

Approved 3-26-86  
Date

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES

The meeting was called to order by Sen. Bill Morris at  
Chairperson

9:00 a.m./~~p.m.~~ on March 18, 1986 in room 254-E of the Capitol.

All members were present ~~except~~.  
Sen. Frey was excused.

Committee staff present:

Arden Ensley, Revisor of Statutes  
Hank Avila, Legislative Research Department  
Ben Barrett, Legislative Research Department  
Louise Cunningham, Secretary

Conferees appearing before the committee:

On a motion from Sen. Hayden and a second from Sen. Doyen the Minutes of February 28, March 4, 5, 6, 7 and 10, 1986 were approved. Motion carried.

STAFF BRIEFING ON HOUSE BILLS:

Hank Avila had prepared a memorandum dated March 13, 1986 in which he outlined all the House Bills presently in this committee. A copy is attached. (Att. 1). He went over each bill and explained the bill and the current status. The Chairman told the committee that they should contact him on any bill in which they were interested and he would schedule hearings to accomodate them as much as possible.

As the bills were being reviewed some had been amended into other bills and had already been taken care of.

ACTION ON BILLS:

H.B. 2173 - Check of vehicle identification number not required in certain repossession cases.

This bill had been amended into S.B. 381. A motion was made by Sen. Norvell and was seconded by Sen. Hayden to recommend H.B. 2173 not be passed. Motion carried.

H.B. 2257 - Radio common carriers, removed from state corporation commission regulatory jurisdiction.

This bill has been incorporated into H.B. 2515 and these provisions are now law. A motion was made by Sen. Doyen and was seconded by Sen. Norvell to recommend H.B. 2257 not be passed. Motion carried.

H.B. 2295 - Cities; general obligation bonds to finance highway construction.

A motion was made by Sen. Hayden and was seconded by Sen. Hoferer to recommend H.B. 2295 not be passed. Motion carried.

H.B. 2348 - Designating Shawnee Mission Parkway in Johnson County.

This was incorporated into S.B. 381. A motion was made by Sen. Walker and was seconded by Sen. Vidricksen to recommend H.B. 2348 not be passed. Motion carried.

H.B. 2552 - Interstate reciprocity authority for handicapped parking privilege

This bill had been tabled for interim study. S.B. 429 was the result of the interim study on this subject. A motion was made by Sen. Francisco and was seconded by Sen. Hayden to recommend H.B. 2552 not be passed. Motion carried.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES,  
room 254-E, Statehouse, at 9:00 a.m./~~PM~~ on March 18, 1986

H.B. 2764 - Increasing the allowable height of vehicles.

This bill was requested by the automobile transporters who need this increase in height to increase the productivity of their equipment. It would raise the height to 14 feet. Ed DeSoignie said this was no problem for DOT. There had been no opposition to this bill in the House. A motion was made by Sen. Hoferer and was seconded by Sen. Doyen to recommend H.B. 2764 be passed. Motion carried.

Meeting was adjourned at 9:45 a.m.



MEMORANDUM

March 13, 1986

TO: Senate Transportation and Utilities Committee  
FROM: Hank Avila, Legislative Research Department  
RE: House Bills in Committee

H.B. 2173 (Representative Hoy)

H.B. 2173, as amended, relates to checks of vehicle identification numbers. K.S.A. 1984 Supp. 8-116a would be amended to provide that when a Kansas financial institution repossesses a vehicle in another state, which vehicle will not be returned to Kansas, no vehicle identification number check will be required in order to obtain a Kansas title.

House Substitute for H.B. 2202  
(Federal and State Affairs)

Substitute for H.B. 2202, proposes three basic changes to the existing law:

1. It generally extends State Corporation Commission jurisdiction to sellers, resellers, and commission brokers of natural gas who do not own, operate, or manage a pipeline and distribution facilities by defining their activity as a public utility.
2. It brings under the Commission's jurisdiction all natural gas utilities that begin operation after the effective date of the bill which would operate wholly in a city that already is being provided similar service by a natural gas utility subject to Commission jurisdiction.
3. It provides that the rights of a supplier of natural gas to provide distribution service in an area annexed by a city terminate 180 days from the date of annexation unless the supplier is then holding a valid franchise for services in such area granted by the annexing city. The 180-day period is extended to 210 days from the date of annexation if, within the 210-day period, a franchise is granted to such natural gas supplier pursuant to referendum conducted according to applicable franchise laws of the state.

