

Approved 4/22/83  
Date

MINUTES OF THE House COMMITTEE ON Transportation

The meeting was called to order by Vice-Chairman David Webb at  
Chairperson

1:30 a.m./p.m. on February 21, 1983 in room 519-S of the Capitol.

All members were present except: Reps. R. Crowell, L. Johnson, K. Ott, M. Moomaw, L. Wilbert, H. Guldner and B. Fuller, all excused.

Committee staff present:

Fred Carman, Revisor of Statutes  
Hank Avila, Legislative Research  
Pam Somerville, Committee Secretary

Conferees appearing before the committee:

Rep. David Heinemann  
Sylvia Hougland, Kansas Department of Aging  
Steve Montgomery, Kansas Department of Revenue  
John Kelley, Kansas Advisory Commission on Employment of the  
Handicapped  
Mary Turkington, Kansas Motor Carriers Association  
Bill Green, Kansas State Corporation Commission  
Sarah Woelhoff, League of American Wheelman  
Ed DeSoignie, Kansas Department of Revenue

The meeting was called to order by Vice-Chairman David Webb. Rep. David Webb introduced Rep. Heinemann to brief the committee on HB 2193. Rep. Heinemann explained HB 2193 would provide a special exemption for senior citizen vans. The bill would allow any person, who would submit satisfactory proof to the director of vehicles indicating the person was responsible for the transportation of senior citizens, to be issued a special license plate or special identification card to enable use of handicapped parking stalls by senior citizens' vans.

Rep. David Webb opened the meeting to questions.

Rep. Schmidt asked Rep. Heinemann if this would allow vans to park in handicapped spaces. Rep. Heinemann said it would, however, the vans would have to obtain a special permit.

Rep. Justice asked if the vans would also be allowed to use the handicapped license tags. Rep. Heinemann replied they would.

Sylvia Hougland, Secretary, Kansas Department of Aging, presented testimony in support of HB 2193 stating it would allow persons who, while not totally handicapped, have difficulty being ambulatory, to utilize handicapped facilities.

Rep. Dave Webb asked Secretary Hougland if she could foresee any enforcement problems. She replied that there are enforcement problems right now and that problem will be addressed separately.

Steve Montgomery, Kansas Department of Revenue, stated the department had no position on the bill and did not foresee any problem implementing it.

Mr. John Kelly, Kansas Advisory Commission on Employment of the Handicapped presented testimony in opposition to HB 2193. (Attachment 1).

The next item for discussion was HB 2309. Vice-Chairman David Webb turned the floor over to Rep. Heinemann who briefed the committee on HB 2309. Rep. Heinemann explained HB 2309 would de-regulate private carrier permits currently under the Kansas Corporation Commission.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Transportation,  
room 519-S, Statehouse, at 1:30 a.m./p.m. on February 21, 1983.

Mary Turkington, Kansas Motor Carriers Association presented testimony in opposition to HB 2309. Ms. Turkington explained to the committee that the Commission (KCC) exercises no economic regulation over private carriers. She quoted K.S.A. 66-1, 108, defining the term "private motor carrier of property". Currently, the commission requires such private carriers who operate beyond 25 miles of the corporate limits of the city to be registered and identified with the commission and to be subject to safety and insurance requirements of the commission. (Attachment 2).

Mr. Steve Montgomery, Kansas Department of Revenue, presented testimony on HB 2309. Mr. Montgomery indicated that by elimination of this type of fee, there would be a significant revenue loss. The department believes the revenue loss to the state would be in excess of \$400,000 annually. The department has no position as to the policy question of deregulation.

Mr. Bill Green, State Corporation Commission, stated briefly that the Commission has no position on HB 2309. (Attachment 3).

Vice-Chairman David Webb opened the meeting to committee questions. Rep. Shelor asked what precipitated this bill. Fred Carman replied that many states do not regulate private carriers in any way.

The next order of business was HB 2320. Vice-Chairman David Webb stated that since Rep. Leary Johnson was not present today, due to inclement weather, the hearing on HB 2320 would be postponed until a later date.

Vice-Chairman David Webb explained to the committee that it was the last day (2/21/83) to request committee bills to be drafted. In response Vice-chairman Webb introduced Sarah Woelhoff to request a bill be drafted dealing with bicycles.

Mrs. Woelhoff presented a proposed bill draft to the committee. (Attachment 4). It was moved by Rep. Dillon that the request be introduced as a committee bill. Rep. Campbell seconded the motion. Motion passed.

Vice-Chairman David Webb asked if there were any other requests. Rep. Knopp requested a resolution be drafted allowing movement of 16' wide mobile homes. The motion was seconded by Rep. Dillon. Motion passed. Fred Carman explained there was a resolution already introduced on the Senate side regarding the same issue.

Mr. Ed DeSoignie, Kansas Department of Transportation, stated SCR 1616 and HCR 5021 dealt with the same issue Rep. Knopp was requesting.

Rep. Campbell asked about introducing a bill to make farm pickup tags the same price as regular pickup tags. Mr. Carman stated there was a bill dealing with this issue on the Senate side.

No further discussion ensued and Vice-Chairman David Webb adjourned the meeting at 2:25 p.m.

  
Rex Crowell, Chairman

5/21/83

GUEST LIST

<u>NAME</u>	<u>ORGANIZATION</u>	<u>CITY</u>
Ed J. Sajim	KDOT	Topeka
Merle Hice	Ks Good Roads Assn	
John Kelly	KACEH	Topeka
Mike Lechner	same	
Bill Beyer	553 1/2 St. -	Carbondale KS 66414
Steve Brown	AP	Topeka
Sarah Woelke	C.A.W.	"
Phil Menninger	League of Amer Wheelmen	Topeka

TESTIMONY IN OPPOSITION TO HB 2193

Prepared and presented by John Kelly, Senior Consultant, Kansas Advisory Committee on Employment of the Handicapped, 2-21-83.

My name is John Kelly; I represent the Kansas Advisory Committee on Employment of the Handicapped. I want to thank Chairperson Crowell and members of the House Transportation Committee for this opportunity to testify on House Bill 2193.

Sections (c), lines 0041 to 0051, and (e), lines 0061 and 0062 of HB 2193, provides essentially the same parking privileges for motor vehicles as K.S.A. 8-132a provides for mobility impaired handicapped persons or motor vehicles used for the transportation of handicapped persons.

We oppose the amendments and feel that they are unnecessary since a senior citizen's van would currently be allowed the special parking privileges if any of the senior citizens are handicapped.

Thank you for your time and consideration.

STATEMENT

By The

KANSAS MOTOR CARRIERS ASSOCIATION

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In opposition to H.B. 2309 which would abolish the requirement for private carriers to register for a permit from the Kansas Corporation Commission.

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Presented to the House Transportation Committee, Rep. Rex Crowell, Chairman; Statehouse, Topeka, Monday, February 21, 1983.

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MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

My name is Mary Turkington; I am the Executive Director of the Kansas Motor Carriers Association and appear here today on behalf of the Association and the highway transportation industry.

We must oppose H.B. 2309 which would repeal K.S.A. 66-1,112g, the section of the statute which requires the Corporation Commission to issue permits to private motor carriers of property and require the filing of annual and other reports, and such additional data as may be required by the Commission in carrying out the provisions of the act. This section of the statute further provides that the Commission may adopt rules and regulations relating to private motor carriers of property.

*Attachment 2*

I want to emphasize that the Commission exercises no economic regulation over private carriers.

