

MINUTES OF THE House COMMITTEE ON Transportation

The meeting was called to order by Representative Rex Crowell at  
Chairperson

1:30~~xxx~~/p.m. on March 26, 1987 in room 519-S of the Capitol.

All members were present except: Representatives Spaniol and Russell

Committee staff present:

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

Conferees appearing before the committee:

Mr. Steve Wiechman, Kansas Auto Dismantlers & Recyclers Association  
Mr. Joseph Krahn, Kansas Department of Transportation  
Secretary Harley T. Duncan, Kansas Department of Revenue

The meeting was called to order by Chairman Crowell and the first order of business was a hearing on SB-311 concerning the Junkyard and Salvage Control Act.

Mr. Steve Wiechman, Kansas Auto Dismantlers and Recyclers Association, testified in support of SB-311. (See Attachment 1)

Mr. Wiechman explained that salvage vehicle dealers are subject to licensing requirements by the Department of Revenue and the Department of Transportation. He said the Department of Revenue issues what is commonly known as the salvage vehicle dealer license which entitles the holder to operate a salvage vehicle business, buying used or new vehicles and dismantling them for the purpose of selling the parts and converting the remaining portion to scrap metal.

Mr. Wiechman recommended that the word "license" be changed to "certificate of compliance" in SB-311 which would more accurately reflect the nature of the requirement of the Junkyard and Salvage Control Act.

Mr. Joseph Krahn, Kansas Department of Transportation, spoke concerning SB-311 and said KDOT has no objections to the bill.

The hearing on SB-311 was concluded.

Chairman Crowell appointed as a subcommittee to further study SB-311, Representative Shore, Chairman, and Representatives Freeman and Dillon.

The next order of business was a hearing on HB-2572 concerning drivers' licenses; relating to nonresident drivers employed in the state.

Secretary Harley T. Duncan, Kansas Department of Revenue, testified in support of HB-2572. (See Attachment 2) He said HB-2572 is requested by the Department of Revenue in response to a "Safety Recommendation" of the National Transportation Safety Board.

Secretary Duncan explained that the National Transportation Safety Board is seeking, through this proposal, to eliminate the concern that commercial drivers hold drivers licenses from more than one state. He added that the ability to secure several licenses makes it difficult to review the driver's complete driving history by any single state.

CONTINUATION SHEET

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room 519-S, Statehouse, at 1:30 ~~xxx~~ a.m./p.m. on March 26, 1987.

Secretary Duncan recommended that Lines 148 through 153 concerning non-resident 16-year-old persons driving school buses be stricken from HB-2572.

The hearing on HB-2572 ended.

Committee attention for purposes of discussion and action was turned to SB-44 concerning the overtaking and passing by vehicles at certain intersections.

A motion was made by Representative Wilbert that SB-44 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-2465 concerning powers and duties of port authorities.

Representative Snowbarger gave the subcommittee report, and distributed a balloon showing proposed changes to HB-2465. (See Attachment 3)

A motion was made by Representative Snowbarger that HB-2465 be amended as recommended in the subcommittee report. The motion was seconded by Representative Adam. Motion carried.

A motion was made by Representative Snowbarger that HB-2465 be recommended as amended favorable for passage. The motion was seconded by Representative Wilbert.

A conceptual substitute motion was made by Representative Adam that language on Page 10 of HB-2465 concerning sale of property be limited to just the Mid States Port Authority. Motion died for lack of a second.

A vote was taken on the original motion. Motion carried.

The next bill taken up for Committee discussion and action was SB-192 concerning the use of safety glazing and sun screening devices on vehicle windshields and windows.

Representative Sallee presented the subcommittee report on SB-192, and distributed a balloon among Committee members outlining proposed changes. (See Attachment 4)

A motion was made by Representative Sallee that the amendments in the subcommittee report be adopted. The motion was seconded by Representative Dillon.

A substitute motion was made by Representative Freeman to adopt the language of the subcommittee except in New Section 2 of the proposed language to change Class A misdemeanor to Class C misdemeanor. The motion was seconded by Representative Moomaw. Motion passed.

A motion was made by Representative Wilbert that SB-192 be recommended favorable as amended for passage. The motion was seconded by Representative Sallee.

A substitute motion was made by Representative Freeman that the fine for unlawful statehouse parking be increased from \$5 to \$20. The motion was seconded by Representative Justice. Motion failed.

A vote was taken on the original motion. Motion carried.

The next bill taken up for Committee discussion and action was SB-193 permitting the requiring of bonds for traffic infractions by violators who are from states which are not members of the Nonresident Violator Compact.

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A motion was made by Representative Moomaw that SB-193 be recommended favorable for passage. The motion was seconded by Representative Smith. Motion passed.

The next bill taken up for Committee discussion and action was SB-297 concerning advance payment of the liquefied petroleum fuel tax.

A motion was made by Representative Justice that SB-297 be recommended favorable for passage. The motion was seconded by Representative Adam. Motion carried.

The next bill taken up for Committee discussion and action was SB-298 concerning dispensing of motor fuels at service stations to drivers of vehicles displaying license plates or placards issued to handicapped persons.

A motion was made by Representative Moomaw that language in Lines 36 and 37 be stricken concerning the \$1 service charge. The motion was seconded by Representative Brown. Motion passed.

Representative Adam made a motion to amend SB-298 in Line 34, by striking "unaccompanied" and inserting "not accompanied by a person capable of dispensing motor-vehicle fuels". The motion was seconded by Representative Snowbarger. Motion passed.

A motion was made by Representative Adam that SB-298 be recommended favorable for passage as amended. The motion was seconded by Representative Brown. Motion passed.

The next bill taken up for Committee discussion and action was SB-184 enacting the Kansas Rail Passenger Preservation Act.

A motion was made by Representative Laird that SB-184 be recommended favorable for passage. The motion was seconded by Representative Gross.

A substitute motion was made by Representative Shore that SB-184 be tabled. The motion was seconded by Representative Sallee. Substitute motion failed.

A vote was taken on the motion to report SB-184 favorable for passage. Motion passed 10-7 on a division.

