

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 19, 1986 in room 254-E of the Capitol.

All members were present except:

Sen. Doyen 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:

Rep. K. Green
Ed DeSoignie, Department of Transportation
Mary Turkington, Motor Carriers Association
Norman Sherbert, General Motors
Jim Sullins, Kansas Motor Car Dealers Association

H.B. 2634 - Allowing use of studded traction equipment on motor vehicles.

Rep. Green demonstrated the "Spikes-Spider" which is equipment designed to fit over tires to use on ice or snow. He said this device was developed in Sweden and they have been used in Germany for three years. The device could not be legally used in Kansas unless there is a change in KSA 1985 Supp. 8-1742. There are plans now for a plant in El Dorado to have a trade agreement with Sweden and manufacture this equipment in Kansas. The plant would employ approximately 30 to 35 people and \$500,000 has been set aside for this plant. Rep. Green submitted a packet of correspondence dealing with the "Spikes-Spider". A copy is attached. (Att. 1).

Ed DeSoignie, DOT, said the Department is usually against studded tires because of the accelerated wear produced on pavements, however they feel that an easy-on, easy-off traction device would result in reduced pavement wear if drivers shift from studded tires to this kind of device. They do not oppose H.B. 2634. A copy of his statement is attached. (Att. 2).

A motion was made by Sen. Martin and was seconded by Sen. Francisco to recommend H.B. 2634 be passed. Motion carried.

HEARING ON H.B. 2665 - Triple and quad axles, weight limitations. Re Proposal No. 52.

Ed DeSoignie, DOT, said there had been extensive hearings on this subject during the interim. Language is intended to eliminate the so-called "cheater" axles that sometimes have been used to bring vehicles into technical compliance even though they really are not intended to carry their proportionate share of weight. Changes also are made to bring the Bridge Formula into compliance with federal law. A copy of his statement is attached. (Att. 3). This bill was requested by the Department of Transportation and Department of Revenue and has the support of the Motor Carriers Association.

Mary Turkington, Kansas Motor Carriers Association, said they had extensive input during the interim meetings and supported H.B. 2665.

A motion was made by Sen. Frey and was seconded by Sen. Thiessen to recommend H.B. 2665 be passed. Motion carried.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES,
room 254-E, Statehouse, at 9:00 a.m./~~noon~~ on March 19, 19 86

HEARING ON HCR 5004 - Urging the National Highway Traffic Safety Administration (NHTSA) to amend its 1987 and 1988 corporate average fuel economy (CAFE) standards.

Norman Sherbert, General Motors, said in 1975 Congress responded to the Arab oil embargo by passing legislation which established Corporate Average Fuel Economy (CAFE) standards to be met by each auto manufacturer. Since then, the price of fuel has dropped and consumers are wanting larger, family size cars. He spoke of the consequences if the standards are not lowered, saying there would be an adverse effect on the economy and also that foreign manufacturers would enter the full-size market. A copy of his statement is attached. (Att. 4).

Jim Sullins, Motor Car Dealers Association, said they support HCR 5044 and that there have been tremendous strides in raising the fuel economy of virtually every vehicle manufactured. Even the biggest cars have smaller engines, and the overall weight is less so there have been major increases in fuel economy. A copy of his statement is attached. (Att. 5).

There was some discussion that sometime in the future there might be another energy crises and we should be cautious about using big cars again.

A motion was made by Sen. Vidricksen and was seconded by Sen. Francisco to recommend HCR 5004 be adopted. Motion carried.

Meeting was adjourned at 10:00 a.m.

SENATE TRANSPORTATION AND UTILITIES COMMITTEE

Date 3-19-86 Place 254-E Time 900

GUEST LIST

NAME

ADDRESS

ORGANIZATION

JIM SULLIVAN

TOPEKA

Ks MOTOR CAR DEALERS ASSN

Ken C. Green Eldon D.

Rep.

NORM SHERBERT

Den, COLO

GENERAL MOTORS CORP.

LT BILL JACOBS

TOPEKA

KANSAS HIGHWAY PATROL

PAT BARNES

TOPEKA

Ks. Motor Car Dealers Assn.

ED DESOIGNIE

TOPEKA

KDOT

HOUSE BILL No. 2634

By Representative Green

(By request)

12-2

0018 AN ACT concerning motor vehicles; relating to studded traction
0019 equipment; amending K.S.A. 1985 Supp. 8-1742 and repealing
0020 the existing section.

0021 *Be it enacted by the Legislature of the State of Kansas:*

0022 Section 1. K.S.A. 1985 Supp. 8-1742 is hereby amended to
0023 read as follows: 8-1742. (a) Every solid rubber tire on a vehicle
0024 shall have rubber on its entire traction surface at least one inch
0025 thick above the edge of the flange of the entire periphery.

0026 (b) No person shall operate or move on any highway any
0027 motor vehicle, trailer or semitrailer having any metal tire in
0028 contact with the roadway.

0029 (c) No tire on a vehicle moved on a highway shall have on its
0030 periphery any protuberance of any material other than rubber
0031 which projects beyond the tread of the traction surface of the tire,
0032 except that it shall be permissible to use:

0033 (1) Farm machinery with tires having protuberances which
0034 will not injure the highway;

0035 (2) tire chains of reasonable proportions upon any vehicle
0036 when required for safety because of snow, ice or other conditions
0037 tending to cause a vehicle to skid; ~~or~~

0038 (3) *studded traction equipment upon any vehicle when re-*
0039 *quired for safety because of snow, ice or other conditions tend-*
0040 *ing to cause a vehicle to skid; or*

0041 ~~(3)~~ (4) pneumatic tires having metallic or nonmetallic studs
0042 designed to improve traction without materially injuring the
0043 surface of the highway. To qualify under ~~this~~ subpart (3) or (4),
0044 such tires *or studded traction equipment* shall be approved by
0045 the secretary of transportation by adoption of rules and regula-

0046 tions, and their use may be limited to certain months or types of
0047 vehicles by such rules and regulations.

0048 (d) The secretary of transportation and local authorities in
0049 their respective jurisdictions may issue special permits autho-
0050 rizing the operation upon a highway of traction engines or
0051 tractors having movable tracks with transverse corrugations upon
0052 the periphery of such movable tracks or farm tractors or other
0053 farm machinery, the operation of which upon a highway would
0054 otherwise be prohibited under this section.

0055 (e) It is unlawful for any person to operate a motor vehicle
0056 having one or more tires in an unsafe condition. A solid rubber
0057 tire is in an unsafe condition if it does not comply with the
0058 provisions of subsection (a). A pneumatic tire is in an unsafe
0059 condition if it has:

0060 (1) Any part of the ply or cord exposed;

0061 (2) any bump, bulge or separation;

0062 (3) a tread design depth of less than 1/16 inch measured in
0063 any two or more adjacent tread grooves, exclusive of tie bars, or,
0064 for those tires with tread wear indicators worn to the level of the
0065 tread wear indicators in any two tread grooves;

0066 (4) a marking "not for highway use" or "for racing purposes
0067 only" or "unsafe for highway use";

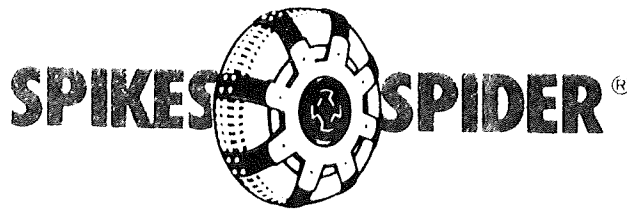
0068 (5) tread of sidewall cracks, cuts or snags deep enough to
0069 expose the body cord;

0070 (6) been regrooved or recut below the original tread design
0071 depth, excepting special taxi tires which have extra undertread
0072 rubber and are identified as such; or

0073 (7) such other conditions as may be reasonably demonstrated
0074 to render it unsafe.