K.S.A. 66-1,108, in its definition section defines the term

"..."private motor carrier of property" when used in this act shall mean any person engaged in the transportation, by motor vehicle, of property sold or to be sold by him in the furtherance of any commercial enterprise other than transportation, but not as a public motor carrier of property, or a contract motor carrier of property: Provided, That the term "private motor carrier of property" shall also include a person who transports the property of others by motor vehicle when such transportation is not for hire but is incident to or in furtherance of a commercial enterprise of such person other than transportation. . ."

The Commission requires such private carriers who operate beyond 25 miles of the corporate limits of the city or village in which the private carrier is located, to be registered and identified with the Commission and to be subject to safety and insurance requirements of the Commission.

Private carriers operating into Kansas from other states, must secure the same private carrier permit, comply with the Commission's safety requirements and comply with the insurance requirements before they may operate into this state.

The November 1, 1981, equipment count report of the Commission reflected some 9,485 private carrier permits in effect.

Such permit applications cost \$10, are not subject to any hearing or protest procedures and private carriers, of course, are not involved in any way with publication of rates or charges with the Commission.



Kansas, we believe, properly has required this identification of private carriers whether such carriers are operating "fleets" of trucks or whether smaller operations are conducted.

Numerically, private carriers operate more vehicles than any other category of carriers. Safety rules and regulations, insurance requirements and compliance with all of the other tax laws of this state are required of those who come under the private carrier definition I have included with this statement.

There are numerous references to private carriers throughout chapter 66 of the Kansas statutes. House Bill 2309 would repeal only the section which requires the Commission to issue permits to such private motor carriers of property.

We do not believe that the private carriers operating in this state are burdened by the requirement to obtain the private carrier permit nor should it be considered a burden to comply with the safety rules and regulations of this state.

Obviously, there is a fiscal impact if H.B. 2309 would become law. The Commission would surrender one of its major sources of revenue from the permit fees and equipment registration requirements.

I'm certain the Committee also is aware that funds in excess of a working balance of \$200,000 are transferred each six months from the motor carrier division of the Corporation Commission to the highway fund. This transfer exceeded \$1.6 million in 1980, the last year for which we have those figures. This would not seem an appropriate time to diminish highway dollars. H.B. 2309 would not be feasible from that standpoint alone.

We think it is particularly important that out-of-state carriers must provide proof of insurance before they operate motor truck vehicles in this state whether they do so as public common carriers, contract carriers or private carriers.

The basic identification system for private carriers is sound. We sincerely believe Kansas should retain its jurisdiction accordingly and ask that you not recommend H.B. 2309 for passage.

I will be pleased to respond to any questions you may have.

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State of Kansas



JOHN CARLIN  
RICHARD C. (PETE) LOUX  
JANE T. ROY  
PHILLIP R. DICK  
CAROL J. LARSON  
BRIAN J. MOLINE

Governor  
Chairman  
Commissioner  
Executive Secretary  
General Counsel

State Corporation Commission

Fourth Floor, State Office Bldg.  
Ph. 913/296-3355  
TOPEKA, KANSAS 66612-1571

STATEMENT PRESENTED ON FEBRUARY 21, 1983, TO THE  
HOUSE TRANSPORTATION COMMITTEE BY THE STATE  
CORPORATION COMMISSION OF KANSAS ON H. B. 2309

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE, I AM BILL GREEN,  
ADMINISTRATOR OF THE TRANSPORTATION DIVISION OF THE STATE CORPORATION  
COMMISSION. I APPEAR HERE TODAY REPRESENTING THE COMMISSION ON  
H. B. 2309. THE COMMISSION HAS NO POSITION ON THIS BILL.

H. B. 2309 IS A BILL WHICH WOULD REMOVE THE REGULATORY RESPONSIBILITY  
OF PRIVATE CARRIERS FROM THE JURISDICTION OF THE COMMISSION. PRIVATE  
CARRIERS ARE TRUCKING OPERATORS WHO DO NOT OFFER THEIR SERVICE FOR-HIRE,  
THEY TRANSPORT ONLY THEIR OWN GOODS. (SEE ATTACHMENT)

THE STATE OF KANSAS HAS REGULATED THESE TYPES OF CARRIERS SINCE 1933.  
THE REASON FOR THE REGULATION OF PRIVATE CARRIERS HAS BEEN TO INSURE  
THAT THESE TYPES OF CARRIERS HAVE ADEQUATE INSURANCE AND COMPLIED  
WITH SAFETY REGULATIONS.

AS I MENTIONED EARLIER, THE COMMISSION HAS NO POSITION ON THIS BILL.  
HOWEVER, I WOULD POINT OUT THAT IF THIS LEGISLATION IS ENACTED THE  
FISCAL IMPACT ON THE COMMISSION WOULD RESULT IN APPROXIMATELY A

Attachment 3

\$444,000 REDUCTION IN REGISTRATION FEES TO THE COMMISSION PER YEAR.

THE EFFECT OF THIS REDUCTION WOULD NOT BE FELT BY THE TRANSPORTATION DIVISION OF THE CORPORATION COMMISSION. THE EFFECT WOULD BE A \$444,000 REDUCTION IN REVENUES OF THE MOTOR CARRIER INSPECTION BUREAU, DIVISION OF VEHICLES, OF THE KANSAS DEPARTMENT OF REVENUE. THIS WOULD RESULT FROM THE WAY THE REVENUES FLOW WHICH ARE RECEIVED BY THE COMMISSION.

AT THIS TIME, IF YOU HAVE ANY QUESTIONS, I WILL BE HAPPY TO TRY TO ANSWER THEM.

3. Upon transfer of franchise, assignee succeeded to judgment liability of assignor. *Shattuck v. Pickwick Stages Corp.*, 135 K. 602, 605, 606, 11 P.2d 996.

4. Review of determination of convenience and necessity considered. *Southern Kansas Stage Lines Co. v. Public Service Comm.*, 135 K. 657, 660, 665, 11 P.2d 985.

5. Cited in upholding similar provisions in city ordinance licensing taxicabs. *City of Wichita v. Home Cab Co.*, 141 K. 697, 701, 42 P.2d 972.

#### 66-1,100, 66-1,101.

History: L. 1925, ch. 206, §§ 5, 6; Repealed, L. 1935, ch. 237, § 1; May 15.

#### 66-1,102.

History: L. 1925, ch. 206, § 7; Repealed, L. 1947, ch. 332, § 1; June 30.

#### Revisor's Note:

New act, see 66-1,128.

#### CASE ANNOTATIONS

1. Liabilities assumed by assignee upon transfer of franchise considered. *Shattuck v. Pickwick Stages Corp.*, 135 K. 602, 606, 11 P.2d 996.

2. Insurance required by similar Missouri statute held not for interstate passengers' benefit. *Herndon v. Daniels*, 141 K. 893, 896, 44 P.2d 207.

3. Section held repealed by L. 1931, ch. 236. See 66-1,128. *Dunn v. Jones*, 143 K. 218, 221, 222, 57 P.2d 16.

4. Reference in petition to 66-1,102 instead of 66-1,128 held immaterial mistake. *Twichell v. Hetzel*, 145 K. 139, 144, 64 P.2d 557.

5. Contract carrier's employee not employee as subcontractor of malt beverage distributor. *Waterbury v. Riss & Company*, 169 K. 271, 272, 289, 219 P.2d 673.

6. Rider on policy creating direct liability on insurer construed. *Travelers Ins. Co. v. Ship By Truck Co.*, 95 F.2d 149.

#### 66-1,103.

History: L. 1925, ch. 206, § 8; Repealed, L. 1935, ch. 237, § 1; May 15.

