

MINUTES OF THE House COMMITTEE ON Transportation

The meeting was called to order by Rex Crowell at
Chairperson

1:30 ~~xxx~~ p.m. on February 3, 1986 in room 519-S of the Capitol.

All members were present except: Representatives Adam, Justice and Brown - excused.

Committee staff present:

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

Conferees appearing before the committee:

Representative Ed Bideau
Mr. Bill Green, Kansas Corporation Commission
Mrs. Mary Turkington, Kansas Motor Carriers Association
Mr. Ronald Blackly, Overland Tow Service, Inc.
Ms. Terry Humphrey, Kansas Manufactured Housing Institute

Chairman Crowell called the meeting to order and the first order of business was a hearing on HB-2708 concerning operating distance limitations on local wrecker carriers.

Representative Ed Bideau, sponsor of the bill, briefed the Committee on its contents. (See Attachment 1)

Representative Bideau said that HB-2708, if passed, would extend the radius of operation of a local wrecker permit holder to 25 miles.

Mr. Bill Green, Kansas Corporation Commission testified concerning HB-2708. (See Attachment 2)

Mr. Green stated the Commission has no position on HB-2708, but the effect of expanding the 3 mile limit to 25 miles for local wrecker permits would be to authorize current local wrecker permit holders to provide service to an area approximately the size of a Kansas county in most parts of the state; while in the Kansas City area local wreckers would be permitted to serve approximately the Kansas City Commercial Zone established by the Interstate Commerce Commission.

Discussion was held among Committee members and Mr. Green concerning the expansion of the 3 mile limit, as well as requirements for local operators to operate as local wreckers. Mr. Green circulated a copy of instructions among Committee members concerning the application to operate as a local wrecker. (See Attachment 3)

Mrs. Mary Turkington of the Kansas Motor Carriers Association testified in opposition to HB-2708. (See Attachment 4)

She said legislation enacted during the 1984 Session provided clarification of the statutory framework which governs the service of towing and recovery operations. Mrs. Turkington requested that the current statute be permitted to operate and the Committee not recommend HB-2708 for passage.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Transportation,
room 519-S, Statehouse, at 1:30 ~~am~~/p.m. on February 3, 1986

Representative Patrick asked if she would have any objection to making it mandatory that wrecker operators carry a copy of their tariff for customers to see. Mrs. Turkington said she had no objection.

Mr. Ronald Blackly, Overland Tow Service, Inc., Overland Park, Kansas, testified in opposition to HB-2708.

Representative Ed Bideau was recognized for further comments on HB-2708. He said the industry has indicated they are willing to compromise on the mileage limit, and added his constituents do not wish to be in the "Point A to Point B" business. Representative Bideau also stated another middle ground might be to exempt those people who are just bringing vehicles back to their shop to work on them.

The hearing on HB-2708 ended.

Ms. Terry Humphrey of the Kansas Manufactured Housing Institute, presented a request for legislation which would return the fee for a mobile dealer tag to \$10.50.

A motion was made by Representative Knopp to introduce this legislation.
The motion was seconded by Representative Dillon. Motion passed.

The meeting was adjourned at 2:35 p.m.


Rex Crowell, Chairman

EDWIN BIDEAU III
 REPRESENTATIVE, FIFTH DISTRICT
 NEOSHO COUNTY
 123 W. MAIN
 CHANUTE, KANSAS 66720-1790



TOPEKA

HOUSE OF
 REPRESENTATIVES

COMMITTEE ASSIGNMENTS
 MEMBER: JUDICIARY
 LABOR AND INDUSTRY
 PUBLIC HEALTH AND WELFARE

LOCAL WRECKER SERVICE
 H.B. 2708

NEED FOR REMEDIAL ACTION

Many complaints on current KCC policies have been received from operators of automobile repair shops who furnish outside service calls to their customers and on occasion tow their customer's cars in for repair. These small operators do not provide public wrecker service hauling from point A to point B but only provide towing services for customers who wish for them to work on their car. A classic example of this is the service station you call when your car will not start in the winter. If they cannot get you started out on the road or in your driveway, they will haul the car in to work on it. This service can be very important for the elderly and people who are not mechanically inclined in small towns.

PRESENT LAW PROBLEMS

Under present law which was passed in 1984, as interpreted by the KCC, an auto service company operating under a local wrecker permit may only provide this service **within a three mile radius of the city he is located in.** In order to service customers outside the three mile radius they must apply to the KCC for common or contract carrier authority. This requires a trip to Topeka for a hearing and an increased application fee.

One can imagine the increased burden placed upon a small service station providing this service to its customers at a reasonable cost. Operators in my district have simply withdrawn the service rather than go through the hearing process. As a result, people living in small surrounding cities outside the three mile limit that do not have their own local service available must either do without or hire a much more expensive public carrier. The permit required for operation outside the three mile limit cannot be obtained without a hearing in Topeka. Chanute is only two hours from Topeka. What will the impact be on a repair shop operator close to the Colorado border?

The present law is also confusing when applied to used car dealers, auto body shops and to certain operations by new car dealers. There is substantial confusion within the KCC itself and the Highway Patrol as to its application. Although the private carrier exemption has been retained in the law and was not modified by the 1984 revision, the KCC refuses to interpret this to permit holders of local wrecker permits to operate within that 25 mile limit. The ranks of full service gas stations and car dealers are dwindling in the rural areas even without this type of repressive regulation. Continuing under present rules will leave those with low income and without mechanical skill helpless. This includes a substantial portion of the senior citizen population.

PROPOSED CHANGE

The bill proposed would extend the radius of operation of a local wrecker permit holder to 25 miles. There is precedent for this mileage limit since under pre-1984 law, a private carrier, hauling only property of others incident to or in furtherance of a commercial enterprise (repair business) was exempt from full KCC authority. It can be argued that the KCC could still grant this exemption by interpreting the two statutes together but the KCC does not see it that way. **Under their interpretation the KCC is strictly regulating the business that hauls your car to town to work on it but not the business that hauls your TV or Refrigerator for the same purpose.**

Under the proposed bill the operator will still need to have a local wrecker permit, must meet insurance requirements and be subject to revocation of the permit for wrongful acts. In short, regulation would still exist but at reduced license fees, with no hearing requirement and regulation will not stifle sorely needed local services.

EDWIN BIDEAU III
 REPRESENTATIVE, FIFTH DISTRICT
 NEOSHO COUNTY
 123 W. MAIN
 CHANUTE, KANSAS 66720



TOPEKA

HOUSE OF
 REPRESENTATIVES

COMMITTEE ASSIGNMENTS
 MEMBER: JUDICIARY
 LABOR AND INDUSTRY
 PUBLIC HEALTH AND WELFARE

December 11, 1985

Mr. Jack Tierce
 Kansas Corporation Commission
 State Office Building
 Topeka, Kansas 66612

Re: Wrecker or tow truck operations
 K.S.A. 66-1329 - 1324

Dear Mr. Tierce:

Please let this confirm our telephone conversation of December 10, 1985, concerning the above captioned matter.