0075 Sec. 2. K.S.A. 1985 Supp. 8-1742 is hereby repealed.

0076 Sec. 3. This act shall take effect and be in force from and
0077 after its publication in the Kansas register.



October 9, 1985

Mr. Kenneth W. Green
State Representative
Seventy-Fifth District
327 Marmaton
El Dorado, Kansas 67042

Dear Kenneth:

Regarding the SPIKES-SPIDER auto traction equipment, we currently have approval in fifteen states...most of which have statutes very similar to K.S.A. 8-1742 as outlined in the February 4, 1985 memorandum from K.C. Harris to David G. Tittsworth, chief counsel, Kansas DOT. However, these states have evaluated the product to be generally used as; and/or comparable to "tire chains". In my telephone conversations with F.J. Reid, Chief of Traffic Engineering, Kansas DOT; he expressed the opinion that the SPIKES-SPIDER would have less damaging effects on Kansas highways that studded snow tires, or even conventional "tire chains" because their ease of installation and removal would allow motorists to use only when road conditions warranted.

What is your recommendation for gaining approval to market and use this product in Kansas? During the week of November 18th, the president of the Swiss company holding the patents on this product line will be visiting our office. It would be helpful to have correspondence from you available at this meeting to illustrate our work to gain approval within our home state.

Thank you for your cooperation and reply. Please let me know if you need additional information and/ or actual demonstration of this equipment.

Best Regards,

George L. Lawson

GLL/nw

SPIKES-SPIDER DIVISION
FRIGIQUIP INTERNATIONAL, INC.

OIL HILL INDUSTRIAL PARK • P. O. BOX 813 • EL DORADO, KS 67042
316-321-6000 • TELEX 417340 • 316-321-1110

S. T. H. 3/19/86
ATT. ①



STATE OF CONNECTICUT
DEPARTMENT OF MOTOR VEHICLES
STATE STREET WETHERSFIELD, CONNECTICUT 06109-1896

June 26, 1985
566-2770

Frigiquip International, Inc.
P.O. Box 813
El Dorado, Kansas 67042

Attention: Mr. George L. Lawson

COPY

Dear Mr. Lawson:

This will acknowledge receipt of your correspondence together with literature relative to the "Spikes-Spider" auto tire traction device.

Enclosed for your perusal, please find a copy of Section 14-98 of the Connecticut General Statutes pertaining to tires. As noted under the provisions of said Statute, the "Spikes-Spider" traction device would be legal for use on Connecticut's highways only during the period from November 15 to April 1, inclusive.

Sincerely,

Neil F. Clark, Director
Driver Licensing Division

NFC/laa

Enclosure

Seat Belts Do Save Lives

OHIO DEPARTMENT OF HIGHWAY SAFETY



RICHARD F. CELESTE
GOVERNOR

KENNETH R. COX
DIRECTOR

State Highway Patrol

Bureau of Motor Vehicles

June 21, 1985

George L. Lawson
Frigiquip International, Inc.
P.O. Box 813
El Dorado, Kansas 67042

COPY

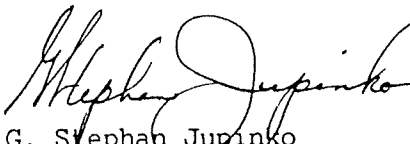
Dear Mr. Lawson:

Your letter of April 25, 1985, to the Department of Highway Safety's Division of State Highway Patrol, has been forwarded to my attention for response.

There are no statutes in the Ohio Motor Vehicle Laws directly on point with the particular device mentioned in your correspondence. I am enclosing a copy of Section 5589.081 of the Ohio Revised Code concerning studded tires and the use of such tires.

I am pleased to have been of assistance in this matter.

Very truly yours,


G. Stephan Jupinko
Chief Legal Counsel

04631/GSJ:mlm

Enclosure



Department of Public Safety
(West Virginia State Police)
725 Jefferson Road
South Charleston, West Virginia 25309

Arch A. Moore, Jr.
Governor

June 26, 1985

Colonel W. F. Donohoe
Superintendent

Mr. George L. Lawson
Frigiquip International, Inc.
P. O. Box 813
El Dorado, Kansas 67042

COPY

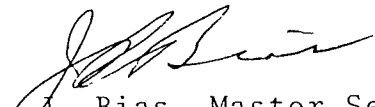
Dear Mr. Lawson:

In response to your correspondence, please be advised that I cannot find anything in our regulations which precludes you from selling "Spikes-Spider" auto tire traction devices in the State of West Virginia. However, the use of this type of device is restricted from November 1 to April 15 of each year.

If we can be of further assistance, please do not hesitate to inquire.

Sincerely yours,

BY DIRECTION OF THE SUPERINTENDENT


J. R. J. Bias, Master Sergeant
Director
Traffic Research & Safety Division

JRJB/ab



STATE OF VERMONT
AGENCY OF TRANSPORTATION
DEPARTMENT OF MOTOR VEHICLES
120 State Street, Montpelier, Vermont 05603-0001



June 14, 1985

COPY

George L. Lawson
Frigiquip International, Inc.
P. O. Box 813
El Dorado, Kansas 67042

Dear Mr. Lawson:

The State of Vermont would have no regulations applicable to the use or sale of your "Spikes-Spider" traction device. The manufacturer and retailer might well be responsible for safety defects and conceivably might be held responsible for highway surface damage.

If I can be of further assistance, please feel free to call upon me again.

Sincerely yours,

A handwritten signature in cursive script that reads "Ron Macie".

Ronald Macie
Chief Inspector

RM/rtj

STATE OF ALASKA

DEPARTMENT OF PUBLIC SAFETY

OFFICE OF THE COMMISSIONER

BILL SHEFFIELD, GOVERNOR

POUCH N
JUNEAU, ALASKA 99811
PHONE:

June 5, 1985

George L. Lawson
Frigiquip International, Inc.
P.O. Box 813
El Dorado, Kansas 67042

COPY

Dear Mr. Lawson:

In response to your letter of May 24, 1985, there are no laws or regulations prohibiting the sale of the "Spikes-Spider" in Alaska. Generally, Alaska conforms to the equipment safety regulations of the U.S. Department of Transportation and to the recommendations of AAMVA. As these agencies indicate nothing that precludes the sale of your auto tire traction device in this country, Alaska will not preclude your marketing them in our State.

Please let me know if you require additional information.

Sincerely,

T. Michael Lewis

T. Michael Lewis, Program Director
Alaska Highway Safety Planning Agency

TML/jln

KANSAS DEPARTMENT OF TRANSPORTATION

STATE OFFICE BUILDING—TOPEKA, KANSAS 66612



JOHN B. KEMP, Secretary of Transportation

JOHN CARLIN, Governor

February 7, 1985

George L. Lawson
Frigiquip International, Inc.
P. O. Box 813
El Dorado, Kansas 67042

COPY

Dear Mr. Lawson:

As agreed in our telephone conversation this date, I have enclosed a copy of the memorandum to our Chief Counsel concerning the "Spider Spike".

K.S.A. 8-1742 refers to restrictions on tire equipment and the exceptions.

I would appreciate a copy of any response you receive relative to any Federal Regulations as it concerns the device.