#### CASE ANNOTATIONS

1. Section construed and held not to conflict with section 66-199. *Pickwick Greyhound Lines v. Public Service Comm.*, 132 K. 464, 465, 466, 467, 295 P. 647.

2. Review of determination of convenience and necessity considered. *Southern Kansas Stage Lines Co. v. Public Service Comm.*, 135 K. 657, 660, 665, 11 P.2d 985.

#### 66-1,104.

History: L. 1925, ch. 206, § 9; Repealed, L. 1935, ch. 237, § 1; May 15.

#### CASE ANNOTATIONS

1. Liabilities assumed by assignee upon transfer of franchise considered. *Shattuck v. Pickwick Stages Corp.*, 135 K. 602, 606, 11 P.2d 996.

**66-1,105.** Service of orders and decisions. The orders and decisions of the corporation commission on the matters covered by this act shall be reduced to writing and a

copy thereof duly certified shall be served on the motor carrier affected thereby by registered mail, and such order and decision shall become operative and effective within thirty days after such service, and such motor carrier shall carry the provisions of said order into effect, unless said order is enjoined or set aside in a court of proper jurisdiction.

History: L. 1925, ch. 206, § 10; March 23.

#### Research and Practice Aids:

Hatcher's Digest, Public Utilities Regulation §§ 17, 23.

#### CASE ANNOTATIONS

1. Cited in determining action to set aside order was trial *de novo*. *Atchison, T. & S.F. Rly. Co. v. Public Service Comm.*, 130 K. 777, 778, 288 P. 755.

#### 66-1,106.

History: L. 1925, ch. 206, § 11; Repealed, L. 1935, ch. 237, § 1; May 15.

**66-1,107.** Validity of 1925 act. If any section or provision of this act shall be found invalid by any court, it shall be conclusively presumed that this act would have been passed by the legislature without such invalid section or provision, and the act as a whole shall not be declared invalid by reason of the fact that one or more sections or provisions may be found to be invalid by any court.

History: L. 1925, ch. 206, §12; March 23.

#### CASE ANNOTATIONS

1. Allegations that statutes could not be applied to plaintiffs' business did not justify convening three-judge court; question of fact. *Bartlett & Co., Grain v. State Corp. Com'n of Kansas*, 223 F.Supp. 975, 977, 978, 981.

**66-1,108.** Transportation by motor carriers; definitions. (a) The term "motor vehicle" when used in this act shall mean any automobile, truck, trailer, semitrailer, tractor, motor bus or any other self-propelled or motor-driven vehicle used upon any of the public highways of the state for the purpose of transporting persons or property.

(b) The term "public highways" when used in this act shall mean every public street, alley, road or highway or thoroughfare of any kind used by the public.

(c) The term "commission" shall mean the corporation commission of the state of Kansas.

(d) The term "person" means and includes any individual, firm, copartnership,

corporation, company, association or their lessees, trustees, or receivers.

(e) The term "public motor carrier of property" when used in this act shall mean any person who holds himself out to the public as willing to undertake for hire to transport by motor vehicle, from place to place, the property of others who may choose to employ him.

(f) The term "public motor carrier of passengers" when used in this act shall mean any person who holds himself out to the public as willing to undertake for hire to transport by motor vehicle, from place to place, persons who may choose to employ him.

(g) The term "contract motor carrier of property" when used in this act shall mean any person engaged in the transportation by motor vehicle of property for hire and not included in the term "public motor carrier of property" as herein defined.

(h) The term "contract motor carrier of passengers" when used in this act shall mean any person engaged in the transportation by motor vehicle of persons for hire and not included in the term "public motor carrier of passengers" as hereinbefore defined.

(i) The term "private motor carrier of property" when used in this act shall mean any person engaged in the transportation, by motor vehicle, of property sold or to be sold by him in the furtherance of any commercial enterprise other than transportation, but not as a public motor carrier of property, or a contract motor carrier of property: *Provided*, That the term "private motor carrier of property" shall also include a person who transports the property of others by motor vehicle when such transportation is not for hire but is incident to or in furtherance of a commercial enterprise of such person other than transportation.

Evidence of ownership of the property being transported shall not be accepted as sufficient proof of a private carrier operation if the carrier is in fact engaged in the transportation of property for hire, and not merely as incident to or in furtherance of a commercial enterprise other than transportation.

**History:** L. 1931, ch. 236, § 1; L. 1933, ch. 229, § 1; L. 1959, ch. 258, § 1; Jan. 1, 1960.

Source or prior law:

See 66-196.

#### Research and Practice Aids:

Automobiles—60.  
Hatcher's Digest, Carriers §§ 130, 131.  
C.J.S. Motor Vehicles §§ 16, 44 et seq.

#### Law Review and Bar Journal References:

Cited in "Motor Carrier Cases Before the State Corporation Commission," Larry E. Gregg, 48 J.B.A.K. 107, 109 (1979).

#### CASE ANNOTATIONS

Annotations to L. 1931, ch. 236, § 1:

1. Constitutional objection as to "contract carriers" held not to invalidate act. *Louis v. Boynton*, 53 F.2d 471.

2. Act held constitutional and valid. *Continental Baking Co. v. Woodring*, 55 F.2d 347. Affirmed: 286 U.S. 352, 52 S.Ct. 595, 76 L.Ed. 1155.

Annotations to L. 1933, ch. 229, § 1:

3. Cited in upholding information charging various violations of act. *State v. Reed*, 145 K. 459, 461, 65 P.2d 1083.

4. Ordinance regulating use of streets by oil transport trucks held valid. *Ash v. Gibson*, 146 K. 825, 832, 67 P.2d 1101. Modified: 146 K. 756, 74 P.2d 136.

5. Commission's order fixing minimum rates for contract motor carriers held valid. *Atchison, T. & S.F. Rly. Co. v. Corporation Comm.*, 150 K. 553, 554, 95 P.2d 554.

6. Contract carrier not common carrier, nor subject to laws generally relating to common carriers. *Volok v. McCarter Truck Line*, 156 K. 128, 130, 131 P.2d 713.

7. Trucker held contract carrier; private and contract carriers distinguished; unlicensed contract carrier's contract illegal. *Roddy v. Hill Packing Co.*, 156 K. 706, 712, 137 P.2d 215.

8. Damage action; under evidence whether carrier engaged in exempt transaction held jury question. *Waugh v. Kansas City Public Service Co.*, 157 K. 690, 697, 143 P.2d 788.

9. Mentioned; violation of restricted permit by private carrier; insurer not relieved of liability. *Briggs v. Burk*, 172 K. 375, 377, 239 P.2d 981.

10. Private carrier licensee acted as driver for public carrier; insurance carriers' liabilities. *Maryland Casualty Co. v. National Mut. Casualty Co.*, 170 F.2d 759, 761.

11. Burden is upon applicant for contract carrier permit to prove that unfair competition is not present. *Darnell Truck Service v. State Corporation Commission*, 194 K. 96, 101, 397 P.2d 385.

12. Allegations that statutes could not be applied to plaintiffs' business did not justify convening three-judge court; question of fact. *Bartlett & Co., Grain v. State Corp. Com'n of Kansas*, 223 F.Supp. 975, 977, 978, 981.