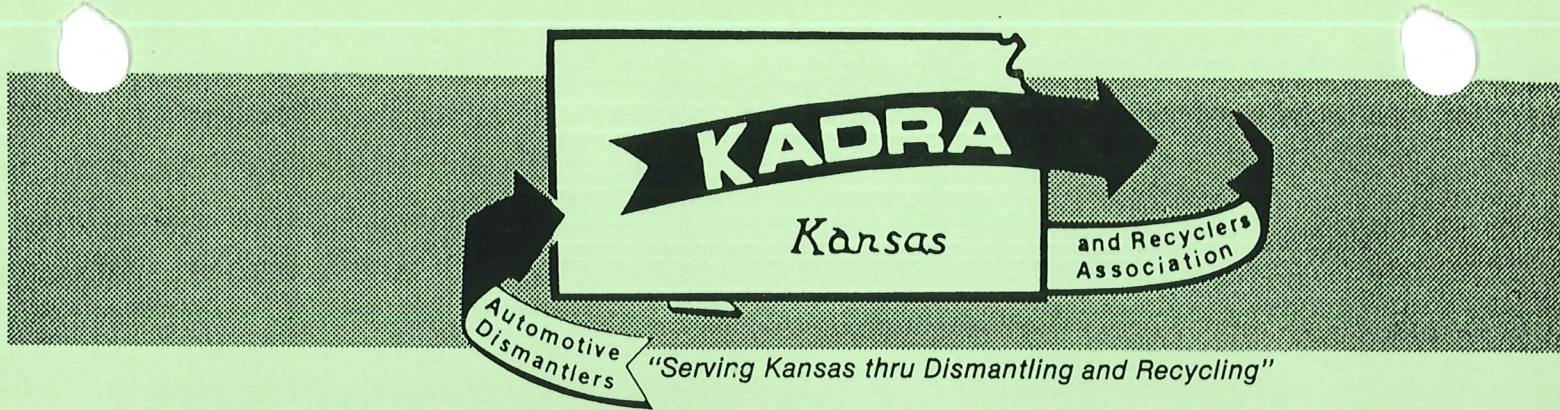
The next bill taken up was SB-109 creating the Vehicle Identification Number Fee Fund.

A motion was made by Representative Justice that SB-109 be recommended favorable for passage. The motion was seconded by Representative Sutter. Motion passed.

The meeting was adjourned at 3:10 p.m.

  
Rex Crowell, Chairman





HOUSE TRANSPORTATION COMMITTEE

March 24, 1987

SENATE BILL NO. 311

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE:

I am Steven R. Wiechman, representing the Kansas Automotive Dismantlers and Recyclers Association. K.A.D.R.A. wishes to express our appreciation for allowing us to appear in support of SB 311.

As a matter of background, salvage vehicle dealers are subject to licensing requirements by the Department of Revenue and the Department of Transportation. The Department of Revenue issues what is commonly known as the salvage vehicle dealer license. This license entitles the holder to operate a salvage vehicle business, buying used or new vehicles and dismantling them for the purpose of selling the parts and converting the remaining portion to scrap metal. In addition to this requirement, a salvage dealer must also obtain what is presently referred to as a license from the Department of Transportation. Presently, the license is called a "Salvage Storage License." To obtain this license a person need only to indicate to the Department of Transportation that he is

Attach. 1

storing ten (10) or more vehicles or is participating in any one of a laundry list of activities found in K.S.A. 68-2201; this includes dealing in rags, rubber, ferrous and nonferrous metals, as well as, other items. In addition, a person who operates a tow truck service and will store vehicles for a period of time is required to have this license. The Department of Transportation administers the "Junkyard and Salvage Control Act" which came about as a result of what has been sometimes affectionately referred to as the "Lady Bird Johnson Beautification Act." The Federal government used certain incentives and restrictions for state government compliance.

Presently, the Department of Transportation may issue a Salvage Storage License without approval of local governments because some local governments either do not have requirements or do not issue their zoning approval in a timely fashion. When this occurs, the DOT issues the salvage control license and then cancels it should they receive an objection from local authority.

The problem which we are attempting to address arises from a situation which follows this scenario: A tow truck operator determines that he wishes to start a towing service, storing disabled vehicles until they can be claimed by an owner. The city or county government issues a zoning approval upon the representation by the owner of the tow truck service of his business activity. With this local zoning approval, he applies to the Department of Transportation for a salvage storage license which the Department of Transportation issues if he is in compliance with

certain screening requirements or has on file a plan for coming into compliance with the DOT requirements. After he receives the salvage storage license, he then decides that since he is storing certain disabled vehicles which have not been claimed or for which he receives title in return for the tow bill, that it would be convenient and profitable for him to commence doing business as a salvage yard. He may, or may not, apply to the Division of Vehicles for a salvage dealer license for which he shows the prior zoning approval for the storage of disabled vehicles. The Division of Vehicles then issues the dealer license and he proceeds with doing business as a salvage dealer, contrary to the local laws and ordinances. Now local government is faced with legal proceedings to attempt to eliminate the salvage yard operation as a nuisance but faces the problem of overburdened and inexperienced county or district attorneys, as well as, courts who have difficulty distinguishing the implication of the licenses issued by two difference state agencies.

As you can see, what starts as a simple licensing and compliance requirement escalates into litigation and sometimes major battles for local government, as well as, causing a blackeye and anger by salvage dealers who have met all of the requirements for both state and local government.

To address this situation, we requested, as shown in SB 311, that the word "license" be changed to "certificate of compliance." These words were suggested by the Department of Transportation and we believe more accurately reflect the nature of the requirement of the Junkyard and Salvage Control Act. We believe that this will contribute to the ease, understanding and distinction between the

requirements of the Department of Transportation and the Department of Revenue.

In addition, the substantive change in the law is reflected on Line 36. This substantive change creates an orderly process and a sequential procedure for obtaining licenses from both the state departments. Line 36 provides that a certificate of compliance cannot be issued by the Secretary of Transportation until an approval has been received by a city or county governing body.

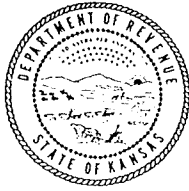
By requiring a certification of zoning approval before the initial issuance of a certificate of compliance with the Junkyard and Salvage Control Act, local governments can avoid being faced with stopping an improperly zoned activity; and it will cause one loop hole in the requirements to be at least reduced and hopefully eliminated. This is not the entire solution. Education of local government will also be required.

K.A.D.R.A. urges the Committee's recommendation for favorable passage of SB 311. If you have any questions, I will be happy to try to address them.

Respectfully submitted,

STEVEN R. WIECHMAN  
Legislative Counsel for  
Kansas Automotive Dismantlers and  
Recyclers Association





KANSAS DEPARTMENT OF REVENUE  
*Office of the Secretary*  
State Office Building · Topeka, Kansas 66612-1588

MEMORANDUM

To: Representative Rex Crowell  
Chairperson, House Committee on Transportation

From: Harley T. Duncan  
Secretary of Revenue

Date: March 26, 1987

Re: Testimony - House Bill 2572

House Bill 2572 is requested by the Department of Revenue in response to a "Safety Recommendation" of the National Transportation Safety Board.

Kansas law currently requires that a non-resident commercial driver, employed by a Kansas company, procure a Kansas license. The National Safety Board requests that Kansas

"Take the actions necessary to abolish the requirement in your State that a non-resident driver who is employed by a resident of the State obtain a driver license issued by the State."

The National Transportation Safety Board is seeking, through this proposal, to eliminate the concern that commercial drivers hold drivers licenses from more than one state. The ability to secure several licenses makes it difficult to review the driver's complete driving history by any single state.