I have been contacted by many local body shop, service station and automotive repair shop operators, who have previously used a tow truck or wrecker solely for the purpose of bringing customer vehicles to their shop to perform repair service on premises. These people do not operate a wrecker service for hire to the public and generally decline to tow vehicles to any location other than to their repair facility.

You and I discussed the interpretation of the above captioned statutes. After reviewing the statutes, it is my opinion that these statutes in no way repeal the exemption for a private motor carrier as defined in K.S.A. 66-1,108(i), and the exemption provided for in K.S.A. 66-1,109(b), operating within a radius of twenty-five (25) miles beyond the corporate limits of the city. K.S.A. 66-1330 simply requires any person "providing wrecker or towing service within this state", to have "a local wrecker carrier permit". The term "local wrecker carrier permit" is defined as a credential issued by the State Corporation Commission. It is my position that a person having a local wrecker carrier permit, if they otherwise meet the criteria for "private motor carrier" may still avail themselves of the exemption provided for in K.S.A. 66-1,109(b) if they limit their operations to within a twenty-five (25) mile limit.

In our discussion you have equated "local wrecker carrier", and "local wrecker carrier permit", as meaning the same thing. It is clear that they have different meanings since they are defined separately in the statute. At no place in the statute does it specifically state that any person providing wrecker or towing service outside a three (3) mile limit must have a motor common carrier or contract carrier permit. Since penal statute are to be strictly interpreted against the State, and in favor of the person to be punished, I would submit that if it was the intent of the Corporation Commission or the Legislature to require all wrecker service operators operating outside the three (3) mile limit to have a common carrier permit, the statute should have specifically so provided in clear language. This language is definitely not present in this statute, and I don't think it can be inserted by implication. It is further my understanding that no regulations have been adopted or drawn on this particular provision of the statute.

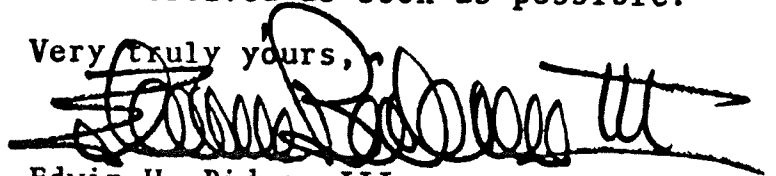
As I stated to you in our telephone conversation, the interpretation which you have advocated will put a severe hardship on citizens in our local community, particularly the elderly, in that, an automobile service facility or body shop that does not have a common carrier permit will be unable to go to any of the small surrounding towns to pick up a vehicle for service. The elderly living in Humboldt, Kansas, Thayer, Kansas, St. Paul, Kansas, Buffalo, Kansas, Altoona, Kansas, and many other small towns that don't have service facilities will be left helpless. I know of approximately 15-20 service stations, repair shops and body shops in Neosho County alone that would be required to go to Topeka for a hearing before the Corporation Commission in order to obtain common carrier status if this interpretation is correct. If this number exists in a small county of 18,000, I would submit that there are, in all likelihood, 2,000-3,000 similarly situated businesses in the state. If all complied this would equate to 10 hearings each day throughout the entire year.

I would submit to the Corporation Commission that a proper interpretation of this statute would be to take the position that it did not repeal the private motor carrier exemption, and that a person having a local wrecker carrier permit could also qualify as a private motor carrier if they otherwise met the conditions for such and limited their operations to a radius of twenty-five (25) miles beyond the corporate limits of the city.

In summary, the wrecker statute does not state anywhere that a person have a "local wrecker carrier permit" must limit his operations to the three (3) mile limit.

This is a very pressing issue to several citizens in Neosho County and surrounding areas that rely upon the excellent vehicle repair facilities in the city of Chanute. This is particularly true in these winter months of severe weather when many elderly people and senior citizens have difficulty with their vehicles. I would urge your prompt attention to this matter, and I am certainly hopeful that this can be resolved as soon as possible.

Very truly yours,

A handwritten signature in black ink, appearing to read "Edwin H. Bideau III", written over a horizontal line.

Edwin H. Bideau III
State Representative

EHB/slc

L. Edwin McKinney
Stevens Auto Clinic



JOHN CARLIN
MICHAEL LENNEN
MARGALEE WRIGHT
KEITH R. HENLEY
JUDITH A. McCONNELL
BRIAN J. MOLINE

Governor
Chairman
Commissioner
Commissioner
Executive Secretary
General Counsel

State Corporation Commission

Fourth Floor, State Office Bldg.

Ph. 913/296-3355

TOPEKA, KANSAS 66612-1571

December 17, 1985

Mr. Edwin Bideau III
Representative Fifth District
123 W. Main
Chanute, KS 66720

RE: Wrecker or tow truck operations in
Kansas

Dear Mr. Bideau:

I have been asked by Jack Tierce to provide a legal analysis of the pertinent wrecker law in Kansas pursuant to your letter of December 11, 1985.

In the above mentioned letter, you submit that a proper interpretation of K.S.A. (1984 Supp.) 66-1329 - 66-1334 is that it did not repeal the private motor carrier exemption set out in K.S.A. 1984 Supp. 66-1,109(b), and therefore a person having a local wrecker carrier permit could also qualify as a private motor carrier if they limited their operations to a radius of 25 miles beyond corporate limits of the city.

Upon review of the motor carrier statutes, I must differ in my interpretation. Looking at the definitions and exemptions applicable to this discussion, K.S.A. (1984 Supp.)

66-1,109(b) provides an exemption for "private motor carriers of property who operate within a radius of 25 miles beyond the corporate limits of a city. The definition of a private motor carrier of property is set out in K.S.A. 66-1,108(i):

The term private motor carrier of property shall also include a person who transports the property of others by motor vehicle when such transportation is not for hire but is incident to or in furtherance of a commercial enterprise of such person other than transportation.

By first glance of this definition, a wrecker providing a tow service to a disabled vehicle to the location of his shop for repair work, would seem to fit the definition of a private carrier and thus be exempt under K.S.A. (1984 Supp.) 66-1,109(b). However, one must not overlook the new statutes adopted on this subject last year. K.S.A. (1984 Supp.) 66-1329 defines a private wrecker or tow truck:

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

As you can see the definition of 'private wrecker' in K.S.A. 66-1329 is much narrower than the definition of 'private motor carrier of property' in 66-108(i). A private wrecker cannot transport the property of others in furtherance of a commercial enterprise. While the adoption of 66-1329 et. seq. did not 'repeal' the private motor carrier exemption, it does deal specifically with defining a private wrecker. Where there is a conflict between a statute dealing generally with a subject and another dealing specifically with a certain phase of it, the

specific legislation controls. Szoboszlay v. Glessner 233 Kan. 475, 479 (1983). Unless body shops and automobile service facilities are hauling their own vehicles, they do not qualify as a 'private wrecker' and therefore cannot use the exemption set forth in 66-1,109(b).

