

MINUTES OF THE House COMMITTEE ON TransportationThe meeting was called to order by Rex Crowell at
Chairperson1:30 ~~xm~~/p.m. on March 3, 1986 in room 519-S of the Capitol.

All members were present except:

Representative Norman Justice - Excused.

Committee staff present:

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

Conferees appearing before the committee:

Representative Vince Snowbarger
Ms. Mary Wettig, Kansas Corporation Commission
Mrs. Mary Turkington, Kansas Motor Carriers Association

The meeting was called to order by Chairman Crowell and the first business taken up was HB-2559 concerning the operation of bicycles on roadways.

Representative Snowbarger explained proposed changes to HB-2559 as shown in a balloon which was passed to Committee members. (See Attachment 1)

A motion was made by Representative Snowbarger to adopt the amendments in the balloon and also to insert language that the Act does not preclude municipalities or counties from making ordinances regarding where bicycles and motorized bicycles could and could not operate. The motion was seconded by Representative Adam. Motion passed.

A motion was made by Representative Erne that HB-2559 be recommended favorably as amended for passage. The motion was seconded by Representative Snowbarger. Motion passed.

A hearing was held on HB-3094 concerning transfers of authorities and permits.

Ms. Mary Wettig, Kansas Corporation Commission, testified in support of HB-3094, saying that the bill contains amendments to three existing motor carrier statutes. She stated the changes are generally clean-up provisions to eliminate language the Commission feels is unnecessary or out of date with the relaxed entry standard. (See Attachment 2)

Mrs. Mary Turkington, Kansas Motor Carriers Association, testified in opposition to HB-3094. (See Attachment 3)

Mrs. Turkington stated that if lines 31 through 35 are deleted from the present law as proposed in HB-3094, an individual would be prohibited from incorporating his business as a contract carrier because this proposed revision would completely eliminate that option as one of the lawful reasons a contract carrier permit could be transferred. She said the KMCA strongly recommends that lines 31 through 35 be re-instated in HB-3094, or the bill not be recommended for passage.

The hearing on HB-3094 ended.

CONTINUATION SHEET

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

The next order of business was a hearing on HB-3093 which abolishes the requirement that shipper witness affidavits support certain applications.

Ms. Mary Wettig, Kansas Corporation Commission testified in support of HB-3093. (See Attachment 4) She said HB-3093 is meant to be a cleanup provision to eliminate language the Commission feels was left in the statute and is contrary to the relaxed entry standard approved by the Legislature in 1982.

Mrs. Mary Turkington, Kansas Motor Carriers Association, gave testimony in opposition to HB-3093. (See Attachment 5)

The hearing on HB-3093 ended.

The next business was a hearing on HB-3095, concerning the licensure fee for vehicle salesmen and mobile home salesmen.

Mr. Harley T. Duncan, Secretary, Department of Revenue, testified in support of HB-3095. (See Attachment 6)

Secretary Duncan said HB-3095 increases the fee for the licensing of vehicle salesmen and mobile home salesmen from \$5 to \$15. He said this increase is to help cover costs involved in issuing the licenses.

Secretary Duncan said another change in HB-3095 would increase from 2 to 5 years the period of time which must elapse between a conviction for a felony and the date of application for a license.

Mr. Jim Sullins, Kansas Motor Car Dealers Association, gave favorable testimony concerning HB-3095. (See Attachment 7)

Mr. Sullins said they oppose the increase in the salesman's license fee from the current \$5 to \$15 due to the fact the 1985 Session of the Legislature increased the costs of the dealer tags from \$10.50 per tag to \$250.

The meeting was adjourned at 2:45 p.m.


Rex Crowell, Chairman

HOUSE BILL No. 2559

By Committee on Transportation

2-27

Proposed Amendments to HB 2559

0017 AN ACT regulating traffic on highways; concerning the opera-
 0018 tion of bicycles and certain self-propelled vehicles; prescrib-
 0019 ing certain equipment and prohibiting certain acts; amending
 0020 K.S.A. 8-1485, 8-1545, 8-1550, 8-1577, 8-1587, 8-1588, 8-1589,
 0021 8-1590, 8-1591, 8-1592, 8-1703 and K.S.A. ~~[1984]~~ Supp. 8-1586
 0022 and repealing the existing sections.

1985
 and 8-2118

0023 *Be it enacted by the Legislature of the State of Kansas:*

0024 Section 1. K.S.A. 8-1485 is hereby amended to read as fol-
 0025 lows: 8-1485. "Vehicle" means every device in, upon or by
 0026 which any person or property is or may be transported or drawn
 0027 upon a highway, except devices ~~moved by human power or~~ used
 0028 exclusively upon stationary rails or tracks.

0029 Sec. 2. K.S.A. 8-1545 is hereby amended to read as follows:
 0030 8-1545. (a) The driver of a vehicle intending to turn shall do so as
 0031 follows:

0032 (1) *Right turns.* Both the approach for a right turn and a right
 0033 turn shall be made as close as practicable to the right-hand curb
 0034 or edge of the roadway.

