

MINUTES OF THE House COMMITTEE ON Transportation

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

1:30 ~~xxx~~/p.m. on March 26, 1985 in room 519-S of the Capitol.

All members were present except: Representatives Adam and Harper, excused.

Committee staff present:

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

Conferees appearing before the committee:

Senator Joe Warren  
Mr. Ed DeSoignie, Kansas Department of Transportation  
Ms. Mary Turkington, Kansas Motor Carriers Association  
Mr. Ralph Hunt, Solid Wastes Management Association  
Mr. Frank Orser, Shawnee, Kansas  
Mr. George Simmons, Topeka Waste Systems, Inc.  
Col. Bert Cantwell, Kansas Highway Patrol

The meeting was called to order by Chairman Rex Crowell, and the first order of business was a hearing on SB-188 exempting agricultural lime haulers from the federal bridge weight limits.

Senator Joe Warren, sponsor of the bill, briefed the Committee on its contents.

Representative Shore asked if he would have any objection to amending the bill to exempt manure haulers. Senator Warren indicated he would prefer not.

Mr. Ed DeSoignie of the Kansas Department of Transportation testified in opposition to SB-188. (See Attachment 1) Mr. DeSoignie stated truck tractor and dump semitrailers or truck trailer combinations are exempt from the bridge formula if they are used as a combination unit exclusively for the transportation of sand, salt for highway maintenance, gravel, slagstone, limestone, crushed stone, cinders, coal, blacktop, dirt or fill material. He added, such vehicles must be in conformance with axle weight and gross weight limits. Mr. DeSoignie said the current exemption is limited to trucks hauling materials for highway purposes.

Mr. DeSoignie said the change proposed in SB-188 would open the exemption to nonhighway related use. He noted the KDOT supports the exemption's present applicability and is opposed to expanding the exemption to nonhighway operations.

The Chairman called on Mrs. Mary Turkington of the Kansas Motor Carriers Association to explain why the exemption is in the law in the first place. She said that in 1973 when the State of Kansas decided by legislative action to adopt an increase in the gross weights and in the axle limits, the bill that was drafted contained this exemption.

The hearing on SB-188 was concluded.

The next order of business was a hearing on SB-276 concerning exemptions from axle-weight limitations of vehicles used exclusively for refuse or solid waste disposal.

Mr. Ralph Hunt, Chairman of the Kansas Chapter National Solid Wastes Management Association, testified in support of SB-276. (See Attachment 2) Mr. Hunt told the Committee that the problem addressed by

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Transportation

room 519-S, Statehouse, at 1:30 ~~xxx~~/p.m. on March 26, 1985

SB-276 is one that has continued to plague refuse haulers in Kansas, that being the uneven distribution of weight carried by these vehicles, loaded and unloaded.

He noted the problem arises from the unique design of these trucks and the varying weight of the material they carry. He said most refuse vehicles are equipped with a compactor which reduces the bulk of the trash loaded into the truck, thereby maximizing vehicle capacity.

Mr. Frank Orser of Shawnee, Kansas, testified in favor of SB-276.

Mr. George Simmons of the Topeka Waste Systems, Inc., presented testimony in favor of SB-276.

Mr. Ed DeSoignie of the Kansas Department of Transportation testified in opposition to SB-276. (See Attachment 3)

Mr. DeSoignie said SB-276 would permit one group of highway users to exceed present statutory axle weight limits and proposes a departure from a long legislative history of requiring limitations on axle weights for the protection of highway pavements and structures.

The public hearing on SB-276 was concluded.

The next order of business was a hearing on SB-305 concerning Kansas Highway Patrol uniform requirements.

Colonel Bert Cantwell of the Kansas Highway Patrol testified in support of SB-305.

The next order of business was Committee discussion and action on SB-305.

Representative Justice made a motion to amend the wording on Line 25, taking out the words "superintendent and". The motion was seconded by Representative Ott.

Representative Erne made a substitute motion to insert language to indicate "the superintendent, at his discretion, may or may not wear a uniform". The motion was seconded by Representative Spaniol. Motion passed.

Representative Justice made a motion to recommend SB-305 as amended favorable for passage. The motion was seconded by Representative Dillon. Motion passed.

The next bill taken up for Committee discussion and action was SB-52 concerning the damage threshold requiring an accident be reported to police.

Representative Spaniol reported to the Committee on the findings of the subcommittee and distributed a balloon. (See Attachment 4)

A motion was made by Representative Spaniol to adopt the amendments recommended by the subcommittee. The motion was seconded by Representative Justice. Motion passed.

A motion was made by Representative Erne to recommend SB-52 as amended favorable for passage. The motion was seconded by Representative Wilbert. Motion passed.

The next business taken up for Committee discussion and action was SB-321 concerning vehicle dealer license plates. Representative Ott distributed a balloon on SB-321 and briefed the Committee on proposed changes in the bill. (See Attachment 5)

A motion was made by Representative Ott to adopt the proposed balloon amendments to SB-321 except the misdemeanor portion and to adjust the effective date so Section 5 would take effect immediately. The motion was seconded by Representative Smith. Motion passed.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Transportation,  
room 519-S, Statehouse, at 1:30 ~~am~~ p.m. on March 26, 1985

Representative Spaniol made a motion to allow insurance companies to use a dealer's tag on vehicles purchased or acquired for salvage. The motion was seconded by Representative Patrick. Motion passed.

A motion was made by Representative Snowbarger to have the license fee for insurance companies be the same as for the salvage dealers. The motion was seconded by Representative Dillon. Motion passed.


Representative Patrick made a motion to amend the height of letters on the signs to be not less than 10 inches as long as it does not conflict with city ordinances. The motion was seconded by Representative Brown. Motion passed.

A motion was made by Representative Dillon to raise the annual fee for each full-privilege license plate to \$500. The motion was seconded by Representative Justice. Motion failed.

A motion was made by Representative Erne to tie the fee in Section 3 for the additional dealer license plates to the amount required to register a passenger vehicle having a gross weight of more than 4,500 pounds. The motion was seconded by Representative Justice. Motion passed.

It was moved by Representative Patrick to report SB-321 as amended favorable for passage. The motion was seconded by Representative Erne. Motion passed.

The meeting was adjourned at 3:30 p.m.

  
Rex Crowell, Chairman

GUEST LIST

COMMITTEE: Transportation

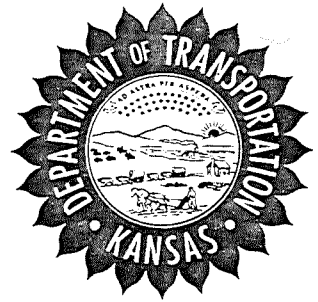
DATE: 3-26-85

PLEASE PRINT

NAME	ADDRESS	COMPANY/ORGANIZATION
STEVE & FAITH APPLE	9108 SWITZER	BEREAN CHRISTIAN SCHOOL
Marcie Harrington	RR1 Box 92K Olathe, Ks	Berean Christian Sch.
Ted Stein	RT1 Sedgwick, Ks	Farm Bureau
BILL HUFFMAN	WICHITA, KS	TRASH SERVICE
Jerry Cothey	M9, 20 Ks	J+N Trash
Frank O'Neal	Shawnee, Ks	Observer, Inc.
Ralph Hunt	Wichita, Ks	Kansas Chapter of National Ass. of Waste Management
Joe W. Allen	Maple City	State Senator
Michael Woolf	Lawrence	Sen. Morris' Office
RAUL P. GUEVARA	TOPEKA	KDOT
Tom Whitaker	Topoka	Ks Motor Carrier Assn.
Bert Cantrell	TOPEKA	KMP
George Turkin	Topoka	Kansas Motor Carriers Assn.
Richard Schlegel	MANHATTAN	ABATE
George Simmons	TOPEKA	Topoka Waste System
JAMES L. YOUNG	OAK BROOK, IL	WASTE MANAGEMENT, INC.
RON CALBERT	NEWTON	United Transportation Union
Leroy Jones	Overland Park	B. L. E.
BOB BRADLEY	LAWRENCE	KS Assoc. Counties

# KANSAS DEPARTMENT OF TRANSPORTATION

STATE OFFICE BUILDING—TOPEKA, KANSAS 66612



JOHN B. KEMP, Secretary of Transportation

JOHN CARLIN, Governor

MEMORANDUM TO: THE HOUSE TRANSPORTATION COMMITTEE

FROM: EDWARD R. DESOIGNIE  
POLICY COORDINATOR

REGARDING: SENATE BILL 188

DATE: MARCH 26, 1985

MR CHAIRMAN, MEMBERS OF THE COMMITTEE. ON BEHALF OF THE SECRETARY OF TRANSPORTATION, I WOULD LIKE TO EXPRESS OUR CONCERNS WITH SENATE BILL 188.

