

MINUTES OF THE House COMMITTEE ON Transportation

The meeting was called to order by Rex Crowell at
Chairperson

1:30 ~~am~~/p.m. on March 5, 1987 in room 519-S of the Capitol.

All members were present ~~except~~:

Committee staff present:

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

Conferees appearing before the committee:

Representative Kenneth Green
Mr. Merle Green, El Dorado, Kansas
Secretary Harley T. Duncan, Kansas Department of Revenue
Representative Art Douville
Captain Gus Ramirez, Overland Park, Kansas
Mrs. Karen Arnold-Burger, Overland Park, Kansas
Mr. John Smith, Kansas Department of Revenue

The meeting was called to order by Chairman Crowell and the first order of business was a hearing on HB-2248 concerning the registration of antique motor vehicles.

Representative Kenneth Green, sponsor of the bill, briefed the Committee on HB-2248. (See Attachment 1)

Mr. Merle Green, El Dorado, Kansas, testified in favor of HB-2248.

Secretary Harley T. Duncan, Kansas Department of Revenue, testified concerning HB-2248. (See Attachment 2) He said it is estimated there would be minimal impact upon the state highway funds as a result of enactment of this bill.

The hearing on HB-2248 was concluded.

The next order of business was a hearing on HB-2302 concerning drivers' license requirements for persons operating motorized bicycles.

Representative Art Douville, sponsor of HB-2302, briefed the Committee on the contents of the bill.

Captain Gus Ramirez, Overland Park Police Department, Overland Park, Kansas, testified in support of HB-2302. (See Attachment 3)

Captain Ramirez cited general problems associated with persons driving mopeds. He said the moped as it is currently manufactured is closer to being a motorcycle than a bicycle, and should be dealt with accordingly.

Mrs. Karen Arnold-Burger, Assistant City Attorney, Overland Park, Kansas, testified favorably concerning HB-2302. She said there have been ordinances adopted requiring only one person at a time to ride a moped, that mopeds be insured, as well as to wear eye protection. She said they are unable to regulate the requirement for drivers' licenses at a local level, which is the reason they are requesting HB-2302.

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Mr. John Smith, Kansas Department of Revenue, gave neutral testimony. He said to obtain a moped driving license, all that is needed is to pass the written and vision test for a Class C license.

The hearing on HB-2302 was concluded.

The next bill taken up for Committee discussion and action was HB-2203 concerning the disclosure that a car was previously used for driver training purposes.

Representative Dillon distributed copies of proposed amendments to Committee members. (See Attachment 4)

A motion was made by Representative Dillon that the amendments be adopted on HB-2203. The motion was seconded by Representative Harper. Motion passed.

A motion was made by Representative Dillon that HB-2203 be recommended as amended favorable for passage. The motion was seconded by Representative Wilbert. Motion passed.

The next bill taken up for Committee discussion and action was HB-2458 concerning fees for motor vehicle certificates of title.

A motion was made by Representative Adam that HB-2458 be recommended favorable for passage. The motion was seconded by Representative Gross.

Chairman Crowell read a letter from Governor Mike Hayden, concerning HB-2458. (See Attachment 5)

A substitute motion was made by Representative Dillon to charge \$7 for a motor vehicle title, which would sunset in three years. Substitute motion died for lack of a second.

A substitute motion was made by Representative Dillon that the increase sunset in two years. The motion was seconded by Representative Smith. Substitute motion passed.

A motion was made by Representative Adam to report HB-2458 as amended, favorable for passage. The motion was seconded by Representative Wilbert. Motion passed 12-8 on a division.

The next bill taken up for Committee discussion and action was HB-2491 establishing the Kansas Qualified Agricultural Ethyl Alcohol Producer Fund.

Representative Shore presented the subcommittee report on HB-2491 and recommended that the amount be changed from \$4.8 million as in the bill, to \$2.5 million. He also said it is recommended that instead of being an annual transfer to the ethanol fund, that quarterly disbursements be made to the fund. Representative Shore also stated the subcommittee recommends that instead of \$.40 the subsidy be \$.20 per gallon of ethanol and only to Kansas producers as called for in the bill, and the subsidy sunset on June 30, 1990 with a limit of no more than 25 percent going to one producer.