0035 (2) *Left turns.* The driver of a vehicle intending to turn left
 0036 shall approach the turn in the extreme left-hand lane lawfully
 0037 available to traffic moving in the direction of travel of such
 0038 vehicle. Whenever practicable a left turn at an intersection shall
 0039 be made to the left of the center of the intersection, and any left
 0040 turn shall be made so as to leave the intersection or other
 0041 location in the extreme left-hand lane lawfully available to traffic
 0042 moving in the same direction as such vehicle on the roadway
 0043 being entered. *When turning left in accordance with this sec-*
 0044 *tion, a person riding a bicycle shall be entitled to full use of the*
 0045 *lane from which the turn lawfully may be made.*

0046 (3) *Left turns by bicycle.* In addition to the method of mak-

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

0047 ing a left turn described in subsection (2), a person riding a
 0048 bicycle or a ~~moped~~ intending to turn left shall approach the turn
 0049 as close as practicable to the right curb or edge of the roadway.
 0050 After proceeding across the intersecting roadway to the far
 0051 corner of the curb or intersection of the roadway edges, the
 0052 bicyclist or ~~moped~~ driver shall stop, as much as practicable out
 0053 of the way of traffic. After stopping, the bicyclist or ~~moped~~
 0054 driver shall yield to any traffic proceeding in either direction
 0055 along the roadway the bicyclist had been using. After yielding
 0056 and complying with any official traffic control device or police
 0057 officer regulating traffic on the highway which he intends to
 0058 proceed, the bicyclist or ~~moped~~ driver may proceed in the new
 0059 direction.

motorized bicycle

motorized bicycle

motorized bicycle

motorized bicycle

0060 (b) The secretary of transportation and local authorities in
 0061 their respective jurisdictions may cause official traffic-control
 0062 devices to be placed and thereby require and direct that a
 0063 different course from that specified in this section be traveled by
 0064 turning vehicles, and when such devices are so placed no driver
 0065 shall turn a vehicle other than as directed and required by such
 0066 devices.

0067 Sec. 3. K.S.A. 8-1550 is hereby amended to read as follows:
 0068 8-1550. *Except as otherwise provided in this section*, all signals
 0069 herein required given by hand and arm shall be given from the
 0070 left side of the vehicle in the following manner and such signals
 0071 shall indicate as follows:

0072 (a) *Left turn.* Hand and arm extended horizontally.

0073 (b) *Right turn.* Hand and arm extended upward, *except that a*
 0074 *person operating a bicycle may give a right-turn signal by*
 0075 *extending the right hand and arm horizontally and to the right*
 0076 *side of the bicycle.*

0077 (c) *Stop or decrease speed.* Hand and arm extended down-
 0078 ward.

0079 Sec. 4. K.S.A. 8-1577 is hereby amended to read as follows:
 0080 8-1577. No person shall open ~~the~~ any door of a motor vehicle ~~on~~
 0081 ~~the side available to moving traffic~~ unless and until it is reason-
 0082 ably safe to do so, and can be done without interfering with the
 0083 movement of other traffic, nor shall any person leave a door open

0084 on the side of a vehicle available to moving traffic for a period of
0085 time longer than necessary to load or unload passengers.

0086 Sec. 5. K.S.A. ~~1984~~ Supp. 8-1586 is hereby amended to read
0087 as follows: 8-1586. (a) Violation of any provision of K.S.A. 8-1587
0088 to 8-1592, inclusive, and amendments thereto, is a traffic infrac-
0089 tion.

0090 (b) The parent of any child and the guardian of any ward shall
0091 not authorize or knowingly permit any such child or ward to
0092 violate any of the provisions of K.S.A. 8-1587 to 8-1592, inclusive,
0093 *and amendments thereto.*

0094 (c) ~~The provisions of K.S.A. 8-1587 to 8-1592, inclusive,~~
0095 ~~which are applicable to bicycles shall apply whenever a bicycle~~
0096 ~~is operated upon any highway or upon any path set aside for the~~
0097 ~~exclusive use of bicycles; subject to those exceptions stated~~
0098 ~~herein.~~

0099 Sec. 6. K.S.A. 8-1587 is hereby amended to read as follows:
0100 8-1587. Every person *propelling a vehicle by human power or*
0101 *riding a bicycle upon a roadway shall be granted have* all of the
0102 rights and ~~shall be subject to~~ all of the duties applicable to the
0103 driver of a vehicle by this act, except as otherwise provided in
0104 K.S.A. 8-1586 to 8-1592, inclusive, *and amendments thereto*, and
0105 except as to those provisions of this act which by their nature can
0106 have no application.

0107 Sec. 7. K.S.A. 8-1588 is hereby amended to read as follows:
0108 8-1588. (a) ~~A person propelling a bicycle shall not ride other than~~
0109 ~~upon or astride a permanent and regular seat attached thereto.~~

0110 (b) No bicycle shall be used to carry more persons at one time
0111 than the number for which it is designed ~~and or~~ equipped,
0112 *except that an adult rider may carry a child in a child carrier*
0113 *designed for such purposes, securely attached onto the frame of*
0114 *the bicycle.*

0115 Sec. 8. K.S.A. 8-1589 is hereby amended to read as follows:
0116 8-1589. (a) No person riding upon any bicycle, coaster, roller
0117 skates, sled or toy vehicle shall attach the same, ~~himself or~~
0118 ~~herself or such person's self~~ to any vehicle upon a roadway.

0119 (b) *This section shall not prohibit attaching a bicycle trailer*
0120 *or bicycle semitrailer to a bicycle if that trailer or semitrailer*

1985

0121 has been designed for such attachment.

