

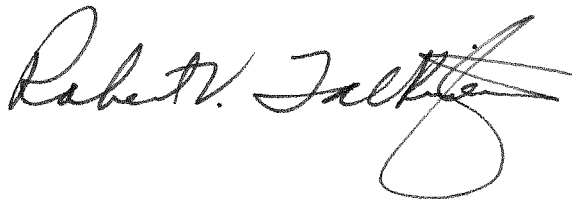
MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES

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

9:00 a.m. a.m./p.m. on Tuesday, March 15, 1983 in room 254-E of the Capitol.

All members were present except:

Senators Hein, Johnston, Burke, Hayden



Committee staff present:

Fred Carman
Hank Avila
Rosalie Black

Conferees appearing before the committee: None.

The meeting was called to order by Senator Talkington, Chairman, who asked Hank Avila, Kansas Legislative Research Department, to give a brief outline of each House bill that is now in the Committee.

The following bills were included in Mr. Avila's memorandum to the Committee: House Bills 2059, 2110, 2194, 2225, 2283, 2284, 2285, 2288, 2125, 2215, 2358, 2468, 2287, 2317 and 2383. (See Attachment 1.)

Fred Carman added that the House bills currently in the Committee are from several different House committees.

Senator Norvell reminded Committee members of the similarity of House Bill 2225 to Senate Bill 130 which the Committee reported favorable for passage. Senator Talkington indicated that the Department of Transportation objected to the height allowance which is in House Bill 2225, but not mentioned in Senate Bill 130.

Senator Morris moved that minutes be approved from January 25 to March 4; seconded by Senator Norvell and passed.

The meeting adjourned at 9:30 a.m.

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.
Edward R. DeSoigne	Topeka	Transportation	
BILL GREED	STATE OFF. BLDG.	S.C.C.	
Michael C. Germann	TOPEKA	Kansas Railroad Association	
DALE SATTERTHWAITE	"	GAS SERVICE Co	2215

MEMORANDUM

March 15, 1983

TO: Senate Committee on Transportation and Utilities
FROM: Kansas Legislative Research Department
RE: House Bills Assigned to Senate Committee on Transportation and Utilities

House Bill No. 2059
As Amended by House Committee on Transportation
(By Representative Cribbs)

H.B. 2059 relates to driver's licenses. The Division may establish driver improvement clinics throughout the state and upon reviewing a person's driving record who is subject to suspension for three or more moving traffic violations committed on separate occasions within a 12-month period. The Division may permit the person to retain the driving privilege by attending a driver improvement clinic. These persons would be required to pay a fee of \$15 to be deposited in the Operating Fund of the Division of Vehicles.

House Bill No. 2110
As Amended by House Committee on Transportation
(By Representative David Webb)

H.B. 2110 relates to the issuance of license plates for antique vehicles. The bill would permit the use of not more than seven letters, numerals, or a combination of the two on an antique plate. At present only a combination of not more than seven letters of the alphabet can be used. The registration of \$5 is increased to \$15 and the fee for a personalized antique license plate is increased from \$25 to \$40. The effective date of the bill is January 1, 1984.

House Bill No. 2194
As Amended by House Committee on Transportation
(By Committee on Transportation)

H.B. 2194 consolidates two laws relating to U-turns. K.S.A. 8-1524 covers all divided highways and K.S.A. 1982 Supp. 68-1906 addresses controlled access highways. The House Transportation Committee amended the bill by striking language relating to the penalty provisions. The effect of the change is to bring violations of this bill under the general penalty provisions found in K.S.A. 8-2116. A second amendment adds new subsections (g) and (h). Subsection (g) prohibits persons from using controlled

access highway rights-of-way for parking vehicles or mobile equipment, or stacking materials or equipment which service adjacent property. Subsection (h) prohibits persons from stopping, standing, or parking vehicles on the rights-of-way of controlled access highways except for:

1. stopping of disabled vehicles;
2. stopping to give aid in an emergency;
3. stopping in compliance with directions of a police officer or other emergency or safety official;
4. stopping due to illness or incapacity of the driver; or
5. parking in designated parking or rest areas. (The two above subsections were amended into this bill from H.B. 2164.)

House Bill No. 2225
As Amended by House Committee of the Whole
(By Representatives Leary Johnson
and Clifford Campbell)

H.B. 2225 relates to the transportation of cylindrically-shaped bales of hay. The bill strikes language which limits such vehicles from traveling more than 50 miles from the usual place the vehicle is parked when not in use. The second change relates to the maximum height of vehicles transporting hay. K.S.A. 8-1904 is amended to allow vehicles transporting cylindrically-shaped bales of hay to be loaded to a height not exceeding 14 1/2 feet. If the loaded vehicle negligently strikes an overpass or other obstacle, the operator is held liable.

