

MINUTES OF THE House COMMITTEE ON Transportation

The meeting was called to order by Rex Crowell at  
Chairperson

1:30 ~~xx~~ p.m. on February 5, 19<sup>86</sup> in room 519-S of the Capitol.

All members were present except: Representatives Patrick and Knopp - Excused.

Committee staff present:

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

Conferees appearing before the committee:

Mrs. Mary Turkington, Kansas Motor Carriers Association  
Mr. Steve Wiechman, Kansas Automotive Dismantlers & Recyclers Association

The meeting was called to order by Chairman Crowell and the first order of business was a hearing on HB-2765 concerning the weight used in registering a wrecker or tow truck.

Mr. Bruce Kinzie of the Revisors Office explained a proposed amendment to HB-2765. (See Attachment 1)

A motion was made by Representative Dillon to adopt the amendment. The motion was seconded by Representative Harper. Motion passed.

Mrs. Mary Turkington, Kansas Motor Carriers Association, testified in support of HB-2765. (See Attachment 2)

She said the language proposed in the bill is designed to clarify the statutory requirements for the registration of wreckers or tow trucks in the state.

Mr. Steve Wiechman, Kansas Automotive Dismantlers & Recyclers Association, gave favorable testimony concerning HB-2765. (See Attachment 3)

The hearing on HB-2765 was concluded.

Attention was then turned to HB-2764, concerning height limitations for motor vehicles and their loads. A motion was made by Representative Snowbarger that HB-2764 be recommended favorable for passage. The motion was seconded by Representative Shore.

Discussion on the bill ensued, and information from KDOT concerning heights and locations of bridges with less than adequate clearance was distributed to Committee members. (See Attachment 4)

Representative Spaniol asked if municipalities assume any liability when they have overpasses with a clearance of only 13½ feet, and the State is saying it is permissible to have a height of 14 feet. Staff replied there is no liability assumed.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Transportation,  
room 519-S, Statehouse, at 1:30 ~~xxx~~ a.m./p.m. on February 5, 19 86

Mrs. Mary Turkington advised that in cases where a vehicle passes under a structure that is too low, the carrier becomes liable.

Motion passed.

The next bill taken up was HB-2634 concerning the use of studded traction equipment.

A motion was made by Representative Dillon to recommend HB-2634 favorable for passage. The motion was seconded by Representative Wilbert. Motion passed.

The next bill taken up was HB-2633 concerning the use of headlights on motor vehicles. A motion was made by Representative Wilbert to recommend HB-2633 favorable for passage. The motion was seconded by Representative Dillon.

Discussion of the motion ensued and Representative Moomaw read a possible substitute amendment to the bill. (See Attachment 5)

A substitute motion was made by Representative Moomaw that the bill be amended on Line 26 by inserting after the word "sunrise" the words "(2) during any time when the windshield wipers are in continuous use" and by changing "(2)" on Line 27 to "(3)".

The substitute motion was seconded by Representative Adam.

A vote was taken on the substitute motion to amend HB-2633. Substitute motion failed.

Representative Ott asked if part of the original motion could be placing HB-2633 on the Consent Calendar. Representative Wilbert agreed to make this a part of his original motion and Representative Dillon who seconded agreed. Motion passed.

The meeting was adjourned at 2:00 p.m.

  
Rex Crowell, Chairman



PROPOSED AMENDMENTS for Transportation

Re: House Bill No. 2765

On page 2, in line 55, by striking ". A" and inserting "by a"; in line 56, by striking the comma and inserting ". Such wrecker or tow truck";

*H. Transp 2/5/86  
Attach. 1*

STATEMENT

By The

KANSAS MOTOR CARRIERS ASSOCIATION

-----

In support of House Bill 2765 which clarifies statutory requirements for the registration of wreckers or tow trucks.

-----

Presented to the House Transportation Committee, Rep. Rex Crowell, Chairman; Statehouse, Topeka, Wednesday, February 5, 1986.

-----

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I am Mary Turkington, Executive Director of the Kansas Motor Carriers Association and appear here today representing the members of our Association and specifically our Towing & Recovery Division. We support the provisions of House Bill 2765.