0122 Sec. 9. K.S.A. 8-1590 is hereby amended to read as follows:

0123 8-1590. (a) ~~Every~~ Any person operating a bicycle or ~~moped~~ upon
0124 a roadway at less than the normal speed of traffic at the time and
0125 place and under the conditions then existing shall ride as near to
0126 the right side of the roadway close as practicable, exercising due
0127 care when passing a standing vehicle or one proceeding in the
0128 same direction to the right-hand curb or edge of the roadway
0129 except under any of the following situations:

0130 (1) When overtaking and passing another bicycle or vehicle
0131 proceeding in the same direction;

0132 (2) when preparing for a left turn at an intersection or into a
0133 private road or driveway; or

0134 (3) when reasonably necessary to avoid conditions includ-
0135 ing, but not limited to, fixed or moving objects, parked or
0136 moving vehicles, bicycles, pedestrians, animals, surface haz-
0137 ards, or lanes of a width that make it unsafe to continue along
0138 the right-hand curb or edge.

0139 ~~[(b)]~~ Persons riding bicycles upon a roadway shall not ride
0140 more than two ~~(2)~~ abreast, except on paths or parts of roadways
0141 set aside for the exclusive use of bicycles. Persons riding two
0142 abreast shall not impede the normal and reasonable movement
0143 of traffic and, on a laned roadway, shall ride within a single
0144 lane.

0145 ~~[(c)]~~ Wherever a usable path for bicycles has been provided
0146 adjacent to a roadway, bicycle riders shall use such path and
0147 shall not use the roadway. Any person operating a bicycle or a
0148 ~~moped~~ upon a one-way highway with two or more marked
0149 traffic lanes may ride as near the left-hand curb or edge of such
0150 roadway as practicable.

0151 Sec. 10. K.S.A. 8-1591 is hereby amended to read as follows:
0152 8-1591. No person operating a bicycle shall carry any package,
0153 bundle or article which prevents the driver from keeping use of
0154 both hands in the control and operation of the bicycle. A person
0155 operating a bicycle shall keep at least one ~~(1)~~ hand upon the
0156 handlebars at all times.

0157 Sec. 11. K.S.A. 8-1592 is hereby amended to read as follows:

motorized bicycle

(b) Any person operating a bicycle or motorized bicycle upon a roadway shall not impede the normal and reasonable movement of traffic.

(c)

(d)

motorized bicycle

158 8-1592. (a) Every bicycle when in use at ~~nighttime~~ *the times*
0159 *described in subsection (a) of K.S.A. 8-1703, and amendments*
0160 *thereto*, shall be equipped with a lamp on the front which shall
0161 ~~emit~~ *emitting* a white light visible from a distance of at least ~~five~~
0162 ~~hundred (500)~~ 500 feet to the front and.

0163 (b) Every bicycle shall be equipped with a red reflector ~~on~~
0164 ~~the rear~~ of a type approved by the secretary of transportation
0165 which shall be visible ~~from all distances from one hundred (100)~~
0166 ~~feet to six hundred (600)~~ 600 feet to the rear when directly in
0167 front of lawful lower beams of head lamps on a motor vehicle. A
0168 lamp emitting a red light visible from a distance of five hundred
0169 (500) feet to the rear may be used in addition to the red reflector.

0170 (c) Every bicycle when in use at the times described in
0171 subsection (a) of K.S.A. 8-1703, and amendments thereto, shall
0172 be equipped with reflective material of sufficient size and re-
0173 flectivity to be visible from both sides for 600 feet when directly
0174 in front of lawful lower beams of head lamps on a lighted lamp
0175 visible from both sides from a distance of at least 500 feet.

0176 (d) A bicycle or its rider may be equipped with lights or
0177 reflectors in addition to those required by this act.

0178 ~~(b)~~ (e) Every bicycle shall be equipped with a brake or
0179 brakes which will enable the operator to make the braked
0180 wheels skid its driver to stop the bicycle within 25 feet from a
0181 speed of 10 miles per hour on dry, level, clean pavement.

0182 (f) A bicycle shall not be equipped with, nor shall any person
0183 use upon a bicycle, any siren or whistle.

0184 (g) A person engaged in the business of selling bicycles at
0185 retail shall not sell any bicycle unless the bicycle has an iden-
0186 tifying number permanently stamped or cast on its frame.

0187 ~~(e)~~ (h) No person shall sell a pedal for use on a bicycle, unless
0188 such pedal is equipped with a reflector of a type approved by the
0189 secretary of transportation which is visible from the front and
0190 rear of the bicycle to which it is attached during darkness from a
0191 distance of ~~two hundred (200)~~ 200 feet, and no person shall sell a

0192 new bicycle, unless it is equipped with pedals meeting the
0193 requirements of this subsection.

0194 (i) A ~~uniformed police~~ officer may at any time upon reason-

law enforcement

0195 able cause to believe that a bicycle is unsafe or not equipped as
0196 required by law, or that its equipment is not in proper adjust-
0197 ment or repair, require the person riding the bicycle to stop and
0198 submit the bicycle to an inspection and such test with reference
0199 thereto as may be appropriate.

0200 Sec. 12. K.S.A. 8-1703 is hereby amended to read as follows:
0201 8-1703. (a) Except as otherwise provided in subsection (b), every
0202 vehicle, except ~~motoreycles, motor-driven eyeles and motorized~~
0203 ~~bieyeles~~, upon a highway within this state, at any time from a half
0204 hour after sunset to a half hour before sunrise and at any other
0205 time, when due to insufficient light or unfavorable atmospheric
0206 conditions, persons and vehicles on the highway are not clearly
0207 discernible at a distance of 1,000 feet ahead, shall display lighted
0208 head and other lamps and illuminating devices as hereinafter
0209 respectively required for different classes of vehicles, subject to
0210 exceptions with respect to parked vehicles, and further that stop
0211 lights, turn signals and other signaling devices shall be lighted as
0212 prescribed for the use of such devices.

