

Approved 2-10-87  
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. ~~pm~~ on February 3, 1987 in room 254-E of the Capitol.

All members were present ~~except~~.

Committee staff present:

Hank Avila, Legislative Research Department  
Ben Barrett, Legislative Research Department  
Bruce Kinzie, Revisor  
Louise Cunningham, Committee Secretary

Conferees appearing before the committee:

Ed DeSoignie, KDOT  
Nancy Welsch, Douglas County Treasurer  
Harley Duncan, Secretary, Department of Revenue

The Committee received copies of the 1987 State Corporation Commission Report to the Kansas Legislature, pursuant to S.B. No. 881, Section 5 of the 1980 legislative session. This is an annual report concerning rate changes, joint rates, toll charges, etc.

HEARING ON S.B. 44 - Traffic rules for intersections. (Talkington)

Ed DeSoignie, KDOT, said this proposed legislation was necessary to resolve conflicts in rules of the road cited by the Kansas Supreme Court. A motorist had passed on the left side within 100 ft. of an intersection and the court noted the conflict. From a traffic engineering perspective the use of signs will not resolve the conflicts so an amendment was proposed on lines 33 and 34 of the proposed legislation to resolve the conflict. The amendments would bring the statute and established traffic engineering practices closer together. A copy of his statement and proposed amendment is attached. (Attachment 1).

A motion was made by Sen. Frey and was seconded by Sen. Hayden to adopt the proposed amendment. Motion carried.

A motion was made by Sen. Frey and was seconded by Sen. Thiessen that S.B. 44, as amended, be recommended favorable for passage. Motion carried.

HEARING ON S.B. 55 - Motor vehicle registration; waiver of late penalty. (Winter)

Nancy Welsh, Douglas County Treasurer, spoke on behalf of S.B. 55 and its effect on the taxpayers of Kansas. A copy of her statement is attached. (Attachment 2). Some holiday weekends include a period of four days. There was a problem when renewal days fall on Friday and the office has been closed since Wednesday for a Thanksgiving holiday. This bill would be a real service to the taxpayers. It has the approval of the County Treasurers Association. Harley Duncan said the Department of Revenue has no problem with this bill and support the country treasurers.

A motion was made by Sen. Francisco and was seconded by Sen. Thiessen to recommend S.B. 55 favorable for passage. Motion carried.

Secretary Harley Duncan, Department of Revenue, had requests for two bills. A copy of his statement is attached. (Attachment 3). The first one would recommend that a license be refused to a person whose driving privileges have been withdrawn by another state for a longer period than allowed in Kansas. Kansas has a one year suspension period. People are coming in from across state lines to get licenses when their licenses have been suspended in a neighboring state.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES,  
room 254-E, Statehouse, at 9:00 a.m./~~p.m.~~ on February 3, 1987

It was suggested that some states suspend licenses for life and that maybe this should be subject to review. Secretary Duncan had no objection to including some kind of permission for administrative review.

A motion was made by Sen. Bond and was seconded by Sen. Hayden to introduce this proposed legislation as a committee bill. Motion carried.

The second bill requested by Secretary Duncan would change the method of computation and payment of tax on LP-gas motor fuel. The method of payment now tops out at 20,000 miles and last year 415 vehicles traveled over 20,000 miles, 132 of which had traveled over 60,000 miles. This tax is pre-paid and there is no way of going back and picking it up. There was a question of how many of these vehicles were governmental vehicles. They should not be included in this bill.

A motion was made by Sen. Thiessen and seconded by Sen. Hayden to introduce the proposed legislation, with the approved change, as a committee bill. Motion carried.

Sen. Hayden recommended a change in the preliminary Minutes of January 29 to include a section on underpayment according to the Cost Allocation Study. This section was included in the Minutes and a motion was made by Sen. Hayden and was seconded by Sen. Thiessen to approve the Minutes, as amended, of January 29, 1987. Motion carried.

Chairman Morris had a preliminary draft of the proposed legislation for highway funding and building the highways in the three feasibility studies which had been presented to the Committee. It would include the Southeast highway, the Southwest highway and two segments of the Northwest highway, ending in Hays. It would include the by-pass of I-470 in Topeka and the Northeast circumferential highway in Wichita. It would be funded by a 5¢ increase in fuel taxes, with 1¢ going to city and county government to be distributed the same as it is now. The funding would be by 30-year bonds at approximately 7½% interest.

There was some discussion as to whether there would be any priority to which sections would be built first. There was no stipulation as to priority in the proposed legislation.

On a motion from Sen. Martin and a second from Sen. Thiessen it was recommended to introduce the proposed legislation as a committee bill. Motion carried.

Meeting was adjourned at 9:45 a.m.