In the interests of safety, regulation and uniformity it is desirable that each driver should be able to hold only one license at a time, and the license should be issued by the drivers state of residence. Multiple licenses enable a driver to spread traffic convictions among two or more states.

Requiring non-resident drivers employed in Kansas to have a Kansas license is in direct contradiction to the one license principle. Therefore the Department of Revenue encourages the passage of House Bill 2572.

# HOUSE BILL No. 2465

By Committee on Transportation

2-23

0017 AN ACT concerning port authorities; relating to certain powers  
 0018 and duties thereof; amending K.S.A. 12-3401, 12-3402, 12-  
 0019 3403, ~~12-3406, 12-3409, 12-3412, 12-3413, 12-3414, 12-3415,~~  
 0020 12-3416, 12-3418 and 12-3420 and repealing the existing sec-  
 0021 tions; also repealing K.S.A. 12-3410, 12-3415a and 12-3415b.

12-3405,

12-3407,

0022 *Be it enacted by the Legislature of the State of Kansas:*

0023 Section 1. K.S.A. 12-3401 is hereby amended to read as fol-  
 0024 lows: 12-3401. As used in K.S.A. 12-3402 to 12-3433, inclusive:  
 0025 (a) "Port authority" means a port authority or joint port au-  
 0026 thority created pursuant to K.S.A. 12-3402, and amendments  
 0027 thereto.

0028 (b) "Submerged lands" means the lands presently underly-  
 0029 ing the navigable streams of the state of Kansas and the lands  
 0030 underlying the waters of lakes, harbors, and navigation channels  
 0031 which have already been or which shall be created by the  
 0032 impoundment of the waters and the creation of commercial  
 0033 navigation facilities in the navigable streams.

0034 (c) "Uplands" means lands contiguous to or fronting upon  
 0035 any submerged lands in this state.

0036 (d) "Publication" means publication once a week on the  
 0037 same day of the week for three consecutive weeks in a newspa-  
 0038 per of general circulation in the county or counties wherein such  
 0039 publication is required to be made. Publication shall be com-  
 0040 plete on the date of the last publication.

0041 (e) "Created," as related to port authorities, ~~shall mean~~  
 0042 means the activation of such authorities by ordinance or resolu-  
 0043 tion as provided herein.

0044 (f) "Port" means water-port facility, airport facility, terminal  
 0045 facility, land transportation facility, railroad facility or indus-

Attach. 3

11

0046 trial-use facility.

0047 (g) "Industrial-use facility" means any agricultural, commer-  
0048 cial, industrial or manufacturing facility, including the site  
0049 therefor, which is a part of or contiguous to another port facility  
0050 or which a port authority determines will further the purposes of  
0051 this act and will promote the general welfare and economic  
0052 development of the area of its jurisdiction.

0053 An agricultural, commercial, industrial or manufacturing facil-  
0054 ity need not be part of or contiguous to another port facility if the  
0055 governing body of the city or county creating a port authority also  
0056 determines that such facility will further the purposes of this act  
0057 and promote the general welfare and economic development of  
0058 such city or county. If the port authority was created by two or  
0059 more cities or counties, such determination also shall be made by  
0060 the governing body of the city or county in which such facility is  
0061 located. In determining whether agricultural, commercial, in-  
0062 dustrial or manufacturing facilities, not part of or adjacent to  
0063 another port facility, will further the purposes of this act and  
0064 promote the general welfare and economic development of cities  
0065 and counties, such port authorities and governing bodies shall  
0066 consider:

0067 (1) The desirability and economic feasibility of the proposed  
0068 facility;

0069 (2) the technical and economic capability of the port author-  
0070 ity or private interests to operate the proposed facility;

0071 (3) the potential economic impact of the proposed facility on  
0072 the city or county in which the facility will be located;

0073 (4) the impact such facility will have on the development of  
0074 interstate and intrastate traffic which will make use of ports  
0075 within the state;

0076 (5) the impact such facility may have on the growth of new  
0077 ports within the state; and

0078 (6) the impact such facility may have on any existent com-  
0079 prehensive land-use plan covering the proposed location of the  
0080 facility.

0081 ~~Any such city or county and any port authority may find that an~~  
0082 ~~industrial use facility, the proceedings for which commenced~~

3 prior to April 1, 1981, will further the purpose of this act and  
0085 promote the general welfare and economic development of such  
0086 city or county based solely on the proposed cost of such facility  
0087 when such cost exceeds \$100,000,000.

0087 Sec. 2. K.S.A. 12-3402 is hereby amended to read as follows:  
0088 12-3402. (a) It is the purpose of this act to promote, stimulate and  
0089 develop the general welfare, economic development and pros-  
0090 perity of the state of Kansas by fostering the growth of intrastate  
0091 and interstate commerce within the state; to promote the ad-  
0092 vancement and retention of ports within the state; to encourage  
0093 and assist in the location of new business and industry in this  
0094 state and the expansion, relocation or retention of existing busi-  
0095 ness and industry when so doing will help maintain existing  
0096 levels of commerce within the state or increase the movement of  
0097 commodities, goods and products produced, manufactured or  
0098 grown within or without the state through existing ports within  
0099 the state or lead to the development of new ports within the  
0100 state; and to promote the economic stability of the state by  
0101 maintaining and providing employment opportunities, thus pro-  
0102 moting the general welfare of the citizens of this state, by  
0103 authorizing port authorities to be established in each city and in  
0104 each county of the state. A port authority shall be a public body  
0105 corporate and politic which if established shall be known as the  
0106 "port authority" of the city or of the county. Joint port authorities  
0107 may be created under authority of this act by cooperative agree-  
0108 ment executed by the governing bodies of any city or county or  
0109 cities or counties. Such joint authorities formed by such cooper-  
0110 ative agreement shall have all the powers and jurisdiction enu-  
0111 merated in this act. Such creation shall be by ordinance or  
0112 resolution and except for port authorities created prior to April 1,  
0113 1981, none shall be created without approval of the legislature  
0114 by concurrent resolution. The authority shall not transact any  
0115 business or exercise powers hereunder until the passage of a  
0116 concurrent resolution by the legislature as hereinbefore pro-  
0117 vided. No member of the authority shall serve as such who owns  
0118 land, other than a residence, or represents in a fiduciary capacity  
0119 or as agent any person who owns land surveyed or examined for

