

MINUTES OF THE House COMMITTEE ON Transportation

The meeting was called to order by Rex Crowell at
Chairperson

1:30 ~~xx~~ a.m./p.m. on February 17, 1986 in room 519-S of the Capitol.

All members were present except:

Representative Kent Ott - Excused.

Committee staff present:

Bruce Kinzie, Revisor of Statutes
Tom Severn, Legislative Research
Donna Mulligan, Committee Secretary

Conferees appearing before the committee:

Ms. Terry Humphrey, Kansas Manufactured Housing Institute
Secretary Harley T. Duncan, Kansas Department of Revenue
Representative Dale Sprague
Mr. John Smith, Kansas Department of Revenue

The meeting was called to order by Chairman Crowell and the first order of business was a hearing on HB-2842 concerning the annual fee for dealer license plates used by mobile home dealers.

Ms. Terry Humphrey, Kansas Manufactured Housing Institute, testified in support of HB-2842. (See Attachment 1)

She said that in the 1985 Legislative Session, SB-321 was passed raising the dealer tag fee from \$10.00 per tag to \$250.00 for the first tag and \$16.75 for additional tags. Ms. Humphrey said the intent of this fee increase was to curtail dealer tag abuses in the motor car dealer industry and to discourage an individual from registering as a dealer to avoid titling and taxation.

Ms. Humphrey added that in the process of correcting a problem in one industry, the manufactured housing industry was penalized. She said in the manufactured housing industry a dealer tag has a very limited use and can only be used on a mobile home, not a motorized vehicle. She requested HB-2842, which would return the fee for mobile home dealer tags to \$10.00, be considered favorable for passage.

Mr. Harley T. Duncan, Secretary of Revenue, testified concerning HB-2842. (See Attachment 2)

Secretary Duncan said the Department of Revenue supports HB-2842 provided it is amended to address specifically the area which is considered to be a problem. He stated that since mobile home dealers can sell motor vehicles and can obtain dealer plates that are not limited to use on mobile homes, the language in HB-2842 should be restricted so that the reduced price applies only to dealer plates intended to be used on mobile homes.

Representative Knopp asked how many mobile home dealer tags are involved. Secretary of Revenue, Harley T. Duncan, said there are 208 plates among 148 licensed dealers in Kansas.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Transportation,
room 519-S, Statehouse, at 1:30 ~~xxx~~ p.m. on February 17, 1986

The next business was a hearing on HB-2814 concerning the suspension of driver's licenses.

Representative Dale Sprague, sponsor of the bill, briefed the Committee on its contents. He said the bill would allow the suspension of a drivers' license by the Division of Vehicles to extend for more than one year when a driver fails to answer a warrant for a traffic citation in Kansas. He said the bill should be amended to also permit indefinite suspension for failing to respond to warrants issued in another state. (See Attachment 3)

Mr. John Smith, Department of Revenue, testified in support of HB-2814. He said K.S.A. 8-2110 pertains to a Kansas licensee who fails to appear to take care of a traffic ticket in a Kansas court and K.S.A. 8-1219 pertains to a Kansas resident who fails to take care of a ticket in another state.

The hearing on HB-2814 ended.

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


Rex Crowell, Chairman



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TESTIMONY BEFORE THE
HOUSE OF REPRESENTATIVES
COMMITTEE ON TRANSPORTATION

February 17, 1986

TO: House Committee on Transportation
FROM: Terry Humphrey, Executive Director, Kansas Manufactured
Housing Institute
RE: In support of House Bill 2842

Mr. Chairman and members of the Transportation Committee, I am Terry Humphrey, Executive Director of Kansas Manufactured Housing Institute; and I thank you for the opportunity to come before you in support of HB 2842.

KMHI is a trade association representing all facets of the manufactured housing industry, i.e. manufacturers, retailers, park owners, suppliers, financial institutions, insurance companies, service companies and transport companies. Today I am here to discuss an issue that effects mobile home manufacturers and retail dealers.

In the 1985 legislative session, Senate Bill 321 passed the legislature raising the dealer tag fee from \$10.00 per tag, to \$250.00 for the first tag and \$16.75 for additional tags. It is my understanding that the intent behind this fee increase was to curtail dealer tag abuses in the motor car dealer industry; and specifically to discourage an individual from registering as a dealer to avoid titling and taxation.

However, in the process of correcting a problem in one industry, the manufactured housing industry was penalized. Both mobile home manufacturers and mobile home retail sales center, are required to use a dealer tag. For example: a manufacturer, uses a dealer tag to move a home from the factory to the sales center, and a sales center uses a dealer tag to transport the home to the consumer.

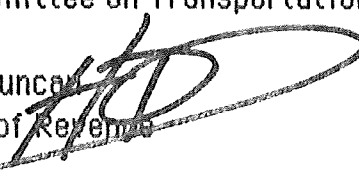
In the manufactured housing industry a dealer tag has a very limited use; and it can only be used on a mobile home, not a motorized vehicle. A large mobile home retailer buys approximately two dealer tags per year compared to a large motor car dealer who may buy as many as 100 tags per year. Therefore, the abuses that were being addressed with a fee increase in the motor car industry do not relate to our industry.

