

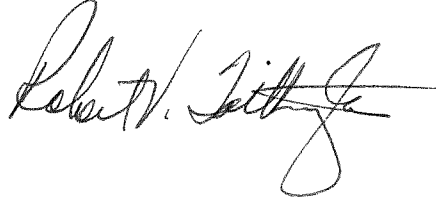
MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES

The meeting was called to order by ROBERT V. TALKINGTON at
Chairperson

9:00 a.m./p.m. on Wednesday, January 26, 1983 in room 254-E of the Capitol.

All members were present except:

All members present.



Committee staff present:

Fred Carman
Hank Avila
Rosalie Black

Conferees appearing before the committee:

SENATE BILL 59:

Senator Roy Ehrlich
Sylvia Hougland, Secretary of Aging
Steve Montgomery, Dept. of Revenue
Maedeene Smith, St. Leg. Comm., AARP, Wichita
Hattie Norman, East Topeka Council on Aging.

PROPOSAL - TOWING VEHICLES:

Mary Turkington

SENATE BILL 59

The meeting was called to order by Senator Talkington, Chairman, who introduced Senator Roy Ehrlich to explain future legislation allowing a \$2 (instead of the usual \$6) fee for nondriver's identification cards for those 65 or older. Senator Ehrlich said that any person 16 years of age or older who does not have a valid Kansas Driver's license may make application to the Division of Vehicles and be issued an identification card. Fees for those less than 65 years of age will remain at \$6. Cancellation will be in effect on the fourth birthday of the applicant following the date of original issue. Renewal will be made for a term of four years and will expire in the same manner as the originally issued identification card.

Senator Ehrlich explained that the change in legislation is in Line 31 and Line 32 and is necessary since more than 27.9 percent of people over 65 do not have a valid driver's license and 14.2 in 1980 were below poverty level. He requested that a birth certificate not be mandatory upon application for the identification card, but suggested that a signed verification be allowed for those 65 years or older.

Sylvia Hougland, Secretary of Aging, spoke in support of Senate Bill 59 as an effective measure to reduce the cost to older Kansans in obtaining

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES,
room 254-E, Statehouse, at 9:00 a.m./p.m. on Wednesday, January 26, 1983, 19 .

SENATE BILL 59 (continued)

proper identification since the present fee of \$6 for nondriver's identification cards is a deterrent to many older persons living on fixed, limited incomes. She added that in 1982, 85,438 older Kansans did not have a driver's license and approximately 393 nondriver's identification cards were issued to persons 65 years or more in age. (See Attachment 1.)

Steve Montgomery, Department of Revenue, indicated that the Department is not an opponent or a proponent of the bill but appeared to answer questions and provide information. He noted that fiscal impact on the reduced fee for identification cards would be minimal. Estimation of costs for examination and processing I.D. cards would be \$1.04 per card, however this would not include administrative overhead. A total loss of \$2,100 would occur within the Department involving the reduction of fees and would be a one-time loss relating to filing, renewal search and other administrative processes.

Speaking in support of the bill, Maedeene Smith mentioned that elderly females were most likely not to drive and I.D. becomes particularly important after the death of a spouse when the responsibility for all business and personal transactions is shifted to the widow.

Hattie Norman noted that she often had to accompany the elderly to cash social security checks because they had no official identification. She added that social security cards, medicare cards and credit cards are not official means of identification and can not be used by the elderly for purchases.

Senator Morris moved SB 59 be reported favorable for passage; seconded by Senator Norvell and passed.

PROPOSAL - TOWING OR MOVING WRECKED VEHICLES.

Senator Talkington said that the Kansas Motor Carriers Association has requested a committee bill concerning KCC permits for the towing of vehicles. (See Attachment 2.) After Committee discussion and questions which were answered by Mary Turkington, Senator Burke moved to introduce the proposal into the Committee; seconded by Senator Rehorn. The Committee voted favorably for introduction.

The meeting was adjourned at 9:58 a.m.

Wed, Jan. 26

Please PRINT Name, Address, the organization you represent, and the Number of the Bill in which you are interested. Thank you.

NAME	ADDRESS	ORGANIZATION	BILL NO.
W. "Joe" Dunn	MANHATTAN, KS. 1111 Pioneer Ln	The Retired Officers Assoc.	SB 59
Will Sillinskas	5-29th St Hutchinson, KS	visiting	" "
Neil McQuarrie	Charcot, Ks	MATVRE Board	" "
Hattie Norman	308 West East Street	Central on Agave	SB 59
Maedean Smith	-3 Rolling Hills Dr.	Wichita, Ks St. Leg Comm. UARP	
Sylvia Newrad		July - KDDA	SB 59
Robert Bugg		Director Veh	SB 59
St. Mary's	SOR	Dept of Rev	SB 59
JIM SULLIVAN		Ks. Motor Car Dealers Assn	—
Tom Whitaker		Kansas Motor Carriers Association	—
Mary Jennings		Kansas Motor Carriers Assn.	—
John Grace		Administrative Medals at Ks	—

TESTIMONY SB-59
NON-DRIVER IDENTIFICATION CARD FEES

BY

SYLVIA HOUGLAND
SECRETARY OF AGING

BILL BRIEF: SB-59 intends to reduce the application fee for elderly, non-driver identification cards.