TRUCK TRACTOR AND DUMP SEMITRAILERS OR TRUCK TRAILER COMBINATIONS ARE EXEMPT FROM THE BRIDGE FORMULA IF THEY ARE USED AS A COMBINATION UNIT EXCLUSIVELY FOR THE TRANSPORTATION OF SAND, SALT FOR HIGHWAY MAINTENANCE, GRAVEL, SLAGSTONE, LIMESTONE, CRUSHED STONE, CINDERS, COAL, BLACKTOP, DIRT OR FILL MATERIAL AND WHEN SUCH VEHICLES ARE USED FOR TRANSPORTATION TO A CONSTRUCTION SITE, HIGHWAY MAINTENANCE OR CONSTRUCTION PROJECT OR OTHER STORAGE FACILITY. HOWEVER, SUCH VEHICLES MUST BE IN CONFORMANCE WITH AXLE WEIGHT AND GROSS WEIGHT LIMITS.

THE 1973 LEGISLATURE INCREASED THE GROSS WEIGHT LIMIT FROM 73,280 POUNDS TO 85,500 POUNDS ON ALL HIGHWAYS OTHER THAN INTERSTATE ROUTES. THE LEGAL WEIGHT LIMIT WAS BASED ON A MEASUREMENT FROM THE FRONT AXLE TO THE REARMOST AXLE OF A TRUCK TRACTOR-SEMITRAILER COMBINATION. THE AXLE WEIGHT LIMIT WAS ALSO INCREASED AT THE TIME FROM 18,000 POUNDS TO 20,000 POUNDS ON SINGLE AXLES AND FROM 32,000 POUNDS TO 34,000 POUNDS ON TANDEM AXLES. IN ORDER FOR TRUCKERS TO TAKE ADVANTAGE OF THE INCREASE IN ALLOWABLE AXLE AND GROSS WEIGHT, THE DISTANCE BETWEEN THE FRONT AXLE AND REARMOST AXLE HAD TO BE INCREASED.

3/26/85  
Attachment I

Memorandum To: The House Transportation Committee  
March 26, 1985  
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OPERATORS OF END DUMP SEMITRAILERS WERE CONCERNED THAT THE LONGER TRAILER CREATED SOME SAFETY PROBLEMS WHEN THE BOX WAS RAISED IN A DUMPING POSITION. THE TRAILER COULD BECOME TOP HEAVY AND TIP OVER. END DUMP SEMITRAILERS WERE EXEMPT FROM THE GROSS WEIGHT TABLE TO PERMIT USE OF VEHICLES WITH SHORTER WHEEL BASES.

THE FOLLOWING YEAR, THE 1974 LEGISLATURE ENACTED LARGE SCALE REVISIONS TO THE ACT REGULATING TRAFFIC TO MAKE IT CONSISTENT WITH THE UNIFORM VEHICLE CODE. AS A PART OF THAT ACTION, THE 1974 LEGISLATURE AMENDED THE DUMP SEMI-TRAILER EXCLUSION BY SPECIFYING THE PRESENT LIST OF EXEMPTED COMMODITIES AND QUALIFYING THE EXEMPTION TO APPLY ONLY TO HIGHWAY MAINTENANCE OR HIGHWAY CONSTRUCTION ACTIVITIES. IN 1980, THE TRUCK TRAILER COMBINATION WAS EXEMPTED FROM THE WEIGHT TABLE. IN STATE OF KANSAS V. SHOUSE, THE COURT OF APPEALS OF KANSAS FOUND THE EXEMPTION IN K.S.A. 8-1909 LIMITED TO TRUCKS HAULING MATERIALS FOR HIGHWAY PURPOSES.

THE AMENDMENT PROPOSED IN SENATE BILL 188 WOULD OPEN THE EXEMPTION TO NONHIGHWAY USE. THE DEPARTMENT SUPPORTS THE EXEMPTION'S PERCENT APPLICABILITY AND IS OPPOSED TO EXPANDING THE EXEMPTION TO NONHIGHWAY OPERATIONS.

TESTIMONY OF

RALPH HUNT, JR.  
SELECT SERVICE TRASH

REPRESENTING

KANSAS CHAPTER  
NATIONAL SOLID WASTES MANAGEMENT ASSOCIATION

SENATE BILL 276

HOUSE TRANSPORTATION COMMITTEE

3/26/85  
Attachment 2

Mr. Chairman, members of the Committee, good afternoon. My name is Ralph Hunt and I am the Chairman of the Kansas Chapter National Solid Wastes Management Association (NSWMA). The NSWMA is a trade association which represents over 2,500 privately owned firms engaged in all facets of waste service management. More than 30 of those companies are licensed and operating in Kansas and comprise the NSWMA's Kansas Chapter, one of the newest State organizations.

We are here today on behalf of NSWMA's Kansas members to urge your support for SB 276 which would exempt refuse collection vehicles from state axle weight limits. The problem addressed by SB 276 is one that has continued to plague refuse haulers in Kansas and in all other 49 states -- the uneven distribution of weight carried by these vehicles, loaded and unloaded.

The problem arises from the unique design of these trucks and the varying weight of the material they carry. Most refuse vehicles are equipped with a compactor which reduces the bulk of the trash loaded into the truck, thereby maximizing vehicle capacity under existing law. The compactor is considered essential to the safe and efficient operation of a trash collection vehicle. Without this equipment, the increased bulk of the trash would force the truck to make excessive numbers of trips to the disposal site at greater cost to the consumer



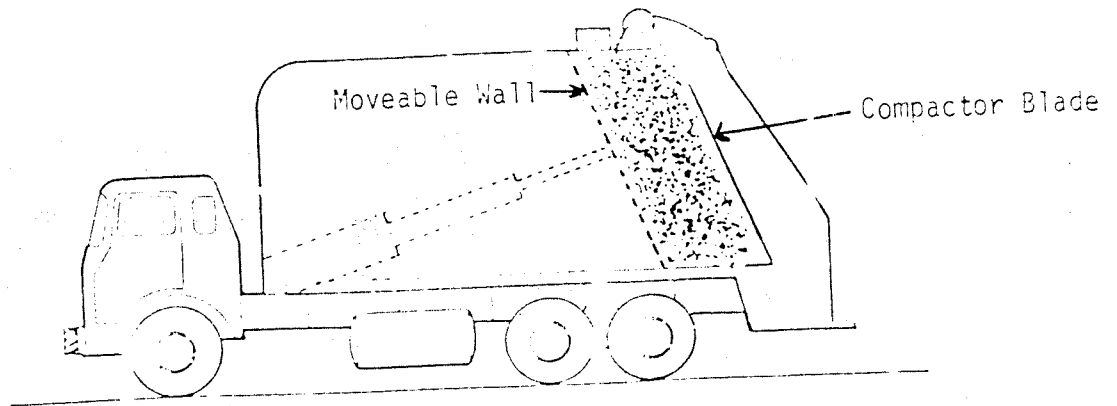
and with unnecessary consumption of fuel. The compactor, however, is also very heavy. When its weight is added to that of the loading mechanism, the vehicle's weight can increase as much as 7,000 pounds. For rear-loading refuse trucks, all of this additional weight will rest on the rear axle.