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H.B. 2257 (Committee on Communication,  
Computers, and Technology)

For the period January 1, 1986 through December 31, 1987, H.B. 2257 would remove radio common carriers (RCCs) from the jurisdiction, regulation, supervision, and control of the State Corporation Commission. The Commission would be given the power and authority to regulate RCCs whenever it is necessary to protect the public interest against cross-subsidization of competitive goods or services by the monopoly goods and services. The bill also removes until after December 31, 1987 the requirement that an RCC must hold a certificate from the State Corporation Commission in order to interconnect its common carrier radio telephone facilities with the telephone facilities of the telephone company serving the area in which the base station of the RCC is located. (The provisions of H.B. 2257 were incorporated in 1985 H.B. 2515, which was enacted.)

H.B. 2295 (Representative Snowbarger)

H.B. 2295 allows cities to pay the state's share of the cost of highway improvements in a city by issuing general obligation bonds. The bonds issued would be subject to the general bond law. The question of issuing of such bonds would be submitted to the electors of the city when a petition is signed by not less than 10 percent of the qualified electors of the city.

Within one year of the scheduled construction of the improvements, the city may participate with the state in the funding of the project. The Secretary of Transportation may contract with a city regarding the repayment of the funds provided by the city and provide for the repayment from the State Highway Fund. If the funds are derived from the issuance of the bonds, any repayment is deposited in the city general fund.

H.B. 2348 (Representatives Louis,  
Blumenthal, Brown, Cloud, Douville,  
Fox, Hoy, Kline, Mayfield, D. Miller,  
Patrick, Sifers, Snowbarger, and  
Vancrum)

381 H.B. 2348 designates certain highways in Johnson County as "Shawnee Mission Parkway." This highway begins where K-12 and K-7 intersect and continues easterly to where Highway 56 and I-35 intersect and continues north-easterly on Highway 56 to the Kansas-Missouri line. The Santa Fe Trail designation is removed from that portion of Highway 56 to the Kansas-Missouri line.

The bill requires the Secretary of Transportation to place markers along the highway right-of-way at proper intervals to indicate that the route described is Shawnee Mission Parkway. Also, each city through which Shawnee Mission Parkway passes must reimburse the Secretary for the cost of placing the markers on the route in such city.

H.B. 2552 (Committee on Transportation)

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H.B. 2552 relates to interstate agreements between Kansas and other states. The bill authorizes the Director of the Division of Vehicles to enter into interstate agreements as they pertain to parking privileges for handicapped persons.

H.B. 2559 (Committee on Transportation)

H.B. 2559 relates to the regulation of bicycles and certain self-propelled vehicles on highways. The amendment in H.B. 2559 bring Kansas statutes into substantial conformance with amendments to the Uniform Vehicle Code. Among the major changes are:

1. to include bicycles in the definition of "vehicle;"
2. to prohibit vehicles other than bicycles from crowding out bicycles or motorized bicycles from a left-hand turn lane;
3. to permit bicyclists only, the option of using a manual right turn signal consisting of an extended, horizontal right arm and hand;
4. to allow an adult rider to carry a child in a child carrier designed for that purpose and which is secured on the frame of the bicycle;
5. to allow bicyclists or motorized bicyclists to move away from the right side of the roadway when overtaking and passing another vehicle proceeding in the same direction, when preparing for a left turn at an intersection or into a private road, or when necessary to avoid unsafe conditions along the right-hand curb or edge;
6. to prohibit any person from operating a bicycle or motorized bicycle on a roadway from impeding the normal and reasonable movement of traffic;
7. to prohibit persons riding two abreast from impeding the flow of traffic and requiring such persons when on a laned roadway to ride within a single lane;
8. to allow any person operating a bicycle or motorized bicycle on a one-way highway with two or more marked lanes to ride as near the left-hand curb or edge of the roadway as practicable; and
9. to provide for equipment requirements.