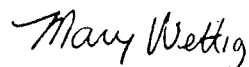
You also stated in your letter that at no place in the statute does it specifically say that any person providing wrecker service or towing service outside a three (3) mile limit must have a motor common carrier or contract carrier permit. Please observe K.S.A. 66-1,111 which basically states that all motor carriers of property must have the appropriate KCC operating authority unless otherwise provided (i.e. an exemption). Since wreckers operating beyond the 3 mile limit do not fall within any exemptions, they are therefore regulated. From a practical standpoint, why would the KCC exempt a wrecker who is operating within 25 miles of the corporate limits and then require a wrecker who is operating only within 3 miles of the corporate limits to obtain authority?

A brief review of the common carrier operating authority may be helpful. K.S.A. (1984 Supp.) 66-1,114 sets out the criteria that an applicant must meet. Like 66-1,111, this statute also states that except as otherwise provided, it is unlawful for any public motor carrier to operate in intrastate commerce without first obtaining a certificate of convenience and necessity. Applicants must show they are fit, willing and able to perform

their proposed service. Before 1982, an applicant had to show they were fit, willing and able plus that there was a need for their services. This 'need' criteria prevented many applicants from getting the desired authority, since an existing wrecker (with authority) in the area could simply protest the application by showing he was currently providing the service and thus the need. The elimination of this language in 66-1,114 in 1982 has given the applicants a 'relaxed entry standard'. In all practicality, it is quite easy now to get common carrier authority for a wrecker. A hearing is required, but unless the application is protested, it usually lasts 20-25 minutes.

It is the opinion of this Commission that it is in the best interest of the public that all wreckers and tow trucks be regulated. The tariff which is published and on file with the Commission prevents an operator from charging different prices to different customers under similar circumstances. The insurance requirements ensure all patrons will be compensated if the operator damages their vehicle.

Sincerely,



Mary Wettig
Assistant General Counsel

MW:vib

KANSAS HIGHWAY PATROL

Service—Courtesy—Protection

296
3855

John Carlin
Governor



Col. Bert Cantwell
Superintendent

October 25, 1985

SUBJECT: CLARIFICATION AND INTERPRETATION OF THE NEW
LAWS GOVERNING WRECKER OR TOW TRUCK OPERA-
TIONS

TO: Colonel Bert Cantwell
Headquarters

ATTN: Captain Hutcherson
Captain Pickert

This letter is in response to a letter written by Trooper Kessler. He requested clarification of the laws governing the operation of wreckers. In reviewing his letter and answering the questions posed through hypothetical situations, it has created somewhat of a problem to two other state agencies--namely the Kansas Corporation Commission and Dealer Registration. The problem is a wrecker under certain circumstances may not be operated with a dealer license plate and exempt from registration with the Kansas Corporation Commission. In preparing this letter, I have conferred with Jack Tierce of the Kansas Corporation Commission, and Marcus Woods of the Dealer Registration Bureau. They are in concurrence of my answers and opinions.

In an attempt to explain the Wrecker Service regulations that went into effect January 1, 1985, I will first explain the different types of wrecker and towing services that require registration with the Kansas Corporation Commission, and the exemptions that now exist. Secondly, I will answer

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the questions posed by Trooper Kessler in his hypothetical situations. I'll address each of the situations individually as there are several points in each hypothetical situation. Thirdly, I will give explanations of how and where the opinions and answers were derived from.


VERNON J. PROSTLER, Lieutenant
Division 8-1, Topeka

cee

cc: Sgt. Bob Giffin
Trooper Kessler
Jack Tierce, KCC
Marcus Woods, Dept. of Revenue
Ron Desch, MCI Bureau
File

In an attempt to explain the new wrecker regulations that went into effect January 1, 1985, I will first explain the different types of wrecker and towing services that require registration with the Kansas Corporation Commission and any exemptions that now exist. Secondly, Trooper Kesling has raised several hypothetical situations involving wrecker operations and has requested clarification. I will address each of his situations individually.

Basically, since the first of January 1985, there have been only three types of wrecker or towing services and only two exemptions.

I. Wrecker and Towing Service

a. As defined in 66-1329, Sub (d)

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

b. Types of carriers requiring registration with the Kansas Corporation Commission under this Act.

1. Common Carriers:

- a. Operating more than three miles from the corporate city limits of a city or village they may operate from.

2. Contract Carriers:

- a. Operating more than three miles from the corporate city limits of a city or village they may operate from and when towing vehicles owned by a company or individual, the wrecker operator has a contract to provide such towing service.

3. Local Wrecker Carrier:
 - a. Is any person engaged in performing wrecker or towing service wholly within a 3 mile radius of a city or village, or between contiguous cities.
4. Private Wrecker or Towing Service:
 - a. Means the act of transporting with a wrecker, tow truck, or car carrier, any vehicle owned by the operator of the wrecker, tow truck, or car carrier.
 - b. This type of operation is not to be confused with 66-1,108 Sub (i).
5. A wrecker, tow truck, or car carrier registered as a Common or Contract carrier may:
 - a. Operate both within and beyond the 3 mile radius of a city as long as it's within the scope of their authority.
 - b. No registration as a local wrecker is required of vehicles registered as Common or Contract wrecker services.

II. Types of Wrecker or Towing Services Exempt from KCC Registration

A. Exempt by Statute:

1. 66-1,109 Sub (f)
 - a. A new vehicle dealer as defined by K.S.A. 8-2401 and amendments thereto when transporting property to or from the place of business of such dealer.
 - b. KCC has ruled that under this exemption a new vehicle dealer would be allowed to provide wrecker service as defined in KSA 66-1329 Sub (d), as long as the load originated or terminated at his place of business.
 - c. This is the only exemption that permits wrecker or towing service for compensation or personal gain.

2. 66-1,109 Sub (R)

- a. Provides a vehicle being operated with a dealer license plate issued under K.S.A. 8-2406 and amendments thereto, and in compliance with K.S.A. 8-136 and Acts amendatory thereto.
- b. This would permit a used or new vehicle dealer to transport a vehicle by wrecker, tow truck, or carrier displaying a dealer license plate to transport a vehicle owned by him as long as the weight of the towed vehicle does not exceed two (2) tons.

SITUATION 1

A new vehicle dealer responding to a call of a wrecked or disabled vehicle and towing the disabled vehicle back to his place of business. The dealer may or may not provide repair service to the vehicle and if not, the dealer may later be hired to transport the vehicle from the dealer's place of business to another location. 66-1,109 (f) exempts a new vehicle dealer from KCC regulations when transporting property to or from his place of business, so I feel that he needs no permits to perform this service. Of course, the old ruling concerning a continuous shipment and just "touching base" at his place of business would still apply. Furthermore, if the disabled vehicle is his own vehicle and it weighs no more than two (2) tons, he may provide this service with a dealer's tag displayed on his wrecker by authority of 8-136 and 66-1329 (d). Also by the same reasoning, a ~~salvage or~~ used vehicle dealer may display a dealer tag on their wrecker or car carrier when transporting their own property weighing no more than two (2) tons. If in the above two instances, the transportation goes outside of a 25 mile radius of the dealer's domicile or place of business, a private carrier permit will have to be obtained and displayed along with the dealer's tag.