A motion was made by Representative Shore to adopt the amendments recommended by the subcommittee. The motion was seconded by Representative Freeman.

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A substitute motion was made by Representative Moomaw that we amend the bill as recommended by the subcommittee except that the limit be raised to no more than 35 percent to one producer. The substitute motion was seconded by Representative Gross. Substitute motion passed.

A motion was made by Representative Shore that HB-2491 be recommended favorable as amended for passage. The motion was seconded by Representative Snowbarger. Motion passed.

The next bill taken up for Committee discussion and action was HB-2457 concerning the expiration of salesmen's licenses under the Vehicle Dealers' and Manufacturers' Licensing Act.

A conceptual motion was made by Representative Shore to delay the cycle change until January 1, 1988 and at that time in order to get the cycle converted over to June 30, 1989, to provide for an 18 month licensing. The motion was seconded by Representative Adam.

A substitute motion was made by Representative Moomaw to require a 6-month extension for \$25 which would extend the time period to June 30, 1988. The substitute motion was seconded by Representative Mead. Substitute motion passed.

A motion was made by Representative Moomaw to recommend HB-2457 as amended favorable for passage. The motion was seconded by Representative Shore. Motion passed.

The next bill taken up for Committee discussion and action was HB-2306 concerning the sale of Kansas highway bonds.

Mr. Ed DeSoignie, Kansas Department of Transportation, briefed the Committee on HB-2306.

A motion was made by Representative Snowbarger to recommend HB-2306 favorable for passage. The motion was seconded by Representative Dillon. Motion passed.

The next bill taken up for Committee Discussion and action was HB-2143 concerning school buses stopping at railroad crossings. Chairman Crowell advised there was a motion before the Committee, made by Representative Sutter and seconded by Representative Smith to report HB-2143 favorable for passage.

Bruce Kinzie provided further information to the Committee concerning school buses stopping at railroad crossings.

A motion was made by Representative Shore that HB-2143 be tabled. The motion was seconded by Representative Wilbert. The motion passed.

The next bill taken up was HB-2026 concerning bonding requirements for motor vehicle dealers and brokers.

A motion was made by Representative Freeman that HB-2026 be removed from the table. The motion was seconded by Representative Laird.

Committee discussion ensued. Motion failed.

The next bill taken up for Committee discussion and action was HB-2513 concerning disposition of overweight fines.

A motion was made by Representative Spaniol to recommend HB-2513 favorable for passage. The motion was seconded by Representative Dillon. Motion passed.

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The next bill taken up for Committee discussion and action was HB-2242 concerning the requirement of reexamination of certain drivers.

A motion was made by Representative Spaniol to report HB-2242 favorable for passage. The motion was seconded. Motion failed.

The next bill taken up for Committee discussion and action was HB-2494 concerning wig-wag headlights, the requirement to retain all braking systems, and eye protective devices for persons riding motorized bicycles.

A motion was made by Representative Wilbert that HB-2494 be tabled. The motion was seconded by Representative Dillon. Motion passed.

The next bill taken up for Committee discussion and action was HB-2524 concerning odometer tampering.

A motion was made by Representative Justice that HB-2524 be recommended favorable for passage. The motion was seconded by Representative Dillon.

A substitute motion was made by Representative Moomaw that the amendments suggested by Captain Hornbaker be adopted. The substitute motion was seconded by Representative Harper. Substitute motion passed.

A motion was made by Representative Shore that HB-2524 be recommended favorable as amended for passage. The motion was seconded by Representative Moomaw.

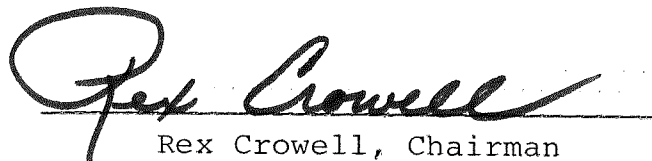
A substitute motion was made by Representative Wilbert that HB-2524 be recommended for an interim study. The motion was seconded by Representative Dillon. Motion passed.