To compound the weight distribution problem for a rear-end loader, trash is loaded from the rear of the truck which greatly increases the amount of weight carried on the rear tandem axle. (See illustration.) The front axle carries less than 50 percent of the allowable weight, even when the truck is fully loaded. Today, a typical rear-end loader may reach the maximum weight limit on its rear axles when it is from 1/3 to 1/2 full. A front-end loading vehicle experiences this same weight distribution problem with some variation due to the forward location of its cab, engine, loading arms, and compacting equipment.

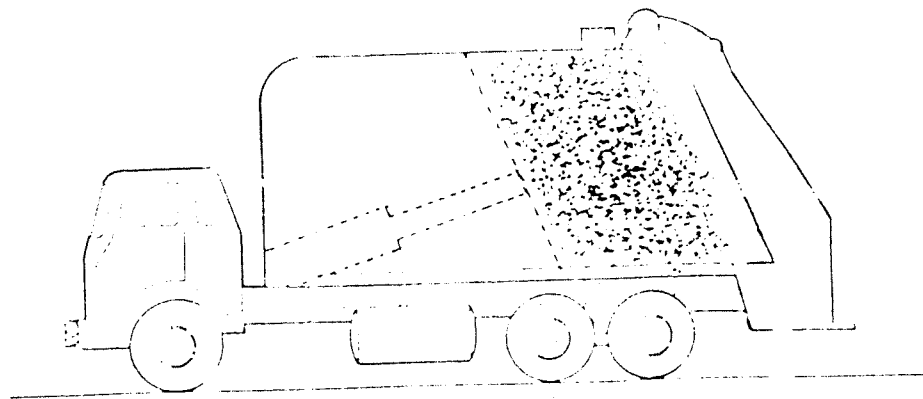
The other factor affecting the weight of these vehicles arises because there is no practical means of determining when a refuse truck on its route has reached its allowable axle weight, since the nature of the refuse and its weight-to-volume ratio is not consistent from day to day, or even from stop to stop. Even the weather can affect the weight of refuse. In wet weather, the moisture content of refuse left on a curbside can increase its weight as much as 40 percent.

It simply makes good sense to recognize the practical considerations inherent in the design and use of refuse vehicles in light of the

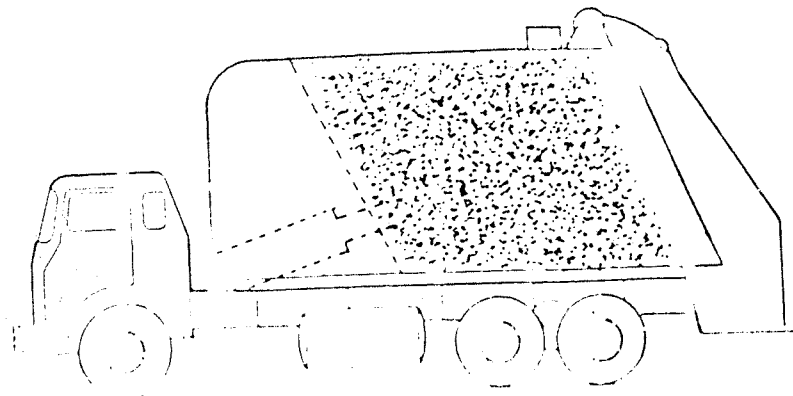
LOAD DISTRIBUTION FOR A REAR END LOADER  
(Loads from rear and compacts against a moveable wall)



EARLY LOADS



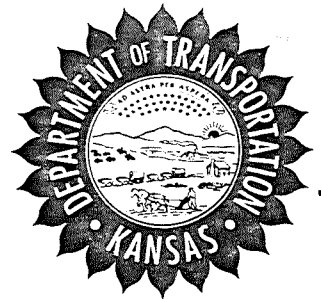
LATER LOADS



STILL LATER LOADS

# KANSAS DEPARTMENT OF TRANSPORTATION

STATE OFFICE BUILDING—TOPEKA, KANSAS 66612



JOHN B. KEMP, Secretary of Transportation

JOHN CARLIN, Governor

MEMORANDUM TO: HOUSE TRANSPORTATION COMMITTEE  
FROM: EDWARD R. DESOIGNIE  
POLICY COORDINATOR  
REGARDING: SENATE BILL 276  
DATE: MARCH 26, 1985

THE KANSAS DEPARTMENT OF TRANSPORTATION HAS CONCERN WITH ANY PROPOSED ACTION WHICH WOULD INCREASE THE ALLOWABLE VEHICLE WEIGHT LIMITS ON KANSAS HIGHWAYS AND BRIDGES. THE BILL BEFORE YOU TODAY WOULD PERMIT ONE GROUP OF HIGHWAY USERS TO EXCEED PRESENT STATUTORY AXLE WEIGHT LIMITS. THESE LIMITS ARE SINGLE AXLE - 20,000 POUNDS, DUAL (TANDEM) AXLES - 34,000 POUNDS, TRIPLE AXLES - 34,000 TO 43,500 POUNDS, AND QUAD AXLES - 43,500 TO 50,500 POUNDS. THE BILL PROPOSES A DEPARTURE FROM A LONG LEGISLATIVE HISTORY OF REQUIRING AXLE WEIGHTS FOR THE PROTECTION OF HIGHWAY PAVEMENTS AND STRUCTURES.

VEHICLE WEIGHTS AND AXLE LOADINGS ARE CRITICAL FACTORS USED IN THE DESIGN OF HIGHWAYS AND BRIDGES. IN DESIGNING PAVEMENT AXLE LOADS AND THE NUMBER OF REPETITIONS OF AXLE LOADS WHICH MAY PASS OVER A SECTION OF HIGHWAY DURING A GIVEN PERIOD OF TIME ARE BUILT-IN TO THE DESIGN. WITH BRIDGES, AXLE WEIGHTS AS WELL AS AXLE SPACING ARE IMPORTANT DESIGN ELEMENTS. INCREASING AXLE OR VEHICLE WEIGHTS ABOVE THE DESIGN TOLERANCES INCREASES WEAR ON THE STRUCTURE, HASTENS ITS DETERIORATION AND EVENTUAL REPLACEMENT AT A HIGHER THAN ORIGINAL COST.

EXEMPTING REFUSE TRUCKS FROM ANY AXLE WEIGHT RESTRICTIONS WOULD PERMIT SUCH VEHICLES TO OPERATE CLOSER TO MAXIMUM CAPACITY, DECREASING BOTH THE NUMBER OF TRIPS THEY WOULD MAKE, AS WELL AS FUEL COSTS. HOWEVER, IT WOULD

3/26/85  
Attachment 3

important public service they perform and the impracticality of pre-weighing and then distributing their loads to comply with axle weight restrictions. Fifteen states have acknowledged the problems faced by refuse vehicles as evidenced by the axle weight limit exemptions that they have granted to these trucks.

I would like to add that these states have approved axle weight relief for refuse vehicles despite the claims of state transportation officials that the benefit will threaten the states' Federal highway funds.

I should emphasize that SB 276 specifically states that the exemption WILL NOT apply to federal highways, only to refuse trucks travelling on Kansas highways and roads. I would also like to emphasize that none of the states that have granted this benefit have lost their Federal Highway funds.

Mr. Chairman and members of the Committee, we believe these facts and figures describing the dilemma facing refuse haulers in Kansas provide compelling evidence in support of special weight treatment for refuse collection vehicles. The NSWMA's Kansas Chapter members hope that you agree and will demonstrate your concern for their plight by approving SB 276 for full <sup>House</sup> ~~Senate~~ consideration.

Thank you for your attention. We are ready for questions.