ANSWER

Situation 1 above has many different issues. I'll address each one as a separate issue and list each numerically.

1. The first issue is when a new vehicle dealer uses the exemption under 66-1,109 Sub (f). He cannot transport a disabled vehicle to his place of business, then to another location as two separate towing instances. This would be an attempt to circumvent the restrictions of the exemption and KCC has ruled that this is not to be permitted.
2. The use of a dealer plate on the wrecker would be prohibited by K.S.A. 8-136 and 66-1329, if there is any compensation received or derived from the wrecker or towing service.
3. A dealer registration may be displayed on a wrecker providing, the load being transported does not exceed two (2) tons and belongs to the dealer providing the transportation. This change allowing use of the dealer tag on a wrecker was a result of a change in the language of K.S.A. 8-136. (1984 Legislative Session).
4. A salvage dealer is prohibited from displaying a dealer license plate on any vehicle, other than a vehicle he has purchased for salvage, including dismantling, disassembling, or recycling. This is stated explicitly in K.S.A. 8-2406 Sub (d).
5. If the transportation of a vehicle by a wrecker owned and operated by a new vehicle dealer, regardless of whether he is displaying a dealer license plate or regular registration, is exempt from registering with the KCC as long as he operates within the scope of K.S.A. 66-1,109 Sub (f).

6. A used vehicle dealer would be exempt from registering with the KCC regardless of the radius, as long as he is: (1) transporting a vehicle he owns and displays a dealer license plate, or (2) transporting a vehicle with a wrecker bearing a dealer license plate and operating in compliance with K.S.A. 8-2406, K.S.A. 8-136, and K.S.A. 66-1329.

EXPLANATIONS

The reasoning behind why a new or used vehicle dealer may use a dealer license plate on a wrecker was the result of the re-writing of language in K.S.A. 8-136, and the implementation of the K.S.A. Statutes regulating wrecker operations.

K.S.A. 8-136 now states in part, "Such a license plate may not be used by a dealer to haul commodities weighing in excess of two (2) tons. Such license plates shall not be used on a wrecker or tow truck when providing wrecker or towing services as defined by K.S.A. 1984 Supp. 66-1329".

K.S.A. 66-1329, Sub (d) defines "wrecker or towing service" as "the act of transporting, towing or recovering with a wrecker, tow truck or car carrier, any vehicle not owned by the owner of the wrecker, tow truck, or car carrier, for which the operator receives compensation or other personal gain, either directly or indirectly, except such terms shall not include a private wrecker or towing service".

"Private wrecker or towing service" should not be confused with the definition of a private carrier in K.S.A. 66-1,108 Sub (i). In 66-1329 Sub (e), a "private wrecker or towing service" is defined as "the act of transporting with a wrecker, tow truck, or car carrier, a vehicle owned by the operator of the wrecker, tow truck, or car carrier". A private wrecker or towing service may or may not require

registration with the KCC, depending on the individual circumstance. However, at no time may he tow the vehicle of another for any type of compensation or personal gain, which eliminates the type of wrecker service we previously classified as private carrier.

SITUATION 2

A salvage or used vehicle dealer or individual responding to a call of a disabled vehicle, not his own, when the only service provided is the transportation of the disabled vehicle. If the transportation takes place outside of the three mile radius of the dealer's or individual's domicile or place of business, a common or contract certificate or permit must be obtained. If the transportation takes place wholly within the three mile radius 66-1,109 (a) and 66-1330 require that a local wrecker permit be obtained except that 66-1330 does not require a wrecker already licensed as a common or contract carrier to obtain a local wrecker permit. ~~However, since 66-1330 fails to mention private carriers in that exemption, a private carrier will still be required to obtain a local wrecker permit before providing the above described service.~~

ANSWER

1. Used vehicle dealer's and salvage dealer's when performing a wrecker or towing service, must be registered as either a common or contract carrier, if operating beyond a three mile radius of any city or village. If operating wholly within the corporate city limits or the suburban territory within 3 miles of such corporate city limits, they must be registered as a local wrecker.
2. If registered as a common or contract "wrecker or towing service", and operating within the scope of their granted authority, they are not required to obtain local wrecker authority to operate within the corporate city limits of any city within their scope of authority.

SITUATION 3

A salvage or used dealer or individual responding to a call of a disabled vehicle, not his own, when the service provided is the repair of the disabled vehicle and the transportation by the one who will do the repair and the towing, is incidental to the repair. 66-1,108 (i) defines a person who provides this type of service as a private motor carrier of property and therefore requires that he be licensed as such if the transportation takes place outside of a 25 mile radius of his place of business or domicile. Also, 66-1330 requires that no matter where the transportation takes place, a local wrecker permit must be obtained and does not exempt one already licensed as a private carrier from this requirement.

ANSWER

In 1984 when the Legislature passed Senate Bill 591 which became K.S.A. 66-1329 through K.S.A. 66-1334, this Bill and laws make it mandatory to be registered with the KCC as either common, contract, local wrecker or towing service when transporting the vehicle of another for compensation or personal gain, directly or indirectly. With the implementation of this new law, it eliminated the private carrier operations for wrecker and towing services under 66-1108, Sub (i).

Previously, 66-1108, Sub (i), was interpreted to mean a person owning a repair shop could transport a vehicle not his own back to his shop and perform some sort of repair and be classified as a private carrier, as long as the repair was the primary factor and the towing was only incidental to furtherance of his commercial enterprise. With the enactment of K.S.A. 66-1329, it defines each type of wrecker or towing operation and states the type of authority required.

IN BOTH SITUATIONS 2 AND 3, if the disabled vehicles are the property of the transporter, then their status changes to a private wrecker or towing service, as defined by 66-1329 (e), and are no longer required to obtain a local wrecker permit. However, if the transportation goes outside of the 25 mile radius, they would still be required to be registered as a private carrier.

ANSWER

This situation as stated, is basically true except if the used vehicle dealer is displaying dealer plates on his wrecker and he is in compliance with K.S.A. 8-136, he would still be exempt from KCC registration even beyond the 25 mile radius under K.S.A. 66-1,109, Sub (r).

I hope the responses to the situations expressed by Trooper Kessler have been answered to provide clarification, rather than creating further confusion.



VERNON J. PROSTLER, Lieutenant
Division Eight, Topeka

ccc



JOHN CARLIN
MICHAEL LENNEN
MARGALEE WRIGHT
KEITH R. HENLEY
JUDITH A. McCONNELL
BRIAN J. MOLINE

Governor
Chairman
Commissioner
Commissioner
Executive Secretary
General Counsel

State Corporation Commission

Fourth Floor, State Office Bldg.
Ph. 913/296-3355
TOPEKA, KANSAS 66612-1571

STATEMENT PRESENTED ON H.B. 2708 TO THE HOUSE
TRANSPORTATION COMMITTEE ON FEBRUARY 3, 1986 BY THE
STATE CORPORATION COMMISSION OF KANSAS

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, I AM BILL GREEN, ADMINISTRATOR OF THE TRANSPORTATION DIVISION OF THE STATE CORPORATION COMMISSION. I APPEAR HERE TODAY ON BEHALF OF THE COMMISSION ON H.B. 2708.

