

Approved April 15, 1988
Date

MINUTES OF THE House COMMITTEE ON Transportation

The meeting was called to order by Representative Richard Harper at
Chairperson

1:30 ~~xxx~~ p.m. on February 10, 1988 in room 521-S of the Capitol.

All members were present except: Laird, Spaniol, Crowell and Wilbert

Committee staff present:

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

Conferees appearing before the committee:

Secretary Harley T. Duncan, Kansas Department of Revenue
Colonel Don Pickert, Kansas Highway Patrol
Ms. Orpha Fogo, Belleville, Kansas
Mr. Donald Allen of Lebanon, Kansas

The meeting was called to order by Representative Richard Harper, and the first order of business was a hearing on HB-2600 relating to the operation of motor carrier inspection stations.

Mr. Harley T. Duncan, Secretary of Revenue, testified in support of HB-2600. (See Attachment 1)

Secretary Duncan said HB-2600 would transfer the enforcement elements of the Motor Carrier Inspection Bureau of the Department of Revenue's Division of Vehicles to the Kansas Highway Patrol. He stated this would result in the shifting of approximately \$4.4 million in Vehicle Operating Funds and 175 full time equivalent positions.

Colonel Don Pickert, Kansas Highway Patrol, spoke in favor of HB-2600. He said it is believed passage of this bill would provide better service.

Ms. Orpha Fogo, Belleville, Kansas, testified in opposition to HB-2600. (See Attachments 2 and 3)

Ms. Fogo stated that the independent truckers and small truck lines are in favor of keeping the Motor Carrier Inspection stations open, as it is handy and convenient for them.

Mr. Donald Allen of Lebanon, Kansas, testified in opposition to HB-2600. (See Attachment 4)

The meeting was adjourned at 2:25 p.m.


Rex Crowell, Chairman



A-1

KANSAS DEPARTMENT OF REVENUE
Office of the Secretary
Robert B. Docking State Office Building
Topeka, Kansas 66612-1588

MEMORANDUM

TO: The Honorable Rex Crowell, Chairman
House Committee on Transportation

FROM: Harley T. Duncan
Secretary of Revenue

RE: House Bill 2600 - Transfer of Motor Carrier Inspection Stations

DATE: February 10, 1988

INTRODUCTION

1. House Bill 2600 would transfer the enforcement elements of the Motor Carrier Inspection Bureau of the Department of Revenue's Division of Vehicles to the Kansas Highway Patrol. This would result in the shifting of approximately \$4.4 million in Vehicle Operating Funds and 175 full time positions. Both the Kansas Highway Patrol and the Department of Revenue support the bill.
2. My testimony today includes a brief chronological overview of activities which have taken place over the years that have had an impact on the motor carrier industry in Kansas which should establish the background for the recommended transfer. I will also outline the specific rationale for the transfer, explain what functions will be transferred and which will remain in the department, and finally, there are a few technical changes needed in the bill.

HISTORY OF ORGANIZATIONAL CHANGES

1. Motor Carrier Inspection Stations were originally established as Ports of Entry during the late 1920's and early 1930's to enforce fuel use tax laws.
2. In 1978, approximately twenty of the stations were closed and weight enforcement functions of the Department of Transportation were transferred to the Department of Revenue. The remaining Ports of Entry were renamed Motor Carrier Inspection Stations with the primary function continuing to be the issuance of regulatory permits. In addition, a Central Permit Office was opened in Topeka to provide permits to motor carriers via wire services.

3. Kansas joined the International Registration Plan (IRP) in 1981 which allowed for the proportional registration of fleets of vehicles in other jurisdictions. After registering in an IRP state, which then becomes the carrier's base state, the carrier is free to move through member IRP states without the necessity of obtaining individual trip permits. The Interstate Registration Bureau in the Department of Revenue implemented the program and in 1983, the bureau was combined with the Motor Carrier Inspection Bureau and renamed the Operating Authority Unit.
4. The major emphasis of the Motor Carrier Inspection Bureau changed in 1984 from permit issuance to vigorous enforcement of motor carrier laws. There was a growing concern over the continued use of stationary weigh and permit stations from a cost-effective budgetary perspective as well as the question of whether the stations continued to offer a needed service to the motor carrier industry. With increased usage of the Central Permit Office and IRP annualized permits, carriers now had the opportunity to purchase permits prior to entering the state. This alternative eliminated the "down time" associated with locating an open inspection station to purchase necessary permits. In addition, Kansas became an active participant in the federal grant Motor Carrier Safety Assistance Program (MCSAP) in 1984. This required increased **mobile enforcement** of weight and permit limitations and operating authority and close coordination of these activities with the Kansas Highway Patrol.

