

Approved December 3, 1986
Date

MINUTES OF THE House COMMITTEE ON Transportation

The meeting was called to order by Rex Crowell at
Chairperson

1:30 ~~xm~~p.m. on January 29, 1986 in room 519-S of the Capitol.

All members were present except: Representatives Adam and Spaniol - excused.

Committee staff present:

Bruce Kinzie, Revisor of Statutes
Hank Avila, Legislative Research
Donna Mulligan, Committee Secretary

Conferees appearing before the committee:

Representative Kenneth Green
Mr. George Lawson, Spikes-Spider Auto Traction Equipment
Mr. Ed DeSoignie, Kansas Department of Transportation
Lt. Bill Jacobs, Kansas Highway Patrol

Chairman Crowell called the meeting to order and the first order of business was a hearing on HB-2634 concerning the use of studded traction equipment.

Representative Kenneth Green, sponsor of HB-2634, briefed the Committee on the contents of the bill. (See Attachment 1)

Representative Green said HB-2634 would permit a traction device called the Spikes-Spider to be sold and used in the state of Kansas.

Mr. George Lawson, representing Spikes-Spider auto traction equipment, testified in support of HB-2634. (See Attachment 2)

Mr. Lawson said they currently have approval in 15 states to market the Spikes-Spider auto traction equipment. He said in his opinion, this equipment would have a less damaging effect on Kansas highways than studded snow tires, or even conventional tire chains. He added that because of their ease of installation and removal, motorists would use them only when road conditions warranted.

Chairman Crowell asked what states allow the use of the Spikes-Spider. Mr. Lawson distributed a map to Committee members providing this information. (See Attachment 3)

Mr. Ed DeSoignie, Kansas Department of Transportation, testified as a proponent on HB-2634. (See Attachment 4)

He stated the Department has gone on record in previous years as opposing the use of studded tires on highways because of the accelerated wear produced on pavements. Mr. DeSoignie added the Department is of the opinion that use of an easy-on, easy-off traction device may result in reduced pavement wear if motorists shift from using studded tires to studded traction equipment.

Lt. Bill Jacobs of the Kansas Highway Patrol testified in support of HB-2634. He indicated that as long as there is a provision requiring approval by the Secretary of the Kansas Department of Transportation, the Patrol would have no objection to the studded traction equipment.

The meeting was adjourned at 2:10 p.m.


Rex Crowell, Chairman

KENNETH W. GREEN
 REPRESENTATIVE SEVENTY-FIFTH DISTRICT
 BUTLER COUNTY
 327 MARMATON
 EL DORADO KANSAS 67042



TOPEKA

HOUSE OF
 REPRESENTATIVES

JANUARY 29, 1986

COMMITTEE ASSIGNMENTS
 MEMBER LABOR AND INDUSTRY
 PUBLIC HEALTH AND WELFARE
 COMMUNICATION COMPUTERS AND
 TECHNOLOGY

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

HB 2634 IS BEFORE YOU THIS AFTERNOON BECAUSE THE SUPERINTENDENT OF THE DEPARTMENT OF TRANSPORTATION DID NOT THINK THEY COULD GET THE JOB DONE IMPLEMENTING DOING THIS BY RULES AND REGULATIONS BECAUSE ACCORDING TO THE STATUTE 8-1742 NOTHING ABOVE THE TREAD OF THE TIRE AND THIS SITS ABOVE THE TIRE TREAD.

WE ALSO HAVE A LETTER FROM CHIEF COUNSEL OF THE DEPARTMENT OF TRANSPORTATION SUGGESTING WE HAVE A BILL REPEALING PART OF A SECTION OF KSA 8-1742 AND ADD A SECTION TO ALLOW THE SPIKES-SPIDER TO BE SOLD AND USED IN THE STATE OF KANSAS UNDER OTHER PROVISIONS OF KSA 8-1742 AND THAT THEY CAN BE USED FROM NOVEMBER 1 TO APRIL 1.

IN YOUR PACKET THERE ARE LETTERS FROM OTHER STATES THAT ARE AT THIS TIME ALLOWING THESE TO BE SOLD AND USED ON ICE AND SNOW FOR SAFETY REASONS. ALL WE ARE ASKING IS TO ADD PARAGRAPH 3 AND RENUMBER PARAGRAPH 4. WE ASK THE COMMITTEE TO APPROVE THE HB 2634 AND PASS IT OUT FAVORABLE SO, POSSIBLY, WE MAY BE ABLE TO USE THEM THIS YEAR IN KANSAS.