THE COMMISSION HAS NO POSITION ON THIS BILL HOWEVER, BELIEVE IT IS IMPORTANT TO REMIND THE COMMITTEE OF THE BACKGROUND ON THE LOCAL WRECKER AND THE POSSIBLE EFFECTS OF THIS BILL.

BACKGROUND ON LOCAL WRECKER PERMITS

EFFECTIVE JANUARY 1, 1985 IT BECAME UNLAWFUL FOR PERSONS TO PROVIDE WRECKER SERVICE TO THE PUBLIC IN THE STATE OF KANSAS WITHOUT HAVING A LOCAL WRECKER PERMIT, IF THAT WRECKER OR TOWING SERVICE WERE PROVIDED:

1. WHOLLY WITHIN THE CORPORATE LIMITS OF A CITY IN KANSAS AND UP TO A THREE MILE RADIUS OUTSIDE THOSE LIMITS; OR
2. BETWEEN CONTIGUOUS (TOUCHING) CITIES IN KANSAS; OR
3. BETWEEN CONTIGUOUS (TOUCHING) CITIES IN KANSAS AND ANOTHER STATE; OR
4. BETWEEN ANY CITY IN KANSAS OR ANOTHER STATE AND WITHIN THREE MILES OF THE CORPORATE LIMITS OF ANY CITY IN KANSAS

H. Transp 2/3/86
Attach. 2

THIS WAS THE FIRST TIME THIS TYPE OF WRECKER AND TOWING OPERATION HAD BEEN REGULATED ON THE STATE LEVEL.

IN ORDER TO RECEIVE THE LOCAL WRECKER PERMIT A CARRIER MUST FILE AN APPLICATION WITH THE COMMISSION, LIST VEHICLES TO BE REGISTERED AND PROVIDE THE COMMISSION WITH PROOF OF LIABILITY AND CARGO INSURANCE. THERE IS A \$10 APPLICATION FEE AUTHORIZED BY STATUTE AND A REGULATORY FEE OF \$10 PER VEHICLE REGISTERED WITH THE COMMISSION.

AT THE TIME THE LOCAL WRECKER LEGISLATION WAS BEING CONSIDERED IN 1984 THERE WERE APPROXIMATELY 150 KCC REGULATED WRECKERS. PRESENTLY THERE ARE APPROXIMATELY 300 KCC REGULATED WRECKERS HOLDING INTRASTATE COMMON AUTHORITY. APPROXIMATELY 133 LOCAL WRECKER PERMITS HAVE NOW BEEN ISSUED. MOST OF THE LOCAL WRECKER APPLICANTS AT THE TIME OF FILING ALSO FILE AN APPLICATION FOR INTRASTATE COMMON AUTHORITY, RESULTING IN A 100% INCREASE IN INTRASTATE COMMON WRECKER AUTHORITIES.

EFFECTS OF HOUSE BILL 2708

H.B. 2708 PROPOSES TO EXPAND THE 3 MILE LIMIT TO 25 MILES FOR LOCAL WRECKER PERMITS. THE EFFECT OF THIS EXPANSION WOULD AUTHORIZE CURRENT LOCAL WRECKER PERMIT HOLDERS TO PROVIDE SERVICE TO AN AREA APPROXIMATELY THE SIZE OF A KANSAS COUNTY IN MOST PARTS OF THE STATE; WHILE IN THE KANSAS CITY AREA LOCAL WRECKERS WOULD BE PERMITTED TO SERVE APPROXIMATELY THE KANSAS CITY COMMERCIAL ZONE ESTABLISHED BY THE INTERSTATE COMMERCE COMMISSION.

THEREFORE, WITH THIS EXPANDED AREA OF 25 MILES, LOCAL WRECKERS WOULD BE ABLE TO PROVIDE SERVICE TO AN AREA THE SIZE OF A COUNTY WITHOUT HAVING TO FILE AN APPLICATION AND APPEAR FOR A HEARING OR FILE A COPY OF THEIR TARIFF STATING THE CHARGES FOR THEIR SERVICE. THE END RESULT WOULD BE INCREASED COMPETITION AMONG WRECKERS IN THE STATE OF KANSAS.

THE EFFECT OF H.B. 2708 ON THE COMMISSION'S WORK LOAD WOULD BE TO RELIEVE TWO ATTORNEYS (A HEARING EXAMINER AND A STAFF ATTORNEY) FROM HAVING TO HEAR AND PARTICIPATE IN INTRASTATE COMMON WRECKER HEARINGS BECAUSE THE APPLICATION FOR LOCAL WRECKER PERMITS (WITH THE 25 MILE RADIUS) WOULD BE PROCESSED BY THE CLERICAL STAFF OF THE COMMISSION.