Sincerely,

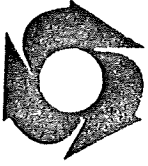
A handwritten signature in cursive script, appearing to read "F. J. Reid".

F. J. Reid, P. E.
Chief of Traffic Engineering

FJR:mj

Enclosure

cc: Representative Kenneth Green, 75th District
Mr. W. M. Lackey, Director of Operations



Maryland Department of Transportation

Motor Vehicle Administration

William K. Hellmann
Secretary

W. Marshall Rickert
Acting Administrator

June 27, 1985

Frigiquip International, Inc.
P.O. Box 813
ElDorado, Kansas 67042

Attention: George L. Lawson

COPY

Dear Sir:

We are in receipt of the literature describing your snow tracking wheel device. A review of the literature would seem to preclude the use of the device in Maryland except in those three counties where snow tire studded wheels are permitted.

The device would not be permitted on any other wheel such as a light duty truck where a locking device would not secure the unit such as a passenger vehicle wheel rim. For your information, Maryland prohibits the use of studded tires in all of the other 20 counties of the state. However, some three years ago the Administrator issued an Opinion & Order stating that all-weather tire treads on steel belted radial tires would meet the requirements for snow tires on the highways of the state.

We cannot prohibit the sale of this device nor are there any Rules & Regulations against such a device when sold as an after-market part.

Thank you providing us with the information.

Sincerely,

R. J. Salehar, Chief
Emission Operations

RJS:r

My telephone number is (301) - 787-2927



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612

ROBERT T. STEPHAN
ATTORNEY GENERAL

April 19, 1985

MAIN PHONE: (913) 296-2215
CONSUMER PROTECTION: 296-3751

Honorable Kenneth W. Green
State Representative
Seventy-Fifth District
327 Marmaton
El Dorado, Kansas 67042

COPY

Re: "Spikes-Spider" traction device

Dear Representative Green:

Attorney General Stephan asked me to reply to your letter dated April 10, 1985, concerning the above-referenced matter. We have reviewed the information you provided and are constrained to agree with the conclusion reached by the legal services section of the state department of transportation, that the use of a device such as this is not authorized under the provisions of K.S.A. 1984 Supp. 8-1742. Therefore, an amendment of those provisions would be necessary to authorize the use of this device on the highways of this state.

If additional assistance is needed in regard to this matter, please feel free to contact this office.

Very truly yours,

OFFICE OF THE ATTORNEY GENERAL
ROBERT T. STEPHAN

Rodney J. Bieker
Assistant Attorney General

RJB:jm

Kansas Department of Transportation

February 4, 1985

MEMORANDUM TO: DAVID G. TITTSWORTH, Chief Counsel
FROM: K.C. HARRIS, Legal Intern *KCH*
RE: "Spider Spike" Anti-Skid Auto Tire Device

Mr. F.J. Reid, Traffic Engineering, was correct in assuming that the "Spider Spike" device would be controlled by K.S.A. 8-1742. That statute refers to restrictions on tire equipment and the sections pertinent to the "Spider Spike" device are as follows:

8-1742 (c) No tire on a vehicle moved on a highway shall have on its periphery any protuberance of any material other than rubber which projects beyond ~~the material other than rubber which projects beyond~~ *KCH* the tread of the traction surface of the tire, except that it shall be permissible to use:

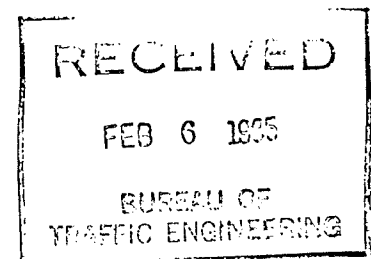
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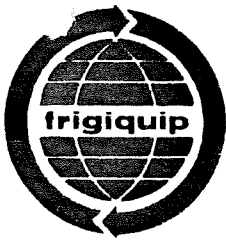
(2) Tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice or other conditions tending to cause a vehicle to skid; or

(3) Pneumatic tires having metallic or nonmetallic studs designed to improve traction without materially injuring the surface of the highway. Any such tires must be approved by the secretary of transportation pursuant to duly adopted rules and regulations, and their use may be limited to certain months or types of vehicles by the secretary.

Under 8-1742 (c) any protuberance such as the non-rubber "Spider Spike" is restricted. As this device could not reasonably be called tire chains it would not fall under exception (c)(2). Nor would it fall under (c)(3) as the "Spider Spike" is not a tire having studs, rather it is a studded device that is nowhere contemplated in the statute and is therefore impermissible on Kansas highways.

KCH:fr





April 3, 1985

Mr. Kenneth Green
Representative, 75th. District
State Capitol Building
Topeka, Kansas 66612

Dear Kenneth:

Enclosed are copies of various letters regarding the "Spikes-Spider" traction device for automobiles which we propose to import, package, and market for the 1985-86 winter season; and eventually to manufacture locally. Please note the memorandum from K.C. Harris dated February 4, 1985 regarding my inquiry to F.J. Reid. It is our position that the use of the "Spike-Spider" device should be permissible in the same manner as tire chains or studded tires. This new method of improving traction for greater safety on snow and/or ice has gained widespread acceptance in several European countries...especially in West Germany; where they have been tested and approved by that nation's version of the U.S. Department of Transportation. Please note the DOT letter to Congressman Bob Whittaker stating "there are no DOT rules or regulations that would preclude the sale of such a device". Due to the ease by which these devices can be installed and removed as driving conditions warrant, they will have minimal impact on the surface of Kansas highways.

Please review the opinion of K.C. Harris with the appropriate officials and advise what steps will be necessary to secure favorable application of K.S.A. 8-1742 as it applies to the "Spike-Spider" device. Thank you for your attention to this matter. I appreciate your assistance.

Sincerely yours,

George L. Lawson ✓ and copy
George L. Lawson

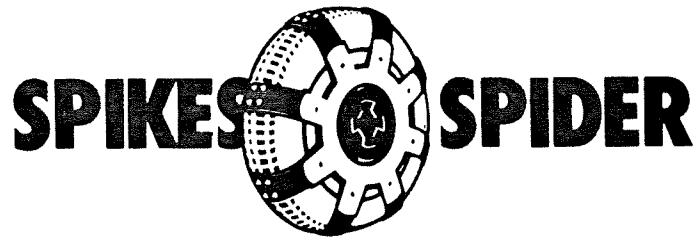
GLL/nw
enclosures

frigiquip international, inc.

Phone: 316-321-1110

El Dorado, Kansas U.S.A. 67042 ✓
P. O. Box 813

TELEX: 417340



English version

Page 1

As a cardriver this road sign can leave you indifferent in the future—provided you have got **SPIKES-SPIDER** aboard.

SPIKES-SPIDER

The most convincing invention since the existence of car wheels.

Page 2

SPIKES-SPIDER

are the very first non-skid and decorative Spikes-boots for you car.

- You just slip these on your tires
- Or you draw them off.
- As the occasion demands.
- And all this in a trice.

Approaching an icy road:

SPIKES-SPIDER are mounted in just 30 seconds.

Just as easy as that:

1. Remove the bar-ring.
2. Slip on **SPIKES-SPIDER**.
3. Reattach the bar-ring and let it click into place.

SPIKES-SPIDER

do not need a jack.

And need not to be propped up.

And you won't get any clammy fingers any more.

And you can forget for ever about dirty hands and soiled clothes!

And when the road gets dry again:

SPIKES-SPIDER can be removed within 20 seconds.