PROVISIONS: (1) Reduce application fees for non-driver identification cards;
(2) For persons 65 years and over;
(3) From the \$6.00, Statutory set fee, to \$2.00; and
(4) Renewable every four years.

TESTIMONY: The Kansas Department on Aging (KDOA) supports SB-59, "Non-Driver Identification Card Fees" adjustment, as an effective measure to reduce the cost to Older Kansas in obtaining proper identification. The present fee, for non-driver identification cards, at \$6.00, as instituted in K.S.A. 8-1324 et. seq., is a deterrent to many older persons living on fixed, limited incomes.

Kansans over 65 years in age represent 12.9 % of the total population in Kansas. Of the 306,263 older persons, 14.2 % were below poverty level in 1980, and 34 % were classified as falling within 125 % of the poverty level standards, as defined in a KDOA, 1979-80, Needs Assessment Survey of Non-Institutionalized Kansans.

In 1982, 27.9 % of the elderly population, or 85,438, Older Kansans did not have a driver's license. The Department of Revenue indicated that in the same year, 6,998 I.D. cards were issued to persons 16 years and older, with approximately 7.5% or 393 cards being to persons 65 years or more in age.

This indicates that only 46% of the total non-driving population have access to a Kansas I.D. card. The Kansas I.D. card, as established in K.S.A. 8-1324 et. seq., is an acceptable means of identification, verifying name, address, and birthdate of the non-driver. It also provides the necessary identification required to easily conduct important daily transactions, to show eligibility to participate in senior citizen discount programs, and to provide a safeguard for personal identification, such as for social security checks and other business financial transactions.

The Department of Revenue in January, 1983 showed that the percentage of elderly persons with drivers' licenses declines over age. For example: of the 412,296 elderly persons over the age of 60, 79.77% of those between 60 and 64 had drivers' licenses; 79.66% of those between 65 and 74 years had licenses;

Attch. 1

71.26% of the 74 to 84 years had licenses; with only 35.45% of those over 85 years or more had a valid operator's license. There is a trend of older persons not driving and thus in need of some type of identification. For those elderly who do not have a driver's license or never have had one, the Kansas I.D. card is a convenient means for proper identification.

According to the KDOA, Needs Assessment Survey, elderly females compared to elderly males were most likely not to know how to drive. The need for a verifiable I.D. becomes particularly important for these females after the death of a spouse when the responsibility for all business and personal transactions is shifted to the widow.

The survey also showed that low income elderly were most likely not to have access to an automobile. The reduced fee I.D. card would be a more affordable means of identification for those with low and fixed incomes, as well as to all non-driving elderly persons.

The fiscal impact on the reduced fee for the non-driver identification cards would be minimal. The Department of Revenue estimates that the cost to examine and process the I.D. card would be \$1.04 per card. This, however, excludes all administrative overhead charges and fees in filing, renewal search, and other administrative program operations. Thus, the proposed fee of \$2.00 would cover all expenses involved in the issuance of the I.D. card and would be a more feasible amount for elderly to pay.

SENATE BILL NO. _____

By Committee on Transportation and Utilities

AN ACT concerning motor vehicles; towing or moving wrecked or disabled vehicles; regulation by state corporation commission; amending K.S.A. 8-136 and K.S.A. 1982 Supp. 66-1,109 and repealing the existing sections.

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

New Section 1. As used in this act:

(a) "Wrecker or tow truck" means any motor vehicle equipped with booms, winches or similar equipment designed for recovery or towing of vehicles.

(b) "Car carrier" means any vehicle specifically designed to transport wrecked, disabled or otherwise inoperable vehicles.

(c) "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.

(d) "Wrecker or towing service" means the act of transporting, towing or recovering with a wrecker, tow truck or car carrier, any vehicle not owned by the operator of the wrecker, tow truck or car carrier for which the operator receives compensation or other personal gain, either directly or indirectly, except that such terms shall not include a private wrecker or towing service.

(e) "Private wrecker or towing service" means the act of transporting with a wrecker, tow truck or car carrier any vehicle owned by the operator of the wrecker, tow truck or car carrier.

(f) "Local wrecker carrier" means any person engaged in performing wrecker or towing service wholly within the corporate limits of a city in this state, or between contiguous cities in this state or in this and another state, or between any city in

this or another state and the territory in this state within three miles of the corporate limits thereof.