**66-1,109.** Exemptions from motor carrier statutes for certain carriers, certain transporters and certain uses. This act shall not apply to:

(a) Transportation by motor carriers wholly within the corporate limits of a city or village in this state, or between contiguous cities or villages in this state or in this and another state, or between any city or

SUMMARY OF MOTOR CARRIER EQUIPMENT REGISTERED WITH THE STATE CORPORATION COMMISSION AS OF JUNE 30, 1980

Number of pieces of equipment registered to common carriers . . . . .	160,789
Number of pieces of equipment registered to private carriers . . . . .	44,461
Number of pieces of equipment registered to contract carriers . . . . .	10,734
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TOTAL NUMBER OF PIECES OF EQUIPMENT REGISTERED WITH THE STATE CORPORATION COMMISSION AS OF JUNE 30, 1980 . . . .	215,984

SUMMARY OF MOTOR CARRIERS REGISTERED WITH THE STATE CORPORATION COMMISSION AS OF JUNE 30, 1980

COMMON CARRIERS

Number of interstate common carriers.....	3,935
Number of intrastate common carriers.....	450
Number of intra & interstate common carriers.....	577
TOTAL NUMBER OF COMMON CARRIERS REGISTERED WITH THE STATE CORPORATION COMMISSION AS OF JUNE 30, 1980.....	4,962

PRIVATE CARRIERS

Number of Kansas based private carriers.....	5,829
Number of out of state based private carriers.....	3,524
TOTAL NUMBER OF PRIVATE CARRIERS REGISTERED WITH THE STATE CORPORATION COMMISSION AS OF JUNE 30, 1980.....	9,353

CONTRACT CARRIERS

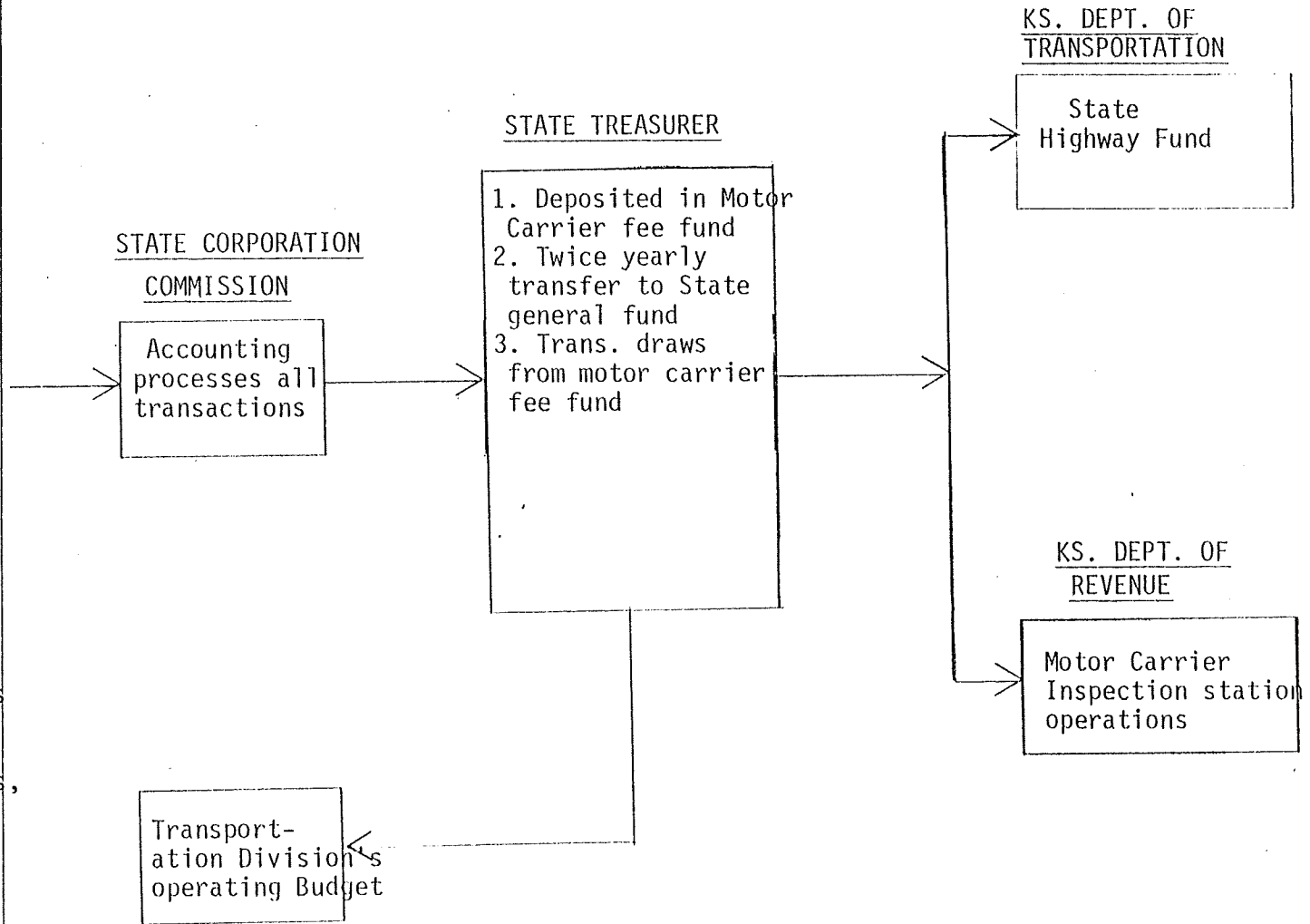
Number of Kansas based intrastate contract carriers.....	103
Number of Kansas based interstate contract carriers.....	31
Number of Kansas based inter & intrastate contract carriers..	23
Number of out of state based intrastate contract carriers....	12
Number of out of state based interstate contract carriers....	591
Number of out of state based intra & interstate contract carriers.....	0
TOTAL NUMBER OF CONTRACT CARRIERS REGISTERED WITH THE STATE CORPORATION COMMISSION AS OF JUNE 30, 1980.....	760

TOTAL NUMBER OF MOTOR CARRIERS REGISTERED WITH THE STATE CORPORATION COMMISSION AS OF JUNE 30, 1980..... 15,075

1. Equipment Registration  
\$10.00  
(K.S.A. 1979 Supp.  
66-1,139(a))
2. Driveaway License Tags  
\$2.50  
(K.S.A. 66-1,139(b))
3. Special Clearances  
\$2.50  
(K.S.A. 1979 Supp.  
66-1,110(a))
4. Special Registration  
\$5.00  
(K.S.A. 66-1,140(b))
5. Application for Joint Rates -- \$25.00  
(K.S.A. 1979 Supp.  
66-1,1a01(b))
6. Application for intrastate authority (Common and Contract)  
\$25.00  
(K.S.A. 1979 Supp.  
66-1a01(b))
7. Application for permits and licenses; extensions, Re-routing, Removal of Restrictions, and transfer of certificates  
\$10.00  
(K.S.A. 1979 Supp.  
66-1a01(b))
8. Authority cards requested by others  
\$1.00  
(K.S.A. 1979 Supp.  
66-1a01(b))

SOURCE OF FUNDS AND FLOW OF FUNDS RECEIVED BY THE TRANSPORTATION

DIVISION OF THE STATE CORPORATION COMMISSION



KS. DEPT. OF  
TRANSPORTATION

State  
Highway Fund

STATE TREASURER

1. Deposited in Motor  
Carrier fee fund  
2. Twice yearly  
transfer to State  
general fund  
3. Trans. draws  
from motor carrier  
fee fund

STATE CORPORATION  
COMMISSION

Accounting  
processes all  
transactions

KS. DEPT. OF  
REVENUE

Motor Carrier  
Inspection station  
operations

Transportation Division's  
operating Budget



TESTIMONY OF SARAH WOELLHOF  
ON HOUSE BILL NO.