Memorandum To: House Transportation Committee  
March 26, 1985  
Page 2

BE AT THE COST OF SHORTENED PAVEMENT AND BRIDGE LIFE. IT HAS BEEN ONLY RECENTLY THAT THE STATE HAS INITIATED AN ACCELERATED HIGHWAY PROGRAM DIRECTED TOWARDS PRESERVING THE EXISTING SYSTEM OF ROADS AND BRIDGES. THE MULTI-YEAR PROGRAM CONSISTS OF:

- + SURFACE PRESERVATION COVERING APPROXIMATELY 1,000 MILES A YEAR WITH SEALS AND OVERLAYS UP TO 1 1/2 INCHES.
- + REHABILITATION AND RECONSTRUCTION OF APPROXIMATELY 114 MILES IN FY 1984 AND FY 1985.
- + NEW CONSTRUCTION ON A LIMITED SCALE INVOLVING INTERSTATE GAP CLOSINGS, SCHEDULED FREEWAY FUND PROJECTS AND PROJECTS RELATED TO ECONOMIC DEVELOPMENT.
- + BRIDGES HAVE HEAVY EMPHASIS WITH WORK TENTATIVELY SCHEDULED ON NEARLY 300 BRIDGES OVER THE FIVE YEARS.

THE DEMANDS OF THE SYSTEM ARE SUCH THAT ALL NEEDS CANNOT BE ADDRESSED. THE PROVISIONS OF SENATE BILL 276 WOULD ONLY ADD TO THE PROBLEM RATHER THAN HELP.

THE DEPARTMENT REQUESTS THE COMMITTEE TO REPORT SENATE BILL 276 UNFAVORABLE FOR PASSAGE.

THANK YOU MR. CHAIRMAN, THAT CONCLUDES MY PREPARED COMMENTS.

SENATE BILL No. 52

By Senator Ehrlich

1-23

0018 AN ACT concerning the regulation of traffic; ~~relating to the duty~~  
0019 ~~of the driver of a vehicle to give notice of an accident to the~~  
0020 ~~police, amending K.S.A. 1984 Supp. 8-1606 and repealing the~~  
0021 ~~existing section.~~

accident reports;

K.S.A. 8-1611 and

0022 *Be it enacted by the Legislature of the State of Kansas:*

sections

0023 Section 1. K.S.A. 1984 Supp. 8-1606 is hereby amended to  
0024 read as follows: 8-1606. (a) The driver of a vehicle involved in an  
0025 accident resulting in injury to or death of any person or total  
0026 damage to all property to an apparent extent of ~~\$300 \$500 \$1,000~~  
0027 or more shall give notice immediately of such accident, by the  
0028 quickest means of communication, to the nearest office of a duly  
0029 authorized police authority.

\$500

0030 (b) Whenever the driver of a vehicle is physically incapable  
0031 of giving an immediate notice of an accident as required in  
0032 subsection (a) and there was another occupant in the vehicle at  
0033 the time of the accident capable of doing so, such occupant shall  
0034 make or cause to be given the notice not given by the driver.

insert Sec. 2., attached

0035 (c) Violation of this section is a misdemeanor.

K.S.A. 8-1611 and

3 0036 ~~Sec. 2.~~ K.S.A. 1984 Supp. 8-1606 ~~is~~ hereby repealed.

are

4 0037 ~~Sec. 3.~~ This act shall take effect and be in force from and  
0038 after its publication in the statute book.

Att. 4

Attch. 4  
3/26/85

Sec. 1. K.S.A. 8-1611 is hereby amended to read as follows:

8-1611. (a) Every law enforcement officer who investigates a vehicle accident (1) of which report must be made as required in this article, or (2) who otherwise prepares a written report as a result of an investigation either at the time of and at the scene of the accident or thereafter by interviewing the participants or witnesses, when such accident under subparts(1) or (2) results in injury or death to any person or total damage to all property to an apparent extent of \$500 or more, shall forward a written report of such accident to the division within ~~ten-(10)~~ 10 days after investigation of the accident.

(b) Such written reports required to be forwarded by law enforcement officers and the information contained therein shall not be privileged or held confidential.

(c) The provisions of this section shall be deemed to be satisfied by the submission of consolidated magnetic tape reports prepared by computer and containing the information required to be included in written reports. The format of such magnetic tape reports and the frequency of submission must be acceptable to the division and the secretary of transportation.

SENATE BILL No. 321

By Committee on Transportation and Utilities

2-27

0018 AN ACT concerning motor vehicles; vehicle dealer license  
0019 plates; amending K.S.A. 8-2406 and K.S.A. 1984 Supp. 8-2401  
0020 and, 8-2404 and 66-1,109 and repealing the existing sections.

0021 *Be it enacted by the Legislature of the State of Kansas:*

0022 Section 1. K.S.A. 1984 Supp. 8-2401 is hereby amended to  
0023 read as follows: 8-2401. As used in this act, the following words  
0024 and phrases shall have the meanings:

0025 (a) "Vehicle dealer" means any person who: (1) For com-  
0026 mission, money or other thing of value is engaged in the business  
0027 of buying, selling or offering or attempting to negotiate a sale of  
0028 an interest in vehicles; or (2) for commission, money or other  
0029 thing of value is engaged in the business of buying, selling or  
0030 offering or attempting to negotiate a sale of an interest in vehi-  
0031 cles for other persons as an agent, middleman or negotiator; or (3)  
0032 for commission, money or other thing of value is engaged in the  
0033 business of bringing buyers and sellers of vehicles together; or  
0034 (4) for commission, money or other thing of value is engaged in  
0035 the business of buying, selling or offering or attempting to  
0036 negotiate a sale of an interest in motor vehicles as an auction  
0037 motor vehicle dealer as defined in (j); but does not include: (i)  
0038 Receivers, trustees, administrators, executors, guardians, or  
0039 other persons appointed by or acting under the judgment or  
0040 order of any court, or any bank, trustee or lending company or  
0041 institution which is subject to state or federal regulations as such,  
0042 with regard to its disposition of repossessed vehicles; or (ii)  
0043 public officers while performing their official duties; or (iii)  
0044 employees of persons enumerated in (i) and (ii), when engaged  
0045 in the specific performance of their duties as such employees.

Attach. 5

Attch. 5  
3/26/85



0046 (b) "New vehicle dealer" means any vehicle dealer who is a  
0047 party to an agreement, with a first or second stage manufacturer  
0048 or distributor, which agreement authorizes the vehicle dealer to  
0049 sell, exchange or transfer new motor vehicles, trucks, motorcy-  
0050 cles, mobile homes, or trailers or parts and accessories made or  
0051 sold by such first or second stage manufacturer or distributor and  
0052 obligates the vehicle dealer to fulfill the warranty commitments  
0053 of such first or second stage manufacturer or distributor.

0054 (c) "Used vehicle dealer" means any person actively en-  
0055 gaged in the business of buying, selling or exchanging used  
0056 vehicles.

0057 (d) "Vehicle salesman" means any person who is employed  
0058 as a salesman by a vehicle dealer to sell vehicles.

0059 (e) "Mobile home dealer" means any person who: (1) For  
0060 commission, money or other thing of value is engaged in the  
0061 business of buying, selling or offering or attempting to negotiate  
0062 a sale of an interest in mobile homes; or (2) for commission,  
0063 money or other thing of value is engaged in the business of  
0064 buying, selling or offering or attempting to negotiate a sale of an  
0065 interest in mobile homes for other persons as an agent, middle-  
0066 man or negotiator; or (3) for commission, money or other thing of  
0067 value is engaged in the business of bringing buyers and sellers of  
0068 mobile homes together.

0069 (f) "New mobile home dealer" means any mobile home  
0070 dealer who is a party to a mobile home sales agreement, with a  
0071 mobile home manufacturer, which mobile home sales agreement  
0072 authorizes the mobile home dealer to sell, exchange or transfer  
0073 new mobile homes or parts and accessories made or sold by such  
0074 mobile home manufacturer and obligates the mobile home  
0075 dealer to fulfill the warranty commitments of such mobile home  
0076 manufacturer.

0077 (g) "Used mobile home dealer" means any person actively  
0078 engaged in the business of buying, selling or exchanging used  
0079 mobile homes.

0080 (h) "Mobile home salesman" means any person who is em-  
0081 ployed as a salesman by a mobile home dealer to sell mobile  
0082 homes.

0083 (i) "Board" means the vehicle dealer review board created  
0084 by this act.

0085 (j) "Director" means the director of vehicles, or a designee of  
0086 the director.