(g) "Local wrecker carrier permit" means a credential issued by the state corporation commission as provided in this act.

New Sec. 2. On and after January 1, 1984, it is unlawful for any person to provide wrecker or towing service within this state without first having obtained a local wrecker carrier permit from the state corporation commission. The provisions of this act shall not require a motor common carrier or contract carrier with certificate or permit authority to provide wrecker or towing service to obtain any additional permit or authority under this act to perform the services so authorized, when such services are performed with a vehicle properly registered with the commission by such carrier.

New Sec. 3. Any person may apply to the state corporation commission for a local wrecker carrier permit. Applications shall be on forms provided by the commission and shall be supported with documentary and other evidence as the state corporation commission requires. All applicants shall comply with insurance, safety and financial requirements provided by law and shall file with the application a letter or statement showing the charges which will be made for local wrecker service by the applicant. When proper application is received, the commission shall issue the applicant a local wrecker carrier permit. Local wrecker carriers shall maintain a current letter or statement of charges on file with the commission. Local wrecker carriers are required to comply with requirements of law relating to motor vehicle equipment, safety, insurance and liability which are applicable to common carriers.

New Sec. 4. (a) Applications for a local wrecker carrier permit shall be accompanied by a filing fee of \$10. Each holder of a local wrecker carrier permit shall pay an annual fee to the state corporation commission of \$10 for each self-propelled motor vehicle operated under the permit. Upon payment of such fee, the

commission shall issue identification for the vehicle.

(b) All vehicles operated under a local wrecker carrier permit shall have painted or durably marked on each such vehicle on both sides thereof, in plain letters not less than two inches in height and with not less than 1/4 inch stroke, the word "local," the gross weight for which the vehicle is licensed and the name and address of the owner or lessee of the vehicle.

New Sec. 5. In addition to other law enforcement officers within the area of their jurisdiction, inspectors designated by the commission shall have all the lawful powers of law enforcement officers to enforce this act in any county or city of this state.

New Sec. 6. The state corporation commission may adopt rules and regulations for the administration of this act.

New Sec. 7. Violation of this act or rules and regulations adopted thereunder is a misdemeanor. Any person convicted of such a violation shall be punished by a fine not exceeding \$500.

Sec. 8. K.S.A. 8-136 is hereby amended to read as follows:
8-136. (a) A licensed manufacturer of or licensed dealer in vehicles demonstrating, displaying or exhibiting any such vehicle upon any highway in lieu of registering each such vehicle, may obtain from the division of vehicles, upon application therefor upon the proper official form, and payment of the fees required by law, and attach to each such vehicle, one ~~(1)~~ license plate which shall ~~bear thereon~~ have a distinctive number, ~~also~~ the name of this state, which may be abbreviated, and the year for which issued, together with the word "dealer" or a distinguishing symbol indicating that such license plate is issued to a manufacturer or dealer, ~~and~~. Any such license plate ~~so-issued,~~ may, during the calendar year for which issued, be transferred from one such vehicle to another owned or operated by such manufacturer or dealer. Such a license plate may be used in lieu of regular vehicle registration for the purposes of demonstrating, displaying or exhibiting vehicles held in inventory of such manufacturer or dealer. Such a plate may also

be used on such dealer's service vehicle, or substitute vehicles owned by the dealer but loaned to a customer when the dealer is repairing such customer's vehicle and for all other purposes incidental to a dealer's vehicle business. Such a license plate may not be used by a dealer to haul commodities weighing in excess of two tons. Such dealer license plates shall not be used on a ~~vehicle which is used to tow or retrieve disabled vehicles and which is commonly known as a "wrecker vehicle."~~ If any such wrecker vehicle shall be used for retrieving or towing of disabled vehicles other than to the city or village wherein the dealer's or manufacturer's place of business is located the wrecker vehicle shall be registered with the state corporation commission and shall be subject to the Kansas motor carrier law unless such operation is exempt under the provisions of subsections (a), (b), or (d) of K.S.A. 66-17109 or acts amendatory thereof wrecker or tow truck as defined by section 1.

(b) No manufacturer or dealer in vehicles shall cause or permit any such vehicle owned by such person to be operated or moved upon a public highway ~~without there being~~ unless there is displayed upon such vehicle a ~~number~~ license plate as required by this section.

(c) No license plates shall be issued to any manufacturer or dealer unless such manufacturer or dealer at the time of making application therefor shall exhibit to the county treasurer or the division of vehicles a receipt showing that the applicant has paid all personal property taxes levied against such manufacturer or dealer for the preceding year, including taxes assessed against motor vehicles of such manufacturer or dealer which were assessed as stock in trade, or unless the manufacturer or dealer shall exhibit satisfactory evidence to the county treasurer that such manufacturer or dealer had no taxable property for the preceding year or if the application is made directly to the division of vehicles there shall be presented a statement by the county treasurer that the manufacturer or dealer had no taxable property for the preceding year. If application

for registration is made before June 21, the receipt may show payment of only ~~one-half-(1/2)~~ 1/2 of the preceding year's taxes.