In conclusion, I respectfully ask this committee to support HB 2842 and return the fee for mobile home dealer tags to \$10.00. Thank you.

*H. Transp. 2/17/86
Attach. 1*

MEMORANDUM

TO: The Honorable Rex Crowell, Chairman
House Committee on Transportation

FROM: Harley T. Duncan 
Secretary of Revenue

RE: House Bill 2842

DATE: February 17, 1986

Thank you for the opportunity to appear before you today on HB 2842 which reduces the fee charged mobile home dealers for dealer license plates. The Department supports this measure provided it is amended to address specifically the area which is considered to be a problem.

It is correct, in my mind, that the increase in the dealer license plate fees enacted last year was not directed at the dealer tags used to transport mobile homes. Instead, it was directed at tags placed on vehicles used regularly on the streets and highways. Therefore, I believe the intent of this bill is appropriate.

However, since mobile home dealers can sell motor vehicles and can obtain dealer plates that are not limited to use on mobile homes, we believe the language in HB 2842 should be restricted so that the reduced price applies only to dealer plates intended to be used on mobile homes.

Thank you for this opportunity. I would be glad to answer any questions.

*H. Transp. 2/17/86
Attach. 2*

such business in this club authorized to state by the com- If any of the ap- s redeem the bank ted rate, such dis- against the amount for the offense. If d, the amount of the rate shall be reim- viding the bond by d draft. Any such certificate shall be whom it is issued ted statement that r automobile club ce of such person of failure of such t at the time of trial, e imposed on such amount to be stated

shall be taken in the police officer shall ped a stamped en- dge or clerk of the en notice to appear e in such envelope and in the presence l deposit the same il. After such cash pped need not sign ear, but the police amount of the bond o appear form and form to the person. arnishes the police arrest bond certifi- the police officer receipt therefor and f the bond on the nd give a copy of stopped. Such per- ritten notice to ap- r shall present the guaranteed arrest card draft to the n of the offense nably possible. carrier, truck or by an agent or em- of revenue autho- 10 or 66-1319 and stop such motor ctor for any viola- tion (e) which re-

late to the regulation of motor carriers, trucks or truck tractors, such agent or em- ployee may require the driver of the motor carrier, truck or truck tractor so stopped to give a driver's license or bond in the same manner and to the same extent as in sub- sections (a) and (c).

(e) The offenses for which appearance bonds may be required as provided in sub- section (c) and the amounts thereof shall be as follows:

Reckless driving	\$65
Failure to comply with lawful order of of- ficer	40
Registration violation	35
No driver's license for the class of vehicle operated or violation of restrictions	35
Spilling load on highway	35
Overload:	
Gross weight of vehicle or combination of vehicles an amount equal to the fine plus docket fee to be imposed if convicted	
Gross weight upon any axle or tandem, triple or quad axles an amount equal to the fine plus docket fee to be imposed if convicted	
Failure to obtain proper registration, clearance or to have current certifica- tion as required by K.S.A. 66-1324 and amendments thereto	255
Insufficient liability insurance for motor carriers pursuant to K.S.A. 66-1,128 or 66-1314 and amendments thereto	105
Failure to obtain interstate motor fuel tax authorization pursuant to K.S.A. 79-34,122 and amendments thereto	105
Improper equipment (glass or fire extin- guishers)	35
No authority as private, contract or com- mon carrier	105
No current driver's daily log	35
Invalid or no physical examination card	35
Transporting open container of alcoholic liquor or cereal malt beverage accessi- ble while vehicle in motion	205

(f) In the event of forfeiture of any bond under this section, \$25 of the amount forfeited shall be regarded as court costs in any court having jurisdiction over the violation of state law.

(g) None of the provisions of this section shall be construed to conflict with the provisions of K.S.A. 8-1219 *et seq.* and amend- ments thereto.

History: L. 1974, ch. 33, § 8-2107; L. 1977, ch. 38, § 2; L. 1977, ch. 304, § 18; L. 1980, ch. 44, § 2; L. 1981, ch. 46, § 4; L. 1982, ch. 46, § 5; L. 1982, ch. 47, § 1; L.

1983, ch. 42, § 1; L. 1984, ch. 148, § 1; L. 1984, ch. 39, § 23; Jan. 1, 1985.

8-2108.

CASE ANNOTATIONS

1. Guilty pleas to traffic violations did not bar sub- sequent prosecution of criminal charges pending against defendant. *State v. Fisher*, 233 K. 29, 30, 661 P.2d 791 (1983).