0087 (k) "Division" means the division of vehicles of the depart-  
0088 ment of revenue.

0089 (l) "Vehicle" means every device in, upon or by which any  
0090 person or property is or may be transported or drawn upon a  
0091 public highway, and is required to be registered under the  
0092 provisions of article 1 of chapter 8 of Kansas Statutes Annotated  
0093 and amendments thereto except that such term shall not include  
0094 motorized bicycles or mobile homes.

0095 (m) "Manufactured home" means a structure, transportable  
0096 in one or more sections which in the traveling mode, is eight  
0097 body feet or more in width or 40 body feet or more in length, or  
0098 when erected on site, is 320 or more square feet and which is  
0099 built on a permanent chassis, and designed to be used as a  
0100 dwelling with or without permanent foundation, when con-  
0101 nected to the required utilities, and includes the plumbing,  
0102 heating, air-conditioning and electrical systems contained  
0103 therein. When the term mobile home is used in article 24 of  
0104 chapter 8 of Kansas Statutes Annotated it shall be synonymous  
0105 with and means the same as manufactured home.

0106 (n) "Motor vehicle" means any vehicle other than a mo-  
0107 torized bicycle, which is self-propelled and is required to be  
0108 registered under the provisions of article 1 of chapter 8 of Kansas  
0109 Statutes Annotated and amendments thereto.

0110 (o) "Licensor" means the director or division or both.

0111 (p) "First stage manufacturer" means any person who man-  
0112 ufactures, assembles and sells new vehicles to new vehicle  
0113 dealers for resale in this state.

0114 (q) "Second stage manufacturer" means any person who as-  
0115 sembles, installs or permanently affixes body, cab or special unit  
0116 equipment to a chassis supplied by a first stage manufacturer,  
0117 distributor or other supplier and sells the resulting new vehicles  
0118 to new vehicle dealers for resale in this state.

0119 (r) "Mobile home manufacturer" means any person who

0120 manufactures, assembles and sells new mobile homes to new  
0121 mobile home dealers for resale in this state.

0122 (s) "First stage converter" means any person who is engaged  
0123 in the business of affixing to a chassis supplied by a first stage  
0124 manufacturer, distributor or other supplier, specially constructed  
0125 body units to result in motor vehicles used as, but not limited to,  
0126 buses, wreckers, cement trucks and trash compactors.

0127 (t) "Second stage converter" means any person who is en-  
0128 gaged in the business of adding to, subtracting from or modifying  
0129 previously assembled or manufactured vehicles and sells the  
0130 resulting converted vehicles at retail or wholesale.

0131 (u) "Distributor" means any person who sells or distributes  
0132 for resale new vehicles to new vehicle dealers in this state or  
0133 who maintains distributor representatives in this state.

0134 (v) "Wholesaler" means any person who purchases vehicles  
0135 for the purpose of resale to a vehicle dealer.

0136 (w) "Factory branch" means any branch office maintained in  
0137 this state by a first or second stage manufacturer for the sale of  
0138 new vehicles to distributors, or for the sale of new vehicles to  
0139 new vehicle dealers, or for directing or supervising, in whole or  
0140 in part, its representatives in this state.

0141 (x) "Mobile home branch" means any branch office main-  
0142 tained in this state by a mobile home manufacturer for the sale of  
0143 new mobile homes to new mobile home dealers, or for directing  
0144 or supervising, in whole or in part, its representatives in this  
0145 state.

0146 (y) "Distributor branch" means any branch office similar to  
0147 (w) maintained by a distributor for the same purposes as a factory  
0148 branch.

0149 (z) "Factory representative" means a representative em-  
0150 ployed by a first or second stage manufacturer, factory branch,  
0151 mobile home manufacturer or mobile home branch for the pur-  
0152 pose of making or promoting the sale of its new vehicles or new  
0153 mobile homes to new vehicle dealers or new mobile home  
0154 dealers, or for supervising or contacting its new vehicle dealers  
0155 or mobile home dealers or prospective new vehicle dealers or  
0156 mobile home dealers with respect to the promotion and sale of

0157 such vehicles or mobile homes and parts or accessories for the  
0158 same.

0159 (aa) "Distributor representative" means any representative  
0160 similar to (z) employed by a distributor or distributor branch for  
0161 the same purpose as a factory representative.

0162 (bb) "Person" means any natural person, partnership, firm,  
0163 corporation or association.

0164 (cc) "New motor vehicle" means any motor vehicle which  
0165 has never been titled or registered and has not been substantially  
0166 driven or operated.

0167 (dd) "Franchise agreement" means any contract or franchise  
0168 or any other terminology, except mobile home sales agreement,  
0169 used to describe the contractual relationship between first or  
0170 second stage manufacturers, distributors and vehicle dealers, by  
0171 which:

0172 (1) A right is granted one party to engage in the business of  
0173 offering, selling or otherwise distributing goods or services  
0174 under a marketing plan or system prescribed in substantial part  
0175 by the other party, and in which there is a community of interest  
0176 in the marketing of goods or services at wholesale or retail, by  
0177 lease, agreement or otherwise; and

0178 (2) the operation of the grantee's business pursuant to such  
0179 agreement is substantially associated with the grantor's trade-  
0180 mark, service mark, trade name, logotype, advertising or other  
0181 commercial symbol designating the grantor or an affiliate of the  
0182 grantor.

0183 (ee) "Mobile home sales agreement" means a contract be-  
0184 tween the manufacturer or distributor of mobile homes and a  
0185 new mobile home dealer, by which the dealer is entitled to  
0186 purchase new mobile homes from the manufacturer or distribu-  
0187 tor for resale within this state.

0188 (ff) "Broker" means any person who, for commission, money  
0189 or other thing of value, is engaged in the business of: (1) Selling  
0190 or buying vehicles or mobile homes for other persons as an  
0191 agent, middleman or negotiator; or (2) bringing buyers and  
0192 sellers of vehicles or mobile homes together, but such term shall  
0193 not include any person engaged in a business in which the acts

0194 described in this subsection are only incidentally performed.

0195 (gg) "Salvage vehicle dealer" means any person engaged in  
0196 the business of buying, dismantling, disassembling or recycling  
0197 wrecked, abandoned or repairable vehicles and selling the us-  
0198 able parts thereof, or selling such wrecked, abandoned or re-  
0199 pairable vehicles as a unit at wholesale or selling the hull of the  
0200 vehicle after the salvageable parts have been removed.

0201 (hh) "Lending agency" means any person, desiring to be  
0202 licensed under this act and engaged in the business of financing  
0203 or lending money to any person to be used in the purchase or  
0204 financing of a vehicle or mobile home.

0205 (ii) "Established place of business" means a building or  
0206 structure, other than a building or structure all or part of which is  
0207 occupied or used as a residence, owned either in fee or leased  
0208 and designated as an office or place to receive mail and keep  
0209 records and conduct the routine of business. *To qualify as an*  
0210 *established place of business, there shall be located therein an*  
0211 *operable telephone which shall be listed in the telephone direc-*  
0212 *tory and with the telephone company under the name of the*  
0213 *licensed business. There shall also be displayed on or adjacent*  
0214 *to the entrance to the established place of business the hours of*  
0215 *operation of the established place of business.*

0216 (jj) "Auction motor vehicle dealer" means any person who for  
0217 commission, money or other thing of value is engaged in an  
0218 auction of motor vehicles except that the sales of such motor  
0219 vehicles shall involve only motor vehicles owned by licensed  
0220 motor vehicle dealers and sold to licensed motor vehicle dealers,  
0221 except that any auction motor vehicle dealer, registered as such  
0222 and lawfully operating prior to June 30, 1980, shall be deemed to  
0223 be and have been properly licensed under this act from and after  
0224 July 1, 1980. For the purposes of this subsection, an auction is a  
0225 private sale of motor vehicles where any and all licensed motor  
0226 vehicle dealers who choose to do so are permitted to attend and  
0227 offer bids and the private sale of such motor vehicles is to the  
0228 highest bidder.

0229 (kk) "Licensee" means any person issued a valid license  
0230 pursuant to this act.