The next bill taken up for Committee discussion and action was HB-2302 concerning drivers' license requirements for persons operating motorized bicycles.

A motion was made by Representative Snowbarger that HB-2302 be recommended favorable for passage. The motion was seconded by Representative Adam. Motion passed.

The next bill taken up for Committee discussion and action was HB-2492 concerning impounding of unregistered vehicles. It was decided that further discussion would take place when the subcommittee report is ready.

The meeting was adjourned at 3:25 p.m.


Rex Crowell, Chairman

An Act

ENROLLED SENATE
BILL NO. 468

BY: FORD, LUTON, McCUNE and
GREEN of the SENATE
and
COTNER of the HOUSE

AN ACT RELATING TO MOTOR VEHICLES; AMENDING SECTION 39, CHAPTER 179, O.S.L. 1985, AS AMENDED BY SECTION 15, CHAPTER 345, O.S.L. 1985 (47 O.S. SUPP. 1985, SECTION 1136), WHICH RELATES TO FEES FOR SPECIAL LICENSE PLATES; QUALIFYING CERTAIN VEHICLES FOR USE OF SPECIFIED EXPIRED LICENSE PLATES; STATING APPROVAL PROCEDURE; STATING LOCATION OF REGISTRATION DECAL; DIRECTING TAX COMMISSION TO PROMULGATE RULE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY Section 39, Chapter 179, O.S.L. 1985, as amended by Section 15, Chapter 345, O.S.L. 1985 (47 O.S. Supp. 1985, Section 1136), is amended to read as follows:

Section 1136. The Oklahoma Tax Commission is hereby authorized to design and issue appropriate official special license plates as provided by this section.

Special license plates shall not be transferred to any other person but shall be removed from the vehicle upon transfer of ownership and retained. The special license plate may then be used on another vehicle but only after such other vehicle has been registered for the current year with a motor license agent.

The Commission shall take applications by October 1 of each year for the following calendar year for special license plates and shall issue such plates to each applicant.

Special license plates shall be designed in such a manner as to identify the use and ownership of the vehicle. The special license plates provided by this section are as follows:

1. Political Subdivision Plates - such plates shall be designed for any vehicle owned by any political subdivision of this state and shall be registered for a nominal fee of One Dollar (\$1.00), after having obtained proper Oklahoma certificate of title. Such political subdivisions shall file an annual report with the Commission stating the agency where such vehicle is located. Such license plates shall be permanent in nature and designed in such a manner as to remain with the vehicle for the duration of the life span of the vehicle or until the title is transferred to an owner who is not a political subdivision;

2. Legislative License Plates - such plates shall be designed for persons elected to the Oklahoma Legislature and shall designate the house of the Legislature in which the legislator serves and his district number.

The fee for such plate shall be One Dollar (\$1.00) and shall be in addition to the regular plate issued to the member and the fees charged therefor;

3. Tax-Exempt or Nonprofit License Plates - such plates shall be designed for:

- (a) any motor bus or manufactured home owned and operated by a religious corporation or society of this state holding a valid exemption from taxation issued pursuant to Section 501(a) of the Internal Revenue Code of 1954, and listed as an exempt organization in Section 501(c)(3) of the Internal Revenue Code of 1954, as amended, and owning a motor bus or manufactured home that is used by the corporation or society solely for the furtherance of its religious functions,
- (b) any vehicle owned and operated only by nonprofit organizations devoted exclusively to youth programs including, but not limited to, the Girl Scouts and Boy Scouts of America,
- (c) any vehicle, except passenger automobiles, owned or operated by nonprofit organizations actually involved in programs for the employment of the handicapped and used exclusively in the transportation of goods or materials for such organization, or
- (d) any vehicle owned and operated by a nonprofit organization that provides older persons transportation to and from medical, dental and religious services and relief from business and social isolation;