MR. CHAIRMAN I HAVE SOMEONE WHO WOULD LIKE TO TESTIFY ON THIS BILL AND GIVE INPUT ON THE SALE AND DISTRIBUTION OF SPIKES-SPIDER. I'LL BE HAPPY TO ANSWER ANY QUESTIONS. THANK YOU

Kenneth W. Green
 KENNETH W. GREEN
 H. Transp. 1/29/86
 Attachment 1



October 9, 1985

Mr. Kenneth W. Green
State Representative
Seventy-Fifth District
327 Marmaton
El Dorado, Kansas 67042

Dear Kenneth:

Regarding the SPIKES-SPIDER auto traction equipment, we currently have approval in fifteen states...most of which have statutes very similar to K.S.A. 8-1742 as outlined in the February 4, 1985 memorandum from K.C. Harris to David G. Tittsworth, chief counsel, Kansas DOT. However, these states have evaluated the product to be generally used as; and/or comparable to "tire chains". In my telephone conversations with F.J. Reid, Chief of Traffic Engineering, Kansas DOT; he expressed the opinion that the SPIKES-SPIDER would have less damaging effects on Kansas highways that studded snow tires, or even conventional "tire chains" because their ease of installation and removal would allow motorists to use only when road conditions warranted.

What is your recommendation for gaining approval to market and use this product in Kansas? During the week of November 18th, the president of the Swiss company holding the patents on this product line will be visiting our office. It would be helpful to have correspondence from you available at this meeting to illustrate our work to gain approval within our home state.

Thank you for your cooperation and reply. Please let me know if you need additional information and/ or actual demonstration of this equipment.

Best Regards,

George L. Lawson

GLL/nw

SPIKES-SPIDER DIVISION
FRIGIQUIP INTERNATIONAL, INC.

OIL HILL INDUSTRIAL PARK • P. O. BOX 813 • EL DORADO, KS 67042
316-321-6000 • TELEX 417340 • 316-321-1110

H. Transp. 1/29/86
Attach. 2



STATE OF CONNECTICUT
DEPARTMENT OF MOTOR VEHICLES
STATE STREET WETHERSFIELD, CONNECTICUT 06109-1896

June 26, 1985
566-2770

Frigiquip International, Inc.
P.O. Box 813
El Dorado, Kansas 67042

Attention: Mr. George L. Lawson

COPY

Dear Mr. Lawson:

This will acknowledge receipt of your correspondence together with literature relative to the "Spikes-Spider" auto tire traction device.

Enclosed for your perusal, please find a copy of Section 14-98 of the Connecticut General Statutes pertaining to tires. As noted under the provisions of said Statute, the "Spikes-Spider" traction device would be legal for use on Connecticut's highways only during the period from November 15 to April 1, inclusive.

Sincerely,

A handwritten signature in cursive script, appearing to read "Neil F. Clark".

Neil F. Clark, Director
Driver Licensing Division

NFC/1aa

Enclosure

Seat Belts Do Save Lives

OHIO DEPARTMENT OF HIGHWAY SAFETY



RICHARD F. CELESTE
GOVERNOR

KENNETH R. COX
DIRECTOR

State Highway Patrol

Bureau of Motor Vehicles

June 21, 1985

George L. Lawson
Frigiquip International, Inc.
P.O. Box 813
El Dorado, Kansas 67042

COPY

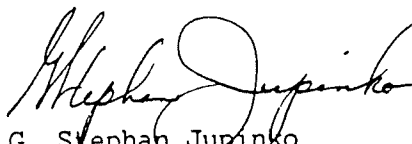
Dear Mr. Lawson:

Your letter of April 25, 1985, to the Department of Highway Safety's Division of State Highway Patrol, has been forwarded to my attention for response.

There are no statutes in the Ohio Motor Vehicle Laws directly on point with the particular device mentioned in your correspondence. I am enclosing a copy of Section 5589.081 of the Ohio Revised Code concerning studded tires and the use of such tires.

I am pleased to have been of assistance in this matter.

Very truly yours,


G. Stephan Jupinko
Chief Legal Counsel

04631/GSJ:mlm

Enclosure



Department of Public Safety
(West Virginia State Police)
725 Jefferson Road
South Charleston, West Virginia 25309

Arch A. Moore, Jr.
Governor

June 26, 1985

Colonel W. F. Donohoe
Superintendent

Mr. George L. Lawson
Frigiquip International, Inc.
P. O. Box 813
El Dorado, Kansas 67042

COPY

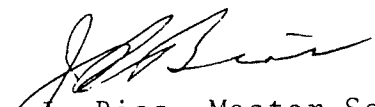
Dear Mr. Lawson:

In response to your correspondence, please be advised that I cannot find anything in our regulations which precludes you from selling "Spikes-Spider" auto tire traction devices in the State of West Virginia. However, the use of this type of device is restricted from November 1 to April 15 of each year.

If we can be of further assistance, please do not hesitate to inquire.

Sincerely yours,

BY DIRECTION OF THE SUPERINTENDENT


J. R. J. Bias, Master Sergeant
Director
Traffic Research & Safety Division

JRJB/ab



STATE OF VERMONT
AGENCY OF TRANSPORTATION
DEPARTMENT OF MOTOR VEHICLES
120 State Street, Montpelier, Vermont 05603-0001



June 14, 1985

COPY

George L. Lawson
Frigiquip International, Inc.
P. O. Box 813
El Dorado, Kansas 67042

Dear Mr. Lawson:

The State of Vermont would have no regulations applicable to the use or sale of your "Spikes-Spider" traction device. The manufacturer and retailer might well be responsible for safety defects and conceivably might be held responsible for highway surface damage.