0213 (b) Motorcycles, motor-driven cycles and motorized bicycles
0214 manufactured on or after January 1, 1978, shall display lighted
0215 head and tail lights at all times that such vehicles are operated on
0216 any highway.

0217 Notwithstanding the other provisions of this section, motor-
0218 eyeles, motor-driven eyeles and motorized bieyeles manufac-
0219 tured prior to January 1, 1978, shall display lamps as provided for
0220 other vehieles in the first sentence of this section, and the
0221 provisions of the second sentence of this section shall not apply
0222 to motoreycles, motor-driven eyeles and motorized bieyeles
0223 manufactured prior to January 1, 1978.

0224 Sec. ~~13~~ K.S.A. 8-1485, 8-1545, 8-1550, 8-1577, 8-1587, 8-
0225 1588, 8-1589, 8-1590, 8-1591, 8-1592, 8-1703 and K.S.A. ~~1984~~
0226 Supp. 8-1586 are hereby repealed.

0227 Sec. ~~14~~ This act shall take effect and be in force from and
0228 after its publication in the statute book.

Sec. 13. (SEE ATTACHED)

1985 14.

and 8-2118

15.

Sec. 13. K.S.A. 1985 Supp. 8-2118 is hereby amended to read as follows: 8-2118 . (a) A person charged with a traffic infraction shall, except as provided in subsection (b), appear at the place and time specified in the notice to appear. If the person enters an appearance, waives right to trial, pleads guilty or no contest, the fine shall be as specified in the uniform fine schedule in subsection (c) and court costs shall be taxed as provided by law.

(b) Prior to the time specified in the notice to appear, a person charged with a traffic infraction may enter a written appearance, waive right to trial, plead guilty or no contest and pay the fine for the violation as specified in the uniform fine schedule in subsection (c) and court costs provided by law. Payment may be made by mail or in person and may be by personal check. The traffic citation shall not have been complied with if a check is not honored for any reason, or if the fine and court costs are not paid in full. When a person charged with a traffic infraction makes payment by mail without executing a written waiver of right to trial and plea of guilty or no contest, the payment shall be deemed such an appearance, waiver of right to trial and plea of no contest.

(c) The following uniform fine schedule shall apply uniformly throughout the state but shall not limit the fine which may be imposed following a court appearance, except an appearance made for the purpose of pleading and payment as permitted by subsection (a). The description of offense contained in the following uniform fine schedule is for reference only and is not a legal definition.

Description of Offense	Statute	Fine
Unsafe speed for prevailing conditions	8-1335 or 8-1557	\$20

Exceeding maximum speed limit; or speeding in zone posted by the state department of transportation; or speeding in locally posted zone	8-1336	1-10 mph over the limit, \$10;
	to	
	8-1338	11-20 mph over the limit, \$10
	or	plus \$2 per mph over 10 mph over the limit;
	8-1558	
	to	
	8-1560	21-30 mph over the limit, \$30 plus \$3 per mph over 20 mph over the limit;
		31 and more mph over the limit, \$60 plus \$5 per mph over 30 mph over the limit;
Disobeying traffic control device	8-1507	\$20
Violating traffic control signal	8-1508	\$20
Violating pedestrian control signal	8-1509	\$10
Violating flashing traffic signals	8-1510	\$20
Violating lane-control signal	8-1511	\$20
Unauthorized sign, signal, marking or device	8-1512	\$10
Driving on left side of roadway	8-1514	\$20
Failure to keep right to pass oncoming vehicle	8-1515	\$20
Improper passing; increasing speed when passed	8-1516	\$20
Improper passing on right	8-1517	\$20
Passing on left with insufficient clearance	8-1518	\$20
Driving on left side where	8-1519	\$20

curve, grade, intersection
railroad crossing, or
obstructed view

Driving on left in no-passing zone	8-1520	\$20
Driving wrong direction on one-way road	8-1521	\$20
Improper driving on laned roadway	8-1522	\$20
Following too close	8-1523	\$20
Improper crossover on divided highway	8-1524	\$10
Failure to yield right-of- way at uncontrolled intersection	8-1526	\$20
Failure to yield to approach- ing vehicle when turning left	8-1527	\$20
Failure to yield at stop or yield sign	8-1528	\$20
Failure to yield from private road or driveway	8-1529	\$20
Failure to yield to emergency vehicle	8-1530	\$30
Failure to yield to pedestrian or vehicle working on roadway	8-1531	\$10
Disobeying pedestrian traffic control device	8-1532	\$10

Failure to yield to pedestrian in crosswalk; pedestrian suddenly entering roadway; passing vehicle stopped for pedestrian at crosswalk	8-1533	\$20
Improper pedestrian crossing	8-1534	\$10
Failure to exercise due care in regard to pedestrian	8-1535	\$10
Improper pedestrian movement in crosswalk	8-1536	\$10
Improper use of roadway by pedestrian	8-1537	\$10
Soliciting ride or business on roadway	8-1538	\$10
Driving through safety zone	8-1539	\$10
Failure to yield to pedestrian on sidewalk	8-1540	\$10
Failure of pedestrian to yield to emergency vehicle	8-1541	\$10
Failure to yield to blind pedestrian	8-1542	\$10
Pedestrian disobeying bridge or railroad signal	8-1544	\$10
Improper turn or approach	8-1545	\$20
Improper "U" turn	8-1546	\$20
Unsafe starting of stopped vehicle	8-1547	\$10