The registration fee shall be One Dollar (\$1.00);

4. Prisoner of War License Plates - such plates shall be designed for honorably discharged or present members of the United States Armed Forces and civilians who were former prisoners of war held by a foreign country and who can provide proper certification of that status. Such persons may apply for a prisoner of war license plate for no more than two vehicles with each vehicle having a rated carrying capacity of one (1) ton or less. The surviving spouse of any deceased former prisoner of war, if said spouse has not since remarried, may apply for a prisoner of war license plate for one vehicle with a rated carrying capacity of one (1) ton or less.

The registration fee shall be One Dollar (\$1.00);

5. National Guard License Plates - such plates shall be designed for active members of the Oklahoma National Guard.

The fee for such plate shall be Two Dollars (\$2.00) and shall be in addition to all other registration fees provided by this act;

6. Physically Disabled License Plates - such plates shall be designed for persons who are eligible for an insignia as a physically disabled person under the provisions of Section 15-112 of Title-47-of the-Oklahoma-Statutes this title. It shall prominently display the international accessibility symbol, which is a stylized human figure in a wheelchair. Upon the death of such physically disabled person, said special license plate shall be returned to the Commission.

There shall be no fee for such plate in addition to the rate provided by this act for the registration of the vehicle.

Any person who is eligible for a physically disabled license plate and whose vehicle has had modifications because of the physical disability of the owner, may register the vehicle for a flat fee of Twenty-five Dollars (\$25.00). This fee shall be in lieu of all other registration fees provided by this act;

7. Disabled Veterans License Plates - such plates shall be designed for persons presenting proper certification from the United States Veteran's Administration and having a service-connected disability of not less than seventy-five percent (75%). Such persons may apply to the Commission for a disabled veterans license plate or to a motor license agent for a regular license plate for no more than two vehicles with each vehicle having a rated carrying capacity of one (1) ton or less.

The registration fee shall be One Dollar (\$1.00);

8. Congressional Medal of Honor Recipient License Plates - such plates shall be designed for any resident of this state who has been awarded the Congressional Medal of Honor. Such persons may apply for a Congressional Medal of Honor recipient license plate for one vehicle with a rated carrying capacity of one (1) ton or less.

The fee for such plate shall be One Dollar (\$1.00);

9. Indian Tribal License Plates - such plates shall be designed for any vehicle of a native American Indian Tribal Association exempted in Sections 201 through 204 of Public Law 97-473 and used by the tribal association exclusively for the furtherance of its tribal functions.

The registration fee shall be One Dollar (\$1.00);

10. Personalized License Plates - such plates shall be designed and issued to any person in any combination of numbers or letters from one to a maximum of seven. Such plates may be issued for motorcycles in any combination of numbers or letters from one to a maximum of six.

Persons owning vehicles which are twenty-one (21) years and older are qualified to submit for approval by the Oklahoma Tax Commission or a motor license agent a vintage but expired official Oklahoma license plate which is twenty-one (21) years and older. Upon approval of such personalized plate, the owner shall be issued the annual registration decal which the Commission or agent shall direct to be affixed in close proximity to the mandatory vehicle inspection decal. The Tax Commission shall promulgate a rule which establishes appropriate criteria to be used in the implementation of this act.

The fee for such plate shall be Ten Dollars (\$10.00) and shall be in addition to all other registration fees provided by this act; and

11. Antique Vehicle Plates - such plates shall be designed and issued for any vehicle thirty (30) years of age or older, based upon the date of manufacture thereof and which travels on the highways of this state primarily incidental to historical or exhibition purposes only.

The registration fee shall be One Dollar (\$1.00) and, except as otherwise provided in this subparagraph, shall be in addition to all other registration fees provided by this act. Vehicles issued an antique vehicle license plate pursuant to the provisions of this subparagraph shall be exempt from the registration fee levied by paragraph 1 of subsection A of Section 35-of-Enrolled-House-Bill-No-

~~1319~~-of-the-1st-Session-of-the-49th-Oklahoma-Legislature 1132 of this title.