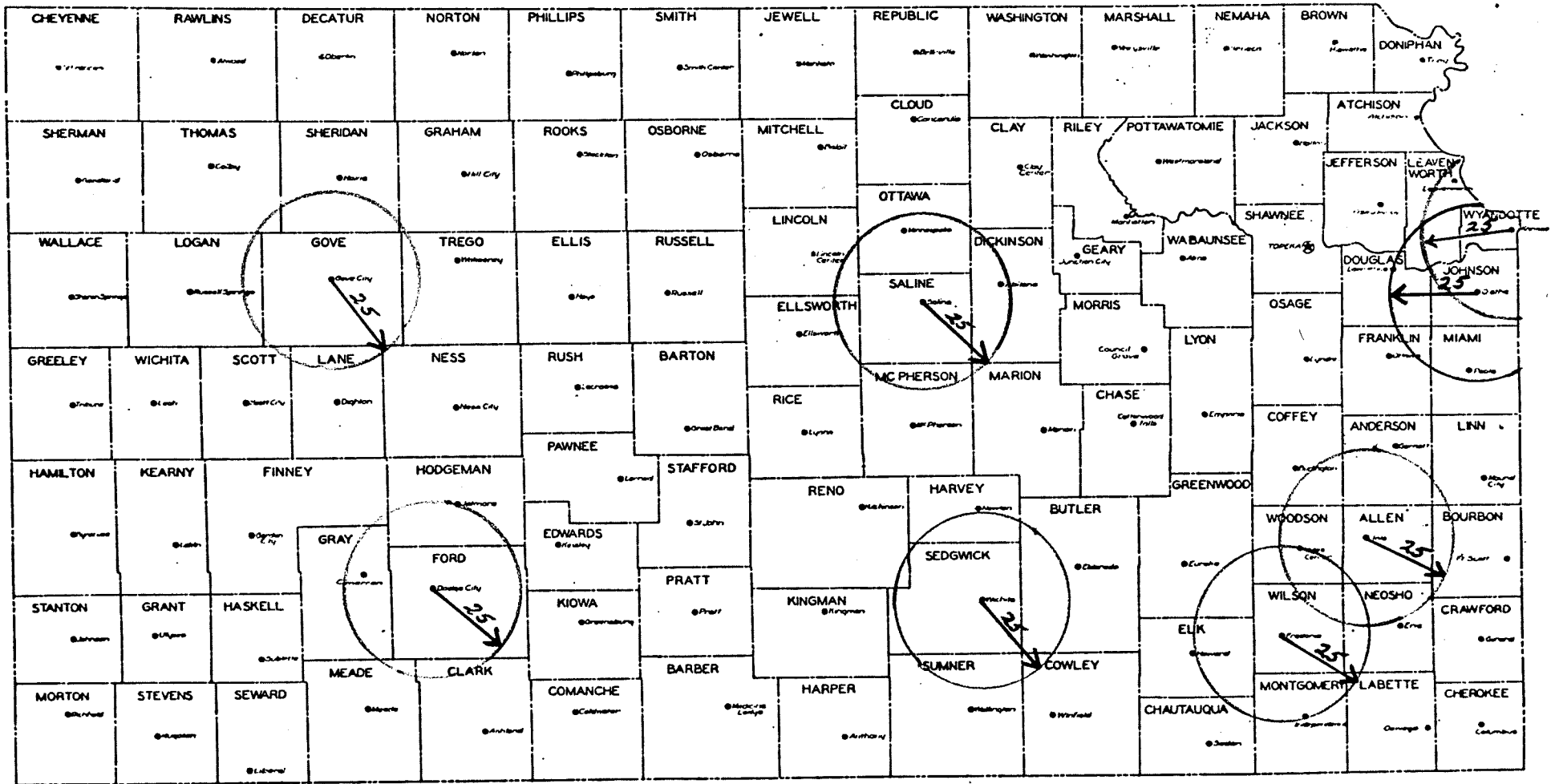
SUMMARY

IN SUMMARY, MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE, THE COMMISSION VIEWS THE QUESTION OF HOW FAR A MOTOR CARRIER'S AUTHORITY EXTENDS OR THE NEED TO FILE AND HAVE APPROVED TARIFFS ON FILE WITH THE COMMISSION TO BE A LEGISLATIVE POLICY MATTER. THE COMMISSION DOES NOT FEEL THEY ARE IN A POSITION TO DETERMINE OR RECOMMEND WHETHER 3 MILES, 10 MILES OR 25 MILES SHOULD BE THE AREA SERVED BY A LOCAL WRECKER. THE COMMISSION IS PREPARED TO IMPLEMENT WHATEVER THE LEGISLATURE ENACTS REGARDING THIS MATTER OF LOCAL WRECKERS.

IF AT THIS TIME YOU HAVE ANY QUESTIONS, I WILL BE PLEASED TO ATTEMPT TO ANSWER THEM.

2/3/86

KANSAS



INSTRUCTIONS FOR PREPARING APPLICATION FOR A PERMIT TO
OPERATE AS A LOCAL WRECKER IN THE STATE OF KANSAS

Attached you will find a complete set of forms needed to make application to the State Corporation Commission of Kansas for a license to operate as a local wrecker.

FILING FEE: The filing fee for a local wrecker permit is \$10.00. A non-refundable postal money order or check must accompany the application.

REGULATORY FEE: A regulatory fee of \$10.00 for each vehicle you wish to register must accompany this application.

ADDITIONAL REQUIREMENTS: If you are incorporated, attach a copy of your Articles of Incorporation. If you are a partnership, attach a copy of the Partnership Agreement.

INSURANCE REQUIREMENTS FOR LOCAL WRECKERS:

A. Public Liability and Property Damage Insurance is required for all motor carriers holding a local wrecker permit.

1. Policies or certificates of Insurance must be written by a company authorized by the Kansas Insurance Commissioner to transact business in Kansas. Certificates must be signed by an authorized representative of the Insurance Company.

2. The minimum requirement for Public Liability and Property Damage is: \$100,000/\$300,000/\$50,000. (Required by K.S.A. 1983 Supp. 66-1,128)

3. Insurance must be filed in the exact name in which the application is filed.
NOTE: If the application is filed in a name of a partnership, all partners must be named.

4. Please contact your insurance agent in order that he or she may provide the State Corporation Commission with the proper Certificate of Insurance, Form E. These certificates are supplied by the Home Office or the Regional Office of the Insurance Company. This Commission does not accept Photo or Xerox copies of this form.

5. If for any reason the Insurance Company issues a cancellation notice canceling the current filing in this office, the cancelled filing must be replaced by a new Certificate of Insurance Form E. The new form must reach this office before the effective cancellation date to avoid suspension or cancellation of your local wrecker permit.

B. Cargo Insurance in a minimum amount of \$3,000 is required in Kansas for motor carriers holding a local wrecker permit.

1. Please contact your insurance agent in order that he or she may provide the State Corporation Commission with the proper Certificate of Insurance, Form H. These certificates are supplied by the Home Office or the Regional Office of the Insurance Company. This Commission does not accept Photo or Xerox copies of this form.

Should you have any questions regarding this state's insurance requirements call (913) 296-3364.

MAIL COMPLETED APPLICATION TO: THE STATE CORPORATION COMMISSION OF KANSAS, 4TH FLOOR, STATE OFFICE BUILDING, TOPEKA, KS 66612

H. Transp. 2/3/86
Attach. 3

APPLICATION FOR A LOCAL WRECKER PERMIT

Name of Applicant (Individual)
(Partnership)
(Corporation) _____

dba _____
(complete only if you are not incorporated)

Street (Residence) _____

City _____ State _____ Zip _____

Business Telephone (____) _____ - _____

Give Principal Office Address, if different than above:

(Street) (City) (State) (Zip)

I, the undersigned do hereby certify that the above information is true and correct and that I am authorized to execute and file this document. I further certify that I have knowledge of the Commission's regulations on safety contained in K.A.R. 82-4-3 and 82-4-20.

Signature

Title

STATE OF _____

COUNTY OF _____ ss

Subscribed and sworn to before me, a notary public, this ____ day of _____, A.D., 19____.

Notary Public

County

My Commission expires: _____, 19____

Kansas
M.C. ID No. _____

KANSAS STATE CORPORATION COMMISSION
 TRANSPORTATION DIVISION
 TOPEKA, KANSAS 66612-1571

APPLICATION TO REGISTER EQUIPMENT FOR 1985

Name _____
 Doing business as _____
 Street address _____
 City and State _____

FOR OFFICIAL USE ONLY

Local Wrecker Permit

MC ID No. _____

NOTICE: A ten dollar (\$10.00) regulatory fee for each power unit must accompany this application.

DO NOT WRITE IN THIS COLUMN

MAKE OF VEHICLE	YEAR	COMPLETE SERIAL NUMBER	KCC TAG NO.
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

THIS SPACE FOR COMMISSION'S USE

Regulatory fee required _____

Insurance _____

Tags issued _____

Cab cards issued _____

Control _____



JOHN CARLIN
MICHAEL LENNEN
R. C. "PETE" LOUX
KEITH R. HENLEY
JUDITH A. McCONNELL
BRIAN J. MOLINE

Governor
Chairman
Commissioner
Commissioner
Executive Secretary
General Counsel

State Corporation Commission

Fourth Floor, State Office Bldg.