0231 (II) "Dealer" means a mobile home dealer or a vehicle dealer  
0232 as defined by this act, unless the context otherwise requires.

0233 Sec. 2. K.S.A. 1984 Supp. 8-2404 is hereby amended to read  
0234 as follows: 8-2404. (a) No vehicle dealer or mobile home dealer  
0235 shall engage in business in this state without obtaining a license  
0236 as required by this act. Any vehicle dealer or mobile home dealer  
0237 holding a valid license and acting as a vehicle salesman or  
0238 mobile home salesman shall not be required to secure a sales-  
0239 man's license.

0240 (b) No first stage manufacturer, second stage manufacturer,  
0241 mobile home manufacturer, factory branch, factory representa-  
0242 tive, distributor branch or distributor representative shall engage  
0243 in business in this state without a license as required by this act,  
0244 regardless of whether or not an office or other place of business is  
0245 maintained in this state for the purpose of conducting such  
0246 business.

0247 (c) An application for a license shall be made to the director  
0248 and shall contain the information provided for by this section,  
0249 together with such other information as may be deemed reason-  
0250 able and pertinent, and shall be accompanied by the required  
0251 fee. The director may require in the application, or otherwise,  
0252 information relating to the applicant's solvency, financial stand-  
0253 ing, or other pertinent matter commensurate with the safeguard-  
0254 ing of the public interest in the locality in which the applicant  
0255 proposes to engage in business, all of which may be considered  
0256 by the director in determining the fitness of the applicant to  
0257 engage in business as set forth in this section. The director may  
0258 require the applicant for licensing to appear at such time and  
0259 place as may be designated by the director for examination to  
0260 enable the director to determine the accuracy of the facts con-  
0261 tained in the written application, either for initial licensure or  
0262 renewal thereof. Every application under this section shall be  
0263 verified by the applicant.

0264 (d) All licenses shall be granted or refused within 30 days  
0265 after application is received by the director and shall expire,  
0266 unless previously suspended or revoked, on December 31 of the  
0267 calendar year for which they are granted, except that where a

0268 complaint respecting the cancellation, termination or nonre-  
0269 newal of a sales agreement is in the process of being heard, no  
0270 replacement application shall be considered until a final order is  
0271 issued by the director. Applications for renewals received by the  
0272 director after February 15 shall be considered as new applica-  
0273 tions.

0274 (e) License fees for each calendar year, or any part thereof  
0275 shall be as follows:

0276 (1) For new vehicle dealers or new mobile home dealers,  
0277 \$50;

0278 (2) for distributors, \$50;

0279 (3) for wholesalers, \$50;

0280 (4) for distributor branches, \$50;

0281 (5) for used vehicle dealers or used mobile home dealers,  
0282 \$50;

0283 (6) for first and second stage manufacturers, \$200 plus \$50 for  
0284 each factory branch in this state;

0285 (7) for mobile home manufacturers, \$200 plus \$50 for each  
0286 mobile home branch in this state;

0287 (8) for factory representatives, \$25;

0288 (9) for distributor representatives, \$25;

0289 (10) for brokers, \$50;

0290 (11) for lending agencies, \$25;

0291 (12) for first and second stage converters, \$25;

0292 (13) for salvage vehicle dealers, \$50;

0293 (14) for auction motor vehicle dealers, \$50;

0294 (15) for vehicle salesman or mobile home salesman, \$5.

0295 Any salvage vehicle dealer who is also licensed as a used  
0296 vehicle dealer shall be required to pay only one \$50 fee for both  
0297 licenses. Any new vehicle dealer or mobile home dealer who is  
0298 also licensed as a used vehicle dealer or mobile home dealer  
0299 shall be required to pay only one \$50 fee for both licenses.

0300 (f) Dealers establishing supplemental places of business  
0301 within the same county of their licensure shall be required to pay  
0302 a supplemental license fee of \$10. Original inspections by the  
0303 division of a proposed established place of business shall be  
0304 made at no charge except that a \$5 fee shall be charged by the

0305 division for each additional inspection the division must make of  
0306 such premises in order to approve the same.

0307 (g) The license of all persons licensed under the provisions  
0308 of this act shall state the address of the established place of  
0309 business, office or branch and must be conspicuously displayed  
0310 therein. If such address is changed, the director shall endorse the  
0311 change of address on the license without charge if it is within the  
0312 same county. A change of address to a different county shall  
0313 require a new license and payment of the required fees.

0314 (h) Every salesman, factory representative or distributor rep-  
0315 resentative shall carry on their person a certification that the  
0316 person holds a valid state license. The certification shall name  
0317 the person's employer and shall be displayed upon request. An  
0318 original copy of the state license for a vehicle salesman or mobile  
0319 home salesman shall be mailed or otherwise delivered by the  
0320 division to the employer of the salesman for public display in the  
0321 employer's established place of business. When a salesman  
0322 ceases to be employed as such, the former employer shall mail or  
0323 otherwise return the original copy of the employee's state li-  
0324 cense to the division. A salesman, factory representative or  
0325 distributor representative who terminates employment with one  
0326 employer may file an application with the director to transfer the  
0327 person's state license in the name of another employer. The  
0328 application shall be accompanied by a \$2 transfer fee. A sales-  
0329 man, factory representative or distributor representative who  
0330 terminates employment, and does not transfer the state license,  
0331 shall mail or otherwise return the certification that the person  
0332 holds a valid state license to the division.

0333 (i) ~~(4)~~ If the director has reasonable cause to doubt the  
0334 financial responsibility or the compliance by the applicant or  
0335 licensee with the provisions of this act, the director may require  
0336 the applicant or licensee to furnish and maintain a bond in such  
0337 form, amount and with such sureties as the director approves, but  
0338 such amount shall be not less than \$5,000 nor more than ~~\$15,000~~,  
0339 conditioned upon the applicant or licensee complying with the  
0340 provisions of the statutes applicable to the licensee and as  
0341 indemnity for any loss sustained by any person by reason of any

\$20,000



0342 act by the licensee constituting grounds for suspension or revo-  
0343 cation of the license. Any such bond shall be a corporate surety  
0344 bond issued by a company authorized to do business in the state  
0345 of Kansas and shall be executed in the name of the state of Kansas  
0346 for the benefit of any aggrieved party. The aggregate liability of  
0347 the surety for all breaches of the conditions of the bond in no  
0348 event shall exceed the amount of such bond. The surety on the  
0349 bond shall have the right to cancel the bond by giving 30 days'  
0350 notice to the director, and thereafter the surety shall be relieved  
0351 of liability for any breach of condition occurring after the effec-  
0352 tive date of cancellation. Bonding requirements shall not apply  
0353 to first or second stage manufacturers, factory branches, factory  
0354 representatives or salesmen.

~~0355 (B) The director shall require the applicant or licensee as a  
0356 vehicle dealer to furnish and maintain a bond in form and with  
0357 sureties as the director approves. The amount shall be \$20,000  
0358 conditioned upon the applicant or licensee complying with the  
0359 provisions of the statutes applicable to the licensee and as  
0360 indemnity for any loss sustained by any person by reason of any  
0361 act by the licensee constituting grounds for suspension or revo-  
0362 cation of the license. The bond shall be a corporate surety bond  
0363 issued by a company authorized to do business in the state of  
0364 Kansas and shall be executed in the name of the state of Kansas  
0365 for the benefit of any aggrieved party. The aggregate liability of  
0366 the surety for all breaches of the conditions of the bond in no  
0367 event shall exceed the amount of such bond. The surety on the  
0368 bond shall have the right to cancel the bond by giving 30 days'  
0369 notice to the director, and thereafter the surety shall be relieved  
0370 of liability for any breach of condition occurring after the  
0371 effective date of cancellation.~~

0372 (j) No license shall be issued by the director to any person to  
0373 act as a new or used dealer, wholesaler, broker, salvage vehicle  
0374 dealer, auction motor vehicle dealer, second stage manufacturer,  
0375 first stage converter, second stage converter or distributor unless  
0376 the applicant for the vehicle dealer's license maintains an es-  
0377 tablished place of business which has been inspected and ap-  
0378 proved by the division. First stage manufacturers, factory

0379 branches, factory representatives, distributor branches, distribu-  
0380 tor representatives and lending agencies are not required to  
0381 maintain an established place of business to be issued a license.