Use of any vehicle possessing a special license plate for any purpose not specified in this section shall be grounds for revocation of the special license plate and registration certificate.

SECTION 2. This act shall become effective January 1, 1987.

Correctly Enrolled John R. Wilcox

Passed the Senate the 17th day of February, 1986.

ACTING Hubert Rogers
President of the Senate

Passed the House of Representatives the 17th day of March, 1986.

Jim Becker
Speaker of the House of Representatives

OFFICE OF THE GOVERNOR

Received by the Governor this 18th
day of March, 1986,
at 5:00 o'clock P. M.

By: [Signature]

Approved by the Governor of the State of Oklahoma the 21st day of
March, 1986, at 8:35 o'clock A. M.

[Signature]
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this
21st day of March, 1986,
at 9:56 o'clock A. M.

By: [Signature]

M E M O R A N D U M

TO : Mr. Gary L. Stotts, Acting Director DATE: February 18, 1987
Division of Budget

FROM: Kansas Department of Revenue RE : House Bill 2248
As Introduced

BRIEF OF BILL:

House Bill 2248, as introduced, is an independent act relating to the registration of certain motor vehicles. This bill would enable an owner of a vehicle which is 35 years or older to apply to the Division of Vehicles for approval to use an expired license plate which is of the same year as the vehicle.

The bill provides for the payment of a one time fee of \$10; no registration or plate issued under the section would be transferable to any other person; renewals would be made annually upon payment of the fee prescribed in K.S.A. 8-143; and the Secretary of Revenue is empowered to adopt rules and regulations necessary to carry out the provisions of the act. Included is the authority to establish appropriate criteria for approval of vintage license plates and procedures necessary to coordinate this section with other laws of the State governing registration of vehicles.

This act would take effect and be in force after January 1, 1988, and its publication in the statute book.

FISCAL IMPACT:

It is estimated that there would be minimal impact upon the state highway funds as a result of enactment of this bill.

It is impossible to estimate the number of vehicle owners that would register their vehicles under the provisions of this bill and pay the one time charge of \$10 in addition to their regular registration fees.

ADMINISTRATIVE COST:

The Department conservatively estimates approximately \$36,376 in onetime data processing related costs in FY 88 and approximately \$2,000 in ongoing annual costs.

Approximately 84 VIPS programs would be affected if this bill is enacted through the creation of a new registration type and the need for expansion of the license plate number field. The costs mentioned above allow for 3 1/2 days Programmer III/System Analyst II time per program to analyze, code, desk check and test the changes. Also included in this figure is allowance for data base related tasks as well as the necessary user test team tasks and revision of the


applicable user manuals and procedures.

ADMINISTRATIVE PROBLEMS AND COMMENTS:

The Division of Vehicles has noted the following problems with the bill as drafted:

- 1) The bill uses the terminology "expired official Kansas license plate" when referring to the vintage plate. At the present time official Kansas plates are the plates placed upon State of Kansas motor pool vehicles.
- 2) Over the course of the years since 1913, when state plates were first issued, there have been numerous numbering formats used. Passage of this bill would require extensive modification of the title and registration data processing system to enable a very small number of registrations to be added.
- 3) Many of the plates that could qualify for the vintage distinction do not have enough room for the placement of the annual registration year validation decal. It is the Division's understanding that Oklahoma administers a similar law using windshield stickers to validate the registration; the Division does not feel that this is a desirable option.
- 4) Recent changes to license plate statutes require the use of reflectorized material on all plates issued. Obviously, none of the vintage plates would meet this criteria.
- 5) Law enforcement will have problems with this bill. While Kansas law enforcement officers can be educated concerning vintage plates, what could be expected in another state if an owner were stopped on a traffic violation?
- 6) If enacted, it would be the intention of the Division to disapprove vintage plate applications where approval would result in duplicate numbers on the files.
- 7) It would also be necessary for some sort of inspection of the proposed plate to take place prior to approval. This would ensure that only truly legible plates are approved. Along with this point is another question. The bill does not address the life span of the vintage plate. How long would an owner be able to keep the vintage plate on his vehicle assuming continuous ownership?