Unsafe turning or stopping, failure to give proper signal; using turn signal unlawfully	8-1548	\$20
Improper method of giving notice of intention to turn	8-1549	\$10
Improper hand signal	8-1550	\$10
Failure to stop or obey railroad crossing signal	8-1551	\$30
Failure to stop at railroad crossing stop sign	8-1552	\$20
Certain hazardous vehicles failure to stop at railroad crossing	8-1553	\$30
Improper moving of heavy equipment at railroad crossing	8-1554	\$10
Vehicle emerging from alley, private roadway, building or driveway	8-1555	\$20
Improper passing of school bus; improper use of school bus signals	8-1556	\$30
Improper passing of church or day-care bus; improper use of signals	8-1556a	\$30
Impeding normal traffic by slow speed	8-1561	\$10
Speeding on motor-driven cycle	8-1562	\$20

Speeding in certain vehicles or on posted bridge	8-1563	\$10
Improper stopping, standing or parking on roadway	8-1569	\$10
Parking, standing or stopping in prohibited area	8-1571	\$10
Improper parking	8-1572	\$10
Unattended vehicle	8-1573	\$10
Improper backing	8-1574	\$10
Driving on sidewalk	8-1575	\$10
Driving with view or driving mechanism obstructed	8-1576	\$10
Unsafe opening of vehicle door	8-1577	\$10
Riding in house trailer	8-1578	\$10
Improper driving in defiles, canyons, or on grades	8-1579	\$10
Coasting	8-1580	\$10
Following fire apparatus too closely	8-1581	\$20
Driving over fire hose	8-1582	\$10
Putting glass, etc., on highway	8-1583	\$30
Driving into intersection, crosswalk, or crossing without sufficient space on other side	8-1584	\$10

Improper operation of snow- mobile on highway	8-1585	\$10
Parental responsibility of child riding bicycle	8-1586	\$10
Not-riding-on-bicycle-seat; Too many persons on bicycle	8-1588	\$10
Clinging to other vehicle	8-1589	\$10
Improper riding of bicycle on roadway	8-1590	\$10
Carrying articles on bicycle; one hand on handlebars	8-1591	\$10
Improper bicycle lamps, brakes or reflectors	8-1592	\$10
Improper operation of motor- cycle; seats; passengers, bundles	8-1594	\$10
Improper operation of motor- cycle on laned roadway	8-1595	\$20
Motorcycle clinging to other vehicle	8-1596	\$10
Improper motorcycle handlebars or passenger equipment	8-1597	\$20
Motorcycle helmet and eye- protection requirements	8-1598	\$10
Equipment offenses that are not misdemeanors	8-1701	\$20
Driving without lights when needed	8-1703	\$20

Defective headlamps	8-1705	\$10
Defective tail lamp	8-1706	\$10
Defective reflector	8-1707	\$10
Improper stop lamp or turn signal	8-1708	\$10
Improper lighting equipment on certain vehicles	8-1710	\$10
Improper lamp color on certain vehicles	8-1711	\$10
Improper mounting of reflectors and lamps on certain vehicles	8-1712	\$10
Improper visibility of reflectors and lamps on certain vehicles	8-1713	\$10
No lamp or flag on projecting load	8-1715	\$20
Improper lamps on parked vehicle	8-1716	\$10
Improper lights, lamps, reflec- tors and emblems on farm tractors or slow-moving vehicles	8-1717	\$10
Improper lamps and equipment on implements of husbandry, road machinery or animal-drawn vehicles	8-1718	\$10
Unlawful use of spot, fog, or auxiliary lamp	8-1719	\$10

Improper lamps or lights on emergency vehicle	8-1720	\$10
Improper stop or turn signal	8-1721	\$10
Improper vehicular hazard warning lamp	8-1722	\$10
Unauthorized additional lighting equipment	8-1723	\$10
Improper multiple-beam lights	8-1724	\$10
Failure to dim headlights	8-1725	\$20
Improper single-beam headlights	8-1726	\$10
Improper speed with alternate lighting	8-1727	\$10
Improper number of driving lamps	8-1728	\$10
Unauthorized lights and signals	8-1729	\$10
Improper school bus lighting equipment and warning devices	8-1730	\$10
Unauthorized lights and devices on church or day-care bus	8-1730a	\$10
Improper lights on highway construction or maintenance vehicles	8-1731	\$10
Defective brakes	8-1734	\$10
Defective or improper use of horn or warning device	8-1738	\$10
Defective muffler	8-1739	\$10

Defective mirror	8-1740	\$10
Defective wipers; obstructed windshield or windows	8-1741	\$10
Improper tires	8-1742	\$10
Improper flares or warning devices	8-1744	\$10
Improper use of vehicular hazard warning lamps and devices	8-1745	\$10
Improper air-conditioning equipment	8-1747	\$10
TV screen visible to driver	8-1748	\$10
Improper safety belt or shoulder harness	8-1749	\$10
Use of one-way glass on windshields, windows or headlamps	8-1749a	\$10
Defective motorcycle headlamp	8-1801	\$10
Defective motorcycle tail lamp	8-1802	\$10
Defective motorcycle reflector	8-1803	\$10
Defective motorcycle stop lamps and turn signals	8-1804	\$10
Defective multiple-beam lighting	8-1805	\$10
Improper road-lighting equipment on motor-driven cycles	8-1806	\$10
Defective motorcycle or motor- driven cycle brakes	8-1807	\$10

Improper performance ability of brakes	8-1808	\$10
Operating motorcycle with disapproved braking system	8-1809	\$10
Defective horn, muffler, mirrors or tires	8-1810	\$10

(d) Traffic offenses classified as traffic infractions by this section shall be classified as ordinance traffic infractions by those cities adopting ordinances prohibiting the same offenses. A schedule of fines for all ordinance traffic infractions shall be established by the municipal judge in the manner prescribed by K.S.A. 12-4305 and amendments thereto. Such fines may vary from those contained in the uniform fine schedule contained in subsection (c).