If I can be of further assistance, please feel free to call upon me again.

Sincerely yours,

Ronald Macie
Chief Inspector

RM/rtj

STATE OF ALASKA

DEPARTMENT OF PUBLIC SAFETY

OFFICE OF THE COMMISSIONER

BILL SHEFFIELD, GOVERNOR

POUCH N
JUNEAU, ALASKA 99811
PHONE:

June 5, 1985

George L. Lawson
Frigiquip International, Inc.
P.O. Box 813
El Dorado, Kansas 67042

COPY

Dear Mr. Lawson:

In response to your letter of May 24, 1985, there are no laws or regulations prohibiting the sale of the "Spikes-Spider" in Alaska. Generally, Alaska conforms to the equipment safety regulations of the U.S. Department of Transportation and to the recommendations of AAMVA. As these agencies indicate nothing that precludes the sale of your auto tire traction device in this country, Alaska will not preclude your marketing them in our State.

Please let me know if you require additional information.

Sincerely,



T. Michael Lewis, Program Director
Alaska Highway Safety Planning Agency

TML/jln

KANSAS DEPARTMENT OF TRANSPORTATION

STATE OFFICE BUILDING—TOPEKA, KANSAS 66612



JOHN B. KEMP, Secretary of Transportation

JOHN CARLIN, Governor

February 7, 1985

George L. Lawson
Frigiquip International, Inc.
P. O. Box 813
El Dorado, Kansas 67042

COPY

Dear Mr. Lawson:

As agreed in our telephone conversation this date, I have enclosed a copy of the memorandum to our Chief Counsel concerning the "Spider Spike".

K.S.A. 8-1742 refers to restrictions on tire equipment and the exceptions.

I would appreciate a copy of any response you receive relative to any Federal Regulations as it concerns the device.

Sincerely,

F. J. Reid, P. E.
Chief of Traffic Engineering

FJR:mj

Enclosure

cc: Representative Kenneth Green, 75th District
Mr. W. M. Lackey, Director of Operations



Maryland Department of Transportation

Motor Vehicle Administration

William K. Hellmann
Secretary

W. Marshall Rickert
Acting Administrator

June 27, 1985

Frigiquip International, Inc.
P.O. Box 813
ElDorado, Kansas 67042

Attention: George L. Lawson

COPY

Dear Sir:

We are in receipt of the literature describing your snow tracking wheel device. A review of the literature would seem to preclude the use of the device in Maryland except in those three counties where snow tire studded wheels are permitted.

The device would not be permitted on any other wheel such as a light duty truck where a locking device would not secure the unit such as a passenger vehicle wheel rim. For your information, Maryland prohibits the use of studded tires in all of the other 20 counties of the state. However, some three years ago the Administrator issued an Opinion & Order stating that all-weather tire treads on steel belted radial tires would meet the requirements for snow tires on the highways of the state.

We cannot prohibit the sale of this device nor are there any Rules & Regulations against such a device when sold as an after-market part.

Thank you providing us with the information.

Sincerely,

R. J. Salehar, Chief
Emission Operations

RJS:r



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612

ROBERT T. STEPHAN
ATTORNEY GENERAL

April 19, 1985

MAIN PHONE (913) 296-2215
CONSUMER PROTECTION 296-3751

Honorable Kenneth W. Green
State Representative
Seventy-Fifth District
327 Marmaton
El Dorado, Kansas 67042

COPY

Re: "Spikes-Spider" traction device

Dear Representative Green:

Attorney General Stephan asked me to reply to your letter dated April 10, 1985, concerning the above-referenced matter. We have reviewed the information you provided and are constrained to agree with the conclusion reached by the legal services section of the state department of transportation, that the use of a device such as this is not authorized under the provisions of K.S.A. 1984 Supp. 8-1742. Therefore, an amendment of those provisions would be necessary to authorize the use of this device on the highways of this state.

If additional assistance is needed in regard to this matter, please feel free to contact this office.

Very truly yours,

OFFICE OF THE ATTORNEY GENERAL
ROBERT T. STEPHAN

Rodney J. Bieker
Assistant Attorney General

RJB:jm

Kansas Department of Transportation

February 4, 1985

MEMORANDUM TO: DAVID G. TITTSWORTH, Chief Counsel
FROM: K.C. HARRIS, Legal Intern *KCH*
RE: "Spider Spike" Anit-Skid Auto Tire Device

Mr. F.J. Reid, Traffic Engineering, was correct in assuming that the "Spider Spike" device would be controlled by K.S.A. 8-1742. That statute refers to restrictions on tire equipment and the sections pertinent to the "Spider Spike" device are as follows:

8-1742 (c) No tire on a vehicle moved on a highway shall have on its periphery any protuberance of any material other than rubber which projects beyond ~~the material other than rubber which projects beyond~~ the tread of the traction surface of the tire, except that it shall be permissible to use:

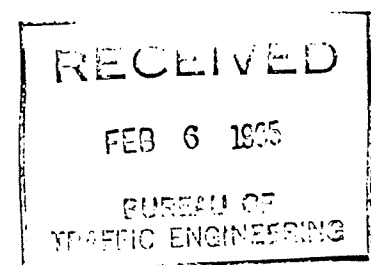
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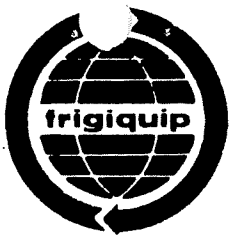
(2) Tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice or other conditions tending to cause a vehicle to skid; or

(3) Pneumatic tires having metallic or nonmetallic studs designed to improve traction without materially injuring the surface of the highway. Any such tires must be approved by the secretary of transportation pursuant to duly adopted rules and regulations, and their use may be limited to certain months or types of vehicles by the secretary.

Under 8-1742 (c) any protuberance such as the non-rubber "Spider Spike" is restricted. As this device could not reasonably be called tire chains it would not fall under exception (c)(2). Nor would it fall under (c)(3) as the "Spider Spike" is not a tire having studs, rather it is a studded device that is nowhere contemplated in the statute and is therefore impermissible on Kansas highways.

KCH:fr





April 3, 1985

Mr. Kenneth Green
Representative, 75th. District
State Capitol Building
Topeka, Kansas 66612

Dear Kenneth:

Enclosed are copies of various letters regarding the "Spikes-Spider" traction device for automobiles which we propose to import, package, and market for the 1985-86 winter season; and eventually to manufacture locally. Please note the memorandum from K.C. Harris dated February 4, 1985 regarding my inquiry to F.J. Reid. It is our position that the use of the "Spike-Spider" device should be permissible in the same manner as tire chains or studded tires. This new method of improving traction for greater safety on snow and/or ice has gained widespread acceptance in several European countries...especially in West Germany; where they have been tested and approved by that nation's version of the U.S. Department of Transportation. Please note the DOT letter to Congressman Bob Whittaker stating "there are no DOT rules or regulations that would preclude the sale of such a device". Due to the ease by which these devices can be installed and removed as driving conditions warrant, they will have minimal impact on the surface of Kansas highways.

Please review the opinion of K.C. Harris with the appropriate officials and advise what steps will be necessary to secure favorable application of K.S.A. 8-1742 as it applies to the "Spike-Spider" device. Thank you for your attention to this matter. I appreciate your assistance.

Sincerely yours,

George L. Lawson ✓
George L. Lawson

GLL/nw
enclosures

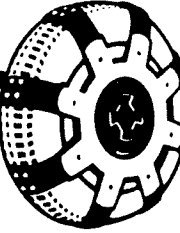
frigiquip International, Inc.

Phone: 316-321-1110

El Dorado, Kansas U.S.A. 67042 ✓
P. O. Box 813

TELEX: 417340

SPIKES-SPIDER



English version

Page 1

As a cardriver this road sign can leave you indifferent in the future—provided you have got **SPIKES-SPIDER** aboard.

SPIKES-SPIDER

The most convincing invention since the existence of car wheels.

Page 2

SPIKES-SPIDER

are the very first non-skid and decorative Spikes-boots for you car.

- You just slip these on your tires
- Or you draw them off.
- As the occasion demands.
- And all this in a trice.

Approaching an icy road:

SPIKES-SPIDER are mounted in just 30 seconds.

Just as easy as that:

1. Remove the bar-ring.
2. Slip on **SPIKES-SPIDER**.
3. Reattach the bar-ring and let it click into place.

SPIKES-SPIDER

do not need a jack.

And need not to be propped up.

And you won't get any clammy fingers any more.

And you can forget for ever about dirty hands and soiled clothes!

And when the road gets dry again:

SPIKES-SPIDER can be removed within 20 seconds.

With just three sweeps of the hand:

1. Remove the bar-ring and **SPIKES-SPIDER**.
2. Loosen the hand-brake, let the wheels move about 20 cm until the Spider-arm at the lower side gets free. Now the Spider-ring will fall off from the wheel by itself.
3. Remount the bar-ring and let it click into place.
Put your **SPIKES-SPIDER** in the trunk.
And right now you can continue your trip smoothly.
Just as in summertime.

Page 4

SPIKES-SPIDER

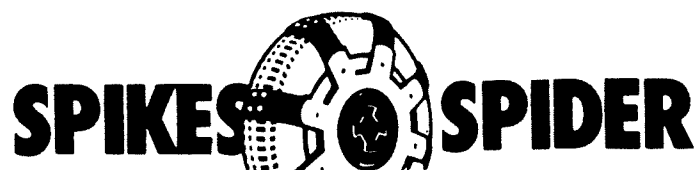
need a few preparations beforehand.

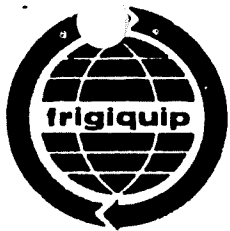
Just once.