RATIONALE FOR THE TRANSFER

1. The shift from stationary weigh stations to mobile enforcement has resulted in Motor Carrier Inspection Bureau personnel performing enhanced law enforcement functions with full police powers which mirror several areas performed by the Highway Patrol. Motor carrier inspectors deal with stolen equipment, registration violations, and cooperate in the detection and apprehension of alcohol impaired drivers. As a result of an Attorney General's opinion, motor carrier inspectors involved in enforcement were deemed to be law enforcement personnel and as such are required to become certified under state law. They are sent to the Kansas Highway Patrol Training Center in Salina for 336 hours of basic law enforcement training and receive 40 hours of in-service training from the Highway Patrol each year.
2. Inspection and enforcement tasks have become nearly identical as they relate to commercial vehicles. A close and mutually beneficial relationship has developed between the Kansas Highway Patrol and the Motor Carrier Inspection Bureau. The very similar work performed in the "open road" environment has caused the two agencies to find each others' personnel very helpful. The expertise developed by each agency has complimented the operations of the officers in the field when dealing with commercial vehicles.
3. The Motor Carrier Inspection Bureau is an integral part of the safety inspection program of the Highway Patrol. The emphasis of this program is the reduction of injuries and fatalities involving commercial motor carriers by detection and removal of unsafe vehicles and drivers from Kansas Highways. Activities such as speed enforcement, weight and permit limitations and operating authority need to be under the control of one organization.
4. Leaving the Motor Carrier Inspection Bureau in the Department of Revenue will lead to duplication of effort by the State. Both the Highway Patrol and the Inspection Bureau are patrolling the highways and detaining trucks performing similar and duplicate functions.

This causes confusion within the motor carrier industry and impacts the State's ability to provide consistent enforcement policies and direction.

5. The primary function of the Department of Revenue is the collection of taxes and fees, not law enforcement. As outlined earlier, this used to be the main function of the Ports of Entry as well. With enforcement levels continuing to increase, the bureau needs the Highway Patrol's support in the areas of law enforcement recruiting, technical training and management skills. The department simply does not have the expertise in these areas. In addition, it does not have the radio communications and well developed field supervision network for highway oriented enforcement.

FUNCTIONS TRANSFERRED TO THE HIGHWAY PATROL OR RETAINED BY THE DEPARTMENT OF REVENUE

1. Operating expenses of approximately \$4.4 million and 175 full time positions would be transferred to the Highway Patrol.
 - a. Enforcement Administration (9 positions). The staff prepares enforcement policies, arranges for bureau training, supervises operations, performs maintenance and repairs for all equipment, performs budget and personnel functions for all field operations and reconciles all station bank accounts.
 - b. Field Supervision (8 positions). The State is divided into eight regions with a Field Supervisor responsible for the staff and operations of all ports, weigh stations and mobile enforcement units in the area assigned.
 - c. Ports (62 positions). Staff for eighteen stationary permit locations.
 - d. Weigh Stations (52 positions). Staff for eight stationary locations equipped with permanent scales.
 - e. Mobile Enforcement Units (44 positions). Seventeen units equipped with pursuit vehicles.
2. The Department of Revenue will retain approximately \$750,000 and 31 full time positions.
 - a. Central Permit Office (11 positions). Field operations deal with permit issuance in conjunction with enforcement. The Central Permit Office issues permits for the Divisions of Taxation and Vehicles within the Department of Revenue, the Kansas Corporation Commission and the Kansas Department of Transportation. The unit issues the permits electronically to over 3,000 locations for use by commercial operators in lieu of permanent registration. The Central Permit Office has no enforcement function.
 - b. Operating Authority Unit (20 positions). The Operating Authority Unit accepts applications for motor fuel licenses, KCC authority, sales tax permits, title transfers and prorated vehicle tags from commercial transportation companies. It also issues all prorate tags and audits the use of these tags. It serves no direct enforcement role.
 - c. Together, the Central Permit Office and the Operating Authority Unit make up the "one-stop-shop" which was established last year and is located at 17th and Fairlawn

here in Topeka. The office provides the motor carrier one reference point for all permits as well as a central location where questions can be answered. The move was made in conjunction with a recommendation from the the National Governors' Association (NGA) study, "Working Group on State Motor Carrier Procedures".

RECOMMENDED CHANGES TO THE BILL

1. The effective date for the transfer referenced in the bill should be changed to July 1, 1988.
2. In Section 1(e) and on lines 678 thru 692, references to the secretary of revenue should not be deleted. Authority by the secretary will still be needed to carry out the functions of the Central Permit Office and Operating Authority.
3. Language needs to be inserted on line 472 after the word "station" to include a reference to the Highway Patrol to avoid confusion regarding authority exercised by Patrol troopers.
4. Language is also needed on line 269 after the work "vehicles" to include the Superintendent of the Highway Patrol should new bank cards need to be added later.