0120 port locations, *except that this prohibition shall not prevent a*  
 0121 *user of a port facility from serving as a member of the authority.*  
 0122 A port authority created hereunder may sue and be sued, plead  
 0123 and be impleaded, ~~and shall have the powers and jurisdiction~~  
 0124 ~~enumerated in K.S.A. 12-3401 to 12-3433, inclusive, and amend-~~  
 0125 ~~ments thereto.~~ The exercise by such port authority of the powers  
 0126 conferred upon it shall be deemed to be essential governmental  
 0127 functions of the creating city or county; ~~but no port authority~~  
 0128 ~~shall be immune from liability by reason thereof.~~

subject to the limitations and other provisions of the Kansas tort claims act

0129 (b) Any city or county creating or participating in the creation  
 0130 of a port authority in accordance with this act shall before any  
 0131 taxes are levied submit the question of whether an annual tax  
 0132 levy may be made on the assessed taxable tangible property of  
 0133 such city, county, or a combination thereof, and the amount  
 0134 thereof to the electors of such city or county ~~creating~~ such  
 0135 authority. If a majority of those voting on the question vote in  
 0136 favor of such tax levy, the same may be made for such purpose  
 0137 and to pay a portion of the principal and interest on bonds issued  
 0138 under the authority of K.S.A. 12-1774, and amendments thereto,  
 0139 by cities located in the county, and otherwise such tax levy shall  
 0140 not be made. If such tax levy is so approved, the authority may  
 0141 expend funds not otherwise appropriated to defray the expense  
 0142 of surveys and examinations incidental to the purposes of the  
 0143 port authority so created and may expend funds for any of the  
 0144 purposes as set forth in K.S.A. 12-3406, and amendments thereto.

comprising

0145 (c) Subject to making due provisions for payment and per-  
 0146 formance of its obligations, a port authority may be dissolved by  
 0147 the city or county, or combination thereof, ~~creating~~ it, and in such  
 0148 event the properties of ~~the port authority shall be transferred to~~  
 0149 ~~the subdivision creating~~ it, or, if ~~created~~ by more than one city or  
 0150 county, to the city or county ~~creating~~ it in such manner as may be  
 0151 agreed upon by them. Obligations of the authority shall not be  
 0152 obligations of the state of Kansas, nor of any city or county which  
 0153 creates the authority, unless the obligations are specifically ac-  
 0154 cepted by a majority vote of the electors of such city or county  
 0155 voting on the issue. Notice of such election shall be published in  
 0156 a newspaper of general circulation in the county or counties once

comprising  
 comprised  
 comprising

0157 each week for two consecutive weeks, the first publication to be  
not less than 21 days prior to such election. Such notice shall set  
forth the time and place of holding the election and the issue  
0160 which the vote is to determine.

0161 Sec. 3. K.S.A. 12-3403 is hereby amended to read as follows:  
0162 12-3403. (a) A port authority created in accordance with this act  
0163 shall be governed by a board of directors. Members of a board of  
0164 directors of a port authority created by the exclusive action of a  
0165 city shall consist of the number of members, not less than five (5),  
0166 it deems necessary and be appointed by the governing body.  
0167 Members of a board of directors of a port authority created by the  
0168 exclusive action of a county shall consist of such members as it  
0169 deems necessary and be appointed by the county commissioners  
0170 of such county. Members of a board of directors of a port author-  
0171 ity created by a combination of cities and counties shall be  
0172 divided among such political subdivisions in such proportions as  
0173 such political subdivisions may agree and appointed in the same  
0174 manner as this section provides for their appointment when such  
0175 political subdivision creates its own port authority. When a port  
0176 authority is created by a combination of political subdivisions,  
0177 the number of directors composing the board shall be deter-  
0178 mined by agreement between such political subdivisions. The  
0179 appointing body may at any time remove a director appointed by  
0180 it for misfeasance, nonfeasance, or malfeasance in office.

0181 (b) The directors of any port authority first appointed shall  
0182 serve staggered terms. Thereafter each successor shall serve for a  
0183 term of four (4) years, except that any person appointed to fill a  
0184 vacancy shall be appointed to only the unexpired term and any  
0185 director shall be eligible for reappointment, and no director shall  
0186 be removed except for cause, and if removed shall have the right  
0187 of appeal to the district court of the county from which the  
0188 director was appointed.

0189 (c) The directors shall elect one of their membership as  
0190 ~~chairman and another as vice-chairman~~ *chairperson and another*  
0191 *as vice-chairperson*, and shall designate their terms of office, and  
0192 shall ~~appoint a secretary who need not be a director~~ *create and*  
0193 *appoint such other positions and officers as the directors deem*

0194 appropriate and provided for in their rules and regulations. A  
0195 majority of the board of directors shall constitute a quorum, the  
0196 affirmative vote of which shall be necessary for any action taken  
0197 by the port authority.

0198 (d) Each member of the board of directors of a port authority  
0199 shall be entitled to receive from the port authority reimburse-  
0200 ment for necessary and actual expenses incurred in the perform-  
0201 ance of his or her such director's duties.

0202 Sec. 4. K.S.A. 12-3406 is hereby amended to read as follows:  
0203 12-3406. A port authority established by K.S.A. 12-3402, and  
0204 amendments thereto, shall have full power and authority to:

0205 (a) Purchase, acquire, construct, reconstruct, improve, equip,  
0206 furnish, maintain, repair, enlarge, remodel, own, sell, lease, and  
0207 operate docks, wharves, warehouses, piers, and other water-port  
0208 facilities, airport facilities, terminal facilities, land transportation  
0209 facilities, railroad facilities or industrial-use facilities within the  
0210 area of its jurisdiction, as defined by K.S.A. 12-3405, and  
0211 amendments thereto, consistent with the purpose of the port  
0212 authority, which purpose is hereby declared to be for a public  
0213 purpose;

0214 (b) (1) borrow money from either private financial institu-  
0215 tions or any agency of the state of Kansas or of the United States  
0216 of America, and to issue therefor such notes or other evidence of  
0217 indebtedness as may be required and to mortgage, pledge, or  
0218 otherwise encumber the assets of the authority as security  
0219 therefor, and (2) issue bonds as provided in K.S.A. 12-3415, and  
0220 amendments thereto;

0221 (c) apply for, receive, and participate in any grants from the  
0222 state of Kansas or from the United States of America;

0223 (d) construct, straighten, deepen, and improve any canal,  
0224 channel, river, stream, or other watercourse or way which may be  
0225 necessary or proper in the development of the facilities of such  
0226 port;

0227 (e) purchase, acquire, own, maintain, furnish, improve, re-  
0228 pair, enlarge, remodel, construct, reconstruct, equip, hold, sell,  
0229 lease, or operate real or personal property for the authorized  
0230 purposes of the port authority, which exercise of such authority is

5.  
Sec. 4. K.S.A. 12-3405 is hereby amended to read as follows:  
12-3405. The area of jurisdiction of a port authority created in accordance with K.S.A. 12-3402, and amendments thereto, shall include all of the territory of the city or county, or combination thereof, creating it, together with any other property outside thereof conveyed to it, or over which it exercises control pursuant to subsection (a) of K.S.A. 12-3406, and amendments thereto, or pursuant to the right of eminent domain set forth in subsection (g) of K.S.A. 12-3406, and amendments thereto, except that in no case shall the same area be included in more than one port authority, but the jurisdiction of the port authority first attaching shall be exclusive unless the first attaching shall cede or convey to another. comprising

0231 hereby declared to be for a public purpose;