And even these are easily performed.

(Because you don't even need to prop up your car.)

1. Change the wheel-screws one after the other against the special **SPIKES-SPIDER** screws.
2. Attach the **SPIKES-SPIDER** hub...
3. ...and fix it by means of the **SPIKES-SPIDER** screws.
4. Mount the bar-ring and let it click into place. All complete.





January 29, 1985

Mr. F.J. Reid
Chief, Bureau of Traffic Engineering
Kansas Dept. of Transportation
State Office Building
Topeka, Ks. 66612

COPY

Dear Mr. Reid:

Pursuant to our telecon this date, please find enclosed literature on "Spikes-Spider" anti-skid auto tire device. We are negotiating for the U.S. sales of this product line. We are working through Congressman Bob Whittaker's office to determine Federal regulations that might apply to these devices; however, to date have not received any determination. Our evaluation of this product based on approximately 150 miles of driving has been very impressive. I would like to request a determination as to Kansas Department of Transportation regulations which might be applicable to the use of these devices on Kansas highways.

Thank you for your cooperation in reviewing this matter. Should you require a first hand inspection of the product, please let me know. Your prompt reply would be greatly appreciated.

Sincerely yours,

George L. Lawson

GLL/nw
enclosures

frigiquip international, inc.

Phone: 316-321-1110

El Dorado, Kansas U.S.A. 67042
P. O. Box 813

TELEX: 417340



U.S. Department
of Transportation
**National Highway
Traffic Safety
Administration**

FEB 11 1985

400 Seventh Street, S.W.
Washington, D.C. 20590

FEB 8 1985

The Honorable Bob Whittaker
House of Representatives
Washington, DC 20515

COPY

Dear Mr. Whittaker:

Thank you for your letter of January 18, 1985, your reference number 22-85-CLN-W, on behalf of your constituent, Mr. George L. Lawson of El Dorado, who requests information on the Department of Transportation (DOT) requirements for marketing a foreign-made "Spikes-Spider" traction device.

Such a device is an item of motor vehicle equipment for which there is no applicable Federal Motor Vehicle Safety Standard. However, the importer or manufacturer would be responsible for any safety-related defects that might develop in the product. There are no DOT rules or regulations that would preclude the sale of such a device.

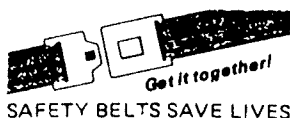
Because of the large number of requests we receive for information from those wishing to import items of motor vehicle equipment, we have developed a form letter for responding. A copy with its enclosures is enclosed.

We are pleased to be of assistance. Your constituent's correspondence is returned for your ready reference.

Sincerely,

George L. Parker
Associate Administrator
for Enforcement

2 Enclosures
Constituent's Correspondence
Form Letter/With Enclosures



Research and Practice Aids:

Uniform Vehicle Code, § 12-402.
Automobiles—11.
C.J.S. Motor Vehicles § 20 et seq.

8-1740. Mirrors. (a) After January 1, 1975, every motor vehicle shall be equipped with a mirror mounted on the left side of the vehicle and so located as to reflect to the driver a view of the highway to the rear of the vehicle.

(b) Every motor vehicle, except a motorcycle, shall be equipped with an additional mirror mounted either inside the vehicle approximately in the center or outside the vehicle on the right side and so located as to reflect to the driver a view of the highway to the rear of the vehicle.

(c) All mirrors required by regulations of the United States department of transportation shall be maintained in good condition.

History: L. 1974, ch. 33, § 8-1740; July 1.

Source or prior law:
8-5,104.

Revisor's Note:

Applicability of section to motorcycles and motor-driven cycles, see 8-1810.

Research and Practice Aids:

Uniform Vehicle Code, § 12-403.
Automobiles—11, 148.
C.J.S. Motor Vehicles §§ 20 et seq., 260 et seq., 298 (1) et seq.

Law Review and Bar Journal References:

Prior law (8-5,104); possible methods of using unbuckled seat belts as defense to alleged negligence, William D. Faler, 20 K.L.R. 486, 488 (1972).

8-1741. Windshields and windows; obstruction or impairment prohibited; wipers. (a) No person shall drive any motor vehicle with any sign, poster or other non-transparent material upon the front windshield, side wings or side or rear windows of such vehicle which materially obstructs, obscures or impairs the driver's clear view of the highway or any intersecting highway.

(b) The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle.

(c) Every windshield wiper upon a motor vehicle shall be maintained in good working order.

History: L. 1974, ch. 33, § 8-1741; July 1.

Source or prior law:

8-5,105.

Research and Practice Aids:

Uniform Vehicle Code, § 12-404.
Automobiles—148.
C.J.S. Motor Vehicles §§ 260 et seq., 298 (1) et seq.

CASE ANNOTATIONS

1. Cited in declaring part of 8-1701(a) void for vagueness; cracked windshield not covered. State v. Carpenter, 231 K. 235, 238, 239, 642 P.2d 998 (1982).

