

Nick Jordan, Secretary  
Donna Shelite, Director

Sam Brownback, Governor

### Legislative Testimony

TO: Representative John Rubin  
Chairman, House Corrections & Juvenile Justice Committee

FROM: Donna Shelite  
Director of Vehicles, Dept. of Revenue

DATE: March 18, 2013

RE: House Bill 2393

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Chairman Rubin and committee members, my name is Donna Shelite and I serve as the Director of Vehicles for the Department of Revenue. Thank you for allowing me to appear before your committee today to address HB 2393

House Bill 2393, as introduced, amends K.S.A. 2012 Supp. 8-1,125 relating to license plates and placards for persons with disability.

The bill modifies subsection (g) changing violation of subsection (f) from an unclassified misdemeanor punishable by a fine of not more than \$50 to: 1) upon a first conviction a person shall be guilty of a severity level 10, nonperson felony, and 2) upon a second or subsequent conviction a person shall be guilty of a severity level 5, nonperson felony.

Subsection (f) requires permanent placards and individual identification cards to be returned to the Department of Revenue upon the death of a person with a disability. Temporary placards are to be returned to the department upon the expiration of the placard or upon the death of a person with a disability. Special license plates are to be returned to the county treasurer to be exchanged for another license plate and the individual identification cards issued with the special license plates shall be returned to the department upon the death of the person with a disability.

It is anticipated that implementation of House Bill 2393 would require the expenditure of significant programming resources to modify the MOVRS system. Due to the system programming requirements, the division will not be able to implement the program changes by July 1, 2013.

HB 2393 does not change the requirements of surrendering permanent placard(s) and the ID card upon the death of the person to which they were issued, and temporary placards upon expiration or death of the person to which they were issued. The division estimates a vast majority of these

placards, especially the temporary placards, are not returned when they expire. Of those placards which are returned upon expiration or the death of the holder, most are returned to the local county treasurer and not the department of revenue. Currently, if the placard is expired and is returned to the division or the local treasurer it is destroyed so it is not usable. The division is not aware of there being a wide spread problem with abuse arising from the lack returning expired placards or placards which were issued to a deceased individual. However, by making this non compliance a felony, the division will need to modify the MOVRS system to record return of the placards or plates for proof of compliance with the statute.

The division has serious concerns of the impact this bill may have on the elderly. Many of married elderly couples are both eligible for disable parking privileges but only have the placards and ID in one name. If the person to whom the placards are issued dies, the surviving spouse may think they can continue to use the placard because they too are disabled. In a majority of cases the surviving spouse does qualify and is able to obtain a doctor's statement so the division may issue a placard in the surviving spouse's name.

HB 2393 makes simple possession of an expired placard or disabled plate, or a placard or disabled plate issued to a person whom is now deceased from a most likely misunderstanding to a criminal act. There does not need to be any intent to misuse or abuse the disabled parking privilege to make not surrendering the disabled parking device a crime. In addition, current statute does not require any other license plate to be surrendered to the division once it is expired and will not be renewed, it just cannot be used to operate a vehicle.

HB 2393 does not address the penalties covered in KSA 8-1,130 and 8-1,130a. Violating KSA 8-1,130, falsely obtaining accessible parking identification, penalties; will remain a class C misdemeanor. Violating KSA 8-1,130a, unlawfully utilizing accessible parking identification device; penalties; will remain an unclassified misdemeanor punishable by a fine of not less than \$100 nor more than \$300.

Even though the current penalties of a fine of not more than \$50 might seem inadequate and need to be addressed, I feel moving this to a felony is excessive.

For these reasons I respectfully stand in opposition to HB2393.

Thank you for your time, I will now stand for questions.