With just three sweeps of the hand:

1. Remove the bar-ring and **SPIKES-SPIDER**.
2. Loosen the hand-brake, let the wheels move about 20 cm until the Spider-arm at the lower side gets free. Now the Spider-ring will fall off from the wheel by itself.
3. Remount the bar-ring and let it click into place.
Put your **SPIKES-SPIDER** in the trunk.
And right now you can continue your trip smoothly.
Just as in summertime.

SPIKES-SPIDER

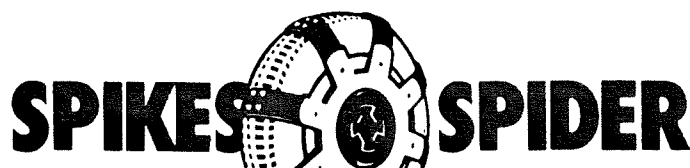
need a few preparations beforehand.

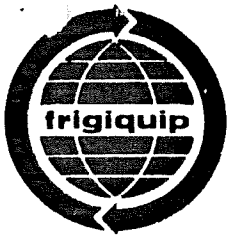
Just once.

And even these are easily performed.

(Because you don't even need to prop up your car.)

1. Change the wheel-screws one after the other against the special **SPIKES-SPIDER** screws.
2. Attach the **SPIKES-SPIDER** hub...
3. ...and fix it by means of the **SPIKES-SPIDER** screws.
4. Mount the bar-ring and let it click into place. All complete.





January 29, 1985

Mr. F.J. Reid
Chief, Bureau of Traffic Engineering
Kansas Dept. of Transportation
State Office Building
Topeka, Ks. 66612

COPY

Dear Mr. Reid:

Pursuant to our telecon this date, please find enclosed literature on "Spikes-Spider" anti-skid auto tire device. We are negotiating for the U.S. sales of this product line. We are working through Congressman Bob Whittaker's office to determine Federal regulations that might apply to these devices; however, to date have not received any determination. Our evaluation of this product based on approximately 150 miles of driving has been very impressive. I would like to request a determination as to Kansas Department of Transportation regulations which might be applicable to the use of these devices on Kansas highways.

Thank you for your cooperation in reviewing this matter. Should you require a first hand inspection of the product, please let me know. Your prompt reply would be greatly appreciated.

Sincerely yours,

George L. Lawson

GLL/nw
enclosures

frigiquip international, inc.

Phone: 316-321-1110

El Dorado, Kansas U.S.A. 67042
P. O. Box 813

TELEX: 417340



U.S. Department
of Transportation

**National Highway
Traffic Safety
Administration**

FEB 11 1985

400 Seventh Street, S.W.
Washington, D.C. 20590

FEB 8 1985

The Honorable Bob Whittaker
House of Representatives
Washington, DC 20515

COPY

Dear Mr. Whittaker:

Thank you for your letter of January 18, 1985, your reference number 22-85-CLN-W, on behalf of your constituent, Mr. George L. Lawson of El Dorado, who requests information on the Department of Transportation (DOT) requirements for marketing a foreign-made "Spikes-Spider" traction device.

Such a device is an item of motor vehicle equipment for which there is no applicable Federal Motor Vehicle Safety Standard. However, the importer or manufacturer would be responsible for any safety-related defects that might develop in the product. There are no DOT rules or regulations that would preclude the sale of such a device.

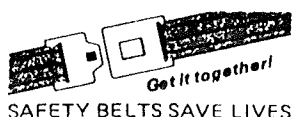
Because of the large number of requests we receive for information from those wishing to import items of motor vehicle equipment, we have developed a form letter for responding. A copy with its enclosures is enclosed.

We are pleased to be of assistance. Your constituent's correspondence is returned for your ready reference.

Sincerely,

George L. Parker
Associate Administrator
for Enforcement

2 Enclosures
Constituent's Correspondence
Form Letter/With Enclosures



Research and Practice Aids:

Uniform Vehicle Code, § 12-402.

Automobiles—11.

C.J.S. Motor Vehicles § 20 et seq.

8-1740. Mirrors. (a) After January 1, 1975, every motor vehicle shall be equipped with a mirror mounted on the left side of the vehicle and so located as to reflect to the driver a view of the highway to the rear of the vehicle.

(b) Every motor vehicle, except a motorcycle, shall be equipped with an additional mirror mounted either inside the vehicle approximately in the center or outside the vehicle on the right side and so located as to reflect to the driver a view of the highway to the rear of the vehicle.

(c) All mirrors required by regulations of the United States department of transportation shall be maintained in good condition.

History: L. 1974, ch. 33, § 8-1740; July 1.

Source or prior law:
8-5,104.

Revisor's Note:

Applicability of section to motorcycles and motor-driven cycles, see 8-1810.

Research and Practice Aids:

Uniform Vehicle Code, § 12-403.

Automobiles—11, 148.

C.J.S. Motor Vehicles §§ 20 et seq., 260 et seq., 298 (1) et seq.

Law Review and Bar Journal References:

Prior law (8-5,104); possible methods of using unbuckled seat belts as defense to alleged negligence, William D. Faler, 20 K.L.R. 486, 488 (1972).

8-1741. Windshields and windows; obstruction or impairment prohibited; wipers. (a) No person shall drive any motor vehicle with any sign, poster or other non-transparent material upon the front windshield, side wings or side or rear windows of such vehicle which materially obstructs, obscures or impairs the driver's clear view of the highway or any intersecting highway.

(b) The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle.

(c) Every windshield wiper upon a motor vehicle shall be maintained in good working order.

History: L. 1974, ch. 33, § 8-1741; July 1.

Source or prior law:

8-5,105.

Research and Practice Aids:

Uniform Vehicle Code, § 12-404.

Automobiles—148.

C.J.S. Motor Vehicles §§ 260 et seq., 298 (1) et seq.

CASE ANNOTATIONS

1. Cited in declaring part of 8-1701(a) void for vagueness; cracked windshield not covered. State v. Carpenter, 231 K. 235, 238, 239, 642 P.2d 998 (1982).

8-1742. Restrictions as to tire equipment. (a) Every solid rubber tire on a vehicle shall have rubber on its entire traction surface at least one (1) inch thick above the edge of the flange of the entire periphery.

(b) No person shall operate or move on any highway any motor vehicle, trailer or semitrailer having any metal tire in contact with the roadway.

(c) No tire on a vehicle moved on a highway shall have on its periphery any protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, except that it shall be permissible to use:

(1) Farm machinery with tires having protuberances which will not injure the highway;

(2) Tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice or other conditions tending to cause a vehicle to skid; or

(3) Pneumatic tires having metallic or nonmetallic studs designed to improve traction without materially injuring the surface of the highway. Any such tires must be approved by the secretary of transportation pursuant to duly adopted rules and regulations, and their use may be limited to certain months or types of vehicles by the secretary.

(d) The secretary of transportation and local authorities in their respective jurisdictions, in their discretion, may issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks or farm tractors or other farm machinery, the operation of which upon a highway would otherwise be prohibited under this section.