8-1742. Restrictions as to tire equipment. (a) Every solid rubber tire on a vehicle shall have rubber on its entire traction surface at least one (1) inch thick above the edge of the flange of the entire periphery.

(b) No person shall operate or move on any highway any motor vehicle, trailer or semitrailer having any metal tire in contact with the roadway.

(c) No tire on a vehicle moved on a highway shall have on its periphery any protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, except that it shall be permissible to use:

(1) Farm machinery with tires having protuberances which will not injure the highway;

(2) Tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice or other conditions tending to cause a vehicle to skid; or

(3) Pneumatic tires having metallic or nonmetallic studs designed to improve traction without materially injuring the surface of the highway. Any such tires must be approved by the secretary of transportation pursuant to duly adopted rules and regulations, and their use may be limited to certain months or types of vehicles by the secretary.

(d) The secretary of transportation and local authorities in their respective jurisdictions, in their discretion, may issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks or farm tractors or other farm machinery, the operation of which upon a highway would otherwise be prohibited under this section.

(e) It shall be unlawful for any person to operate a motor vehicle having one (1) or more tires in an unsafe condition. A solid rubber tire shall be deemed to be in an unsafe condition if it does not comply with

the provisions of subsection (a). A pneumatic tire shall be deemed to be in an unsafe condition if it has:

- (1) Any part of the ply or cord exposed;
 - (2) any bump, bulge or separation;
 - (3) a tread design depth of less than one-sixteenth (1/16) of an inch measured in any two (2) or more adjacent tread grooves, exclusive of tie bars, or, for those tires with tread wear indicators worn to the level of the tread wear indicators in any two (2) tread grooves;
 - (4) a marking "not for highway use" or "for racing purposes only" or "unsafe for highway use";
 - (5) tread of sidewall cracks, cuts or snags deep enough to expose the body cord;
 - (6) been regrooved or recut below the original tread design depth, excepting special taxi tires which have extra undertread rubber and are identified as such; or
 - (7) such other conditions as may be reasonably demonstrated to render it unsafe.
- (f) A person in the business of selling tires shall not sell or offer for sale for highway use any tire which is in unsafe condition or which has a tread depth of less than two thirty-seconds ($\frac{2}{32}$) inch measured as specified in subsection (c).

History: L. 1974, ch. 33, § 8-1742; L. 1975, ch. 427, § 41; Aug. 15.

Source or prior law:
8-5,106.

Revisor's Note:

Applicability of section to motorcycles and motor-driven cycles, see 8-1810.

Research and Practice Aids:

Uniform Vehicle Code, § 12-405.
Automobiles 15.
C.J.S. Motor Vehicles §§ 32, 22, 423.

8-1743. Safety glazing material, required in new motor vehicles; unlawful acts; term defined. (a) No person shall sell any new motor vehicle as specified herein, nor shall any new motor vehicle as specified herein be registered, unless such vehicle is equipped with safety glazing material wherever glazing materials are used in doors, windows and windshields. The foregoing provisions shall apply to all passenger-type motor vehicles, including passenger buses and school buses, but with respect to trucks, including truck-tractors, the requirements as to safety glazing material shall not apply to glazing material in com-

partments not so designed and equipped that persons may ride therein.

(b) No person shall sell or affix to a motor vehicle any truck-camper manufactured or assembled after July 1, 1968, unless such truck-camper is equipped with safety glazing material wherever glazing material is used in doors and windows.

(c) The division shall not register any motor vehicle which is subject to the provisions of this section unless it is equipped with safety glazing material, and the division shall suspend the registration of any motor vehicle so subject to this section which the division finds is not so equipped until it is made to conform to the requirements of this section.

(d) It shall be unlawful for any person to replace any glass or glazing materials used in partitions, doors, windows or windshields in any motor vehicle with any material other than safety glazing material. Any person violating the provisions of this section shall be guilty of a class C misdemeanor.

(e) The provisions of this section shall be subject to the provisions contained in K.S.A. 8-2009a.

(f) The term "safety glazing material," as used in this section, means glazing material which conforms to the American national standard "safety code for safety glazing materials for glazing motor vehicles operating on land highways," Z26.1-1966, July 15, 1966, as supplemented by Z26.1a-1968, March 7, 1969.

History: L. 1974, ch. 33, § 8-1743; L. 1975, ch. 427, § 42; L. 1976, ch. 40, § 9; L. 1979, ch. 42, § 1; July 1.

Source or prior law:

- (a) 8-5,107 (a), (b)
- (c) 8-5,107 (c)
- (d) 8-5,107 (d)
- (e) 8-5,107 (a)

Cross References to Related Sections:

Use of safety glazing materials in hazardous locations, see 65-3501 to 65-3804.

Revisor's Note:

Exemptions from certain requirements of law and regulations, see 8-2009a.

Research and Practice Aids:

Uniform Vehicle Code, § 12-406.
Automobiles 11, 19.
C.J.S. Motor Vehicles §§ 20 et seq., 39 et seq.