Good afternoon, Mr. Chairman and Committee members. My name is Sarah Woellhof, and I live at 1428 Collins Avenue here in Topeka (66604). I am here to testify in support of House Bill No. . I represent the Kaw Valley Bicycle Touring Club of Topeka, and serve as Kansas Legislative Representative for League of American Wheelmen, Inc. The League is the only national organization for bicyclists in the states; it was founded in 1880. The League's principal office is in Baltimore, Maryland. Five of the League's ten purposes and objectives read as follows:

- "To promote, defend and protect the rights of bicyclists;
- To secure a better understanding and recognition of the need for a safer environment for bicycling;
- To encourage and secure the provision of safe and desirable facilities for bicycling;
- To cooperate with public authorities in the observance of all traffic regulations;
- To present written comments and testimony of the views of the members of the League in connection with legislative and administrative proposals relating to equipment requirements for bicycles, the establishment and maintenance of bicycling facilities, traffic regulations or otherwise affecting bicycling activities;"

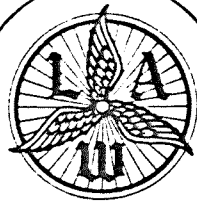
I have been in touch with other bicycle clubs throughout Kansas and they

**LEAGUE OF AMERICAN WHEELMEN**

The national organization of bicyclists ☺ P.O. Box 988, Baltimore, MD 21203 ☺ 301/727-2022 ☺ Founded 1880

*Atch. #2*





- 2 -

support the position I represent. Among those bicycle clubs contacted are:

Bicycling Across Kansas, Wichita  
Hutchinson Head Winds, Hutchinson  
Johnson County Bicycle Club, Inc., Shawnee Mission  
Kaw Valley Bicycle Touring Club, Topeka  
Mt. Oread Bicycle Club, Lawrence  
Oz Bicycle Club of Wichita, Wichita  
Salina Wheelmen, Inc., Salina  
Walnut Valley Bicycle Club, Winfield  
Wichita Wheelmen, Wichita

They represent approximately 4,500 bicycle enthusiasts who belong to organized bicycle groups. We have reviewed House Bill No.        and feel it is in the best interest of our organizations and Kansas citizens in general. Incidentally, Mr. Bob Alderson, First Deputy Attorney General of Kansas, wrote the bill. You should have copies of his cover letter to Mr. Fred Carman, First Assistant Revisor of Statutes, which is comprehensive in explaining the changes in each section of the Kansas Statutes, dealing with bicycling. In addition to Mr. Alderson's letter, a copy of Mr. Edward F. Kearney's article in the February 1982 issue of American Wheelmen should be before you. Mr. Kearney, until his recent retirement, was executive director of the National Committee on Uniform Traffic Laws and Ordinances.

Thank you for your time and interest in the bill. We will endeavor to answer any questions that you might have.

# LEAGUE OF AMERICAN WHEELMEN

The national organization of bicyclists 🚲 P.O. Box 988, Baltimore, MD 21203 🚲 301/727-2022 🚲 Founded 1880

# What's the legal climate for bicyclists in your state?

EDWARD F. KEARNEY

Many articles and pictures in this magazine have extolled the terrain or climate for bicycling in many parts of this great country. But what is the legal climate for bicycling in the state where you live or where you may some day choose to bicycle? Which states have the best traffic laws for bicyclists and which states have the worst?

This article attempts to answer these questions and then suggests what you should do to improve the legal climate for all bicyclists in the state where you live.

## EVALUATION OF LAWS EXPLAINED

Accompanying this article is a table which evaluates 10 traffic laws that are important to bicyclists should they ever find themselves in a court of law as a result of having received a ticket from a police officer or as a result of suing, or being sued by, another highway user, such as a motorist, a pedestrian, or another bicyclist. These 10 laws are also important because they tell bicyclists how to proceed safely or they tell other drivers how to behave toward bicyclists.

There are 11 columns in the table. Ten columns are devoted to these 10 laws deemed by the author to be important to the legal rights and duties of bicyclists:

I. A bicycle is defined by law to be a "vehicle" for purposes of state traffic laws.

II. A bicyclist has the same rights and duties as drivers of other vehicles.

III. All drivers should avoid striking a person riding a bicycle.

IV. As a general rule, a bicyclist traveling slower than other traffic should ride near the right edge or curb.

V. Drivers should yield the right of way

to bicyclists on sidewalks or in crosswalks.

VI. Bicyclists may ride two abreast unless other traffic would be unreasonably impeded.

VII. Occupants of motor vehicles should not open doors in the path of a bicyclist.

VIII. Bicyclists should *not* be required to use a bicycle path.

IX. Bicyclists should have a choice of courses to follow in making a left turn unless a sign dictates a particular course.

X. Bicyclists should not be required to give a turn signal during the time his or her hands must be used to control or operate the bicycle.

Notes following the table contain more information about each of these 10 rules.

Down the left side of the table are the names of the 50 states, the District of Columbia and the Commonwealth of Puerto Rico. The first line, "UVC," is for the *Uniform Vehicle Code*.

Each jurisdiction and the UVC is awarded points, from +10 to -10, based upon its degree of compliance with the ten rules. The total score for each jurisdiction's bicycling rules is shown in the last or 11th column. A perfect score would be 100, a feat which no jurisdiction nor the *Uniform Vehicle Code* achieved.

## OBSERVATIONS

From this table, it appears that the best traffic laws for bicyclists are in Rhode Island because it has a total score of 88. The worst are in Montana, which has a total score of minus seven points!

It is my personal view that any score under 70 indicates an unsatisfactory legal climate for bicyclists. Using this test, only Rhode Island and Minnesota have satisfactory legal climates for bicycling. At the same time, a score of 20 points or more in the first three columns indicates to me that a cyclist in court will have a good chance of fair treatment because the statutes at least will not be working against him or her:

- Alabama — 20 points
- Alaska — 20 points
- Idaho — 30 points
- Louisiana — 20 points
- Maryland — 20 points
- Minnesota — 20 points
- Pennsylvania — 20 points
- Rhode Island — 30 points
- Wisconsin — 20 points

And, most likely, in Virginia and the District of Columbia, 18 points each.

This evaluation leads me to the conclusion that most states have not, as of January 1, 1982, adopted the extensive revisions in the *Uniform Vehicle Code* pertaining to bicycling that were adopted by the National Committee on Uniform Traffic Laws and Ordinances in 1975.

## WHAT NEEDS TO BE DONE

1. The League of American Wheelmen should make improving the legal rights and duties of bicyclists in state traffic laws its top priority during the 1980's.

2. Every bicyclist should sit down right now and contribute as much money as possible to the L.A.W. legislative fund.

3. Each L.A.W. state legislative representative should arrange for the introduction of a bill in his or her state legislature to improve the legal status of bicyclists. That bill should be based on the most recent edition of the *Uniform Vehicle Code*, omitting the rule requiring the use of bike paths. Every legislator should be contacted by bicyclists living in his or her district urging passage of the bill.

4. Every member of the League in any state with a score under 70 should contact his or her representatives in the state legislature requesting amendments in the state traffic laws to bring them into conformity with all 10 rules in the table. As an alternative, immediate changes to bring state laws into conformity with the first three rules and a study ordered by the legislature of the other seven rules would be acceptable. Once the changes have been adopted, make sure your county or city also adopts the changes if you live in a state where cities and counties can have traffic ordinances covering the same subject as one that is also covered by state traffic laws.