ARREST AND ISSUANCE OF CITATIONS

8-2109. Authority of officer at scene of accident. (a) Except for felonies, a police officer at the scene of a traffic accident may issue a written traffic citation, as provided in K.S.A. 8-2106 and amendments thereto, to any driver of a vehicle involved in the accident when, based upon personal inves- tigation, the officer has reasonable and probable grounds to believe that the person has committed any offense under the provi- sions of this act in connection with the ac- cident.

(b) A police officer at the scene of a traffic accident may arrest any driver of a vehicle involved in the accident when, based upon personal investigation, the of- ficer has reasonable and probable grounds to believe that the person has committed any offense under the provisions of the uni- form vehicle code in connection with the accident, except when every such offense is a traffic infraction.

History: L. 1974, ch. 33, § 8-2109; L. 1982, ch. 48, § 1; L. 1984, ch. 39, § 24; Jan. 1, 1985.

8-2110. Failure to comply with traffic citation; misdemeanor; suspension of driver's license.

(a) Failure to comply with a traffic citation means failure either to (1) appear at court in response to a traffic cita- tion and pay in full any fine and court costs imposed or (2) otherwise comply with a traffic citation as provided in K.S.A. 1984 Supp. 8-2118. Failure to comply with a traf- fic citation is a misdemeanor, regardless of the disposition of the charge for which such citation was originally issued.

(b) In addition to penalties of law appli- cable under subsection (a), when a person fails to comply with a traffic citation, except for illegal parking, standing or stopping, the court in which the person should have complied with the citation shall inform the division of vehicles of the failure to comply.

*H. Transp. 2/17/86
Attach. 3*

Upon receipt of a report of a failure to comply with a traffic citation under this subsection, pursuant to K.S.A. 8-255, and amendments thereto, the division of vehicles shall notify the violator and suspend the license of the violator until satisfactory evidence of compliance with the terms of the traffic citation has been furnished the informing court. Upon such compliance the informing court shall notify the division of vehicles and the suspension or suspension action shall be terminated.

History: L. 1974, ch. 33, § 8-2110; L. 1982, ch. 46, § 6; L. 1984, ch. 39, § 25; Jan. 1, 1985.

RECORDS

8-2115. Records of traffic cases; transmittal of abstracts to division; form, contents; effect of noncompliance; public inspection of records; notice of final disposition of appeals. (a) Every municipal judge or judge of a court not of record and every clerk of a court of record shall keep a full record of every case in which a person is charged with any violation of this act or of any other law regulating the operation of vehicles on highways or for the violation of an ordinance of any city defining any offense the provisions of which are identical with provisions of this act, or fixing a limitation upon the speed of vehicles pursuant to the provisions of this act.

(b) Within 10 days after the conviction or forfeiture of bail or an appearance bond of a person upon a charge of violating any provisions of this act or other law or city ordinance regulating the operation of vehicles on highways, every judge of the court or clerk of the court of record in which such conviction was had or bail or bond was forfeited shall prepare and immediately forward to the division an abstract of the record of the court covering the case in which such person was so convicted or forfeited bail or bond, which abstract must be certified by the person so required to prepare the same to be true and correct. Report need not be made of any conviction or forfeiture involving the illegal parking or standing of a vehicle. The provisions of this subsection shall be deemed to be satisfied for any conviction or forfeiture except for those in respect to any violation specified in K.S.A. 8-254 or 8-285, and amendments thereto, by the submission of consolidated

magnetic tape reports prepared by computer and containing the name, date of birth and driver's license number of the person charged, the case number, the nature of the offense and the arrest date. The form for such magnetic tape reports and the frequency of submission shall be in accordance with specifications of the division.

(c) Such abstract shall be made in the form furnished by the division and shall include the name and address of the person charged, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment, whether bail or bond forfeited, and the amount of the fine or forfeiture as may be.

(d) Every court of record also shall forward a like report to the division upon the conviction of any person of manslaughter or other felony in the commission of which a vehicle was used.

(e) The failure, refusal or neglect of any such judicial officer to comply with the requirements of this section shall constitute misconduct in office and shall be a ground for removal therefrom.

(f) The division shall keep all abstracts received hereunder at its main office. The same shall be open to public inspection during reasonable business hours.

(g) The clerk of any court of record in which a conviction for violation of any law described in subsection (a) of this section has been appealed shall forward within 10 days of the final disposition of such appeal a notification of such final disposition to the division.

History: L. 1974, ch. 33, § 8-2110; L. 1984, ch. 43, § 1; July 1, 1985.

CASE ANNOTATIONS

2. Certification of the abstract of conviction required by this section is mandatory. *State v. Topping*, 8 K.A.2d 467, 469, 578 (1983).

PENALTIES

8-2116. Classification of violations; traffic infractions; misdemeanors; misdemeanor offenses. (a) Every person convicted of violating any of the offenses listed in the uniform fine schedule in 1984 Supp. 8-2118 is guilty of a traffic infraction.

(b) Except where another penalty for a class of misdemeanor is provided by this act, every person convicted of violating