(e) It shall be unlawful for any person to operate a motor vehicle having one (1) or more tires in an unsafe condition. A solid rubber tire shall be deemed to be in an unsafe condition if it does not comply with

the provisions of subsection (a). A pneumatic tire shall be deemed to be in an unsafe condition if it has:

- (1) Any part of the ply or cord exposed;
 - (2) any bump, bulge or separation;
 - (3) a tread design depth of less than one-sixteenth (1/16) of an inch measured in any two (2) or more adjacent tread grooves, exclusive of tie bars, or, for those tires with tread wear indicators worn to the level of the tread wear indicators in any two (2) tread grooves;
 - (4) a marking "not for highway use" or "for racing purposes only" or "unsafe for highway use";
 - (5) tread of sidewall cracks, cuts or snags deep enough to expose the body cord;
 - (6) been regrooved or recut below the original tread design depth, excepting special taxi tires which have extra undertread rubber and are identified as such; or
 - (7) such other conditions as may be reasonably demonstrated to render it unsafe.
- (f) A person in the business of selling tires shall not sell or offer for sale for highway use any tire which is in unsafe condition or which has a tread depth of less than two thirty-seconds ($2/32$) inch measured as specified in subsection (e).

History: L. 1974, ch. 33, § 8-1742; L. 1975, ch. 427, § 41; Aug. 15.

Source or prior law:
8-5,106.

Revisor's Note:

Applicability of section to motorcycles and motor-driven cycles, see 8-1810.

Research and Practice Aids:

- Uniform Vehicle Code, § 12-405.
- Automobiles—15.
- C.J.S. Motor Vehicles §§ 32, 422, 423.

8-1743. Safety glazing material; required in new motor vehicles; unlawful acts; term defined. (a) No person shall sell any new motor vehicle as specified herein, nor shall any new motor vehicle as specified herein be registered, unless such vehicle is equipped with safety glazing material wherever glazing materials are used in doors, windows and windshields. The foregoing provisions shall apply to all passenger-type motor vehicles, including passenger buses and school buses, but with respect to trucks, including truck-tractors, the requirements as to safety glazing material shall not apply to glazing material in com-

partments not so designed and equipped that persons may ride therein.

(b) No person shall sell or affix to a motor vehicle any truck-camper manufactured or assembled after July 1, 1968, unless such truck-camper is equipped with safety glazing material wherever glazing material is used in doors and windows.

(c) The division shall not register any motor vehicle which is subject to the provisions of this section unless it is equipped with safety glazing material, and the division shall suspend the registration of any motor vehicle so subject to this section which the division finds is not so equipped until it is made to conform to the requirements of this section.

(d) It shall be unlawful for any person to replace any glass or glazing materials used in partitions, doors, windows or windshields in any motor vehicle with any material other than safety glazing material. Any person violating the provisions of this subsection shall be guilty of a class C misdemeanor.

(e) The provisions of this section shall be subject to the provisions contained in K.S.A. 8-2009a.

(f) The term "safety glazing material" as used in this section, means glazing material which conforms to the American national standard "safety code for safety glazing materials for glazing motor vehicles operating on land highways," Z26.1-1966, July 15, 1966, as supplemented by Z26.1a-1968, March 7, 1969.

History: L. 1974, ch. 33, § 8-1743; L. 1975, ch. 427, § 42; L. 1976, ch. 40, § 9; L. 1979, ch. 42, § 1; July 1.

Source or prior law:

- (a) 8-5,107 (a), (b).
- (c) 8-5,107 (c).
- (d) 8-5,107 (d).
- (e) 8-5,107 (a).

Cross References to Related Sections:

Use of safety glazing materials in hazardous locations, see 65-3601 to 65-3804.

Revisor's Note:

Exemptions from certain requirements of law and regulations, see 8-2009a.

Research and Practice Aids:

- Uniform Vehicle Code, § 12-406.
- Automobiles—11, 19.
- C.J.S. Motor Vehicles §§ 20 et seq., 39 et seq.

8-1744. Flares or warning devices, vehicles subject to requirements; use, when

8-901, 8-903, 8-906; effective Jan. 1, 1966; amended Jan. 1, 1971; amended Jan. 1, 1973; revoked, L. 1979, ch. 260, May 1, 1979.)

36-6-3, 36-6-4. (Authorized by K.S.A. 8-901, 8-903, 8-906; effective Jan. 1, 1973; revoked, L. 1979, ch. 260, May 1, 1979.)

Article 7.—STUD TIRES

36-7-1. Definitions. "Stud" as used herein is a pin-type device prepared for installation in the tread design of an automobile tire. It consists of a tungsten carbide core bonded to an outer casing or shell of plastic, aluminum or steel.

"Stud tire" is an automobile tire fitted with studs in the tread design in openings molded for that purpose by the tire manufacturer.

"Body of a tire" is the fabric or cord material to which the rubber tread material is bonded.

"Manufacturer" shall be the person or corporation who makes or fabricates the body of a tire.

(A) The manufacturer or retreader shall prepare precise specifications for new stud tires and newly retreaded tires covering the number, pattern of installation, type of stud to be used and number of studs to be used in each type of tire for which approval is applied.

(B) Approval may be granted for installation of studs in standard tires and in newly retreaded tires for which precise specifications are submitted.

(C) When installed, there shall be a minimum of $\frac{2}{32}$ inch of rubber between the base of the stud and the cord body of the tire.

(D) When installed, the tungsten tip of the stud shall project not less than .040 inch nor more than .090 inch above the tread surface of the tire. The measurements that are made to see that this is complied with will be made on tires before they have been in use. However, if there is any question as to their requirements, they will be again measured, after the tires have been driven at speeds not to exceed 50 miles per hour for a distance of at least 10 miles.

(E) The number of studs per tire shall be controlled by the size of the passenger car tire and shall be within a range of a minimum of 60 and a maximum of 150 for the

small, standard size and/or larger passenger car tire.

(F) The rubber surrounding the stud itself where the stud insertion is made must be a minimum of .500 inch in diameter and must be of solid rubber with the stud in the center of this solid rubber area.

(G) Studs must be imbedded in holes premolded in tires.

(H) Studs when inserted, shall be firmly and squarely seated in these holes and in the tire itself.

(I) The studs may not exceed .400 inch diameter inclusive of the stud casing.

(J) Studs may be used in tires on single tire passenger vehicles and other single passenger vehicles with rated capacities up to and including $\frac{3}{4}$ ton.

(K) No stud tire shall be used on a public highway earlier than November 1st or later than April 15 of any winter season.

(L) The tire or rubber manufacturer shall be responsible for the proper installation of studs in all tires where the studs are inserted by the factory and those tires where studs are inserted by the dealers who operate factory-owned stores. Those companies or tire dealers doing retread operations shall be responsible for the proper installation of studs in any retread tires that they manufacture and shall further be responsible for any insertion of studs that these same companies or dealers insert in new tires in which they apply the studs.

A manufacturer of a stud tire or the retreader seeking such approval of his tire for legal sale and/or use in Kansas shall apply by letter to the traffic and safety department of the state highway commission, state office building, Topeka, Kansas, stating that his product meets all the requirements for stud tires as herein contained, and as required by the state highway commission of Kansas. The commission reserves the right to require additional proof of tire or stud conformity with such requirements.

A provisional certificate of approval may be issued for each type tire by the state highway commission providing that:

(1) The manufacturer and/or retreader applies, submitting all required information for each type tire, and therefore certifying that his product conforms with all of the Kansas requirements.

(2) The commission reserves the right to

require the submission of each size tire requested as the condition of approval.
(3) The commission shall deny a certificate of approval for a stud tire that does not meet the requirements and recommendations of K.S.A. 1965 Supp. 1966.)

Article 8.— LIGHTS

36-8-1. (Authorized by K.S.A. 8-901, 8-903, 8-906; effective Jan. 1, 1973; revoked, L. 1979, ch. 261, May 1, 1979.)