March 3, 1986

Kansas Corporation Commission on House Bill 3094
Mary Wettig, Assistant General Counsel

Mr. Chairman, ladies and gentlemen of the Committee, my name is Mary Wettig and I am Assistant General Counsel of the State Corporation Commission of the State of Kansas. I am here today to testify in support of House Bill 3094 and 3093.

House bill 3094 contains amendments to 3 existing motor carrier statutes. The changes are generally clean-up provisions to eliminate language the Commission feels is unnecessary or out of date with the relaxed entry standard.

The first part of the bill concerns K.S.A. 66-1,112c, which deals with the transfer of a contract carrier permit. This statute sets out circumstances that are to be considered transfers and therefore set for a hearing.

Section (a) states that when an individual or partnership transfers to a corporation for the purpose of incorporating the business, [then a hearing shall be held].

The Commission adopted a regulation in May of 1985 (K.A.R. 82-4-27c). This regulation basically states that an application to transfer a certificate or contract permit for the purpose of incorporating a sole proprietorship or partnership can be handled without a hearing, if the applicant includes an affidavit stating that the management, operations, and equipment will remain the same.

I believe the Commission should have addressed this part of the statute before adopting its regulation, but that was not done at the time. The Commission feels that it would serve no purpose

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

to bring an individual who is incorporating his business to Topeka for a hearing when the daily operations and control will not change. The Commission feels the hearing time should be preserved to address transfers where a whole new entity is taking over a motor carrier's authority with new equipment, management, etc.

The second statute addressed in this bill is K.S.A. 66-1,112(g). The Commission has never (at least 26 years) required private carriers to file annual reports. Annual reports are used to set rates for common carriers. Private carriers haul their own property, therefore have no tariffs.

The third statute in the bill is K.S.A. 66-1,118. This statute deals with the transfer of common carrier certificates. There is new language on Line 0078 that states the holder must be in compliance with all rules and regulations. On Line 0089, the word "transportation" was stricken and the word "transfer" inserted. This change in wording just makes sense and I assume that the word transfer was supposed to be used in the first place. On Line 90 and 91 the language that "the transfer be consistent with the public convenience and necessity and not unduly restrict competition" is stricken. To initially obtain a certificate, an applicant must only prove he is fit, willing, and able to perform the service. Being consistent with the public convenience and necessity and not restricting competition, are no longer required to be proven by an applicant. This language was eliminated from the entry statute in 1982. An applicant's burden of only proving he was fit, willing and able was recently upheld in the Court of

Appeals case, Chris Hunt Water Hauling v. K.C.C. 10 Kan. App. 2d
612 (1985).

The Commission is asking the Legislature to strike the above language to make this transfer statute consistent with the current entry statute.

or transferred without the consent of the commission. The commission may reasonably alter, restrict or modify the terms and provisions of any certificate or impose restrictions on any transfers when the public interest may be best served. (a) Applications for approval by the commission of the transfer of the common carrier certificate shall be completed and filed in duplicate on forms prescribed by the commission and shall contain the following information:

(1) name and address of the present owner of the certificate;

(2) name and address of the purchaser or transferee.

(A) If the transferee is a corporation, the application shall designate the state in which the charter was issued and the name and address of all officers.

(B) If the transferee is an individual, firm or association, the application shall indicate the names and addresses of all parties owning an interest in the motor freight line of the organization and the percentage each owns; and

(3) a financial statement showing in detail the financial ability and responsibility of the transferee.

(b) A certified or sworn contract entered into by the parties shall be filed as an exhibit with the application, shall set out in full the agreement between the parties and shall detail all transferred items including equipment, property, good will, assumption of debt, covenants not to compete and any other items relevant to the financial stability of the parties.

(c) A sworn statement by the transferee shall be filed with the application specifying the amount the transferee borrowed or otherwise obtained from some other person to make the purchase of the items detailed in subsection (b) and specifying all details regarding the transactions.

(d) A complete list of the names and addresses of the transferor's creditors, if any, the amount owed, and why it is owed shall be filed with the application.

(e) A complete territorial description of the authority sought to be transferred in the form required by K.A.R. 82-4-27(e) shall be filed with the application.

(f) A signed affidavit setting out the territory where service has been performed during the past year shall be filed with the application.

(g) A sworn statement from the transferee that the books and records of the transferor will be in the transferee's possession upon conclusion of the

transfer shall also be filed with the application. The transferee shall accept all responsibility for the books and records, and have them available at any time for inspection by the state corporation commission or its employees.

(h) In the event the transferee of the certificate presently owns a certificate covering all or a part of the route authorized in the transferred certificate, the transferee shall file a request with the commission to consolidate the transfer so as to eliminate the duplication of operating rights. The request shall point out in detail which part of the duplicated authority is to be eliminated. (Authorized by K.S.A. 66-1,117, K.S.A. 1982 Supp. 66-1,112; implementing K.S.A. 66-1,112a, 66-1,117, 66-1,118; modified, 1981 HCR No. 5020, May 1, 1981; amended May 1, 1983.)

82-4-27b. (Authorized by K.S.A. 1983 Supp. 66-1,112; implementing K.S.A. 66-1,117, K.S.A. 1983 Supp. 66-1,112, 66-1,114; effective May 1, 1983; amended May 1, 1984; revoked May 1, 1985.)