5. Consideration should be given to updating this evaluation on an annual basis. Such an updating would enable cyclists to see what has or has not been done by each of the states and, more importantly, what remains to be done. This study is based on state laws adopted before January 1, 1982. These changes are reported in *Traffic Laws Annotated* (1979) and its annual supplements by the National Committee on Uniform Traffic Laws and Ordinances.

6. The League of American Wheelmen should make an appropriate annual award to the state with the best traffic laws for bicycling, the state with the worst laws, and the state with the most improved laws. This award could be delivered to the governor, legislative leaders, the person responsible for the highway safety pro-

*In addition to bicycling to work every day, making bicycle lights, and defending bicyclists charged with violating traffic laws, Edward F. Kearney is executive director of the National Committee on Uniform Traffic Laws and Ordinances. That organization is a nonprofit, voluntary association which is responsible for the Uniform Vehicle Code and Model Traffic Ordinance. This article, however, represents his personal views, and not those of the National Committee, because his evaluation of state traffic laws is from his perspective as a bicyclist and because he disagrees with the rule in the Uniform Vehicle Code requiring bicyclists to use an adjacent bicycle path.*

# Table Evaluating 10 Traffic Laws That Are Important to Bicyclists

	I	II	III	IV	V	VI	VII	VIII	IX	X	Total Points
	Bicycle is a Vehicle	Rights and Duties	Avoid Striking Bicyclist	Position on Roadway	Yield to Bicyclist on Sidewalk, Crosswalk	Riding Two Abreast	Opening Car Doors	Does Not Require Use of Bike Path	Special Left Turn Rule	Special Turn Signal Rule	
UVC	10	10	10	10	10	10	10	-10	10	10	80
Alabama	10	10	0	3	5	8	5	-10	0	0	31
Alaska	10	10	0	2	0	10	5	-5	0	0	32
Arizona	-5	10	0	3	0	8	0	-10	0	0	6
Arkansas	-5	10	0	0	0	0	5	10	0	0	20
California	-5	10	0	10	0	0	5	-3	0	0	17
Colorado	-5	8	0	3	0	8	5	-10	0	0	9
Connecticut	-5	8	10	3	7	10	0	10	10	10	63
Delaware	-5	10	0	3	0	-5	5	-10	0	0	-2
Florida	-5	10	0	3	0	8	5	-10	0	0	11
Georgia	10	2	0	3	0	8	5	-10	0	0	18
Hawaii	-5	10	0	10	0	-5	5	-3	0	0	12
Idaho	10	10	10	3	5	8	5	-10	0	0	41
Illinois	-5	10	10	10	7	0	5	-10	10	10	47
Indiana	-5	10	10	0	0	8	0	10	0	0	33
Iowa	-5	2	0	0	0	0	0	10	0	0	7
Kansas	-5	10	0	3	0	8	5	-10	0	0	11
Kentucky	10	0	0	0	0	0	0	10	0	0	20
Louisiana	10	10	0	3	0	8	5	-10	0	0	26
Maine	-5	10	0	3	0	0	5	10	0	0	23
Maryland	10	10	0	6	0	10	5	-3	0	10	48
Massachusetts	10	2	0	0	0	-5	0	10	0	0	17
Michigan	-5	10	0	3	0	8	0	-10	0	0	6
Minnesota	10	10	0	10	7	10	10	10	0	10	77
Mississippi	-5	2	0	0	0	0	0	10	0	0	7
Missouri	-5	10	0	3	0	0	0	-10	0	0	-2
Montana	-10	10	0	3	0	-5	5	-10	0	0	-7
Nebraska	-5	10	0	3	0	-5	5	-10	0	0	-2
Nevada	-5	10	0	3	0	8	0	-10	0	0	6
New Hampshire	-5	10	0	3	0	8	5	-10	0	0	11
New Jersey	-5	10	0	6	0	10	0	-10	0	0	11
New Mexico	-5	10	0	3	0	8	5	-10	0	0	11
New York	-5	10	0	2	0	10	5	-10	0	0	12
North Carolina	10	2	0	0	5	0	0	10	0	0	27
North Dakota	-5	10	0	3	0	8	5	-10	0	0	11
Ohio	10	2	0	3	0	8	0	10	0	0	33
Oklahoma	-5	10	0	3	0	8	5	-10	0	0	11
Oregon	-5	10	0	4	0	8	5	-5	0	0	17
Pennsylvania	10	10	0	4	0	8	10	-10	0	0	32
Rhode Island	10	10	10	3	10	10	5	10	10	10	88
South Carolina	-5	10	10	3	5	8	10	-10	0	0	31
South Dakota	10	0	0	0	0	0	5	10	0	0	25
Tennessee	-5	10	0	3	0	8	0	-10	0	0	6
Texas	-5	10	0	3	0	8	5	10	0	0	31
Utah	-5	2	10	3	10	10	5	-10	10	10	45
Vermont	0	10	0	3	0	8	5	-10	0	0	16
Virginia	8	10	0	10	10	-5	0	-2	10	10	51
Washington	-5	10	0	3	0	8	5	-10	0	0	11
West Virginia	-5	10	0	3	0	8	0	-10	0	0	6
Wisconsin	10	10	0	5	5	-5	0	10	0	0	35
Wyoming	-5	10	0	3	0	8	0	-10	0	0	6
District of Columbia	10	8	0	0	7	10	7	10	0	0	52
Puerto Rico	-5	2	0	3	0	-5	0	10	0	0	5

am, and the official responsible for the bicycling program in each state. A similar award has recently been made by the Citizens for Safe Drivers to recognize states with the best drunk driving laws, best rules of the road and most improved traffic laws.

#### NOTES FOR TABLE

I. A bicycle is a "vehicle" for purposes of a state's traffic laws. The *Uniform Vehicle Code* defines a "vehicle" as:

Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks. UVC § 1-184 (Supp. III 1979).

States with a score of 10 either have a similar definition or one that provides a bicycle is a "vehicle" for purposes of rules of the road. States with a score of -5 have laws providing that devices moved by human power are *not* "vehicles." Montana gets -10 points because its laws specifically provide that a bicycle is not a vehicle. This law was adopted in 1979. Virginia gets 8 points because it provides that bicycles are vehicles for purposes of its rules of the road "while operated on a highway." They should also be "vehicles" when operated upon a driveway or parking lot.

It is the author's view that it is extremely important for a bicycle to have the legal status of a "vehicle." Our rules of the road all apply to the "driver of any vehicle." Example: The driver of a *vehicle* turning left must yield the right of way to any *vehicle* approaching from the opposite direction. Whether the bicyclist is the driver turning left or the approaching driver, his or her legal status is more precise and definite when a bicycle is legally regarded as a vehicle.

II. Every state should have a law expressly providing that bicyclists have the same "rights" and the same "duties" as the drivers of other vehicles. UVC § 11-1202 (Supp. III 1979) provides as follows:

Every person propelling a vehicle by human power or riding a bicycle shall have all of the rights and all of the duties applicable to the driver of any other vehicle under chapters 10 and 11, except

as to special regulations in this article and except as to those provisions which by their nature can have no application.

States with a law expressly granting cyclists the same "rights" and the same "duties" are awarded a 10 in this column even though there may be other variances in their laws. If a state merely says that bicyclists are "subject" to traffic laws or that they have duties with no mention of rights, it is awarded a 2.

Colorado is awarded an 8 because bicyclists have rights and duties "only where bicycle travel is permitted." Connecticut and the District of Columbia are each scored 8 because they give cyclists the same rights as "drivers of motor vehicles."

