

SESSION OF 2011

SUPPLEMENTAL NOTE ON SENATE BILL NO. 34

As Recommended by Senate Committee on
Judiciary

Brief*

SB 34 would allow a person whose driving privileges have been revoked as a habitual violator to obtain a class C license for the operation of motorized bicycles.

Background

KSA 8-285 defines “habitual violator” as a person who has been convicted three or more times within the preceding five years of various crimes, including vehicular homicide, driving under the influence of alcohol or drugs, driving while suspended, failing to stop at the scene of an accident, or any felony crime in which a motor vehicle was used. Under KSA 8-286, a habitual violator's driving privileges shall be revoked for three years.

“Motorized bicycle” is defined in KSA 2010 Supp. 8-126(aa), which includes the requirements that such a device be capable of a speed of no more than 30 miles per hour and have a motor producing not more than 3.5 brake horsepower.

Judge Phillip Journey requested the Senate Judiciary Committee introduce the bill.

In the Senate Judiciary Committee, Judge Journey testified in support of the bill, explaining that under current Kansas law, a person whose driving privileges have been

*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>

suspended for a violation other than driving under the influence of alcohol or drugs may obtain a class C license for the operation of motorized bicycles, but a habitual violator may not. Judge Journey stated this bill is needed so that habitual violators can go to work or school and attend probation meetings and counseling sessions.

A representative of the Kansas Association of Chiefs of Police, Kansas Sheriffs Association, and Kansas Peace Officers Association testified in opposition to the bill.

The Committee made no changes to the bill and recommended it be passed.

The fiscal note on the bill states the Department of Revenue indicates the costs associated with the bill would be negligible and could be absorbed within existing resources.