(f) apply to the proper authorities of the United States government for a grant within the limits of the port authority either individually or in conjunction with a corporate instrumentality of this state and one or more states, or a bi-state compact or a not-for-profit corporation authorized to do business in this state and to establish, operate and maintain foreign trade zones pursuant to the foreign trade-zone act, 19 U.S.C.A. 81a to 81u, inclusive, as amended;

(g) exercise the right of eminent domain, if approved by a  $\frac{2}{3}$  vote of the governing body of the port authority, to appropriate any land, rights, rights-of-way, franchises, easements, or other property, necessary or proper for the construction or the efficient operation of any facility of the port authority and included in an official plan, pursuant to the procedure provided by law, if funds equal to the appraised value of the property to be acquired as the result of such proceedings shall be on hand and available for such purposes. The port authority shall not exercise the right of eminent domain without first having received approval, by resolution, of the governing body of the city or county which created such port authority. If the port authority was created by two or more cities or counties, the port authority shall not exercise the right of eminent domain without first having received approval, by resolution, of the governing body of the city or county in which such property is located. If such property is located outside the boundaries of the port authority, such port authority shall not exercise the right of eminent domain without first having received approval, by resolution, of the governing body of the city if such property is located within the corporate limits of a city or from the board of county commissioners if such property is located within the unincorporated area of a county. A port authority shall not have the right of eminent domain to acquire a site for an industrial-use facility.

Nothing contained in K.S.A. 12-3401 to 12-3433, inclusive, and amendments thereto, shall authorize a port authority to take or disturb property or facilities belonging to any public corporation, public utility, or common carrier, which property or facilities are



0268 necessary and convenient in the operation of such public corpo-  
0269 ration, public utility, or common carrier, unless provision is  
0271 made for the restoration, relocating, or duplication of such prop-  
0272 erty or facilities, or upon the election of such public corporation,  
0273 public utility, or common carrier for the payment of compensa-  
0274 tion, if any, at the sole cost of the port authority.

0274 If any restoration or duplication proposed to be made hereun-  
0275 der shall involve a relocation of such property or facilities, the  
0276 new facilities and location shall be of at least comparable utili-  
0277 tarian value and effectiveness and such relocation shall not  
0278 impair the ability of the public utility or common carrier to  
0279 compete in its original area of operation.

0280 If any restoration or duplication made hereunder shall involve  
0281 a relocation of such property or facilities, the port authority shall  
0282 acquire no interest or right in or to the appropriated property or  
0283 facilities, except as provided in subsection (c) of K.S.A. 12-3406,  
0284 and amendments thereto, until the relocated property or facili-  
0285 ties are available for use and until marketable title thereto has  
0286 been transferred to the public utility or common carrier.

0287 Provisions for restoration, relocation, or duplication shall be  
0288 described in detail in the plan specified in K.S.A. 12-3407, and  
0289 amendments thereto;

0290 (h) maintain such funds as it deems necessary;

0291 (i) direct its agents or employees, when properly identified  
0292 in writing, and after at least five days' written notice, to enter  
0293 upon lands within the confines of its jurisdiction in order to make  
0294 surveys and examinations preliminary to location and construc-  
0295 tion of works for the purposes of the port authority, without  
0296 liability of the port authority or its agents or employees except for  
0297 actual damage done;

0298 (j) sell or, lease or convey real and personal property not  
0299 needed for the operation of the port authority and grant ease-  
0300 ments of rights-of-way over property of the port authority; and

0301 (k) promote, advertise, and publicize the port and its facili-  
0302 ties; provide traffic information and rate information to shippers  
0303 and shipping interests.

Sec. 5. K.S.A. 12-3409 is hereby amended to read as follows:

Sec. 6. K.S.A. 12-3407 is hereby amended to read as follows: 12-3407. The board of directors of a port authority shall prepare or cause to be prepared plans for the future development, construction, improvement and utilization of ports within its area of jurisdiction and its facilities, including such maps, profiles, and other data and descriptions as may be necessary to set forth the location and character of the work to be undertaken by the port authority. Upon the completion of any such plan the board of directors shall cause notice by publication as provided in K.S.A. 12-3401, and amendments thereto, to be given in each county in which there is a political subdivision participating in ~~the creation of~~ the port authority and in which any proposed facility is to be located, and shall likewise cause notice to be served upon the owners of the uplands contiguous to any submerged lands affected by any such plan in the manner provided by law for service of notice in the levy of special assessments by cities or counties, and shall permit the inspection thereof at their office by all persons interested. The notice shall fix the time and place for the hearing of all objections to the plan, which shall be not less than 30 nor more than 60 days after the last publication of such notice and after service of notice upon the owners of such uplands. Any interested person may file written objections to such plan, provided such objections are filed with the secretary of the board of directors at the office of the secretary not less than five days prior to the date fixed for the hearing. Objections to the plan by 20% or more of the persons owning real property contiguous to the real property contained in the proposed plan shall require the affirmative vote of at least 3/4 of all of the members of the board of directors for the adoption of the plan with any modifications or amendments thereto as an official plan of the port authority.

0305 12-3409. (a) A plan and any modification, amendment or exten-  
 0306 sion thereof, when adopted by the board of directors after notice  
 0307 and hearing as provided in K.S.A. 12-3407 or 12-3408, and  
 0308 amendments thereto, shall be final and conclusive and its valid-  
 0309 ity shall be conclusively presumed.

0310 (b) Notwithstanding subsection (a) of this section, a plan or  
 0311 any modification, amendment or extension thereof relating to an  
 0312 industrial-use facility with respect to which the notice required  
 0313 under K.S.A. 12-3407 or 12-3408, in effect prior to the effective  
 0314 date of this act, was given prior to April 1, 1981, shall be final and  
 0315 conclusive and the validity of such plan or any modification,  
 0316 amendment or extension thereof shall be conclusively presumed  
 0317 if it is adopted by the board of directors following a hearing for  
 0318 which notice is given, after the effective date of this act and at  
 0319 least five days prior to the hearing, by publication once in a  
 0320 newspaper of general circulation in the county or counties  
 0321 wherein such publication is required under K.S.A. 12-3407, and  
 0322 amendments thereto. Written objections to such plan or modifi-  
 0323 cation, amendment or extension thereof must be filed with the  
 0324 secretary of the board of directors at the office of the secretary at  
 0325 least one day prior to the day of the hearing.

0326 Sec. 6. K.S.A. 12-3412 is hereby amended to read as follows:

8.