Cities or counties are not prohibited from regulating the operation of bicycles or motorized bicycles on streets or highways.

H.B. 2633 (Representative Patterson)

H.B. 2633 relates to motor vehicle equipment. The bill adds to the present requirements by specifically requiring that every vehicle, except motorcycles and motorized bicycles, shall display head lights during any time when due to rain, smoke, and fog, persons and vehicles are not discernible at a distance of 1,000 feet ahead.

H.B. 2634 (Representative Green)

Subject to approval by the Secretary of Transportation, the bill would permit the use of studded traction equipment on any vehicle when required for safety because of snow, ice, or other conditions which tend to cause a vehicle to skid.

H.B. 2665 (Committee on Transportation)

H.B. 2665 relates to axle and wheel weight limits imposed on motor carriers:

1. The bill adds language to K.S.A. 1985 Supp. 8-1908(c) to provide that any axle located within seven feet of any adjacent axle must be a weight-bearing axle. (This language is intended to eliminate the so-called "cheater" axles that sometimes have been used to bring vehicles into technical compliance with weight limits even though they really are not intended to carry their proportionate share of the weight.)
2. The bill applies the federal Bridge Formula weight limitations to triple and quad axle configurations. It also amends current law (K.S.A. 8-1910) to reference "sets of axles" instead of the current "tandem" axles. (The changes would apply legal weight limits to triple and quad axles and apply axle weight enforcement to such axle combinations.)
3. The bill also makes technical changes to the weight table (Bridge Formula B) found in K.S.A. 1985 Supp. 8-1909(a). (These changes are intended to bring the Bridge Formula B schedule into compliance with changes made in April of 1984 by the Federal Highway Administration.)

H.B. 2755 (Representative Dillon et al)

H.B. 2755 amends the statute which currently prohibits one-way glass, adhesive film, or other glazing material on windshields, front side windows, or rear windows of motor vehicles which substantially impairs the ability to see in the motor vehicle from the outside.



The amendment would permit the use of film or other glaze intended to reduce the ultraviolet light transmission of the window when the operator of the vehicle has a physical disorder which requires the film or other glaze. However, such material could not restrict the visible spectrum light by more than 20 percent. In order to qualify under this provision, the person must certify the physical disorder to the Director of Vehicles who shall issue a permit to allow the use of the film or other glaze. This permit must be in the person's possession at all times when operating the vehicle.

H.B. 2764 (Committee on Transportation)

H.B. 2764 relates to the height of motor vehicles. The bill would increase the maximum height of any vehicle, including the load thereon, from the present 13 1/2 feet to 14 feet.

H.B. 2765 (Committee on Transportation)

H.B. 2765, as amended, would amend K.S.A. 8-143, the statute prescribing motor vehicle registration fees, to permit wreckers or tow trucks to be registered for the empty weight of the truck when fully equipped. Under current law, the gross weight for which wreckers and tow trucks must be licensed must include the weight of any towed or recovered vehicle.

H.B. 2787 (Representatives Moomaw, and  
Guldner)

H.B. 2787 would enact a new statute to impose a civil penalty of \$10 on the owner of a registered motor vehicle which, in violation of K.S.A. 8-1556, passes a school bus properly stopped to load or discharge school children.

The driver of a bus which is unlawfully passed may complete a report of the incident and submit such report to the county or district attorney.

H.B. 2807 (Committee on Transportation)

H.B. 2807 would extend the authority of the State Corporation Commission (KCC) to impose civil penalties upon any motor carrier holding a certificate, permit, or license. Under current law, only common carriers and public utilities are subject to such penalties.

H.B. 2814 (Representative Sprague)

H.B. 2814 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 (under K.S.A. 8-2110) or in another state (under K.S.A. 8-1219).