Sec. 9. K.S.A. 1982 Supp. 66-1,109 is hereby amended to read as follows: 66-1,109. 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 village in this or another state and the suburban territory in this state within three miles of the corporate limits thereof, but except that none of the exemptions specified in this subsection (a) shall apply to local wrecker carriers and none of the ~~foregoing~~ such exemptions shall apply to motor carriers of passengers (other than motor carriers of passengers operating as a part of the general transit system serving any such city or village in this or another state) operating on regular routes and time schedules between any city or village in this or another state, and the suburban territory in this state;

(b) private motor carriers who operate within a radius of 25 miles beyond the corporate limits of such city or village;

(c) the owner of livestock or producer of farm products transporting livestock of such owner or farm products of such producer to market in a motor vehicle of such owner or producer, or the motor vehicle of a neighbor on the basis of barter or exchange for service or employment, or to such owner or producer transporting supplies for the use of such owner or producer in a motor vehicle of such owner or producer, or in the motor vehicle of a neighbor on the basis of barter or exchange for service or employment;

(d) persons operating motor vehicles used only to transport property when no common carrier is accessible, but when common-carrier service is available then this last exemption is limited to the transportation of such property from origin to the nearest practicable common-carrier receiving or loading point, or from a common-carrier unloading point by way of the shortest

practicable route to destination, providing such motor vehicle does not pass a practicable delivery or receiving point of a common carrier equipped to transport said load, or when used to transport property from the point of origin to point of destination thereof when the destination of such property is less distant from the point of origin thereof than the nearest practicable common-carrier receiving or loading point equipped to transport such load;

(e) (1) the transportation of children to and from school, or (2) to motor vehicles owned by schools, colleges, and universities, religious or charitable organizations and institutions, or governmental agencies, when used to convey students, inmates, employees, athletic teams, orchestras, bands, etc.;

(f) a ~~manufacturer--of--or~~ new vehicle dealer in ~~motor vehicles, trailers, or semitrailers operating in compliance with K.S.A. 8-136, and acts amendatory thereof or supplemental thereto~~ as defined by K.S.A. 8-2401 when transporting property to or from the place of business of such dealer;

(g) motor vehicles carrying tools, property, or material belonging to the owner of said vehicle, and used in repair, building or construction work, not having been sold or being transported for the purpose of sale, lease, rent or bailment;

(h) persons operating motor vehicles which have an ad valorem tax situs in and are registered in the state of Kansas, and used only to transport grain from the producer to an elevator or other place for storage or sale for a distance of not to exceed 50 miles;

(i) the operation of hearses, funeral coaches, funeral cars, or ambulances by motor carriers;

(j) motor vehicles owned and operated by the United States, the District of Columbia, or any state, or any municipality, or any other political subdivision of this state, including vehicles used exclusively for handling U.S. mail;

(k) any motor vehicle with a normal seating capacity of not

more than the driver and 16 adult passengers while used for vanpooling or otherwise not for profit in transporting persons who, as a joint undertaking, bear or agree to bear all the costs of such operations, or motor vehicles with a normal seating capacity of not more than the driver and 16 adult passengers for not-for-profit transportation by one or more employers of employees to and from the factories, plants, offices, institutions, construction sites or other places of like nature where such persons are employed or accustomed to work;

(l) motor vehicles used to transport water for domestic purposes or livestock consumption;

(m) transportation of sand, gravel, slag stone, limestone, crushed stone, cinders, calcium chloride, bituminous or concrete paving mixtures, blacktop, dirt or fill material to a construction site, highway maintenance or construction project or other storage facility and the operation of ready-mix concrete trucks in transportation of ready-mix concrete;

(n) the operation of a vehicle used exclusively for the transportation of solid waste, as the same is defined by K.S.A. 65-3402, and amendments thereto, to any solid waste processing facility or solid waste disposal area, as the same is defined by K.S.A. 65-3402, and amendments thereto;

(o) the transporting of vehicles used solely in the custom combining business when being transported by persons engaged in such business;

(p) the operation of vehicles used for servicing, repairing or transporting of implements of husbandry, as defined in K.S.A. 8-1427, by a person actively engaged in the business of buying, selling or exchanging implements of husbandry, if such operation is within 100 miles of such person's established place of business in this state; and

(q) transportation by taxi or bus companies operated exclusively within any city or within 25 miles of the point of its domicile in a city.

Sec. 10. K.S.A. 8-136 and K.S.A. 1982 Supp. 66-1,109 are

hereby repealed.

Sec. 11. This act shall take effect and be in force from and after its publication in the statute book.