, Public Affairs Supervisor for State Farm Insurance in Kansas was the next proponent. (Attachment #7), She said State Farm knows motor vehicle crashes are the leading cause of death for teenagers with inexperienced driving, lack of good judgment and risk-taking behaviors being significant contributors to the high number of teen-crash rates. She said most states have implemented the three-stage GDL approach that addresses the three greatest risks to young drivers; inexperience, multiple passengers and late-night driving -- **HB 2143** seeks to address all three of those areas.

The next proponent was Suzanne Wikle, Director of Health Policy for Kansas Action for Children. (Attachment #8) Ms. Wikle said when compared to the rest of the nation, Kansas is clearly lagging behind when it comes to properly preparing teens for the responsibility of driving. She said by instituting the components of **HB 2143** Kansas will bring our licensing system up to speed. She concluded by saying Kansas is one of only three states that have not taken important steps to better prepare novice teen drivers. Without a cost to the state implementing **HB 2143** will create safer roads for all of us.

Jim Gartner, representing AT & T Kansas was recognized next. (Attachment #9) Mr. Gartner said that AT & T Kansas is neutral on the issue of providing restrictions on teens related to using wireless communication services while driving. He said certain situations could arise in which a teenage driver may witness and need to report an illegal activity or summon medical or emergency help for themselves or someone else. Mr. Gartner provided proposed language that would amend **HB 2143** to allow use of wireless communications in an emergency situation.

The Chairman drew the Committee's attention to written testimony in support of **HB 2143** from

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Representative Jason Watkins ([Attachment #10](#)); Dennis Cooley, MD, President-elect of the American Academy of Pediatrics ([Attachment #11](#)); and Terry Holdren, KS Farm Bureau ([Attachment #12](#)).

There were no other proponents to **HB 2143**.

Bill Kennedy was the only opponent (no testimony provided). He disagreed with the driver education part of the bill.

Chairman Hayzlett closed the hearing on **HB 2143**.

The Chairman open the hearing on **HB 2133**

HB 2133 - Right-of-way violations, increased penalties.

Representative Nile Dillmore spoke in support of **HB 2133**. ([Attachment #1](#)) According to Representative Dillmore he introduced this bill two years ago and the purpose is the same as it was then, that being to increase public safety. He said current law provides little in penalties for a right-of-way violation, even when that violation results in serious injury and death. This bill would strengthen those penalties and create greater awareness of this behavior and provide a meaningful deterrent.

Chairman Hayzlett recognized Chris Maurich, lobbyist for ABATE, Kansas. ([Attachment 13](#)) According to Mr. Maurich they are asking for changes to **HB 2133** to give the courts the tools they need to penalize violators appropriately when serious injury or death occurs because of right-of-way violations concerning vulnerable roadway users such as motorcyclists, bicyclists, pedestrians and others. This bill would increase penalties for violations and provide a mechanism for law enforcement to accurately charge those who violate the right of way of others and severely injure or kill other roadway users. He asked the committee to support this bill and work to provide a bill that will provide language authorizing judges to impose penalties on those convicted of accidents. Mr. Maurich concluded by providing names of other states who have passed such legislation.

The next proponent for **HB 2133** was Ray Thomas. ([Attachment #14](#)) According to Mr. Thomas previously suggested amendments had overly severe penalties and no case by case flexibility. Mr. Thomas supports this bill because it gives the judges authority to impose penalties on those convicted of accidents. He feels there should be some latitude for fines whether you hit a post or hit and kill a person. He said **HB 2133** is intended to reduce the high number of right-of-way violation accidents and deaths through deterrence as well as providing justice for victims of these illegal acts resulting in severe injury or death. He provided the Committee with statistics on the number of fatality accidents and each one was given a \$60 fine.

There were no other proponents and no opponents so the Chairman closed the hearing on **HB 2133**.

Chairman Hayzlett opened the hearing on **HB 2188**.

HB 2188 - Dealer-hauler full-privilege trailer license plates.

The Chairman recognized Art Swank, President of Vermeer Great Plains, Inc. ([Attachment #15](#)) He said Vermeer Great Plains, Inc. manufactures industrial and agricultural equipment with the territory they represent including all of Kansas, Oklahoma and the western half of Missouri. Mr. Swank said they sell, lease and rent equipment and their seven salesmen travel to job sites and demonstrate the equipment that the customer is considering buying. He said his salesmen are using trailers to haul equipment for demonstration purposes, delivery or for pick-up. Under current law they have to license and register all of the trailers regardless of whether these trailers are for resale. Mr. Swank said they are asking to be allowed to purchase up to ten "full-privilege license plates" per year for the dealerships. He said they would transfer the "full-privilege license plates" from one trailer to another. He concluded by saying passage of **HB 2188** would be of extreme benefit to their business and many other retailers and manufacturers of non-highway equipment that must be transported by trailers.

The last proponent of **HB 2188** was Don McNeely, President of the Kansas Automobile Dealers Association.

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(Attachment #16) Mr. McNeeley was appearing in support of **HB 2188**. He said he appreciated the opportunity to provide input into the drafting of this bill. He did ask to amend **HB 2188** to match the renewal date of full use dealer tags to that of the regular dealer tags to avoid the confusion of the expiration dates and to assist the Motor Vehicle Division in the administration of the annual dealer licensing renewal process.

There were no other proponents and no opponents so the Chairman closed the hearing on **HB 2188**.

It was the Chairman's desire to work **HB 2143** so he opened the floor to discussions, comments or motions. Representative King provided the Committee with the sub-committee report. He handed out a balloon amendment to the Committee. (Attachment #17) Representative King made a motion to adopt the sub-committee report into **HB 2143**, seconded by Representative Menghini and the motion carried. Discussion followed on the amendment proposed by Jim Gartner on the emergency use of a cell phone to report illegal activity or summon emergency help. A motion was made by Representative Wetta to amend **HB 2143** as a new bill and such bill will be designated as **Substitute HB 2143**, seconded by Representative Swanson, motion carried. A motion was made by Representative Swanson to favorably pass **Substitute HB 2143**, seconded by Representative Menghini, the motion carried.

Chairman Hayzlett opened **HB 2134** to the Committee for discussion, questions or motions. The Committee discussed this bill and an amendment proposed by the Motor Vehicle Division, Dept. of Revenue. The Chairman said he would open this bill for discussion again tomorrow.

The Chairman opened **HB 2152** for discussion, questions or motions. Staff provided an explanation of the bill. After discussions and all questions were answered, Representative Burgess made a motion to pass favorably **HB 2152**, seconded by Representative Kleeb and the motion carried.

There being no further business before the Committee, the meeting was adjourned at 3:15 p.m.