82-4-27c. Applications for transfer for purposes of incorporation. (a) Any application to transfer a certificate of convenience and necessity issued to a common motor carrier and any permit issued to a contract carrier shall be considered by the commission without a hearing pursuant to K.S.A. 66-1,115a when the purpose of the transfer is for the incorporation of the proprietorship or partnership holding the certificate or permit sought to be transferred.

(b) The application for transfer shall contain all applicable information required by K.A.R. 82-4-27a and a signed affidavit from the transferor stating that the transfer is for the incorporation of the present proprietorship or partnership and that the management, operations and equipment of the corporate transferee will be the same as that of the transferor. (Authorized by K.S.A. 1983 Supp. 66-1,112, K.S.A. 66-1,112a, K.S.A. 66-1,117; implementing K.S.A. 1983 Supp. 66-1,112, K.S.A. 66-1,112a, K.S.A. 1983 Supp. 66-1,114, K.S.A. 66-1,115, 66-1,115a, 66-1,117; effective May 1, 1985.)

82-4-27d. Application for temporary operating authority. (a) Each application for temporary authority to operate as a common or contract motor carrier shall meet the following requirements prior to consideration by the commission:

(1) Formal application for permanent authority shall be filed with the commission.

STATEMENT

By The

KANSAS MOTOR CARRIERS ASSOCIATION

In opposition to House Bill 3094
which would prohibit an individual
incorporating a contract carrier
permit.

Presented to the House Transportation
Committee, Rep. Rex Crowell, Chairman;
Statehouse, Topeka, Monday, March 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. I appear here today on behalf of our membership and the highway transportation industry.

We have reviewed the provisions of House Bill 3094. We have no real objection to the revisions proposed in Section 3 of the bill although we submit to you that the language in lines 78 and 79 are redundant in that the Commission clearly must already give its consent before a certificate of public convenience and necessity can be transferred. That consent would not be forthcoming if the applicant was not in compliance with the "applicable provisions of the act."

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

The language proposed to be deleted in lines 91 and 92 does underscore the Commission's responsibility to determine whether an applicant for transfer of such a certificate is fit, willing and able to properly perform the proposed service.

The revision we strongly question is the language which is deleted in lines 31 through 35 on page one of the bill.

K.S.A. 66-1,112c sets out the conditions under which a contract carrier permit can be transferred.

Paragraph (a) of the existing law sets forth one of those conditions. As the Committee can determine, the law presently provides that one of the conditions under which a contract carrier permit can be transferred is:

"(a) Where an individual or partnership transfers to a corporation for the purpose of incorporating his own or the partnership's business, when the transferor or former members of the partnership are to be the owners of a majority of the stock of the corporation."

The next paragraph (b) of the law sets out the conditions under which a contract carrier permit can be transferred if the partnership dissolves.

We believe that the Commission staff intended to propose the revision of K.S.A. 66-1,112c to, in some way, address the flaw which perhaps does exist in its regulation 82-4-27c. That regulation refers to K.S.A.66-1,115a which only deals with the granting of permits or certificates or the abandonment thereof. That statute does not deal with transfers of any kind of authority as we understand it.

If lines 31 through 35 are deleted from the present law as proposed in H.B. 3094, an individual would be prohibited from incorporating his business as a contract carrier because this proposed revision would completely eliminate that option as one of the lawful reasons a contract carrier permit could be transferred.

We do not believe the Commission intended to do that nor do we believe this proposed change in any way alleviates the problem which may exist with the Commission's regulation 82-4-27c.

For those reasons, Mr. Chairman and members of the Committee, we would strongly recommend that lines 31 through 35 be re-instated in the bill OR House Bill 3094 not be recommended for passage.

Thank you for the opportunity to comment on this proposal. We will be pleased to respond to any questions you may have.

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March 3, 1986

Kansas Corporation Commission on House Bill 3093.

Mary Wettig, Assistant General Counsel

This bill contains amendments to an existing motor carrier statute. The change is meant to be a cleanup provision to eliminate language the Commission feels was left in the statute and is contrary to the relaxed entry standard approved by the Legislature in 1982. In 1982, the Kansas Legislature amended the Kansas Motor Carrier Act which was patterned after the Federal Motor Carrier Act of 1980. Under this new Act, an applicant for a certificate has to prove he is fit, willing, and able to perform the proposed service. No longer does an applicant have to prove there is a public demand or need for the service shown by supporting shipper witnesses. Under the new Act the burden of proof has shifted from an applicant to a protestant to show the service would be inconsistent with the public convenience and necessity. The standard for applicants and protestants is further identified in Chris Hunt Water Hauling v. KCC 10 Kan. App. 2d 612 (1985).

K.S.A. 66-1,115a was enacted in 1959 and was amended once in 1960. It seems clear the statute was not amended to reflect the relaxed entry standard adopted in 1982. This is evidenced by the shipper witness language remaining in the statute. The only time the KCC now requires supporting shipper testimony is in temporary authority applications where there is no notice given to the public.

Furthermore, shipper witness affidavits is currently undefined anywhere in the motor carrier statutes.

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

STATEMENT

By The

KANSAS MOTOR CARRIERS ASSOCIATION

Relating to House Bill 3093 which
would amend K.S.A. 66-1,115a.

Presented to the House Transportation
Committee, Rep. Rex Crowell, Chairman;
Statehouse, Topeka, Monday, March 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. I appear here today on behalf of our members and the highway transportation industry.