TOPEKA, KANSAS 66612-1571

NEW STATUTORY REQUIREMENTS FOR LOCAL WRECKER
OPERATORS DOING BUSINESS IN KANSAS

After January 1, 1985, it will be unlawful for any person to provide wrecker or towing service within Kansas without a "Local Wrecker Permit" issued by the State Corporation Commission of Kansas; unless you currently have a common carrier certificate or contract carrier permit issued by this Commission to perform wrecker service.

In an effort to implement this new law we are attempting to contact all persons known to the Commission to be engaged in local wrecker operations.

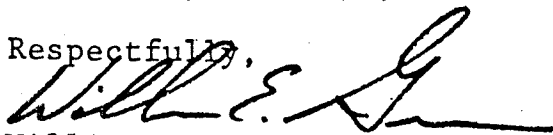
The new law defines local wrecker operations to be firms or individuals who perform wrecker or towing service:

1. wholly within the corporate limits of a city in Kansas and up to a three mile radius outside those limits; or
2. between contiguous (touching) cities in Kansas; or
3. between contiguous (touching) cities in Kansas and another state; or
4. between any city in Kansas or another state and within three miles of the corporate limits of any city in Kansas

Please review the attached instruction sheets and return the completed application to the Transportation Division, State Corporation Commission of Kansas, 4th Floor, State Office Building, Topeka, Kansas 66612. A \$10 application fee should accompany the application and an additional \$10 registration fee for each vehicle you wish to have registered under the Local Wrecker Permit. A local wrecker tag shall be issued to you prior to January 1, 1985.

In order to expedite the processing of your application and quickly answer any questions you may have, please contact Vanessa Aiken at (913) 296-3000 or Evelyn Clearwater at (913) 296-3491.

Respectfully,


William E. Green, Administrator
Transportation Division

LOCAL WRECKER PERMIT REQUIRED BY SENATE BILL 591,

ENACTED DURING THE 1984 LEGISLATIVE SESSION

LOCAL WRECKER CARRIER - Means any person engaged in performing wrecker service wholly within the corporate limits of a city or within a 3-mile radius thereof.

REGISTRATION WITH KCC - All local wrecker operators must register with the State Corporation Commission of Kansas for a "Local Wrecker Permit" by January 1, 1985.

FEES - Each application for a "Local Wrecker Permit" shall be accompanied by a one-time filing fee of \$10. Each holder of a local wrecker permit shall pay an annual registration fee of \$10 for each motor vehicle operated under the permit.

SAFETY REQUIREMENT - All applicants must declare knowledge of state and federal safety regulations. (See attachments K.A.R. 82-4-3 and 82-4-20)

INSURANCE REQUIREMENT - Local wrecker operators must comply with regulations and laws relating to motor vehicle equipment, safety, insurance and liability which are applicable to common carriers. (Insurance limits are \$100,000 for personal injury or death to any one person in any one accident; \$300,000 for injury or death to two or more people in any one accident; \$50,000 for loss of property of others in any one accident; and \$3,000 cargo insurance). Insurance must be kept in force for permit to be valid.

CREDENTIAL - Upon receiving a properly prepared application along with the initial \$10 fee and proof of insurance, the Commission SHALL issue the applicant a "Local Wrecker Permit".

VEHICLE MARKINGS - All vehicles operated under a "Local Wrecker Permit" shall have durably marked on each vehicle, on both sides, the name and address of the owner or lessee of the vehicle, the gross weight for which the vehicle is registered, and the word "LOCAL". The lettering shall be in plain letters not less than two inches in height and with not less than $\frac{1}{4}$ inch stroke.

PENALTY - Violation of this act or of the rules and regulations is a misdemeanor. Conviction of such a violation may result in a fine not to exceed \$500.

WRECKERS NOT COVERED BY LOCAL WRECKER PROVISIONS - Corporations and individuals presently operating a tow truck under a certificate of convenience and necessity, a contract carrier permit, or operating lawfully as a private carrier under a private carrier permit, will not have to obtain any additional permit or authority. Additional permits or authority shall not be required as long as service performed is with a vehicle properly registered with the Commission by the carrier.

82-4-3. Motor carrier safety regulations. (a) The following parts of the federal rules and regulations promulgated by the U.S. department of transportation, federal highway administration, and bureau of motor carrier safety, are hereby incorporated by reference as the rules and regulations of the state corporation commission of the state of Kansas. The incorporation by reference shall cover the parts as they exist on ~~September 15, 1983~~ September 28, 1984: (a) (1) Federal motor carrier safety regulations: General, 49 CFR Part 390, except sections 49 CFR 390.1, 390.15, 390.16.

(b) (2) Qualifications of drivers: 49 CFR Part 391, deleting except sections 49 CFR 391.2, 391.3, 391.5, 391.7, 391.11(b)(1), 391.41, 391.43, 391.45, 391.47 and 391.49 and 391.69.

(c) (3) Driving of motor vehicles: 49 CFR Part 392, except sections 49 CFR 392.1(c),(d), 392.2, 392.30, 392.31, 392.32, 392.40 and 392.41.

(d) (4) Parts and accessories necessary for safe operation: 49 CFR Part 393, deleting except section 49 CFR 393.81, 393.87 and 393.95(a) and (b).

(5) Notification and reporting of accidents: 49 CFR Part 394.

(e) (6) Hours of service of drivers: 49 CFR Part 395, except sections 49 CFR 395.3(c), 395.8(k)(2) and 395.8(1)(2).

(f) (7) Inspection, repair and maintenance: 49 CFR Part 396.

(g) (8) Transportation of hazardous materials; driving and parking rules: 49 CFR Part 397.

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APPROVED

ATTORNEY GENERAL

By 11/5/84 Asst.

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(9) Transportation of migrant workers: 49 CFR Part 398.

(10) Employee safety and health standards: 49 CFR Part 399.

(b) Whenever the incorporated federal regulations refer to portions of the federal regulations that are not included under subsection (a), those references shall not be applicable to this regulation.

(c) The following terms as used in this regulation and the identified sections of the regulations adopted by reference are defined as follows:

(1) The term "special agent of FHWA or special agent of the federal highway administration and authorized representatives of the federal highway administration", as used in 49 CFR 394.15(a), 395.13(a), 396.9(a), 398.8(a) and 399 appendix B, means authorized representatives of the state corporation commission of Kansas and troopers of the Kansas highway patrol.

(2) The term "authorized FHWA personnel", as used in 49 CFR 396.9(b), means troopers of the Kansas highway patrol or authorized representatives of the state corporation commission of Kansas.

(3) The term "associate regional administrator, motor carrier safety, federal highway administration", as used in 49 CFR 394.9(d), means superintendent, Kansas highway patrol.

(4) The term "director, regional motor carrier safety office of the federal highway administration", as used in 49 CFR 390.40, 391.51(g), 394.7(a), 394.9(a), 394.11(a) and 397.19(b), means the superintendent, Kansas highway patrol and the administrator of

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APPROVED BY *[Signature]*

APPROVED
ATTORNEY GENERAL

By *[Signature]* 11/5/84 Asst.

the transportation division of the state corporation commission of Kansas.