0327 12-3412. Except where the facility is determined to be an indus-  
 0328 trial-use facility or a railroad facility, (a) No contract for the  
 0329 construction, alteration, or repair of any building, structure, or  
 0330 other improvement undertaken by a port authority created in  
 0331 accordance with K.S.A. 12-3402, and amendments thereto, and  
 0332 involving an expenditure exceeding \$10,000 shall be awarded  
 0333 and no sale of land or property shall be made by the port  
 0334 authority unless a notice calling for bids shall have been given  
 0335 by publication in the Kansas register at least 30 days prior to the  
 0336 opening of such bids. No contract requiring public bids shall be  
 0337 awarded except to the lowest responsible bidder and no sale  
 0338 requiring public bids shall be made except to the highest re-  
 0339 sponsible bidder. In the case of any such sale of land by the port  
 0340 authority, specifications for the bids for the sale shall be in a form  
 0341 determined by the port authority, except when bids are received

0342 from one or more disadvantaged business enterprises and any  
0343 applicable funding guidelines require, such contracts may be  
0344 negotiated to assure disadvantaged business participation in  
0345 the project. Every contract awarded which requires public bids  
0346 shall be in writing and signed by the chairperson of the port  
0347 authority and by the contractor and, if the contract involves work  
0348 or construction, it shall be accompanied by or shall refer to plans  
0349 and specifications for the work to be done, prepared for and  
0350 approved by the port authority; except that the requirement for  
0351 public bids shall not apply to the sale of land or property,  
0352 including options to purchase, to a city, county, agency or cor-  
0353 poration having the power of eminent domain.

0354 (b) In exercising the port authority's power to sell real or  
0355 personal property, the port authority may seek public bids upon  
0356 specifications approved by the port authority or the port au-  
0357 thority may negotiate the sale of any real or personal property  
0358 upon such terms as the port authority deems to be in the public  
0359 interest.

0360 Sec. 7. K.S.A. 12-3413 is hereby amended to read as follows:  
0361 12-3413. (a) The board of directors of a port authority created in  
0362 accordance with K.S.A. 12-3402, and amendments thereto, shall  
0363 annually prepare a budget for the port authority.

0364 (b) ~~Except for payments in lieu of taxes as defined in K.S.A.~~  
0365 ~~12-3415a,~~ Rents, charges and administrative fees received by the  
0366 port authority shall be used for the general expenses of the port  
0367 authority and to pay interest, amortization, taxes and retirement  
0368 charges on money borrowed and reserves therefor. If there  
0369 remains, at the end of any calendar year, any surplus of such  
0370 funds after providing for the above uses and reserves therefor,  
0371 the board of directors may pay such surplus into the general  
0372 funds of the political subdivisions creating and comprising the  
0373 port authority in proportion to their taxable tangible property  
0374 valuation as adjusted by the assessment ratio of the state.

0375 Sec. 8. K.S.A. 12-3414 is hereby amended to read as follows:  
0376 12-3414. Before receiving any moneys, the ~~secretary~~ treasurer  
0377 and deputy treasurer of a port authority created in accordance  
0378 with K.S.A. 12-3402, and amendments thereto, shall furnish

, except that a negotiated sale of any real or personal property shall be subject to the following:

- (1) the current leasee of such property shall have the first right to purchase such property;
- (2) such property shall be appraised prior to such sale of property; and
- (3) such sale of property shall be based upon the appraisal in paragraph (2)

9.

10.

0379 bond in such amount as shall be determined by the port author-  
 0380 ity, with sureties satisfactory to it, and all funds coming into the  
 0381 hands of ~~said secretary~~ *such treasurer or deputy treasurer* shall  
 0382 be deposited by the ~~secretary~~ *treasurer or deputy treasurer* to  
 0383 the account of the port authority in one or more such depositories  
 0384 as shall be qualified to receive deposits of county funds, which  
 0385 deposits shall be secured in the same manner as county funds are  
 0386 required to be secured. No disbursements shall be made from  
 0387 such funds except in accordance with rules and regulations  
 0388 adopted by the port authority.

11.

0389 Sec. ~~9~~ <sup>✓</sup> K.S.A. 12-3415 is hereby amended to read as follows:

0390 12-3415. (a) For the purpose of paying all or any part of the cost of  
 0391 purchasing or acquiring land or interests therein, and the cost of  
 0392 purchasing, acquiring, constructing, equipping, reconstructing,  
 0393 improving, repairing, enlarging, remodeling and furnishing  
 0394 buildings, structures, plants, docks, wharves, warehouses, piers,  
 0395 sidings and other water-port facilities, airport facilities, terminal  
 0396 facilities, land transportation facilities, railroad facilities or in-  
 0397 dustrial-use facilities or any part thereof; including additions,  
 0398 improvements, relocations, renovations, extensions and modifi-  
 0399 cations thereof (all of which as are included in a single project  
 0400 are hereafter referred to in this act as "facility or facilities"), a  
 0401 port authority created pursuant to this act, is authorized to  
 0402 borrow money upon credit of the income and revenues to be  
 0403 derived from the operation of such facilities, together with any  
 0404 other available income and revenues from other revenue pro-  
 0405 ducing facilities of such port authority, and to issue negotiable  
 0406 bonds of such port authority in such amount as the board of  
 0407 directors of the port authority shall deem necessary for the  
 0408 purpose; and to provide for payment of such bonds and rights of  
 0409 holders thereof as herein provided.

0410 (b) The port authority shall not issue bonds without first  
 0411 having received approval, by resolution, of the governing body  
 0412 of the ~~city or county cities or counties~~ which ~~created~~ <sup>✓</sup> such port  
 0413 authority. ~~If the port authority was created by two or more cities~~  
 0414 ~~or counties, the port authority shall not issue such bonds without~~  
 0415 ~~first having received approval, by resolution, of the governing~~

comprise

0416 body of the city or county in which such facility is to be located.  
 0417 Such resolution shall be published once in the official newspa-  
 0418 per of the approving city or county.

12.

0419 Sec. ~~10~~ / K.S.A. 12-3416 is hereby amended to read as fol-  
 0420 lows: 12-3416. Bonds and other obligations authorized by this act  
 0421 shall be executed by the chairperson and secretary of the port  
 0422 authority, and shall be sealed with the official seal of the port  
 0423 authority. Such bonds and other obligations may be issued in one  
 0424 or more series, may bear such date or dates, may mature at such  
 0425 time or times not exceeding 40 years from their date, may be in  
 0426 such denominations and in such form, either coupon or regis-  
 0427 tered, may carry such registration and conversion privileges, may  
 0428 be executed in such manner, may be payable in such medium of  
 0429 payment at such place or places, may be subject to such terms of  
 0430 redemption with or without premium, and may bear such rate of  
 0431 interest, and may contain such other terms and conditions not  
 0432 inconsistent with this act, as may be provided by official resolu-  
 0433 tion of the board of directors of such port authority, notwith-  
 0434 standing the provisions of any other statute affecting the issuance  
 0435 of municipal bonds.

0436 Such bonds may be sold in such manner and at such price or  
 0437 prices, not less than par plus accrued interest to date of delivery,  
 0438 as provided in K.S.A. 12-3428, and amendments thereto. Bonds  
 0439 issued under this act are declared to be negotiable instruments.

13.