III. State has a law expressly providing that drivers should avoid striking a bicyclist. In the *Uniform Vehicle Code*, this rule is worded as follows:

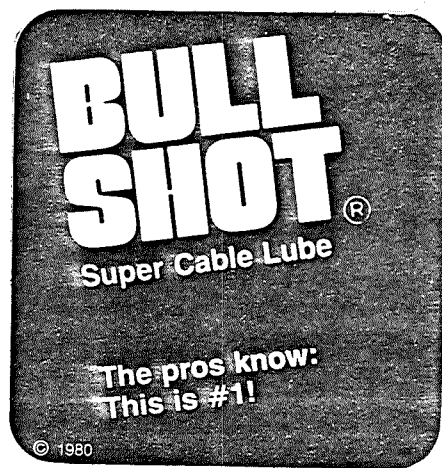
... every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian or any person propelling a human powered vehicle and shall give an audible signal when necessary and shall exercise proper precaution when observing any child or obviously confused, incapacitated or intoxicated person. UVC § 11-504 (Supp. III 1979).

States with a law requiring all drivers to avoid colliding with a bicyclist or with a person propelling a human powered vehicle are awarded a score of 10. States that do not have such a law are awarded a 0 even though they may have laws which have been construed by the courts in such a way as to protect bicyclists. See UVC § 11-801 (the basic speed rule) and comparable state laws.

IV. State has a special law for bicyclists requiring a position near the right curb or edge of the roadway when the bicyclist is moving more slowly than other traffic and makes appropriate exceptions from this general rule.

Here is the scoring for state laws in this column:

Points	Elements of rule in UVC § 11-1205 (Supp. III 1979)
+2	A person riding a bicycle on a roadway must ride as close as practicable to the right curb or edge of the roadway,



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- +2 When proceeding more slowly than other traffic
- +1 Except when overtaking and passing another vehicle
- +2 Except when preparing for a left turn
- +2 Except when necessary to avoid conditions, such as objects, vehicles, bicycles, pedestrians, animals, surface hazards or narrow lanes making it unsafe to be near the right edge or curb
- +1 On a one-way street or highway, a cyclist may ride near the left curb or edge of the roadway.
- +10 Total points

V. Drivers crossing a sidewalk or a crosswalk must yield the right of way to a bicyclist on the sidewalk and to any bicyclist in the crosswalk:

- | Points | Rule assessed  |
|--------|--|
| +5     | 1. UVC § 11-1209 (c) (Supp. III 1979): Person propelling vehicle by human power on a sidewalk or in a crosswalk has rights and duties of a pedestrian. |
| +3     | 2. UVC § 11-509 (Supp. III 1979): Driver of a vehicle must yield to all traffic on a sidewalk.   |
| +2     | 3. UVC § 11-502 (a) (1968): Driver of a vehicle must yield to a pedestrian in a crosswalk.   |

+10 Total points  
 However, if a state does not have Rules 1 and 2, but does have Rule 3, it gets an award of 0.

VI. Bicycles may be ridden two abreast when other traffic is not obstructed. UVC § 11-1205.1 (a) (Supp. III 1979):

Persons riding bicycles upon a roadway shall not ride more than two abreast. . . . Persons riding two abreast shall not impede the normal and reasonable movement of traffic and, on a laned roadway, shall ride within a single lane.

If a state has the first sentence, but not the second one, +8 points are awarded. If a state requires riding single file (does not allow riding two abreast), the award is -5.

VII. State has a law prohibiting any person from opening a door of a motor vehicle when it would interfere with traffic. UVC § 11-1105 (Supp. II 1979) provides:

No person shall open any door on a motor vehicle unless and until it is reasonably safe to do so and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on a side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

States with a law applying only to drivers and only on the side available to moving traffic receive 5 points.

VIII. State does not have a law similar to this rule in the *Uniform Vehicle Code*:

Wherever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway. § 11-120.5 (Supp. III 1975).

The author of this article opposes this rule, even though it appears in the *Uniform Vehicle Code*, and any state without it or a comparable law receives +10 points. Any state with this law receives -10 points. If a state has a less offensive version of this rule, it receives a negative score less than 10.

IX. State has a law allowing a bicyclist to make a "big left turn." The *Uniform Vehicle Code* gives a bicyclist a choice as to courses to follow in making a left turn. The cyclist may follow the course specified for all drivers (approach the intersection close to the center line and turn to the left of the center point in the intersection, etc.) or he may enter the intersection close to the right curb, proceed across the intersection to the opposite corner, and make his turn there. Naturally, if a sign specifies one of these courses, or any other, the sign must be obeyed. See UVC § 11-1207 (Supp. III 1979).

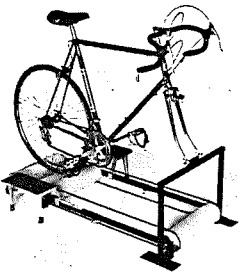
States providing this choice are given +10 points. States without it are given a zero.

X. Special turn signal rule. The *Uniform Vehicle Code*, § 11-1208 (Supp. III 1979) provides that a cyclist must give a signal of his intention to turn during the last 100 feet traveled before turning but "a signal by hand and arm need not be given continuously if the hand is needed in the control or operation of the bicycle."

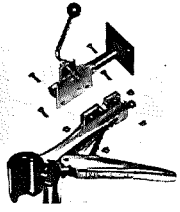
States with this rule get +10 points. Those without it get a zero.

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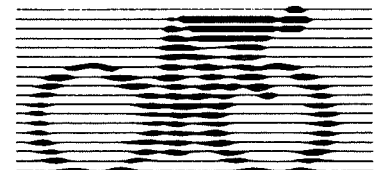
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By

AN ACT supplementing the uniform act regulating traffic on highways; concerning the operation of bicycles and self-propelled vehicles; prescribing equipment therefor; prohibiting certain acts; amending K.S.A. 8-1485, 8-1545, 8-1550, 8-1577, 8-1586, 8-1587, 8-1588, 8-1589, 8-1591, 8-1592 and 8-1703, and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 8-1485 is hereby amended to read as follows: 8-1485. "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices ~~moved-by-human-power-or~~ used exclusively upon stationary rails or tracks.

Sec. 2. K.S.A. 8-1545 is hereby amended to read as follows: 8-1545. (a) The driver of a vehicle intending to turn shall do so as follows:

(1) Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

(2) Left turns. The driver of a vehicle intending to turn left shall approach the turn in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle. Whenever practicable a left turn at an intersection shall be made to the left of the center of the intersection, and any left turn shall be made so as to leave the intersection or other location in the extreme left-hand lane lawfully available to traffic moving in the same direction as such vehicle on the roadway being entered. When turning left in accordance with this section, a person riding a bicycle shall be entitled to full use of the lane from which the turn lawfully may be made.

(b) The secretary of transportation and local authorities in their respective jurisdictions may cause official traffic-control devices to be placed and thereby require and

direct that a different course from that specified in this section be traveled by turning vehicles, and when such devices are so placed no driver shall turn a vehicle other than as directed and required by such devices.

Sec. 3. K.S.A. 8-1550 is hereby amended to read as follows: 8-1550. Except as otherwise provided in this section, all signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

(a) Left turn. Hand and arm extended horizontally.

(b) Right turn. Hand and arm extended upward, except that a person riding a bicycle may indicate an intention to turn right by extending such person's right hand and arm horizontally.

(c) Stop or decrease speed. Hand and arm extended downward.