H.B. 2842 (Committee on Transportation)

H.B. 2842 relates to vehicle dealer license plates, to set the annual fee for dealer license plates for mobile home dealers and trailer dealers at \$25. Such fee would apply only to license plates for mobile homes and trailers and only to the plates used on such vehicles.

H.B. 2852 (Representative Shore et al)

H.B. 2852 relates to the design of license plates, to require plates to be lettered with two letter county designations, arranged vertically on the left side of the plate.

The bill also would remove the requirement that the plates be numbered in the "SAM123" format. The license plates would be numbered as directed by the Director of Vehicles, and the numbering system may contain numbers or letters to properly regulate, record, and enforce the monthly series registration system.

H.B. 2998 (Committee on Transportation)

H.B. 2998 relates to abandoned railroad right-of-way. It provides for the conditions when a railroad right-of-way shall be considered abandoned and when it is not. Other provisions include: a requirement that grantees or assignees upon request by the reversionary owner of the right-of-way file a release of all claims to the right-of-way; the right of an owner to litigate to recover damages of \$500 along with court costs from a grantee or assignee; an alternative to a grantee or assignee to file a general release of the right-of-way; various procedures after the entering of abandonment of a railroad right-of-way property on the tax rolls by the county clerk, including the requirement of notice to the individual owner of the right-of-way.

H.B. 3029 (Committee on Transportation)

H.B. 3029 amends the Interstate Motor Fuel Use Act. The bill would accomplish the following:

1. It would change the size of buses covered by the act from those with a seating capacity of more than nine to those with a seating capacity of more than 20.
2. It would change the return filing date from the 25th day of the month following the end of the calendar quarter to the last day of that month.
3. It would change from \$50 to \$100 the liability threshold below which a carrier may be allowed to file an annual, rather than quarterly, return.

4. It would change from four to eight the number of quarters a carrier may carry over a tax credit before it must be used or refunded.
5. It would authorize the Secretary of Revenue to enter into agreements with other states for the administration of the fuel use tax reporting requirements.
6. It would allow carriers the option of dividing tax remittance responsibilities between lessees and lessors differently than required by law if approved by the Director of Taxation.
7. It adds new language allowing the Department to file a tax warrant to collect unpaid taxes owed under the act.

H.B. 3059 (Committee on Transportation)

H.B. 3059 relates to insurance requirements for motor vehicle dealers.

This bill provides that all motor vehicle dealers will not be subject to display proof of financial security upon demand by a law enforcement officer when operating a vehicle on a highway when such vehicles are being offered for sale by the dealers. Currently, new vehicle dealers do not have to display proof of financial security.

H.C.R. 5044 (Committee on Energy and  
Natural Resources)

H.C.R. 5044 urges the National Highway Traffic Safety Administration (NHTSA) to preserve consumer choice and promote economic growth and protect jobs while maintaining a reasonable approach to energy conservation needs by amending 1987 and 1988 passenger automobile corporate average fuel economy (CAFE) standards to a level of 26.0 miles per gallon and to continue to establish light truck fuel economy standards in a manner that reflects an appropriate balance between reasonable energy needs and jobs.

Copies of the resolution would be sent to the Secretary of Transportation and the Administrator of NHTSA.

H.B. 3030 (Committee on Transportation)

H.B. 3030 would amend the Motor Fuel Tax Act to remove the provision that a distributor would not be entitled to the handling allowance unless the principal business in which the distributor is engaged is the business of marketing motor fuels or petroleum products.

The second change strikes the current law provision which allows fuel to be transferred from one distributor to another without tax. The bill would thus require motor fuel to be taxed at the first distributor.

H.B. 3095 (Committee on Transportation)

H.B. 3095 relates to certain licenses issued under the Vehicle and Manufacturers Licensing Act. It raises the license fee for vehicle salesmen or mobile home salesmen from \$5 to \$10. It also provides that the Director of Vehicles of the Kansas Department of Revenue 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 five years of making the application for a license. The effective date of the Act is January 1, 1987.

C86-44.HA