0440 Sec. ~~11~~ / K.S.A. 12-3418 is hereby amended to read as fol-  
 0441 lows: 12-3418. The exercise of the powers granted by this act will  
 0442 be in all respects for the benefit of the people of the state, for the  
 0443 increase of their commerce and prosperity, and for the improve-  
 0444 ment of their health and living conditions, and the activities and  
 0445 operations of a port authority will constitute the performance of  
 0446 essential governmental functions. No port authority shall be  
 0447 required to pay any taxes or assessments upon any property  
 0448 acquired and used by it or leased to another under the provisions  
 0449 of this act or upon the income therefrom, and any bonds issued  
 0450 under the provisions of this act, their transfer and the income  
 0451 therefrom (including any profit made on the sale thereof) shall at  
 0452 all times be free from taxation within the state except that

0453 property acquired by a port authority shall be exempt from ad  
0454 valorem property tax only until the calendar year in which the  
0455 same is rented, leased, subleased or developed and returns  
0456 revenue to such authority in excess of the amount necessary to  
0457 retire the obligations of the port authority and pay administrative  
0458 costs of the port authority, and in such year such property shall  
0459 be placed upon the tax rolls and thereafter ad valorem property  
0460 taxes shall be paid thereon as is provided by law. The provisions  
0461 of this subsection shall not apply to Kansas retailers' sales tax, ad  
0462 valorem property tax on industrial-use facilities, state inheri-  
0463 tance tax or any intangible tax.

0464 Property acquired by a port authority from proceeds of port  
0465 authority revenue bonds issued for the purpose of purchasing,  
0466 acquiring, constructing, reconstructing, improving, equipping,  
0467 furnishing, repairing, enlarging or remodeling industrial-use fa-  
0468 cilities shall be exempt from ad valorem property taxation only  
0469 for a period of 10 calendar years after the calendar year in which  
0470 such bonds were issued, except that property acquired by a port  
0471 authority from proceeds of port authority revenue bonds issued  
0472 for the purpose of purchasing, acquiring, constructing, recon-  
0473 structing, improving, equipping, furnishing, repairing, enlarging  
0474 or remodeling industrial-use facilities pursuant to a resolution of  
0475 intent to issue such bonds as originally passed prior to April 1,  
0476 1981, whether or not such resolution of intent is later ratified,  
0477 modified or amended, shall be exempt from ad valorem property  
0478 taxes only for a period of 10 calendar years after the calendar year  
0479 in which the bonds were issued. Nothing shall be construed to  
0480 permit an ad valorem property tax exemption for any property  
0481 purchased with proceeds of refunding bonds when such prop-  
0482 erty has been previously granted an ad valorem property tax  
0483 exemption.

0484 All sales of: (1) Tangible personal property and services pur-  
0485 chased directly by any port authority for use exclusively by such  
0486 authority; (2) tangible personal property or services purchased  
0487 by a port authority for constructing, maintaining, equipping,  
0488 reconstructing, repairing, enlarging, remodeling or furnishing  
0489 port facilities other than an industrial-use facility; and (3) tangi-

0490 ble personal property or services purchased with funds of a  
 0491 political subdivision by a contractor for constructing, recon-  
 0492 structing, repairing, enlarging or remodeling a port or indus-  
 0493 trial-use facility for any port authority shall be exempt from the  
 0494 Kansas retailers' sales tax imposed by K.S.A. 1982 Supp. 79-3603,  
 0495 and amendments thereto. Sales and use taxes shall be levied on  
 0496 tangible personal property and services acquired by a port au-  
 0497 thority in connection with an industrial-use facility to the same  
 0498 extent as such taxes are levied pursuant to K.S.A. 1982 Supp.  
 0499 79-3603(a) or (h) with respect to projects financed by bonds  
 0500 issued pursuant to K.S.A. 12-1740 et seq., and amendments  
 0501 thereto.

14.

0502 Sec. ~~12~~ K.S.A. 12-3420 is hereby amended to read as fol-  
 0503 lows: 12-3420. The board of directors of a port authority may  
 0504 issue bonds hereunder for the purpose of refunding any bonds or  
 0505 other obligations of the port authority theretofore issued pursu-  
 0506 ant to this act; or it may authorize a single issue of bonds  
 0507 hereunder for the purpose in part of refunding such previous  
 0508 obligations and in part for the purchasing, acquiring, construct-  
 0509 ing, reconstructing, improving, equipping, repairing, enlarging  
 0510 and remodeling facilities of such port authority. The port au-  
 0511 thority shall not issue such refunding bonds without first having  
 0512 received approval, by resolution, of the governing body of the  
 0513 ~~city or county~~ cities or counties which created such port author-  
 0514 ity. If the port authority was created by two or more cities or  
 0515 counties, the port authority shall not issue such refunding bonds  
 0516 without first having received approval, by resolution, of the  
 0517 governing body of the city or county in which such facility is  
 0518 located.

0519 Where bonds are issued under this section solely for refunding  
 0520 purposes, such bonds either may be sold as provided in K.S.A.  
 0521 12-3428, and amendments thereto, or may be exchanged for  
 0522 outstanding obligations. If sold, the proceeds either may be  
 0523 applied to payment of obligations refunded or may be deposited  
 0524 in escrow for the retirement thereof. All refunding bonds issued  
 0525 under this section shall in all respects be authorized, issued and  
 0526 secured in the manner provided for other bonds issued under

0527 this act and shall have all attributes of such bonds. Except as  
 0528 otherwise provided in this section, all refunding bonds issued  
 0529 hereunder shall be issued in the manner prescribed by and  
 0530 subject to the provisions of K.S.A. 10-116a, and amendments  
 0531 thereto. The board of directors may provide that any such re-  
 0532 funding bonds shall have the same priority of lien on the reve-  
 0533 nues pledged for their payment as was provided for obligations  
 0534 refunded thereby.

15.

0535 Sec. ~~13~~ K.S.A. 12-3401, 12-3402, 12-3403, 12-3406, 12-3409,  
 0536 12-3410, 12-3412, 12-3413, 12-3414, 12-3415, 12-3415a, 12-  
 0537 3415b, 12-3416, 12-3418 and 12-3420 are hereby repealed.

12-3404,

12-3407,

16.

0538 Sec. ~~14~~ This act shall take effect and be in force from and  
 0539 after its publication in the statute book.



SENATE BILL No. 192

By Senator Steineger

2-9

0016 AN ACT relating to motor vehicles; concerning sun screening  
0017 devices; amending K.S.A. 1986 Supp. 8-1749a and 8-2118 and  
0018 repealing the existing sections.