8-1744. Flares or warning devices; vehicles subject to requirements; use, when

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require the submission of one or more pairs of each size tire for which approval is requested as the commission may designate.

(3) The commission reserves the right to deny a certificate of approval for any type of stud tire that does not meet its standards and recommendations. (Authorized by K.S.A. 1965 Supp. 8-5,106; effective Jan. 1, 1966.)

Article 8.—APPROVAL OF LIGHTING DEVICES

36-8-1. (Authorized by K.S.A. 8-599; effective Jan. 1, 1966; revoked, L. 1979, ch. 261, May 1, 1979.)

Article 9.—APPROVAL OF SAFETY GLASS

36-9-1. (Authorized by K.S.A. 8-5,107; effective Jan. 1, 1966; revoked, L. 1979, ch. 261, May 1, 1979.)

Article 10.—TRAFFIC CONTROL DEVICES

36-10-1. (Authorized by K.S.A. 8-510, K.S.A. 1971 Supp. 74-2004; effective Jan. 1, 1966; revoked Jan. 1, 1973.)

Article 11.—PUBLIC AND PRIVATE UTILITIES ON HIGHWAY RIGHT-OF-WAY

36-11-1 to 36-11-5. (Authorized by K.S.A. 68-404; effective Jan. 1, 1966; revoked May 1, 1981.)

36-11-6. Utility accommodation policy. Public and private utilities, including pipelines, shall be constructed, reconstructed and maintained (including chemical brush control and tree trimming), under, on or over any state highway right-of-way, including that acquired for controlled access facilities, only upon compliance with the 1980 Utility Accommodation Policy for Kansas Department of Transportation approved by the secretary of transportation on December 22, 1980, which is incorporated herein in its entirety by reference, and the obtaining of a Highway Permit Agreement from the Kansas Department of Transportation. Copies of the current Utility Accommodation Policy shall be made available to the public. (Authorized by and implement-

ing K.S.A. 68-404; modified, L. 1981, ch. 420, May 1, 1981.)

Article 12.—CONTROLLED ACCESS HIGHWAYS

36-12-1. (Authorized by K.S.A. 1982 Supp. 68-404; implementing 8-1572, 68-1902; effective Jan. 1, 1966; amended May 1, 1983; revoked May 1, 1984.)

36-12-2. (Authorized by K.S.A. 1982 Supp. 68-404; implementing K.S.A. 68-1902; effective Jan. 1, 1966; amended May 1, 1983; revoked May 1, 1984.)

36-12-3. (Authorized by K.S.A. 68-413(b); effective Jan. 1, 1966; revoked May 1, 1984.)

Article 13.—SCHOOL BUS TRANSPORTATION

36-13-1. (Authorized by K.S.A. 8-579, K.S.A. 1971 Supp. 72-8404; effective Jan. 1, 1966; amended Jan. 1, 1972; revoked, E-78-22, Aug. 10, 1977; revoked May 1, 1978.)

36-13-2, 36-13-3. (Authorized by K.S.A. 8-579, 72-628; effective Jan. 1, 1966; amended Jan. 1, 1972; revoked, E-78-22, Aug. 10, 1977; revoked May 1, 1978.)

36-13-4, 36-13-5. (Authorized by K.S.A. 8-579; effective Jan. 1, 1966; amended Jan. 1, 1972; amended Jan. 1, 1974; revoked, E-78-22, Aug. 10, 1977; revoked May 1, 1978.)