This legislative proposal is designed to clarify the statutory requirements for the registration of wreckers or tow trucks in this state.

When the Kansas Legislature wisely adopted the gross weight registration provisions which now govern the registration fees for motor truck equipment, the statutory definition for gross weight was placed in our law.

H. Transp. 2/5/86

Attach. 2

That definition is incorporated in H.B. 2765 in paragraph (2) of Section 1 of this bill. The language provides:

. . . . . the term "gross weight" shall mean and include the empty weight of truck, or of combination of truck or truck tractor and any type trailer or semitrailer, plus the maximum weight of cargo which will be transported on or with the same, except that when the empty weight of a truck plus the maximum weight of cargo which will be transported thereon is 12,000 pounds or less. . . . .

The gross weight statutory definition applied to all vehicles with the exception of power units which propelled any travel trailer which is being used for private recreational purposes -- and to wrecker or tow truck equipment.

The exemption for travel trailers being used for recreational purposes was spelled out in the statute. The exemption from the gross weight definition for wrecker or tow truck equipment was based on a ruling from the legal staff of the former Motor Vehicle Department in a letter dated March 15, 1962.

It was obvious that tow trucks would transport widely-ranging cargoes. One customer might have a light-weight, small car -- and another customer might require towing or recovery services for a much larger vehicle. The tow truck operator hardly should be required to register for the maximum weight vehicle if he seldom or never transported such gross weight.

Public policy has acknowledged the legal ruling by the Motor Vehicle Department for these many years. The Department of Revenue, in a letter dated September 10, 1985, re-affirmed that policy for such wrecker or tow truck registrations. We have attached a copy of the Department's September 10, 1985 letter to this statement.

The language which is proposed in House Bill 2765 is designed to provide statutory recognition of the public policy which has applied in this registration category over the years.

We are aware that the revisor is offering an amendment to the specific language to clarify the provisions of this proposal. We indeed support the language as amended, and ask you to recommend H.B. 2765, as amended, for passage.

We will respond to any questions you may have. Thank you for your consideration of this important legislation.

####



*Kansas*  
DEPARTMENT OF REVENUE

State Office Building  
TOPEKA, KANSAS 66621

September 10, 1985

SEP 11 1985

Colonel Bert Cantwell  
Kansas Highway Patrol  
122 SW 7th  
Topeka, Kansas 66603

Dear Colonel Cantwell:

C  
O  
P  
Y  
A legal opinion dated March 15, 1962, was issued by the Kansas Department of Revenue to the Kansas Highway Patrol responding to the question of what gross weight registration should be required of a wrecker vehicle. That letter stated the position of the Department that the gross weight registration on the wrecker vehicle would be equal to the weight of the vehicle and its load and not including the weight of the unit being towed.

Advice has been requested by the Kansas Highway Patrol as to whether the Department's position continues in accord with this opinion dated March 15, 1962. It is my opinion that this opinion is a well considered one, and the Department's position remains in accord with the same.

If I may be of additional information, please let me know.

Sincerely,

William L. Edds  
General Counsel

WLE:rab

cc: Harold Turntine  
Mary Turkington





**HOUSE TRANSPORTATION COMMITTEE**

February 5, 1986

**HOUSE BILL NO. 2765**

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE:

I am Steven R. Wiechman, representing the Kansas Automotive Dismantlers and Recyclers Association. K.A.D.R.A. wishes to convey to you their support for HB 2765. Those members of our association who provide towing services are continually caught in the interpretation of law as to the proper registration weights for a wrecker or tow truck. Presently, the law is not uniformly applied by the highway patrol, sheriff's offices and other local authorities.

In light of the fact that most of the vehicles being transported by a wrecker or tow truck have been registered, it does not seem equitable to require that the vehicle providing the motive power to move a disabled vehicle be registered for the vehicle it is towing when the disabled vehicle has paid a registration fee for its movement upon Kansas highways.

Your favorable support of HB 2765 is urged by our Association. Thank you for the opportunity to appear before you.