Article 9.— SAFETY

36-9-1. (Authorized by K.S.A. 8-901, 8-903, 8-906; effective Jan. 1, 1973; revoked, L. 1979, ch. 261, May 1, 1979.)

Article 10.— I

36-10-1. (Authorized by K.S.A. 1971 Supp. 1966; revoked Jan. 1, 1979.)

Article 11.— UTILITIES OFF-WAY

36-11-1 to 36-11-5. (Authorized by K.S.A. 68-404; revoked May 1, 1979.)

36-11-6. Utilities, public and private, shall be controlled and maintained by the state highway commission, including that access to public facilities, only as provided by the state highway commission. December 22, 1980 Utility Act. Kansas Department of Transportation. Approved by the state highway commission on December 22, 1980. Herein in its entirety. Obtaining of a license from the Kansas Department of Transportation. Copies of this regulation shall be provided to the public. (Authorized by K.S.A. 68-404; revoked May 1, 1979.)

require the submission of one or more pairs of each size tire for which approval is requested as the commission may designate.

(3) The commission reserves the right to deny a certificate of approval for any type of stud tire that does not meet its standards and recommendations. (Authorized by K.S.A. 1965 Supp. 8-5,106; effective Jan. 1, 1966.)

Article 8.—APPROVAL OF LIGHTING DEVICES

36-8-1. (Authorized by K.S.A. 8-599; effective Jan. 1, 1966; revoked, L. 1979, ch. 261, May 1, 1979.)

Article 9.—APPROVAL OF SAFETY GLASS

36-9-1. (Authorized by K.S.A. 8-5,107; effective Jan. 1, 1966; revoked, L. 1979, ch. 261, May 1, 1979.)

Article 10.—TRAFFIC CONTROL DEVICES

36-10-1. (Authorized by K.S.A. 8-510, K.S.A. 1971 Supp. 74-2004; effective Jan. 1, 1966; revoked Jan. 1, 1973.)

Article 11.—PUBLIC AND PRIVATE UTILITIES ON HIGHWAY RIGHT-OF-WAY

36-11-1 to 36-11-5. (Authorized by K.S.A. 68-404; effective Jan. 1, 1966; revoked May 1, 1981.)

36-11-6. Utility accommodation policy. Public and private utilities, including pipelines, shall be constructed, reconstructed and maintained (including chemical brush control and tree trimming), under, on or over any state highway right-of-way, including that acquired for controlled access facilities, only upon compliance with the 1980 Utility Accommodation Policy for Kansas Department of Transportation approved by the secretary of transportation on December 22, 1980, which is incorporated herein in its entirety by reference, and the obtaining of a Highway Permit Agreement from the Kansas Department of Transportation. Copies of the current Utility Accommodation Policy shall be made available to the public. (Authorized by and implement-

ing K.S.A. 68-404; modified, L. 1981, ch. 420, May 1, 1981.)

Article 12.—CONTROLLED ACCESS HIGHWAYS

36-12-1. (Authorized by K.S.A. 1982 Supp. 68-404; implementing 8-1572, 68-1902; effective Jan. 1, 1966; amended May 1, 1983; revoked May 1, 1984.)

36-12-2. (Authorized by K.S.A. 1982 Supp. 68-404; implementing K.S.A. 68-1902; effective Jan. 1, 1966; amended May 1, 1983; revoked May 1, 1984.)

36-12-3. (Authorized by K.S.A. 68-413(b); effective Jan. 1, 1966; revoked May 1, 1984.)

Article 13.—SCHOOL BUS TRANSPORTATION

36-13-1. (Authorized by K.S.A. 8-579, K.S.A. 1971 Supp. 72-8404; effective Jan. 1, 1966; amended Jan. 1, 1972; revoked, E-78-22, Aug. 10, 1977; revoked May 1, 1978.)

36-13-2, 36-13-3. (Authorized by K.S.A. 8-579, 72-628; effective Jan. 1, 1966; amended Jan. 1, 1972; revoked, E-78-22, Aug. 10, 1977; revoked May 1, 1978.)

36-13-4, 36-13-5. (Authorized by K.S.A. 8-579; effective Jan. 1, 1966; amended Jan. 1, 1972; amended Jan. 1, 1974; revoked, E-78-22, Aug. 10, 1977; revoked May 1, 1978.)

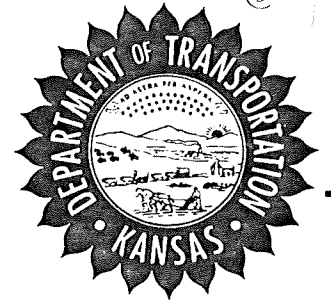
36-13-6. (Authorized by K.S.A. 8-579, 8-5,120; effective Jan. 1, 1974; revoked, E-78-22, Aug. 10, 1977; revoked May 1, 1978.)

36-13-7. (Authorized by K.S.A. 8-579, 8-5,120; effective Jan. 1, 1966; amended Jan. 1, 1972; revoked Jan. 1, 1974.)

36-13-8. (Authorized by K.S.A. 8-2009; effective Jan. 1, 1966; amended, E-70-21, April 17, 1970; amended Jan. 1, 1971; amended Jan. 1, 1972; amended Jan. 1, 1974; amended, E-78-22, Aug. 10, 1977; amended May 1, 1978; revoked May 1, 1983.)

36-13-9. (Authorized by K.S.A. 8-579; effective Jan. 1, 1966; amended, E-70-21, April 17, 1970; amended Jan. 1, 1971; revoked Jan. 1, 1972.)

KANSAS DEPARTMENT OF TRANSPORTATION



JOHN B. KEMP, Secretary of Transportation

JOHN CARLIN, Governor

March 19, 1986

MEMORANDUM TO: The Honorable Bill Morris, Chairman
Senate Committee on Transportation and Utilities

FROM: Mr. Edward R. DeSoignie *ERD*
Policy Coordinator

REGARDING: House Bill 2634

House Bill 2634 permits the use of "studded traction equipment" for use on highways when required for safety because of snow, ice or other conditions. The bill authorizes the Secretary of Transportation to approve the types of studded traction equipment as well as regulate their use to certain months or types of vehicles.

Under present law, tire chains and studded pneumatic tires are permissible for use by vehicles on highways when required for safety because of snow, ice, etc. Use of studded tires is presently limited by regulation to the months of November through April.

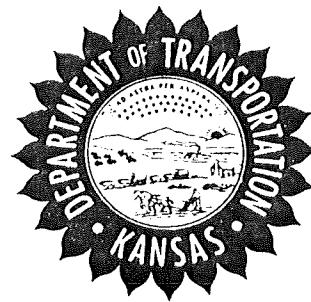
This past year the Kansas Department of Transportation (KDOT) was requested to determine whether a device such as the Spikes-Spider could be legally marketed in Kansas. The Chief Counsel of the KDOT opined that such a device could not be legally marketed in Kansas as no such authority exists under the provisions of K.S.A. 1985 Supp. 8-1742. A subsequent opinion by the Office of the Attorney General in April of this year concurred with the Department's finding.

The Department has gone on record in previous years as opposing the use of studded tires on highways because of the accelerated wear produced on pavements. However, the Department is of the opinion that use of an easy-on, easy-off traction device may result in reduced pavement wear should motorists shift from using studded tires to studded traction equipment. The Department is, therefore, not opposed to the provisions of House Bill 2634.

The bill would not impact the Governor's recommended FY 1987 budget for the Department.

