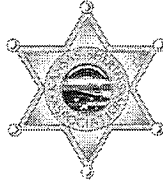




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**Testimony to the House Corrections and Juvenile Justice Committee  
In Opposition to HB2506  
February 2, 2012**

Representative Colloton and Committee Members,

This bill is identical to SB34 which was introduced last year and failed to make it out of House Judiciary. It is about accommodating persons who have had their driver's license revoked as a result of being declared an habitual violator by allowing them to operate a motorized bicycle. It is important to understand how a person becomes a habitual violator. A habitual violator is a person who has three or more convictions in five years for listed offenses. Some of those offenses are very serious traffic offenses. These offenses are 1) vehicular homicide; 2) DUI; 3) driving while suspended; 4) Perjury relating to licensing; 5) Using a false or fictitious name or address to acquire a vehicle title or registration; 6) a felony using a motor vehicle; or 7) liability insurance violation.

While some of these seem innocuous as it pertains to allowing them to operate a motorized bicycle, others are problematic. If these were only the insurance violations, the perjury, or using a false name or address we might feel differently. But do the citizens using the roadways of our state really want offenders legally operating a vehicle, even a motorized bicycle, when they have three offenses of vehicular homicide, DUI, driving while suspended or using a motor vehicle in a felony? Motorized bicycles are capable of speeds up to 30 mph. A speed which even a motorized bicycle could cause serious injury or damage to others especially pedestrian and particularly children. Should we allow a person who has previously refused to provide liability insurance along with a couple of DUIs or vehicular homicide be on the road where they can cause damage again? We do not think this is a good idea.

Subsection (d)(3) was passed in 2000. In 2007 there was a conscious decision by legislators to not allow a person suspended for DUI to have a motorized bicycle only license under that provision. (L. 2007, ch181§1) The legislature wisely passed that amendment and we believe the legislature got that decision right. Surely if it were wise in 2007 to not allow a person whose license is suspended for one DUI to be licensed to operate a motorized bicycle, it is clearly unwise to allow a person revoked as a habitual violator with potentially three DUI and/or vehicular homicide convictions to legally operate a motorized bicycle.

There is also an issue with enforcement of the suspension or revocation by officers if the person is caught driving some other vehicle. The driver's license will only indicate they have a valid class C motorized bicycle only license. It is possible for an officer to cite the person for only the violation of operating a vehicle with no driver's license of the proper class. Only if the officer runs a computer check can they know the person is suspended or revoked for the purposes of operating any other type of vehicle. It would be clearer if the license has some indication of the existing habitual violator, suspension, or revocation status on it in these cases.

This bill is a bad idea and we strongly encourage you to not recommend it favorably.

Ed Klumpp  
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