The House Committee of the Whole amended the bill by requiring vehicles loaded with cylindrically-shaped bales of hay to have a sign attached to the vehicle which states "Oversize Load." The sign must be 14 inches in height and 60 inches in length with a stroke of 1 1/8 inches readily visible from a distance of 500 feet. The vehicle must also be equipped with red flags on all four corners of the overwidth load.

House Bill No. 2283
As Recommended by House Committee on Transportation
(By Committee on Transportation)

H.B. 2283 limits the use of the 15-day temporary permit now issued by motor vehicle dealers. The following could no longer haul loads on the \$2 permit:

1. trucks;
2. truck-tractors; and
3. any combination of trucks or truck-tractors pulling any type of trailer or semitrailers.

House Bill No. 2284
As Amended by House Committee on Transportation
(By Committee on Transportation)

H.B. 2284, as introduced, amends K.S.A. 8-2420, relating to the licensure of vehicle sales and manufacture, to allow for criminal penalties upon convictions for such violations.

New Section 1 specifies the penalties upon conviction for violations of K.S.A. 8-2401 to 8-2424.

Section 2 is amended to prohibit the application of penalties under K.S.A. 8-149 (the general penalty clause for violations of registration and certificate of title) to violators of the statutes listed in New Section 1. This is to avoid possible double criminal liability.

The House Transportation Committee amended the bill in New Section 1 by specifying the statutes to which criminal sanctions are applicable.

House Bill No. 2285
As Recommended by House Committee on Transportation
(By Committee on Transportation)

H.B. 2285 concerns driver's licenses. The bill accomplishes the following:

Section 1 amends K.S.A. 8-253 to include statutorily mandated revocation as (as well as suspension) a condition for which the courts are to certify convictions to the Division of Vehicles.

Section 2 would clarify K.S.A. 8-254 by ensuring that a "fleeing or attempting to elude" conviction for which revocation is mandatory would also include a municipal ordinance conviction therefor.

Section 3 would broaden the time frame within which the Department's Legal Services Bureau could hold hearings up to 45 days after the request therefore when no action has been taken on the license prior to the hearing request.

Section 4 clarifies that the Department may extend a previous suspension or revocation period if a person is convicted under the ordinances of cities or other states which are similar to Kansas state law.

House Bill No. 2288
As Recommended by House Committee on Transportation
(By Committee on Transportation)

H.B. 2288 relates to notice of motor carrier hearings published by the State Corporation Commission. The bill was requested by the State Corporation Commission

to reconcile two separate statutes which were amended during the 1982 Legislative Session. (K.S.A. 66-1,112B and K.S.A. 66-1,114.) Specifically 1982 H.B. 2717 contained the new notice of hearing requirements for intrastate common and contract carrier applications. That bill required that the notice be published in the Kansas Register bi-monthly. In contrast, 1982 S.B. 511 amended the entry standard the Commission must apply to common and contract carriers but did not delete the old notice of hearing requirements. Thus there are two separate statutes relating to the notice of hearing requirements.

House Bill No. 2125
As Recommended by House Committee on Transportation
(By Representative Teagarden)

H.B. 2125 authorizes the board of county commissioners to make an annual tax levy of not to exceed two mills on taxable tangible property in the county for the purpose of construction and reconstruction of county roads and bridges. The mill levy is now set at one mill.

House Bill No. 2215
As Amended by House Committee on
Energy and Natural Resources
(By Representative Buntin)

H.B. 2215 would amend K.S.A. 66-119 to provide that in the event a customer is charged or billed on the basis of the reading of a meter and the meter is erroneously read resulting in a charge or bill which is less than the bill would otherwise have been, the error would not be corrected unless corrected within four months of the time when the erroneous bill or charge was received by the customer.

The provisions of the House Committee amendment would apply to municipally owned utilities and one city private utility as well as to public utilities whether regulated by the State Corporation Commission or not.

House Bill No. 2358
As Amended by House Committee of the Whole
(By Representative Crowell)

H.B. 2358 relates to railroad discontinuance of service or station closings. The bill, as it came out of the House Committee of the Whole, accomplishes the following:

1. It authorizes the service test period from 180 days to 90 days.
2. It inserts language to require the agent to remain in place during the 90-day test period.