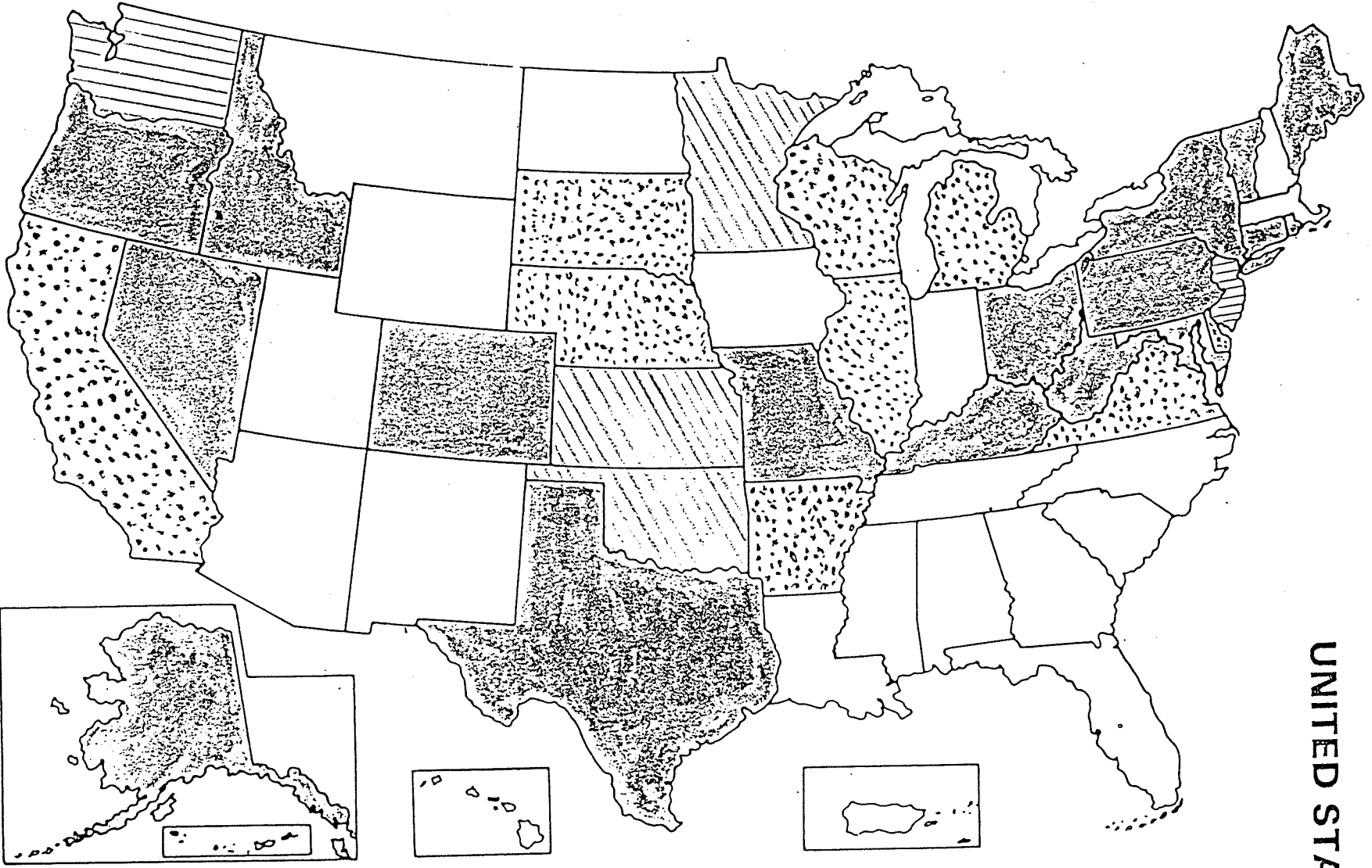
36-13-6. (Authorized by K.S.A. 8-579, 8-5,120; effective Jan. 1, 1974; revoked, E-78-22, Aug. 10, 1977; revoked May 1, 1978.)

36-13-7. (Authorized by K.S.A. 8-579, 8-5,120; effective Jan. 1, 1966; amended Jan. 1, 1972; revoked Jan. 1, 1974.)

36-13-8. (Authorized by K.S.A. 8-2009; effective Jan. 1, 1966; amended, E-70-21, April 17, 1970; amended Jan. 1, 1971; amended Jan. 1, 1972; amended Jan. 1, 1974; amended, E-78-22, Aug. 10, 1977; amended May 1, 1978; revoked May 1, 1983.)

36-13-9. (Authorized by K.S.A. 8-579; effective Jan. 1, 1966; amended, E-70-21, April 17, 1970; amended Jan. 1, 1971; revoked Jan. 1, 1972.)

LEGAL POSITION OF SPIKES-SPIDER AS OF DECEMBER 12, 1985



UNITED STATES

*H. Transp. 1/29/86
Attach. 3*

KANSAS DEPARTMENT OF TRANSPORTATION

STATE OFFICE BUILDING—TOPEKA, KANSAS 66612-1568



JOHN B. KEMP, Secretary of Transportation

JOHN CARLIN, Governor

January 29, 1986

MEMORANDUM TO: HOUSE COMMITTEE ON TRANSPORTATION

FROM: Mr. Edward R. DeSoignie *ERD*
Policy Coordinator

REGARDING: House Bill 2634

House Bill 2634 permits the use of "studded traction equipment" for use on highways when required for safety because of snow, ice or other conditions. The bill authorizes the Secretary of Transportation to approve the types of studded traction equipment as well as regulate their use to certain months or types of vehicles. Under present law, tire chains and studded pneumatic tires are permissible for use by vehicles on highways when required for safety because of snow, ice, etc. Use of studded tires is presently limited by regulation to the months of November through April.

This past year the Kansas Department of Transportation (KDOT) was requested to determine whether a device such as the Spikes-Spider could be legally marketed in Kansas. The Chief Counsel of the KDOT opined that such a device could not be legally marketed in Kansas as no such authority exists under the provisions of K.S.A. 1985 Supp. 8-1742. A subsequent opinion by the Office of the Attorney General in April of this year concurred with the Department's finding.

The Department has gone on record in previous years as opposing the use of studded tires on highways because of the accelerated wear produced on pavements. However, the Department is of the opinion that use of an easy-on, easy-off traction device may result in reduced pavement wear should motorists shift from using studded tires to studded traction equipment. The Department is, therefore, not opposed to the provisions of House Bill 2634.

The bill would not impact the Governor's recommended FY 1987 budget for the Department.

*H. Transp. 1/29/86
Attach. 4*