(5) The term "regional federal highway administrator", as used in 49 CFR 391.51(b)(2), means director of transportation, state corporation commission of Kansas.

(6) The term "department of transportation act", as used in 49-CFR, 394.3(a), means the department of transportation act and the motor carrier act of the state of Kansas.

(d) Copies of the motor carrier safety regulations promulgated by the U.S. department of transportation may be obtained from the superintendent of documents, United States Government printing office, Washington, D.C. 20402. (Authorized by and implementing K.S.A. 1983 Supp. 66-1,112, K.S.A. 66-1,112a, K.S.A. 1983 Supp. 66-1,112g; and K.S.A. 66-1,129; effective Jan. 1, 1971; modified, 1981 HCR No. 5020, May 1, 1981; amended May 1, 1984; amended, T- _____, _____.)

APPROVED
ATTORNEY GENERAL

By Michael S. Lee Asst.

DEPT. OF ADMINISTRATION

NOV 2 1984

APPROVED BY XXX

82-4-20. Transportation of hazardous materials by motor vehicles. The federal regulations entitled "Hazardous Materials Tables and Hazardous Materials Communications Safety Regulations", Title 49 CFR, Part 172 as in effect on September 15, 1983, are adopted by reference. (a) The following parts of the federal hazardous materials rules and regulations promulgated by the U.S. department of transportation are incorporated by reference as the rules and regulations of the state corporation commission of the state of Kansas: Title 49 CFR, Parts 107.103(b) and 107.105, 171, 172, 173, 177 and 178, except sections 49 CFR 171.7(d)(27), 177.825, 177.842, 177.843 and 177.861, as in effect on September 28, 1984.

(b) Whenever the incorporated federal regulations refer to portions of the federal regulations that are not included under subsection (a), those references shall not be applicable to this regulation. (Authorized by K.S.A. ~~1982~~ 1983 Supp. 66-1,112, K.S.A. 66-1,112a, K.S.A. ~~1982~~ 1983 Supp. 66-1,112g and K.S.A. 66-1,129; implementing K.S.A. 1983 Supp. 66-1,112 and K.S.A. 66-1,129, effective Jan. 1, 1971; amended May 1, 1981; amended May 1, 1984; amended, T-_____, _____.)

DEPT. OF ADMINISTRATION

NOV 2 1984

APPROVED BY *TAK*

APPROVED
ATTORNEY GENERAL

By *W.C. 11/5/84* Asst.

STATEMENT

By The

KANSAS MOTOR CARRIERS ASSOCIATION

In opposition to H.B. 2708 which would
substantially expand the limits established
for "Local wrecker carrier" service.

Presented to the House Transportation
Committee, Rep. Rex Crowell, Chairman;
Statehouse, Topeka, Monday, February 3, 1986.

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I am Mary Turkington, Executive Director of the Kansas Motor Carriers Association with offices in Topeka. We are here today representing the Towing and Recovery Division of our membership to oppose House Bill 2708.

This Legislature, in the 1984 Session, wisely provided clarification of the statutory framework which governs the service of towing and recovery operations for the public in this state.

You adopted legislation which, for the first time, statutorily defined a "wrecker or tow truck." You defined "wrecker or towing service." You defined "private wrecker or towing service" and you defined a "local wrecker carrier."

H. Transp. 2/3/86
Attach. 4

That legislation acknowledged that some tow truck operators would choose to offer only local wrecker carrier service and that some would wish to serve beyond a local area.

A local wrecker carrier was defined to include any person engaged in performing wrecker or towing service wholly within the corporate limits of a city or within three miles of the corporate limits thereof.

Such wrecker or towing service means the act of transporting, towing or recovering a vehicle not owned by the operator of the wrecker or tow truck.

"Private wrecker or towing service" means the act of transporting with a wrecker or tow truck any vehicle owned by the operator of the wrecker or tow truck.

Those who wish to perform a wrecker or towing service beyond the corporate limits of a city or town or the territory within 3 miles of the corporate limits thereof, would continue to apply for a common carrier certificate from the Kansas Corporation Commission just as the law has always required them to do.

Our industry acknowledged that the revision in the law which was adopted in 1984 well could result in more tow truck operators making application for common carrier authority from the Kansas Corporation Commission to be certain that such tow truck operators were complying fully with the law.

We believe a review of the applications filed with the KCC would indicate that this has occurred. Compliance with the law has improved.

The 1984 legislation also provided that those tow truck operators who would choose to offer only local wrecker service would be required to simply register with the Kansas Corporation Commission to secure a "Local wrecker carrier permit" but would be required to carry proper insurance and comply with the basic safety rules and regulations required for such motor truck vehicles.

There is no economic regulation of such local wrecker operators. There indeed is added protection for the public from the standpoint of insurance and identification of local operators.

There are no requirements for such local operators to file any rates or charges of any kind with the KCC. The Commission does not have any jurisdiction over such purely local fees or charges for wrecker operators or any other transportation service performed wholly within the city limits or three miles thereof.

The local wrecker operator is required to keep insurance in force, must have painted or durably marked on both sides of such vehicles the word "local", the gross weight for which the vehicle is registered and the name and address of the owner or lessee of the vehicle. These requirements were designed to more clearly identify the tow truck operator for the public which might require such local services.

We sincerely believe the revisions you adopted in 1984 to become effective January 1, 1985, are workable and that this law as it now stands is in the public interest.

There is nothing to prohibit any local wrecker carrier from seeking a common carrier certificate from the Corporation Commission to expand his service beyond the local limits.

As we pointed out a moment ago in this testimony, a number of tow truck operators have already done just that.

To change the rules on those operators and on the tow truck carriers who currently are serving their communities either locally or as common carriers would seem bad public policy at this time.

The 1984 law is just now working itself into place. Enforcement officers, the public and the tow truck industry are working to understand the current law and to comply with its provisions.

To adopt the expansion of the "local wrecker carrier" operations to a radius of 25 miles of the city or state in which the carrier is located would, for all practical purposes, simply destroy the statutory framework which now governs this towing and recovery industry.

We have been talking positively about economic development, about expansion of small businesses in our state and about improving our economic climate. We respectfully submit that the men and women who own these towing and recovery businesses are a part of the Kansas industrial family.

They need to know the ground rules under which their businesses must operate and they need to have good support from you if they are to continue to address in a constructive fashion, the problems of the towing and recovery business.

We believe the current law needs to govern the towing and recovery industry at this time with respect to the limits adopted in 1984.

That legislation incidentally, had the support of this Association, the Kansas Motor Car Dealers Association, the Kansas Highway Patrol, the Automobile Club of Kansas (AAA), and the City of Wichita.

We respectfully ask that you permit the current statute to prevail and that you not recommend House Bill 2708 for passage.

We will be pleased to attempt to answer any questions you may have. Thank you for this opportunity to present our industry's comments to you.

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