Sec. 4. K.S.A. 8-1577 is hereby amended to read as follows: 8-1577. No person shall open ~~the~~ any door of a motor vehicle ~~on-the-side-available-to-moving-traffic~~ unless and until it is reasonably safe to do so, and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

Sec. 5. K.S.A. 8-1586 is hereby amended to read as follows: 8-1586. (a) It is a misdemeanor for any person to do any act forbidden or fail to perform any act required in K.S.A. 8-1587 to 8-1592, inclusive, and amendments thereto.

(b) The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of K.S.A. 8-1587 to 8-1592, inclusive, and amendments thereto.

~~(c)---The-provisions-of-K-S-A--8-1587-to-8-1592--inclusive,--which-are-applicable-to-bicycles--shall-apply-when-ever-a-bicycle-is-operated-upon-any-highway-or-upon-any-path-set-aside-for-the-exclusive-use-of-bicycles,--subject-to-these-exceptions-stated-herein.~~



Sec. 6. K.S.A. 8-1587 is hereby amended to read as follows: 8-1587. Every person propelling a vehicle by human power or riding a bicycle upon a roadway shall be granted have all of the rights and ~~shall be subject to~~ all of the duties applicable to the driver of a vehicle by this act, except as otherwise provided in K.S.A. 8-1586 to 8-1592, inclusive, and amendments thereto, and except as to those provisions of this act which by their nature can have no application.

Sec. 7. K.S.A. 8-1588 is hereby amended to read as follows: 8-1588. ~~(a) -- A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.~~

~~(b)~~ No bicycle shall be used to carry more persons at one time than the number for which it is designed and or equipped, except that an adult rider may carry a child securely attached to his or her person in a back pack or sling.

Sec. 8. K.S.A. 8-1589 is hereby amended to read as follows: 8-1589. (a) No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same, himself or herself to any vehicle upon a roadway.

(b) This section shall not prohibit attaching a bicycle trailer or bicycle semitrailer to a bicycle if that trailer or semitrailer has been designed for such attachment.

Sec. 9. K.S.A. 8-1590 is hereby amended to read as follows: 8-1590. (a) Every Any person operating a bicycle or a motorized bicycle upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride as ~~near to the right side of the roadway~~ close as practicable, ~~exercising due care when passing a standing vehicle or one proceeding in the same direction~~ to the right-hand curb or edge of the roadway except under any of the following situations:

(1) When overtaking and passing another bicycle or vehicle proceeding in the same direction;

(2) When preparing for a left turn at an intersection or into a private road or driveway; or

(3) When reasonably necessary to avoid conditions

including, but not limited to, fixed or moving objects, parked or moving vehicles, bicycles, pedestrians, animals, surface hazards, or substandard width lanes that make it unsafe to continue along the right-hand curb or edge. For purposes of this section, a "substandard width lane" is a lane that is too narrow for a bicycle and a vehicle to travel safely side by side within the lane.

(b) Persons riding bicycles upon a roadway shall not ride more than two ~~(2)~~ abreast, except on paths or parts of roadways set aside for the exclusive use of bicycles. Persons riding two abreast shall not impede the normal and reasonable movement of traffic and, on a laned roadway, shall ride within a single lane.

~~Wherever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway~~ Any person operating a bicycle or a motorized bicycle upon a one-way highway with two or more marked traffic lanes may ride as near the left-hand curb or edge of such roadway as practicable.

Sec. 10. K.S.A. 8-1591 is hereby amended to read as follows: 8-1591. No person operating a bicycle shall carry any package, bundle or article which prevents the ~~driver from~~ keeping use of both hands in the control and operation of the bicycle. A person operating a bicycle shall keep at least one ~~(1)~~ hand upon the handlebars at all times.

Sec. 11. K.S.A. 8-1592 is hereby amended to read as follows: 8-1592. (a) Every bicycle when in use at ~~nighttime~~ the times described in subsection (a) of K.S.A. 8-1703, and amendments thereto, shall be equipped with a lamp on the front ~~which shall emit~~ emitting a white light visible from a distance of a least ~~five-hundred-(500)~~ 500 feet to the front and.

(b) Every bicycle shall be equipped with a red reflector on-the-rear of a type approved by the secretary of transportation which shall be visible ~~from all distances from one-hundred~~

~~(100)-feet-to-six-hundred-(600)~~ 600 feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle. ~~A-lamp-emitting-a-red-light-visible-from-a distance-of-five-hundred-(500)-feet-to-the-rear-may-be-used in-addition-to-the-red-reflector.~~

(b)(c) Every bicycle when in use at the times described in subsection (a) of K.S.A. 8-1703, and amendments thereto, shall be equipped with reflective material of sufficient size and reflectivity to be visible from both sides for 600 feet when directly in front of lawful lower beams of head lamps on a motor vehicle, or, in lieu of such reflective material, with a lighted lamp visible from both sides from a distance of at least 500 feet.

(d) A bicycle or its rider may be equipped with lights or reflectors in addition to those required by this act.

(e) Every bicycle shall be equipped with a brake or brakes which will enable the operator to make the braked wheels skid its driver to stop the bicycle within 25 feet from a speed of 10 miles per hour on dry, level, clean pavement.

(f) A bicycle shall not be equipped with, nor shall any person use upon a bicycle, any siren.

(g) A person engaged in the business of selling bicycles at retail shall not sell any bicycle unless the bicycle has an identifying number permanently stamped or cast on its frame.

(h) No person shall sell a pedal for use on a bicycle, unless such pedal is equipped with a reflector of a type approved by the secretary of transportation which is visible from the front and rear of the bicycle to which it is attached during darkness from a distance of ~~two-hundred-(200)~~ 200 feet, and no person shall sell a new bicycle, unless it is equipped with pedals meeting the requirements of this subsection.

(i) A uniformed police officer may at any time upon reasonable cause to believe that a bicycle is unsafe or not equipped as required by law, or that its equipment is not in proper adjustment or repair, require the person riding the bicycle to stop and submit the bicycle to an inspection and such test with reference thereto as may be appropriate.

(j) The sections of article 19 of chapter 8 of Kansas Statutes Annotated shall not apply to bicyclists, bicycles or their equipment, unless any such section or provision thereof is expressly made applicable thereto.

Sec. 12. K.S.A. 8-1703 is hereby amended to read as follows: 8-1703. (a) Except as otherwise provided in subsection (b), every vehicle, except-motoreycles, motor-driven-cycles-and-motorized-bicycles, upon a highway within this state, at any time from a half hour after sunset to a half hour before sunrise and at any other time, when due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 1,000 feet ahead, shall display lighted head and other lamps and illuminating devices as hereinafter respectively required for different classes of vehicles, subject to exceptions with respect to parked vehicles, and further that stop lights, turn signals and other signaling devices shall be lighted as prescribed for the use of such devices.

(b) Motorcycles, motor-driven cycles and motorized bicycles manufactured on or after January 1, 1978, shall display lighted head and tail lights at all times that such vehicles are operated on any highway.

~~Notwithstanding the other provisions of this section, motoreycles, motor-driven-cycles-and-motorized-bicycles manufactured prior to January 1, 1978, shall display lamps as provided for other vehicles in the first sentence of this section, and the provisions of the second sentence of this section shall not apply to motoreycles, motor-driven-cycles and motorized-bicycles manufactured prior to January 1, 1978.~~

Sec. 13. K.S.A. 8-1485, 8-1550, 8-1577, 8-1586, 8-1587, 8-1588, 8-1589, 8-1590, 8-1591, 8-1592 and 8-1703 are hereby repealed.

Sec. 14. This act shall take effect and be in force from and after its publication in the statute book.