ATT. ②
S. T. U. 3/19/86

KANSAS DEPARTMENT OF TRANSPORTATION



JOHN B. KEMP, Secretary of Transportation

JOHN CARLIN, Governor

March 19, 1986

MEMORANDUM TO: The Honorable Bill Morris, Chairman
Senate Committee on Transportation and Utilities

FROM: Edward R. DeSoignie *ED*
Policy Coordinator

REGARDING: House Bill 2665

Thank you Mr. Chairman, members of the Committee for the opportunity to appear before you today in support of House Bill 2665. This past year the Special Committee on Transportation heard extensive testimony on the various facets of state and federal motor carrier weight law from representatives of the private and public sectors.

House Bill 2665 represents the work product of the Special Committee on Transportation's action on Proposal No. 52; Motor Carrier Weight Limitations. The bill makes several technical adjustments to Kansas weight statutes regulating vehicles and vehicle combinations consisting of a truck tractor and dump semitrailer or truck trailer.

Under present law (K.S.A. 1985 Supp. 8-1909), truck tractor-dump semitrailer or truck trailer vehicle combinations are provided an exemption from the Kansas weight table when transporting certain commodities. The exemption in effect, permits the use of shorter dump semitrailers for safety purposes. This exemption was adopted by the 1973 Legislature in response to problems encountered by contractors with tipping of dump semitrailers when the box was raised at construction sites.

ATT. (3)
S. 744 3/19/86

The amended language on page four of the bill will permit enforcement of triple and quad axle weight limits on the aforementioned vehicle combinations by permitting application of the bridge weight table in K.S.A. 8-1909. This policy was in effect until 1983 at which time, through a technicality, triple and quad axle weight limits for these vehicle combinations were deleted.

The requested language reestablishes legislative policy on triple and quad axles for truck tractor-dump semitrailer or truck trailer vehicles combinations to that which was in effect prior to 1983. The amendment was requested by the Departments of Transportation and Revenue with the support of the Kansas Motor Carriers Association.

In addition to the triple and quad axle weight limits amendment, the bill:

- 1) Addresses the use of "cheater", i.e. non-weight bearing, axles by stipulating that an axle must bear weight (page one, line 29),
- 2) Makes technical changes to the definitions of triple and quad axles (page one, line 43 and page two, line 48, respectively),
- 3) Makes technical changes to the bridge weight table in K.S.A. 1985 Supp. 8-1909 to bring it into conformance with recent amendments to the federal weight table (page two, lines 74 through 78),

- 4) Amends the bridge weight table at six axles with a spacing of 53 feet to allow a maximum weight of 85,500 pounds. The table presently provides a maximum of 85,000 pounds for six axles with a spacing of 52 feet (page three, line 307), and
- 5) Amends K.S.A. 8-1910 to reference "sets of axles" vs. tandem axles (page 4, line 394).

The Department respectfully requests the Senate Committee on Transportation and Utilities report House Bill 2665 favorable for passage.

March 19, 1986

To: Sen. Bill Morris
Sen. Jeanne Hoferer
Sen. Ben Vidricksen
Sen. James Francisco

From: Norman R. Sherbert
General Motors Corporation

The National Highway Traffic Safety Administration (NHTSA), a part of the U.S. Department of Transportation, is now reviewing the nation's automotive fuel economy standards for the 1987 and 1988 model years and has asked for comments from the public. It is important that Kansas support the position that the standards be reduced to 26 mpg from 27.5 mpg given the employment of our citizens by the auto industry. Without this U.S. DOT administrative adjustment, which is permitted by the law and which will result in little increase in gasoline consumption (less than one-tenth of one percent of the annual total U.S. petroleum consumption), manufacturers may have to drop production of many family-size and other cars which provide more comfort, utility and performance, in order to remain in compliance with the fuel economy program. This could lead to substantial long-term layoffs of the employees who make these cars and their components. Supporting a 26 mpg standard could help preserve the jobs of thousands of automotive employees.

Changing the CAFE standard to 26.0 mpg, as supported by this Resolution would ensure against the abandonment of those market segments in which full-line U.S. manufacturers now have a competitive edge against foreign importers. It would also reduce the advantage of foreign manufacturers who have concentrated on the smaller end of the market and, under the current CAFE rules, can move into the higher end of the market to fill any void created by domestic production cuts. We believe it makes no sense to penalize U.S. autoworkers for making cars that the American consumers want to buy.

You may recall that last spring NHTSA was petitioned to lower slightly the fuel economy standard for 1986 model years. The petitions were based on the fact that circumstances had changed dramatically from those which were expected when the standards were set more than ten years ago in 1975. Congress recognized that the predictions of 1975 may not be the conditions of the 1980s, so it provided the U.S. Secretary of Transportation with the authority to adjust the CAFE standards for 1985 and beyond. The spirit and intent of the Energy Act was that the standards not be "so stringent as to threaten substantial economic hardship for the industry and the public." Responding to the petitions and to supportive letters, NHTSA made a favorable decision, and adjusted the 1986 standard to 26 mpg from the level of 27.5 mpg. This was a good first step. However, this partial ruling leaves the companies with continuing problems for 1987 and later model years.

ATT. (4)
S.T.H. 3/19/86

Memorandum from Norman R. Sherbert
March 19, 1986
Page Two

Five years ago, it was projected that the price of gasoline would be about \$2.50 a gallon by 1985, but it is now selling for less than half that price. As a result, car-buying habits of the public are such that full-line manufacturers may have to curtail production to stay in compliance with the law over at least the next two years.

Notably, GM's fuel economy average, for example, is below the standard because of shifting buyer preferences and not for lack of significant product improvements. GM has maintained an on-going commitment to fuel economy improvement across the full range of its products and, since 1974, has more than doubled the fuel economy of its fleet of cars. In fact, most of GM's family-size cars in 1986 have better fuel economy than compact-size cars had in 1975. Let it be emphasized that GM is firmly committed to continue to build small fuel-efficient cars in the United States and this commitment is evidenced in the entire concept of Saturn Corporation in Tennessee and the GM-10 Project in Fairfax, Kansas.

However, there does not currently exist a strong enough demand for these small fuel-efficient cars to balance out the family-size and other cars that have a lower average fuel economy. Significantly, no U.S. domestic manufacturer has a car equipped with an engine larger than 4 cylinders and an automatic transmission which meets or exceeds 27.5 mpg -- the average which must be met by a manufacturer for 1987 and 1988 models.

In closing, let me reiterate a few important facts:

- o Motor vehicle fuel economy has improved dramatically over the past ten years. Average fuel economy for domestic car manufacturers has increased from less than 15 mpg in 1975 to more than 25 mpg in 1985. The effect in improved fuel economy is noticeable -- total automotive travel in the U.S. has increased over 29 percent during that period, but gasoline use has increased less than 2 percent.
- o During the late 1970's and early 1980's, gasoline prices were rising rapidly, consumers were demanding more fuel-efficient cars, and manufacturers were able to meet and exceed the fuel economy standards.
- o However, in recent years, gasoline prices have stabilized and actually declined, and consumer demand has begun to shift away from smaller cars toward larger cars with larger engines and, subcompact sales have declined from 46 percent of new-car sales in 1980, to 30 percent in 1983, and about 26 percent this year.
- o Some domestic manufacturers project they will not be able to meet the 27.5 mpg standard for 1987 and 1988 without taking drastic actions on their vehicle sales mix. Since they will not be able to increase their small-car sales, they would have to stop production and sales of larger, less fuel-efficient cars in order to improve their average fuel economy levels. The fuel economy law states that failure to meet a standard is "unlawful conduct" subject to financial penalties, unless the manufacturer has sufficient credits from prior or future years to offset a shortfall. 15 U.S.C. 22007-08. Since this would

Memorandum from Norman R. Sherbert
March 19, 1986
Page Three

be a criminal offense and since the penalties are so high (GM expects that given the current sales mix, penalties could exceed \$500 million in each 1987 and 1988) there is no alternative other than to eliminate the availability of the large vehicles from the marketplace.