0382 (k) Dealers required under the provisions of this act to  
0383 maintain an established place of business shall own or have  
0384 leased and use sufficient lot space to display vehicles or mobile  
0385 homes at least equal in number to the number of dealer *license*  
0386 plates the dealer has had assigned.

durable

0387 (l) A sign *with lettering at least ~~six~~ inches in height and*  
0388 easily visible from the street identifying the established place of  
0389 business ~~must shall~~ be displayed by ~~each every~~ vehicle dealer.

10

0390 (m) If the established place of business or lot is zoned,  
0391 approval must be secured from the proper zoning authority and  
0392 proof that the use complies with the applicable zoning law,  
0393 ordinance or resolution must be furnished to the director by the  
0394 applicant for licensing.

0395 (n) An established place of business, otherwise meeting the  
0396 requirements of this act may be used by a dealer to conduct more  
0397 than one business, provided that suitable space and facilities  
0398 exist therein to properly conduct the business of a vehicle dealer.

0399 (o) Any dealer selling, exchanging or transferring or causing  
0400 to be sold, exchanged or transferred new vehicles or new mobile  
0401 homes in this state must satisfactorily demonstrate to the director  
0402 that such vehicle dealer or mobile home dealer has a bona fide  
0403 franchise agreement or mobile home sales agreement with the  
0404 first or second stage manufacturer or distributor of the vehicle or  
0405 mobile home manufacturer, to sell, exchange or transfer the same  
0406 or to cause to be sold, exchanged or transferred.

0407 (p) The director of vehicles shall publish a suitable Kansas  
0408 vehicle or mobile home salesman's manual. Before a vehicle or  
0409 mobile home salesman's license is issued, the applicant for an  
0410 original license or renewal thereof shall be required to pass a  
0411 written examination based upon information in the manual.

0412 Sec. 3. K.S.A. 8-2406 is hereby amended to read as follows:

0413 8-2406. (a) The annual fee for ~~plates for a dealer shall be \$10 for~~  
0414 ~~each plate~~ the first dealer license plate is \$250, and the annual  
0415 fee for additional dealer license plates is ~~\$10.50~~ each. To deter-

\$16.25

0416 mine the number of dealer *license* plates the dealer needs, the  
 0417 director may base the decision on the dealer's past sales, inven-  
 0418 tory and any other pertinent factors as the director may deter-  
 0419 mine. *After the end of the first year of licensure as a dealer, no*  
 0420 *dealer license plate shall be issued to any dealer who has not*  
 0421 *reported to the division the sale of at least five motor vehicles in*  
 0422 *the preceding year.* There shall be no refund of fees for dealer  
 0423 *license* plates in the event of suspension, revocation or voluntary  
 0424 cancellation of a license. The director is hereby authorized to  
 0425 designate by identifying symbols on a dealer's *license* plate the  
 0426 type of dealer's license that the person has been issued. If a  
 0427 dealer has an established place of business in more than one  
 0428 county, such dealer shall secure a separate and distinct dealer's  
 0429 license and dealer *license* plates for each established place of  
 0430 business.

0431 (b) New motor vehicle dealers and used motor vehicle  
 0432 dealers may authorize use of dealer *license* plates assigned to  
 0433 such motor vehicle dealers as follows:

0434 (1) The licensed motor vehicle dealer ~~and such dealer's~~  
 0435 ~~spouse;~~

0436 ~~(2) the corporate officers of the licensed motor vehicle dealer~~  
 0437 ~~when such corporate officers are full-time employees thereof;~~

(2) 0438 (3) the sales manager and all other sales personnel when  
 0439 such manager and sales personnel are ~~full-time employees~~  
 0440 ~~thereof and are~~ properly licensed in Kansas, *except that no*  
 0441 *dealer license plate shall be assigned to sales personnel who are*  
 0442 *working at the established place of business of the dealer less*  
 0443 *than 20 hours per week;*

(3) 0444 (4) any employee of such motor vehicle dealer when the use  
 0445 thereof is directly connected to a particular business transaction  
 0446 of such motor vehicle dealer;

(4) 0447 (5) the customer when operating a motor vehicle in connec-  
 0448 tion with negotiations to purchase such motor vehicle or during a  
 0449 demonstration of such motor vehicle.

0450 (c) A wholesaler dealer may authorize the use of dealer  
 0451 *license* plates on vehicles purchased by the wholesaler for resale  
 0452 to a retail vehicle dealer as follows:

not more than one

0453 (1) To transport or operate a vehicle to or from a licensed  
0454 retail or wholesale vehicle dealer for the purpose of buying,  
0455 selling, or offering or attempting to negotiate a sale of the vehicle  
0456 to a licensed vehicle dealer;

0457 (2) to deliver a vehicle purchased from the wholesale vehicle  
0458 dealer to a purchasing vehicle dealer.

0459 (d) Salvage vehicle dealers may use dealer *license* plates  
0460 only on vehicles which they have purchased for salvage, includ-  
0461 ing dismantling, disassembling or recycling.

0462 (e) Mobile home dealers may use dealer *license* plates only  
0463 on mobile homes which they have purchased or own and are  
0464 holding for resale.

0465 (f) Lending agencies may use dealer *license* plates only on  
0466 vehicles which they have repossessed or are holding for dispo-  
0467 sition due to repossession.

0468 (g) Trailer dealers may use dealer *license* plates only on  
0469 trailers which they have purchased or own and are holding for  
0470 resale.

0471 (h) Brokers are not entitled to be assigned or to use any  
0472 dealer *license* plates.

0473 (i) Except as provided above, dealer *license* plates shall be  
0474 used only in accordance with the provisions of K.S.A. 8-136 and  
0475 amendments thereto. *This subsection (i) does not apply to sec-*  
0476 *tion 4 or full-privilege license plates issued thereunder.*

0477 New Sec. 4. (a) ~~The~~ secretary of revenue may issue full-  
0478 privilege license plates to a licensed manufacturer of or licensed  
0479 dealer in vehicles. In no calendar year shall the secretary issue in  
0480 excess of 10 such license plates to any licensed manufacturer or  
0481 dealer.

0482 (b) The annual fee for each full-privilege license plate shall  
0483 be \$350.

0484 (c) The secretary shall, upon application provided by the  
0485 secretary and payment of the fee required in subsection (b), issue  
0486 to the applicant appropriate passenger car or truck license plates.  
0487 Each license plate so issued shall be a full-privilege license plate  
0488 which shall expire on the January 31 next following its issuance.

0489 (d) Subject to subsection (e), a full-privilege license plate

When a first dealer license plate has been issued under K.S.A. 8-2406 and amendments thereto,

0490 may be used in lieu of regular vehicle registration and license  
0491 plate. A full-privilege license plate may be transferred from one  
0492 vehicle to another owned or in inventory of such manufacturer or  
0493 dealer and may be assigned for use by any person, at the  
0494 discretion of the manufacturer or dealer to whom it is issued.

0495 (c) A full-privilege license plate shall not be used on a lease  
0496 or rental vehicle. A full-privilege license plate shall not permit  
0497 any vehicle to be operated or moved upon a highway to haul  
0498 commodities weighing in excess of two tons. A full-privilege  
0499 license plate shall not be used on a wrecker or tow truck when  
0500 providing wrecker or towing service as defined by K.S.A. 1984  
0501 Supp. 66-1329 and amendments thereto.