Quite frankly, I am reluctant to offer testimony on House Bill 3093 as this bill involves a major issue with which the Kansas Motor Carriers Association, motor carrier attorneys and the Kansas Corporation Commission are involved. KMCA, at the invitation of the Commission, met for two hours Friday afternoon, February 21, 1986, to review a proposed revision in hearing procedures before the Commission. That informal conference was handled "on the record" with a court reporter recording the discussion for the Commission subsequently to review.

*H. Transp. 3/3/86
Attach. 5*

The shipper witness affidavits which House Bill 3093 proposes to delete were a major factor in that discussion. While the Commission staff's request to have this language removed on Monday afternoon following the Friday meeting was perhaps predictable, our industry does not believe such a request, at this time, is appropriate nor necessary.

There is no physical way that the entire Commission could have had access to the transcript of the informal conference which concluded at approximately 5 p.m. on Friday, before the request was made to this Committee on Monday afternoon.

In deference to the comments which the industry submitted on the record for the Commission with respect to the revision proposed in House Bill 3093, KMCA does not believe this matter should be considered as a statutory revision at this time.

This proposed amendment, incidentally, would not in any way affect the Commission's problem with its regulation 82-4-27c.

We further would point out to the Committee, that the Interim Transportation Committee reviewed at some length other proposed limits to transfer certificates of convenience and necessity by the Commission.

Based on the information provided to it, the Committee recommended no changes in the current law concerning such transfers. The language in the Interim Committee's report concludes:

"The Committee is of the opinion that the objective of easy entry into the trucking industry and increased competition in that area have been achieved by the 1982 legislation. There simply appears to be no compelling need for immediate revision of this law. The Committee has concluded, therefore, that it will propose no change in the current

law."

Mr. Chairman and members of the Committee, we respectfully request that House Bill 3093 not be recommended for passage. We will respond to any questions you may have.

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MEMORANDUM

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

FROM: Harley T. Duncan, Secretary
Kansas Department of Revenue

RE: House Bill 3095

DATE: March 3, 1986

Thank you for the opportunity to appear before you today on HB 3095. The Department of Revenue supports enactment of this bill.

House Bill 3095 makes two changes in current law as it relates to the licensing of vehicle sales persons. First it increases the annual license fee from \$5 to \$15. We propose this change because the current fee does not cover our costs of operation for printing, mailing and scoring the exam plus conducting criminal background checks and producing a temporary and permanent license. We estimate that on average this requires 1.0-1.5 FTE. License fees in surrounding states are Nebraska - \$7; Colorado - \$20; and Oklahoma - \$10 for a new vehicle sales person and \$5 for a used vehicle sales person.

The second change is to extend from 2 to 5 years the number of years which must elapse between conviction for a felony and the point in time at which can no longer be considered in the licensing process. The criminal record checks we run disclose that a number of sales persons have been convicted of felony crimes including violent crimes and crimes involving the motor vehicle business. We do not believe it is unreasonable to require that 5 years elapse after such conviction before receiving a State license to conduct vehicle sales.

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

*H. Transp. 3/3/86
Attach. 6*

Statement Before the
HOUSE COMMITTEE ON TRANSPORTATION

Monday, March 3, 1986

by the
KANSAS MOTOR CAR DEALERS ASSOCIATION

RE: House Bill 3095

Mr. Chairman and Members of the Committee. I am Jim Sullins, Executive Vice President of the Kansas Motor Car Dealers Association, the state trade association representing 392 franchised new car and new truck dealers in Kansas. We come before you this afternoon in support of certain provisions within HB 3095 and in opposition to other provisions.

First, we would lend our support to the request by the Department of Revenue that K.S.A. 1985 Supp. 8-2410 (a)(21) be amended as shown on line 274 of the bill. In addition to the amendment on line 274, to reach the intent by the Department of extending this permissive language to salespersons as well as dealers, we would suggest that further amendment is necessary on line 278.

It is our understanding that the current provision only applies to dealers and not to salespersons. Therefore, if it is the wish of this Committee to expand this to include salespersons, following "dealer" on line 278 it would be necessary to strike the semi-colon and add the following: "or a salesman;"

With that, the director of vehicles could deny, suspend, revoke, or refuse to renew either a dealer's license or a salesman's license if such person had been convicted of a felony within 5 years of making the application.

*H. Transp. 3/3/86
Attach. 7*

In addition to addressing the Department's concern in connection with what we just discussed, HB 3095 also provides for an increase in the fee for a salesman's license from the current \$5.00 to \$15.00.

Mr. Chairman and Members of the Committee, we do not feel this increase is necessary considering the actions of this Legislature during the 1985 Session. As you will remember, the costs of the dealer tags were increased from the previous \$10.50 per tag cost to \$250.00 for the first tag and \$16.75 for each additional tag. Additionally, a new "full-privilege" tag was provided for by statute at a cost of \$350.00 per tag. With the "full-privilege" tag, half of the tag fee goes to the county in which the purchasing dealership is located, with the other half (\$175.00) going to the vehicle dealers' and manufacturers' fee fund, with the fees from that fund going to the enforcement of the dealer and manufacturers' licensing act.

With the enactment of SB 321 from the 1985 session, the cost of doing business for dealers has dramatically increased in 1986 with regards to the fees paid to the state. With this increase in fees, we feel that it is just asking too much to have dealers take another increase in fees less than a year later, this time on salesman's licenses.

Mr. Chairman and Members of the Committee, we thank you for the opportunity to come before you today on HB 3095 and express both our support and opposition to respective sections of the bill. Thank you for your consideration of our positions, and I would be happy to stand for questions.

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