- o GM spends much more on smaller car advertising than larger car advertising and these efforts are expected to continue. Also, fuel economy is not a high priority in the purchasing decisions of the car buying public today and, as a result, there is only so much that can be done to sway purchasing decisions through these actions.

Attached, please find a "Fact Sheet" which should answer all questions directed to this issue.

Fact Sheet
Corporate Average Fuel Economy (CAFE)

1975 Action by Congress

In 1975, Congress responded to the Arab oil embargo by passing legislation which established CAFE standards to be met by each auto manufacturer. (CAFE is the average production-weighted measure of the fuel economy of a manufacturer's full line of vehicles.)

- o Importantly, the standards were not to "unduly limit consumer choice as to capacity and performance of motor vehicles."
- o Based on 1975 forecasts, Congress established a standard for 1985 of 27.5 mpg that would essentially double the industry's 1974 fleet average fuel economy.

Current Realities

Earlier predictions are not the realities of the mid-1980s and that is the major reason why full-line auto manufacturers are now having difficulty meeting CAFE standards.

- o Prices of gasoline have dropped to closer to \$1 per gallon; as recently as 1981, it was predicted that by 1985 gasoline prices would reach \$2 to \$2.50 per gallon.
- o Domestic diesel demand once predicted to reach 25% market penetration has dropped to virtually zero today.
- o For GM, larger, family-size cars now account for over 20% of the market but previously were predicted to account for only about 10%.

GM Actions

GM has maintained an on-going commitment to fuel economy across the full range of its vehicles since before the 1973 Arab oil embargo and the resulting legislation.

- o Since 1974 to 1982, GM more than doubled the fuel economy of its fleet of cars by technological improvements such as:
 - o Reducing vehicle weight
 - o Improved aerodynamics
 - o Torque converter clutches and overdrive
- o Most of GM's family-size cars in 1986 have better fuel economy than compact-size cars had in 1975.
- o While GM builds and sells cars that get as much as 46 mpg on the highway, there does not currently exist a strong preference for these cars.

Clearly, technology is not the issue in our CAFE situation.

- o As a practical matter, the major goals of the 1975 energy legislation to establish and increase awareness of conservation are being achieved.
- o Auto manufacturers have vigorously pursued R & D efforts that have resulted in significant improvements in fuel economy.

NHTSA Actions

- o In response to petitions from GM and others, NHTSA revised the 1986 CAFE standard from 27.5 mpg to 26 mpg. While helpful, this did not completely address the ongoing problem.
- o NHTSA on January 17, 1986 issued a new rulemaking notice asking for comments on a standard between 26 and 27.5 mpg for each model year 1987 and 1988. Comments are due by March 24.

Consequence of Unchanged Standard

Without the administrative action to slightly lower the 1987 and later CAFE standards from 27.5 to 26 mpg, domestic full-line manufacturers might face the prospect either of restricting production of family-size cars to increase their CAFEs in order to achieve compliance or of paying penalties. GM believes it cannot plan to pay penalties.

Product restrictions would result in the following:

- o There would be a loss of a large number of jobs;
- o There would be an unhealthy effect on the total economy;
- o Dealers would not have those cars to sell which the public is demanding;
- o The public would be deprived of full-sized cars or cars with the level of performance needed for towing recreational vehicles, boats, etc.;
- o Japanese manufacturers, who have accumulated large amounts of credits in the past, would be able to enter the full-size market without the risk of enormous penalties.

An administrative reduction in the CAFE standard, with its minimal effect on the nation's consumption of fuel, (an increase of about one tenth of one percent per year), is clearly within the spirit and intent of the Act, in tune with the realities of 1986, and thus in the national interest. Without a reduction, the ultimate losers are American consumers, workers and taxpayers.

2/14/86

Statement Before the
SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES

Wednesday, March 19, 1986

by the

KANSAS MOTOR CAR DEALERS ASSOCIATION

RE: HCR 5044

Mr. Chairman and Members of the Committee. I am Jim Sullins, Executive Vice President of the 392 member Kansas Motor Car Dealers Association which represents the franchised new car and new truck dealers of Kansas. I am pleased to come before you today in support of House Concurrent Resolution #5044.

I am going to be as brief as possible considering that the Resolution before you contains a very good explanation of what the Corporate Average Fuel Economy, or CAFE, standards are and why they exist. What I would like to do is briefly explain how CAFE standards directly affect the consumers of Kansas, and why KMCDA feels it is necessary to retain the 26.0 mpg standard for the 1987 and 1988 model years.

Over the past few years, since the inception of the CAFE standards, the automobile manufacturers have made tremendous strides in raising the fuel economy of virtually every vehicle manufactured. There has been a dramatic increase in the number of down-sized vehicles and front-wheel drive vehicles. Engine sizes are smaller, and the overall weight of vehicles is less. All of these, in combination with technological changes, have led to major increases in fuel economy for even the biggest cars.

ATT. ⑤
S. T. U. 3/19/86

Virtually all of the changes which have been made over the past few years are due to the CAFE standards. Think back to the traditional big cars of recent years such as the Ford Thunderbirds and LTDs or the Oldsmobile Delta 88 and 98 series and compare them to the 1986 models. All of these "big" cars have been downsized and are much smaller compared to the same vehicles two or three model years ago.

Currently, the United States Department of Transportation and the National Highway Transportation Safety Administration (NHTSA) are considering lowering the 1987 and 1988 CAFE standard from 27.5 mpg to the current 26.0 mpg standard. Lying in the balance between the 26.0 standard and the higher standard is the public's willingness to accept smaller vehicles. No matter what steps the manufacturers take to downsize both vehicles and engines, if the consumers continue to demand large vehicles, the CAFE standards of the manufacturers will be adversely affected. For every one vehicle sold with a fuel economy of 20 mpg, two vehicles with a 29 mpg must be sold to meet the 26.0 CAFE standard.

Currently, with the lower fuel prices we are seeing, the demand for large vehicles is up. The public still has a love affair with the big car and will continue to buy the big car as long as fuel prices are reasonable. If the demand for large cars continues, then the manufacturers will have no choice but to limit the availability of those cars so they can continue to meet the CAFE standard. At this point, the franchised dealers will not be able to supply the vehicles their customers want and one of two things will happen. Either the customer will buy a smaller car which he may not really want, or, he won't buy at all. Either way, the consumer is not satisfied.

We feel that maintaining the 26.0 mpg CAFE standard for the 1987 and 1988 model years is very appropriate. Fuel prices are low and availability is high. Sales of vehicles are up, and the demand for larger vehicles is high. Employment in the manufacturing arena is up and the overall health of the automobile industry is very good. Extending the CAFE standard to 27.5 or any level above the 26.0 standard will have a detrimental effect on the automobile business, the consuming public, and the overall economy of the United States.

Mr. Chairman and Members of the Committee, KMCDCA supports the retention of the 26.0 mpg standard, and urges this Legislature to go on record with the United States Department of Transportation as also supporting the continuation of the 26.0 standard for the next two model years.

Thank you for your time and attention, and I would be happy to respond to questions.

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