0502 (f) Fees received under this section shall be divided equally  
0503 between the county treasurer in which the licensed manufac-  
0504 turer or dealer has its established place of business and the  
0505 secretary of revenue. Amounts allotted to the secretary of revenue  
0506 shall be deposited in the state treasury and credited to the  
0507 vehicle dealers and manufacturers fee fund which fund is hereby  
0508 created in the state treasury. Expenditures from the vehicle  
0509 dealers and manufacturers fee fund shall be made on vouchers  
0510 approved by the secretary of revenue, or a person designated by  
0511 the secretary, for enforcement of the vehicle dealers and manu-  
0512 facturers licensing act in accordance with appropriations there-  
0513 for. Amounts allotted to the county treasurers shall be credited to  
0514 the county treasurers' vehicle licensing fee fund which fund is  
0515 hereby created in the state treasury. Amounts due each county  
0516 treasurer shall be paid quarterly from such fund upon vouchers  
0517 approved by the secretary of revenue or a person designated by  
0518 the secretary. Amounts received by each county treasurer shall  
0519 be deposited, appropriated and used as provided by K.S.A. 8-145  
0520 and amendments thereto.

0521 (g) The provisions of K.S.A. 8-136 and 8-2406 and amend-  
0522 ments thereto shall not apply to full-privilege license plates or  
0523 the use thereof.

6 524 *Sec. 5. K.S.A. 1984 Supp. 66-1,109 is hereby amended to*  
0525 *read as follows: 66-1,109. This act shall not apply to:*

0526 (a) *Transportation by motor carriers wholly within the cor-*

The person to whom a full-privilege license plate is assigned for use shall be only a person who is: (1) A member of the immediate family of the licensed manufacturer of or licensed dealer in vehicles; (2) a corporate officer of the licensed manufacturer of or licensed dealer in vehicles; or (3) any employee of the licensed manufacturer of or licensed dealer in vehicles.

New Sec. 5. Violation of K.S.A. 8-2406 and amendments thereto or section 4 is a misdemeanor, and any person violating any provision thereof shall be fined not less than \$350 and not to exceed \$1,000. The provisions of this section shall not affect the authority of the secretary of revenue or any officer of the department of revenue in enforcing any provision of the vehicle dealers and manufacturers licensing act, of which section 4 and this section shall be a part.

0527 porate limits of a city or village in this state, or between contig-  
0528 uous cities or villages in this state or in this and another state, or  
0529 between any city or village in this or another state and the  
0530 suburban territory in this state within three miles of the cor-  
0531 porate limits thereof, except that none of the exemptions speci-  
0532 fied in this subsection (a) shall apply to local wrecker carriers  
0533 and none of such exemptions shall apply to motor carriers of  
0534 passengers (other than motor carriers of passengers operating as  
0535 a part of the general transit system serving any such city or  
0536 village in this or another state) operating on regular routes and  
0537 time schedules between any city or village in this or another  
0538 state, and the suburban territory in this state;

0539 (b) private motor carriers who operate within a radius of 25  
0540 miles beyond the corporate limits of such city or village;

0541 (c) the owner of livestock or producer of farm products  
0542 transporting livestock of such owner or farm products of such  
0543 producer to market in a motor vehicle of such owner or pro-  
0544 ducer, or the motor vehicle of a neighbor on the basis of barter  
0545 or exchange for service or employment, or to such owner or  
0546 producer transporting supplies for the use of such owner or  
0547 producer in a motor vehicle of such owner or producer, or in the  
0548 motor vehicle of a neighbor on the basis of barter or exchange  
0549 for service or employment;

0550 (d) persons operating motor vehicles used only to transport  
0551 property when no common carrier is accessible, but when com-  
0552 mon-carrier service is available then this last exemption is lim-  
0553 ited to the transportation of such property from origin to the  
0554 nearest practicable common-carrier receiving or loading point,  
0555 or from a common-carrier unloading point by way of the short-  
0556 est practicable route to destination, providing such motor vehi-  
0557 cle does not pass a practicable delivery or receiving point of a  
0558 common carrier equipped to transport said load, or when used to  
0559 transport property from the point of origin to point of destina-  
0560 tion thereof when the destination of such property is less distant  
0561 from the point of origin thereof than the nearest practicable  
0562 common-carrier receiving or loading point equipped to trans-  
0563 port such load;

- 0564 (e) (1) *the transportation of children to and from school, or (2)*  
0565 *to motor vehicles owned by schools, colleges, and universities,*  
0566 *religious or charitable organizations and institutions, or gov-*  
0567 *ernmental agencies, when used to convey students, inmates,*  
0568 *employees, athletic teams, orchestras, bands, etc.;*
- 0569 (f) *a new vehicle dealer as defined by K.S.A. 8-2401 and*  
0570 *amendments thereto when transporting property to or from the*  
0571 *place of business of such dealer;*
- 0572 (g) *motor vehicles carrying tools, property, or material be-*  
0573 *longing to the owner of said vehicle, and used in repair, building*  
0574 *or construction work, not having been sold or being transported*  
0575 *for the purpose of sale, lease, rent or bailment;*
- 0576 (h) *persons operating motor vehicles which have an ad va-*  
0577 *lorem tax situs in and are registered in the state of Kansas, and*  
0578 *used only to transport grain from the producer to an elevator or*  
0579 *other place for storage or sale for a distance of not to exceed 50*  
0580 *miles;*
- 0581 (i) *the operation of hearses, funeral coaches, funeral cars, or*  
0582 *ambulances by motor carriers;*
- 0583 (j) *motor vehicles owned and operated by the United States,*  
0584 *the District of Columbia, or any state, or any municipality, or*  
0585 *any other political subdivision of this state, including vehicles*  
0586 *used exclusively for handling U.S. mail;*
- 0587 (k) *any motor vehicle with a normal seating capacity of not*  
0588 *more than the driver and 16 adult passengers while used for*  
0589 *vanpooling or otherwise not for profit in transporting persons*  
0590 *who, as a joint undertaking, bear or agree to bear all the costs of*  
0591 *such operations, or motor vehicles with a normal seating capac-*  
0592 *ity of not more than the driver and 16 adult passengers for*  
0593 *not-for-profit transportation by one or more employers of em-*  
0594 *ployees to and from the factories, plants, offices, institutions,*  
0595 *construction sites or other places of like nature where such*  
0596 *persons are employed or accustomed to work;*
- 0597 (l) *motor vehicles used to transport water for domestic pur-*  
0598 *poses or livestock consumption;*
- 0599 (m) *transportation of sand, gravel, slag stone, limestone,*  
0600 *crushed stone, cinders, calcium chloride, bituminous or concrete*

0601 paving mixtures, blacktop, dirt or fill material to a construction  
0602 site, highway maintenance or construction project or other  
0603 storage facility and the operation of ready-mix concrete trucks  
0604 in transportation of ready-mix concrete;

0605 (n) the operation of a vehicle used exclusively for the trans-  
0606 portation of solid waste, as the same is defined by K.S.A. 65-  
0607 3402, and amendments thereto, to any solid waste processing  
0608 facility or solid waste disposal area, as the same is defined by  
0609 K.S.A. 65-3402, and amendments thereto;

0610 (o) the transporting of vehicles used solely in the custom  
0611 combining business when being transported by persons engaged  
0612 in such business;

0613 (p) the operation of vehicles used for servicing, repairing or  
0614 transporting of implements of husbandry, as defined in K.S.A.  
0615 8-1427 and amendments thereto, by a person actively engaged in  
0616 the business of buying, selling or exchanging implements of  
0617 husbandry, if such operation is within 100 miles of such person's  
0618 established place of business in this state; and

0619 (q) transportation by taxi or bus companies operated exclu-  
0620 sively within any city or within 25 miles of the point of its  
0621 domicile in a city; and

0622 (r) A vehicle being operated with a dealer license plate  
0623 issued under K.S.A. 8-2406 and amendments thereto, and in  
0624 compliance with K.S.A. 8-136 and acts amendatory thereof or  
0625 supplemental thereto, and vehicles being operated with a full-  
0626 privilege license plate issued under section 4.

7 0627 Sec. 5. K.S.A. 8-2406 and K.S.A. 1984 Supp. 8-2401 and  
0628 8-2404, 8-2404 and 66-1,109 are hereby repealed.

8 0629 Sec. 6. This act shall take effect and be in force from and  
0630 after its publication in the statute book.

January 1, 1986, and