

MINUTES OF THE House COMMITTEE ON Transportation

The meeting was called to order by Representative Rex Crowell at
Chairperson

1:30 ~~am~~/p.m. on January 26, 1984 in room 519-S of the Capitol.

All members were present except: Rep. Norman Justice, Excused

Committee staff present:

Fred Carman, Revisor of Statutes
Hank Avila, Legislative Research
Donna Mulligan, Committee Secretary

Conferees appearing before the committee:

None

Chairman Crowell opened the meeting by taking up further discussion on SB-176.

Fred Carman distributed a memorandum to committee members and gave a brief explanation of the regulations concerning the registering of farm trucks and trailers. (See Attachment 1)

Mr. Carman had researched the law and he reported that the tax and tags law appears at K.S.A. 1983 Supp. 79-5101 et seq. K.S.A. 1983 Supp. 79-5101 defines "motor vehicle" and exempts from the definition the following: "(f) Motor vehicles having gross vehicle weight of more than 12,000 pounds." Mr. Carman informed the committee the tax and tags law applies only to vehicles not exempt from the motor vehicle definition.

Mr. Carman concluded his presentation by clarifying some of the matters discussed by the committee on January 25, and said if a provision is included that limits the farm truck designation to "registered for a gross weight of more than 12,000 pounds", the tax and tags law will not apply to any truck having farm registration.

He also stated if the bill is drafted so the lowest bracket in the farm truck schedule is for a gross weight of more than 12,000 pounds, no truck registered as a farm truck will be subject to the tax and tags law.

Mr. Carman also pointed out that if the farm truck registration is limited to vehicles having a gross weight of more than 12,000 pounds, a person would be able to obtain regular registration for a gross weight of 12,000 pounds or less for \$25 (or whatever fee the legislature decides) but that vehicle would not be permitted to carry 12,000 pounds plus a 6,000 pound trailer, however, it could be used all the time for recreation.

Chairman Crowell requested Mr. Carman explain a suggested change brought up by Representative Larry Erne which would delete the word "farm" on Line 327. Mr. Carman stated that in the definition of farm trailer in SB-176 on Page 7, Line 317 through Line 326, there are provisions which relate to farm trailers and if the word "farm" in Line 325 is deleted, the farm trailer could be pulled by any registered truck.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Transportation,
room 519-S, Statehouse, at 1:30 ~~xx~~/p.m. on January 26, 1984

A motion was made by Representative Erne on SB-176, Line 325, to strike the word "farm". The motion was seconded by Representative Sutter. The motion passed.

Representative Erne made a motion that the \$200 category for 54,000 to 66,000 lbs. be divided in half. The category of 54,000 to 60,000 lbs. would have a fee of \$150 and the category from 60,000 to 66,000 lbs. would have a fee of \$300. The gross weight over 66,000 lbs. would remain at \$500. Motion was seconded by Representative Wilbert.

Representative Webb made a motion to report SB-176 as amended favorable for passage and that it be a substitute bill. The motion was seconded by Representative Wilbert. Motion passed.

The next order of business was HB-2663. It was moved by Representative Webb that HB-2663 be passed favorably. The motion was seconded by Representative Johnson. Motion passed.

The meeting was adjourned at 2:15.


Rex Crowell, Chairman

January 26, 1984

MEMORANDUM

The tax and tags law appears at K.S.A. 1983 Supp. 79-5101 et seq. K.S.A. 1983 Supp. 79-5101 defines "motor vehicle" and exempts from the definition the following:

"(f) Motor vehicles having gross vehicle weight of more than 12,000 pounds;"

The tax and tags law applies only to vehicles not exempt from the motor vehicle definition. The tax and tags law requires that property tax be paid at the time the vehicle obtains its annual registration (license decal). The tax and tags law also prescribes a classification schedule which may result in a higher tax for any vehicle falling within its provisions.

A farm truck registered for a gross weight of any amount may pull a farm trailer with 6,000 pounds load, and the weight of the trailer and its load are not considered in determining the gross weight for the purpose of registration. This is not true for a regular truck registered for the same gross weight; in other words, a regular truck registered for 12,000 pounds cannot carry and pull more than 12,000 pounds, whereas a farm truck registered for 12,000 pounds may have a load which makes it weigh 12,000 pounds and still in addition pull a trailer with a 6,000 pound load. Therefore, a farm license establishes a privilege which a regular license of the same gross weight does not have.

Under K.S.A. 1983 Supp. 8-143, a farm truck may have registered for a gross weight of 12,000 pounds or less for \$25. In such a case, the farm truck is subject to the tax and tags law. A farm truck may also for \$25 be registered for a gross weight of more than 12,000 pounds and not more than 16,000 pounds, and when registered for not more than 16,000 pounds the farm truck is not subject to the tax and tags law.

In conclusion with respect to some of the matters discussed by the House Transportation Committee on January 25, the following observations are made:

(1) In the material relating to registration of farm trucks, if a provision is included that limits the farm truck to "registered for a gross weight of more than 12,000 pounds", the tax and tags law will not apply to any truck having farm registration.

Attachment 1

(2) If the lowest bracket in the farm truck schedule is for a gross weight of more than 12,000 pounds, no truck registered as a farm truck will be subject to the tax and tags law.

(3) If the farm truck registration is limited to vehicles having a gross weight of more than 12,000 pounds, a person would be able to obtain regular registration for a gross weight of 12,000 pounds or less for \$25, but that vehicle would not be permitted to carry 12,000 pounds plus a 6,000 trailer, however it could be used all the time for recreation.

Note: Notwithstanding the other comments in this memorandum, some interpretations have been made that a regular truck licensed for 12,000 pounds or less may be loaded to weigh 12,000 pounds and then pull a nonfarm trailer of ~~any~~ gross weight.

2,000 pounds