Respectfully submitted,

STEVEN R. WIECHMAN  
Kansas Automotive Dismantlers &  
Recyclers Association *H. Transp. 2/5/86*  
*Attach. 3*

**PRESIDENT**  
Wayne Castle  
Foreign Cars Unltd  
Wichita, KS

**VICE PRESIDENT**  
John Lewis  
Lewis Auto Salvage  
Topeka, KS

**SECRETARY/TREASURER**  
Evelyn Fateley  
Hillside Auto Parts  
Chanute, KS

**LEGAL COUNSEL**  
Steven R. Wiechman  
Topeka, KS

**DIRECTORS**

Don Ely  
Kingman Salvage  
Kingman KS

Jerry Inman  
Hays Auto Parts  
Hays, KS

Dale Lehning  
A-One Salvage, Inc.  
Haysville, KS

Gary Roth  
Dodge City Salvage, Inc.  
Dodge City, KS

Mark Warrell  
A-OK Auto Salvage  
Kansas City, KS

Jerry Gray  
G & R Motors  
Wichita, KS

Ray Standifer  
Standifer & Son Truck Recycling  
Wichita, KS

Paul Davis  
A Plus Parts & Salvage  
Wichita, KS

<u>County</u>	<u>Route</u>	<u>Minimum Vertical Clearance</u>	<u>Location</u>
Morris	US-56	13' 6"	3.3 mi. east of US-77
Morris	K-57	11' 3"	Under CRI & P RR in Dwight
Anderson	US-59	13' 6"	Under MOPAC RR at Garnett
Montgomery	US-75	13' 3"	Under MOPAC RR North of Sycamore
Cowley	US-166	13' 6"	Under AT & SF RR in Ark City

H. Transp. 2/5/86  
 Attach. 4

Kansas Department of Transportation  
 February, 1986

## HOUSE BILL No. 2633

By Representative Patterson

12-9

0045 and motorized bicycles manufactured prior to January 1, 1978.

0046 Sec. 2. K.S.A. 8-1703 is hereby repealed.

0047 Sec. 3. This act shall take effect and be in force from and

0048 after its publication in the statute book.

0016 AN ACT relating to motor vehicles; concerning headlights;  
0017 amending K.S.A. 8-1703 and repealing the existing section.

0018 *Be it enacted by the Legislature of the State of Kansas:*

0019 Section 1. K.S.A. 8-1703 is hereby amended to read as fol-

0020 lows: 8-1703. (a) Every vehicle, except motorcycles, motor-

0021 driven cycles and motorized bicycles, upon a highway within

0022 this state, shall display lighted head and other lamps and illu-

0023 minating devices as hereinafter respectively required for dif-

0024 ferent classes of vehicles, subject to exceptions with respect to

0025 parked vehicles, under the following conditions: (1) At any time

0026 ~~from a half hour after sunset to a half hour before sunrise and at~~

0027 ~~any other time, when;~~ (2) during any time when, due to rain,

0028 smoke, fog, insufficient light or unfavorable atmospheric condi-

0029 tions, persons and vehicles on the highway are not clearly

0030 discernible at a distance of 1,000 feet ahead, shall display lighted

0031 head and other lamps and illuminating devices as hereinafter

0032 respectively required for different classes of vehicles, subject to

0033 exceptions with respect to parked vehicles, and further that; (3) and

0034 stop lights, turn signals and other signaling devices shall be

0035 lighted as prescribed for the use of such devices.

0036 (b) Motorcycles, motor-driven cycles and motorized bicycles

0037 shall display lighted head and tail lights at all times that such

0038 vehicles are operated on any highway.

0039 (c) Notwithstanding the other provisions of this section, mo-

0040 torcycles, motor-driven cycles and motorized bicycles manufac-

0041 tured prior to January 1, 1978, shall display lamps as provided for

0042 other vehicles in the first sentence of this section subsection (a),

0043 and the provisions of the second sentence of this section sub-

0044 section (b) shall not apply to motorcycles, motor-driven cycles

(2) during any time when the windshield wipers are in Continuous use.

H. Transp. 2/5/86  
Attach. 5