APPROVED BY:


Harley T. Duncan
Secretary of Revenue

MOPEDS:

Current Problems

1. Driver's License:

- A. Moped operator is not required to pass a driving test to obtain a driver's license.
- B. K.S.A. 8-235(D) permits persons age 14 or older to obtain a driver's license restricted to moped operation. This allows young and inexperienced juveniles to become part of traffic.

2. Insurance:

- A. mopeds are not required to be insured, as they are not motor vehicles. (See definition of motor vehicle and K.S.A. 40-3104.)

3. Traffic Hazard:

- A. Size of moped makes it less visible to other motorists.
- B. A moped, by definition, must have a maximum design speed of no more than 30 mph. On streets where normal traffic flow is greater than 30 mph, a moped necessarily creates an impeding situation.
- C. Many vehicles registered as mopeds are capable of speeds greater than 30 mph. (e.g., Honda Aero 50, tested by Patrolman Carney, Overland Park Police Department, attained a speed of 38 mph on an uphill grade.) Thus, moped operators are often travelling at speeds higher than that considered by the State to be safe for a moped.
- D. Mopeds are often ridden by two subjects causing an extremely unstable situation.

4. Equipment:

- A. Kansas Statute does not require eye protection for moped operators.
- B. Kansas Statute does not require brake lights or turn signals on mopeds.

5. General Problem:

Over the past several years mopeds have changed from bicycles with helper motors to small motor scooters. The moped, as it is currently manufactured is closer to being a motorcycle than a bicycle and should be dealt with accordingly. Currently K.S.A. and O.P.M.C. apply bicycle rules to motorized bicycles or mopeds. For example, a moped operator is required by law to ride close to the right side of the road as is a bicyclist. Obviously, moped operators do not currently comply with this rule. The reason is clear, the moped, as actualized today is a part of traffic like a motorcycle. Therefore, the requirements to license, insure and equip mopeds and their riders should be raised to protect the same.

PROPOSED AMENDMENTS TO H.B. NO. 2203

Section 1. (a) A vehicle dealer, as defined in K.S.A. 8-2401, and amendments thereto, shall disclose in writing, to the ultimate purchaser of a motor vehicle the following:

(1) The fact that a motor vehicle was used as a driver training motor vehicle, as defined in K.S.A. 72-5015, and amendments thereto; or

(2) the fact that a motor vehicle was used as a leased or rented motor vehicle.

(b) For the purpose of this section, "leased or rented motor vehicle" does not include a motor vehicle which is leased or rented by a vehicle dealer to a customer of such dealer while the customer's motor vehicle is being serviced by such dealer.

(c) Any violation of this section shall be subject to the remedies prescribed in K.S.A. 50-632 and 50-634, and amendments thereto.

Att. 4

STATE OF KANSAS



OFFICE OF THE GOVERNOR

State Capitol
Topeka 66612-1590
(913) 296-3232

Mike Hayden *Governor*

March 4, 1987

The Honorable Rex Crowell
Representative, 76th District
Room 431 - N
State Capitol Building
Topeka, Kansas 66612

Dear Representative Crowell:

I am writing to inform you of my support of House Bill 2458 which increase the fee for a motor vehicle title from \$3.50 to \$9.00 as a means of funding the Vehicle Information Processing System (VIPS).

The passage of this bill is important for several reasons. The primary reason is that it is important for the state to honor its commitment to the counties in reimbursing the counties for computer purchases made for reappraisal. The state must, I believe, honor the good faith effort exhibited by the counties in the VIPS/Reappraisal hardware decisions.

It is also important that the state take every opportunity of improving the services provided to the public and I believe that this system will bring the vehicle registration system into the 1990's.

I would appreciate your every good effort in assuring the passage of House Bill 2458.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mike Hayden".

Mike Hayden
Governor of Kansas

Attach. 5