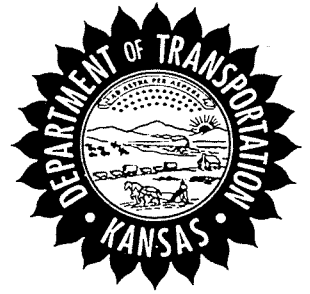
DATE: 2-3-87

GUEST REGISTER  
SENATE  
TRANSPORTATION AND UTILITIES COMMITTEE

NAME	ORGANIZATION	ADDRESS
Mike Reecht	AT+T	TOPEKA, KS
Nancy Welsh	Douglas County Treasurer	Lawrence, Ks.
Missy Sutton	Douglas County	Go Overbrook, Mo
Shelley Sutton	KES	Topoka, KS
Tom Whitaker	Ks Motor Carriers Assn	Topoka
Gary Reser	Ks Telecomm. Assn	Topoka
Arthur J. Collins	Northwest Passage Highway Coalition	Hutchinson, Ks
Edward J. Jugin	KDOT	Topoka
Neil Farmer		Russell, Ks
K. Wald	City of Russell	Russell, Ks
Glenda Fink	Russell Chamber	Russell, KS
Tech Rogers	" "	" "
Rev Bradley	Ks Assoc of Churches	Topoka, KS
BILL PERDUE	NW PASSAGE HIGHWAY	TOPEKA
Del Muth	KDOT	Topoka
Marge Roberts	Treasurer - Shawnee	"
John Conard	Governor's Office	Topoka

# KANSAS DEPARTMENT OF TRANSPORTATION

DOCKING STATE OFFICE BUILDING — TOPEKA, KANSAS 66612-1568  
(913) 296 — 3566



HORACE B. EDWARDS, Secretary of Transportation

MIKE HAYDEN, Governor

February 3, 1987

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

FROM: Edward R. DeSoignie *ED*  
Policy Coordinator, KDOT

REGARDING: Senate Bill 44

Mr. Chairman and members of the Senate Committee, Senate Bill 44 amends K.S.A. 8-1519 to require the Kansas Department of Transportation and county road departments to sign intersections on state or county maintained roads, located outside of cities, at which passing on the left is prohibited. The bill seeks to resolve conflicts in rules of the road cited by the Kansas Supreme Court in *Nirschl v. Webb* (239 Kan. 90, p. 97).

In Webb the Court found that while K.S.A. 8-1519 prohibits vehicles from passing on the left when approaching within 100 feet of an intersection, motorists might not comply with the law at a place where the Department of Transportation has marked a highway with a broken yellow centerline indicating that passing is permitted. Senate Bill 44 addresses the conflict by requiring the State and counties to place intersection signs at those intersections where passing is prohibited.

From a traffic engineering perspective the use of intersection signs will not resolve the conflicts which presently exist. Such signs are classed as warning signs to the motorists and are used to indicate the existence of conditions which require caution and may call for reduction of speed or a maneuver in the interest of safety. Intersection signs do not prohibit passing unless used in combination with other signing or pavement marking. Estimates of costs for the signs are in the range of \$50 apiece inclusive of materials and labor costs. Such costs would be borne by both the State and counties for signage of routes under their respective jurisdictions.

ATT. 1  
T&U 2/3/87

The Department proposes amending the bill to resolve the conflicts noted in Webb and to reduce or eliminate the fiscal impact on the State and counties. As the attached draft indicates, the amendments would prohibit passing on the left at those intersections which are signed and/or pavement marked as no passing zones. The amendments proposed would bring the statute and established traffic engineering practices closer together.

At present intersecting routes, such as state highways and county highways, of sufficient traffic to constitute a hazard, are designated as no passing zones by pavement markings and by use of no passing pennant signs. Intersecting routes of low traffic volume such as county section line roads are generally not signed as no passing zones.

The amendments proposed would address the Supreme Court's concerns and eliminate the need for additional signing.

That concludes my prepared remarks Mr. Chairman. I am available for questions. Thank you.

Attachment

SENATE BILL No. 44

By Senator Talkington

1-7

0017 AN ACT concerning traffic; rules of the road; overtaking and  
0018 passing at certain intersections; amending K.S.A. 8-1519 and  
0019 repealing the existing section.

0020 *Be it enacted by the Legislature of the State of Kansas:*

0021 Section 1. K.S.A. 8-1519 is hereby amended to read as fol-  
0022 lows: 8-1519. (a) No vehicle shall be driven on the left side of the  
0023 roadway under the following conditions:

0024 (1) When approaching or upon the crest of a grade or a curve  
0025 in the highway where the driver's view is obstructed within such  
0026 distance as to create a hazard in the event another vehicle might  
0027 approach from the opposite direction;

0028 (2) when approaching within ~~one hundred (100)~~ 100 feet of or  
0029 traversing any intersection or railroad grade crossing, *except that*  
0030 *this section shall not apply to any intersection on a state or*  
0031 *county maintained highway located outside city limits unless*  
0032 *such intersection is marked by an official department of trans-*  
0033 *portation or county road department traffic control device/in-*  
0034 *dicating ~~an intersection either by symbol or by words and such~~*  
0035 *marking is placed at least 100 feet before the intersection; or*

0036 (3) when the view is obstructed upon approaching within  
0037 ~~one hundred (100)~~ 100 feet of any bridge, viaduct or tunnel.