0019 *Be it enacted by the Legislature of the State of Kansas:*

0020 New Section 1. For the purpose of K.S.A. 8-1749a, and  
0021 amendments thereto:

0022 (a) "Sun screening devices" means a film material or device  
0023 that is designed to be used in conjunction with motor vehicle  
0024 safety glazing materials for reducing the effects of the sun;

0025 (b) "light transmission" means the ratio of the amount of total  
0026 light to pass through a product or material including any safety  
0027 glazing material to the amount of the total light falling on the  
0028 product or material and the glazing;

0029 (c) "luminous reflectants" means the ratio of the amount of  
0030 total light that is reflected outward by the product or material to  
0031 the amount of the total light falling on the product or material;

0032 (d) "nonreflective" means a product or material designed to  
0033 absorb light rather than to reflect it.

0034 Sec. 2. K.S.A. 1986 Supp. 8-1749a is hereby amended to read  
0035 as follows: 8-1749a. (a) No motor vehicle required to be regis-  
0036 tered in this state and which is operated on the highways of this  
0037 state shall be equipped with one-way glass or any adhesive film  
0038 or other glaze or application on or in the front windshield, side  
0039 wings or side windows on either side forward of or adjacent to  
0040 the operator's seat, which prohibits or substantially impairs the  
0041 ability to see into such motor vehicle from the outside, nor shall  
0042 any new motor vehicle which is sold in this state be so equipped.

0043 (b) No motor vehicle required to be registered in this state  
0044 which is operated on the highways of this state shall be equipped

045

New Sec. 2. Any person who installs a sun screening device on a motor vehicle which is not in compliance with the provisions of section 3, upon conviction, shall be guilty of a class A misdemeanor.

3.

Attach. 4

0048 with one-way glass or any adhesive film or other glaze or appli-  
 0049 cation on or in the rear window, which prohibits or substantially  
 50 impairs the ability to see into such motor vehicle from the  
 0051 outside but does not prohibit the ability to see out from the  
 0052 inside of such motor vehicle, nor shall any new motor vehicle  
 0053 which is sold in this state be so equipped. Nothing in this  
 0054 subsection shall prohibit rear window glass which is tinted or  
 0055 smoked. (a) No motor vehicle required to be registered in this  
 0056 state and which is operated on the highways of this state shall  
 0057 be equipped with one-way glass or any sun screen device, as  
 0058 defined in section 1, and used in conjunction with safety glazing  
 0059 materials that do not meet the following requirements:

0060 (1) A sun screening device when used in conjunction with  
 0061 the windshield shall be nonreflective and shall not be red,  
 0062 yellow or amber in color. A sun screening device shall be used  
 0063 only along the top of the windshield and shall not extend  
 0064 downward beyond the ASI line which is clearly defined and  
 0065 marked; ~~and~~

0066 (2) a sun screening device when used in conjunction with the  
 0067 safety glazing materials of the side wings or side windows  
 0068 located at the immediate right and left of the driver, the side  
 0069 windows behind the driver and the rear most window shall be  
 0070 nonreflective ~~and have light transmission of not less than 35%;~~  
 0071 and           ; and

0072 (3) one right and one left outside rear view mirror shall be  
 0073 provided.

0074 <sup>c)</sup> ~~(b)~~ This section shall not prohibit labels, stickers or other  
 0075 informational signs that are required or permitted by state law.

0076 ~~(c) Except as provided in this section, a sun screening device~~  
 0077 ~~must be in compliance with federal motor vehicle safety stan-~~  
 0078 ~~dard No. 205.]~~

0079 ~~(e)~~ (d) No motor vehicle required to be registered in this state  
 0080 which is operated on the highways of this state shall be equipped  
 0081 with head lamps which are covered with any sun screen device,  
 0082 adhesive film or other glaze or application which, when such  
 0083 lamps are not in operation, is highly reflective or otherwise  
 0084 nontransparent.

(3) the total light transmission shall not be less than 35% when a sun screening device is used in conjunction with safety glazing materials or other existing sun screening devices.  
 (b) The superintendent of the highway patrol may adopt such rules and regulations necessary to carry out the provisions of subsection (a).

0085 ~~(d)~~(e) Any person convicted of violating the provisions of this section shall be guilty of a misdemeanor.

0090 Sec. ~~[3.]~~ K.S.A. 1986 Supp. 8-2118 is hereby amended to read  
0091 as follows: 8-2118. (a) A person charged with a traffic infraction  
0092 shall, except as provided in subsection (b), appear at the place  
0093 and time specified in the notice to appear. If the person enters an  
0094 appearance, waives right to trial, pleads guilty or no contest, the  
0095 fine shall be no greater than that specified in the uniform fine  
0096 schedule in subsection (c) and court costs shall be taxed as  
0097 provided by law.

0098 (b) Prior to the time specified in the notice to appear, a  
0099 person charged with a traffic infraction may enter a written  
0100 appearance, waive right to trial, plead guilty or no contest and  
0101 pay the fine for the violation as specified in the uniform fine  
0102 schedule in subsection (c) and court costs provided by law.  
0103 Payment may be made by mail or in person and may be by  
0104 personal check. The traffic citation shall not have been complied  
0105 with if a check is not honored for any reason, or if the fine and  
0106 court costs are not paid in full. When a person charged with a  
0107 traffic infraction makes payment without executing a written  
0108 waiver of right to trial and plea of guilty or no contest, the  
0109 payment shall be deemed such an appearance, waiver of right to  
0110 trial and plea of no contest.

0111 (c) The following uniform fine schedule shall apply uni-  
0112 formly throughout the state but shall not limit the fine which may  
0113 be imposed following a court appearance, except an appearance  
0114 made for the purpose of pleading and payment as permitted by  
0115 subsection (a). The description of offense contained in the fol-  
0116 lowing uniform fine schedule is for reference only and is not a  
0127 legal definition.

0123	Description of Offense	Statute	Fine
0128	Refusal to submit to a prelimi- 0132 nary breath test	8-1012	\$30
0138	Unsafe speed for prevailing 0134 conditions	8-1335 or 8-1557	\$20
0135			

(e) (1) From and after July 1, 1987, and prior to January 1, 1988, a law enforcement officer shall issue a warning citation to any person violating the provisions of this section.

(2) From and after January 1, 1988, any

1055	Operating motorcycle with dis- approved braking system	8-1809	\$10
	Defective horn, muffler, mirrors or tires	8-1810	\$10
1065	Unlawful statehouse parking	75-4510a	\$ 5

1068 (d) Traffic offenses classified as traffic infractions by this  
 1069 section shall be classified as ordinance traffic infractions by  
 1070 those cities adopting ordinances prohibiting the same offenses. A  
 1071 schedule of fines for all ordinance traffic infractions shall be  
 1072 established by the municipal judge in the manner prescribed by  
 1073 K.S.A. 12-4305 and amendments thereto. Such fines may vary  
 1074 from those contained in the uniform fine schedule contained in  
 1075 subsection (c).

1079 Sec. [4.] K.S.A. 1986 Supp. 8-1749a and 8-2118 are hereby  
 1080 repealed.

1081 Sec. [5.] This act shall take effect and be in force from and  
 1082 after its publication in the statute book.

5.

6.