3. The proposed new language in the bill is deleted which would have required a test period to include the four months of the year in which there were the greatest number of cars loaded at the station in the three years preceding the test as determined by the Commission. This language is replaced with a provision that effective July 1, 1984, a test period must include the two continuous months of the year in which there were the greatest number of cars shipped and received at the agency or agencies in the two years preceding the date of the application for the test, as determined by the Commission.
4. It shortens from within 60 days to within 30 days the time required before the end of the service system test that consignees or consignors have to protest to the Commission before either setting or waiving a hearing for discontinuance of the services or closing of a railroad agency.
5. It requires the Corporation Commission to make a determination on the acceptability of the test period no longer than the 15th day of filing of the railroad's application for a test period.
6. It changes the effective date of the act to after its publication in the Kansas Register.

House Bill No. 2468
As Recommended by House Committee on Transportation
(By Committee on Assessment and Taxation)

H.B. 2468 extends to all Liquified Petroleum powered vehicles the option of buying motor fuel tax prepared permits. Currently, only farm vehicles are allowed to prepay LP motor fuel tax without obtaining a dealer user license. The bill strikes language that refers to farm users and replaces it with a broader LP-gas permit user. The bill also provides for a schedule for prepaying the tax based on the gross weight of the motor vehicle and the number of miles it was operated on the highways during the previous year.

House Bill No. 2287
As Recommended by House Committee on Transportation
(By Committee on Transportation)

H.B. 2287 amends K.S.A. 8-2107, the statute relating to appearance bonds for motor vehicles. Subsection (e) is amended to include insufficient liability insurance for motor carriers and failure to obtain interstate motor fuel tax authorization by carriers as offenses which require a cash bond. The amounts for the two offenses would be \$100.

House Bill No. 2317
As Amended by House Committee of the Whole
(By Representatives Heinemann and Moomaw)

H.B. 2317 amends several statutes and enacts several new sections to authorize counties to issue bonds to provide funds for the state's share of any highway improvement in the county.

Section 1 amends K.S.A. 12-195 to allow counties to issue bonds payable from the proceeds of a countywide sales tax for the purpose of paying the state's share of construction for highways for which a federal share is to be received.

New section 2 authorizes counties to issue general obligation bonds to pay the state's share of highway construction costs, if authorized as provided in section 3. The bonds would not be subject to any bonded indebtedness limits.

New section 3 allows the county to submit the question of imposing a property tax to pay for the state highway help bonds authorized in section 2. The county would be required to have an election if requested by 10 percent of the county's voters or if requested by a two-thirds vote of certain cities or taxing subdivisions in the county.

New section 4 provides that when the Secretary of Transportation has agreed to schedule an improvement project to begin within one year and that local participation in supplying funds is desirable, the county may participate by providing the proceeds of bonds issued under K.S.A. 10-1201, section 2, or section 3.

Section 5 amends K.S.A. 10-1201 to include counties issuing bonds as contemplated by section 1.

The House Committee on Assessment and Taxation struck sections of the bill that would have given counties an additional sales tax authority of one-half cent for a countywide retailers' highway sales tax and would have required the Secretary of Transportation to repay any county the amount of funds provided by the county under section 4.

House Bill No. 2383
As Amended by House Committee on Transportation
(By Representative Vancrum)

H.B. 2383, as introduced, would have amended K.S.A. 8-237. This statute relates to restricted drivers' licenses for persons under 16 years of age but at least 14 years old. H.B. 2383 inserted language which specifically required an applicant for a young age restricted license to pass a written exam prior to obtaining such license.

New section 2 created a criminal offense for minors who violate the terms of a restricted license. Included in the penalty provisions is a mandatory suspension of driving privileges from 90 days through 2 years.

The House Transportation Committee amended the bill by striking sections 1 and 2 in the bill. This was done in order to avoid the inference that a person could obtain a young age restricted license by passing only a written drivers' license examination. K.S.A. 8-235d, K.S.A. 8-239, K.S.A. 8-240 currently establish examination requirements for drivers' license applicants.

The Committee also made the following amendments:

1. makes it a misdemeanor for persons operating motor vehicles in violation of a restriction imposed under K.S.A. 8-237 (the restricted license statute), 8-239 (the instruction permit and temporary license statute), 8-245 (suspension and revocation for violations of any restricted license), or 8-2117 (the statute pertaining to the prosecution of juvenile traffic offenses);
2. imposes a court fine not to exceed \$250 on first conviction and requires the court to suspend the person's driver's license for not less than 30 days and not more than 2 years;
3. imposes a court fine not to exceed \$500 on second and subsequent convictions and requires the court to suspend the person's driver's license for not less than 90 days and not more than 2 years; and
4. allows the courts to continue to impose penalties authorized by K.S.A. 8-2117, (the statute relating to the prosecution of juvenile traffic offenses) arising from traffic offenses in addition to penalties and suspensions imposed under the above sections.