0038 (b) The foregoing limitations shall not apply upon a one-way  
0039 roadway, nor under the conditions described in subsection (a)(2)  
0040 of K.S.A. 8-1514 *and amendments thereto*, nor to the driver of a  
0041 vehicle turning left into or from an alley, private road or drive-  
0042 way.

0043 Sec. 2. K.S.A. 8-1519 is hereby repealed.

0044 Sec. 3. This act shall take effect and be in force from and  
0045 after its publication in the statute book.

or pavement marking or both  
that passing is prohibited



**Douglas County Treasurer**

**DOUGLAS COUNTY COURTHOUSE**

Eleventh & Massachusetts

Lawrence, Kansas 66044

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February 3, 1987

TO: Transportation and Utilities Committee  
FROM: Nancy Welsh, Douglas County Treasurer  
RE: Support of Senate Bill 55

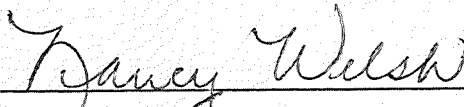
Mr. Chairman and members of the committee. My name is Nancy Welsh, Douglas County Treasurer. I am here on behalf of the County Treasurer's Association to voice to you our support of Senate Bill 55 and its effect on the taxpayers of Kansas.

Currently, renewal applications for autos, motorcycles, mopeds and trucks weighing under 12,000 lbs. are mailed from the state forty-five days prior to their expiration date. The present law makes no provision for a grace period on vehicles registering on the staggered system when that last day of renewal falls on a week-end or on a day the Treasurer's office may be closed due to a holiday. Grace periods are provided by law for trucks weighing over 12,000 lbs., mobile homes and trailers. These tags expire December 31st and have until February 15th to renew with no penalty.

Please understand some holidays may include a period of four days counting the weekend. Following the rules of registration becomes extremely difficult if the last day of the month falls on Friday and the County Treasurer's office has been closed since Wednesday for the Thanksgiving holiday.

True, the law does give individuals on the staggered system forty-five days to renew prior to the expiration date; however, when individuals are paid at the end of the month, they become penalized because the County Treasurer's office is closed for the weekend or holiday.

I realize this request is small in size; however, because of the number of people it will affect, the results will be large. By enacting this bill, the rules of registration become more comparable and fair between the staggered and non-staggered systems. This would definitely be a positive measure towards service to the taxpayer. I ask your consideration and support of Senate Bill 55 on behalf of the County Treasurer's Association and all individuals who will be affected by this bill.

  
\_\_\_\_\_  
Nancy Welsh, Douglas County Treasurer

Nancy L. Welsh, County Treasurer  
**Courthouse**

Eleventh & Massachusetts / Lawrence, Kansas 66044 / (913) 841-7700

ATT. 2  
T&U 2/3/87



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

**MEMORANDUM**

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

FROM: Harley T. Duncan *HTD*  
Secretary of Revenue

RE: Department of Revenue Requests for Legislation

DATE: February 2, 1987

The Department of Revenue respectfully requests that the Senate Committee on Transportation and Utilities introduce legislation in accordance with the following recommendations. The requested bills are summarized only briefly here; complete explanations will, of course, be provided when the Committee hears the bills.

**A. Issuance of Driver License when Suspended Elsewhere. (K.S.A 8-237(c))**

K.S.A 8-237(c) provides that a license may be suspended for no longer than one year. This has the effect of forcing the division to issue a Kansas drivers license to a person whose driving privileges have been withdrawn by another state for a longer period than allowed in Kansas, if one year has elapsed since the withdrawal of the driving privileges.

**We recommend that KSA 8-237(c) be amended to allow the Division of Vehicles to refuse to license a person if their driving privileges are withdrawn in another state.** We believe this can be accomplished by amending K.S.A. 8-237(c) by deleting the words "except as provided by K.S.A 8-256 and amendments thereto," and amending K.S.A. 8-256 by adding the statute reference of "K.S.A. 8-237".

**B. LP-gas motor fuel tax; alternative method of computation and payment of tax. (K.S.A. 79-3492b.)**

The schedule now used for the prepayment of liquid petroleum tax is based upon the number of miles operated during the previous calendar year and the gross weight of the motor vehicle. This schedule incorporates mileage up to 20,000 miles. Last year the department registered a total of 415 vehicles traveling over 20,000 miles, 132 of which had travelled over 60,000 miles. The correct tax rate for a vehicle operating 60,000 miles during the a year with a gross weight of 36,000 lbs. should be \$1,736.00. Under the present schedule we are only collecting tax in the amount of \$620.00.

**We recommend that the schedule under K.S.A. 79-3492b be expanded to make allowances for these vehicles which operate in excess of 20,000 miles during a calendar year.**

Thank you for your consideration of these matters.

ATT. 3  
T&U 2/3/87