ATTACHMENT

MOTOR CARRIER INSPECTION FACILITIES AS OF 2-10-88

PERMIT STATIONS

1. Kansas City
2. Sabetha
3. Fort Scott
4. Opolis - Scheduled to close 2-15-88
5. Crestline
6. Chetopa
7. Coffeyville
8. Kiowa
9. Englewood
10. Liberal
11. Liberal
12. Elkhart
13. Collidge
14. Norton
15. Phillipsburg
16. Lebanon
17. Belleville
18. Marysville

COMBINED PERMIT/WEIGHT STATIONS

1. Olathe
2. Caney
3. South Haven
4. Kanorado
5. St Marys
6. Wabaunsee
7. Oberlin
8. Hiawatha

MOBILE ENFORCEMENT UNITS

1. Gardner
2. Lawrence
3. Chanute
4. Pittsburg
5. Baxter Springs
6. South Haven
7. Wichita
8. Wichita
9. Liberal
10. Garden City
11. Colby
12. Oakley
13. Phillipsburg
14. Salina
15. Mankato
16. Topeka
17. Emporia

Ladies and Gentlemen of the House:

I am Orpha Fogo of Motor Carrier Inspection Station #58, Belleville, Kansas. I started to work for M.C.I.S. on August 2, 1969.

I have seen changes that have been good for the State of Kansas, but many have hurt the State of Kansas, money-wise.

I am representing the ones who work in the field; the ones who meet and hear what the small truck lines want. They want to come into Kansas and be able to buy the permits they need to be legal in our state.

The independent truckers and small truck lines like the Motor Carrier Inspection Stations. It is handy and convenient for them. We make sure, before they leave, that they are legal. Some think they are legal when they get to Kansas and are surprised to find they are not.

Permits sent by wire from the Central Permit Office and other places cost 2 to 3 times more because of wire and truck stop charges and also telephone charges, than those purchased at a Motor Carrier Inspection Station. (Enclosed are copy samples of their cost.)

The truckers who try to receive their permits by wire sometimes have to wait overnight or longer for a wire or transceiver to come. They may have to drive miles to find a place which can receive a wire or transceiver.

When all the Ports were open, the truckers were able to receive permits without driving out of their way. Now it is either have a wire sent from the Central Permit Office; buy permits from other states who have the right to sell them; or drive miles out of their way to find an open Motor Carrier Inspection Station.

When all of the Ports were open and the truckers had to stop, we were able to fill out Form CT5 for sales tax not collected in Kansas. This came to a tidy sum.

According to Kansas livestock laws, all livestock coming into or going thru Kansas must clear at a Motor Carrier Inspection Station. This is one way to help control disease. Are we going to jeopardize our livestock industry by not recording movement of livestock into our state which could be of questionable health?

In harvest time what will the combine operators do? Some stations sell more permits during harvest time than any time of the year. This means 30 day tags, 72 hours, fuel and oversize permits. The combiner has to have these permits to be legal in and thru Kansas for harvest. Harvest is usually May thru October, sometimes later.

Closing 8 Motor Carrier Inspection Stations (Ports) on the north side of Kansas would cause truckers, combine operators and others needing permits to have only one Motor Carrier Inspection Station (Belleville) on the north side to obtain permits. West side would have only Kanorado scales open (closing two). South side would have Liberal, South Haven and Caney (closing six). East side would have Ft. Scott, Olathe and Kansas City (closing four). With more stations regularly open at established time schedules, there should be more revenue generated.

Now if only 7 Motor Carrier Inspection Stations - including scales - are to be available to truckers, this will really open the door for illegal operations. Is this what we need?

Some stations are now open only 8 hours a day and some 16 hours a day. This is confusing to the truck lines since they do not know which station will be open when.

Instead of closing the Motor Carrier Inspection Stations, we feel Kansas would profit more by opening the stations that have been closed but still have a good building available.

I hope we have gotten our feelings across to you; why we feel it is important to keep the Motor Carrier Inspection Stations open.

Are there any questions?

A-3

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120400051102 102

TEL: 214-631-1505

Nov 26.87 10:16 No.803 P.O

PMT COLLECT USFE TOPEKA KS 12-04 09:15A CST
(CHARGE 22.50 FEE 5.00) USFE PERMIT COLLECT ONLY

27.50 ← + \$2.00
1/3 fee

NORTON FRUIT CO

BOSSELMAN TS

KSKCC1 801-375-1318 IVAN UNIT 51

KCC SPECIAL CLEARANCE
PERMIT NUMBER: 1449
STATE FEE \$5.00 ←
EFFECTIVE DATE 12-05-87 TIME 12:01A
CARRIER NORTON FRUIT CO
ADDRESS 1405 NORTH STATE PROVO UT 84604
REGISTERED OWNER NORTON FRUIT CO
ADDRESS 1405 NORTH STATE STREET PROVO UT 84604
UNIT NUMBER 51

YEAR AND MAKE 87 WHITE
STATE OF REGISTRATION AND LICENSE NUMBER 007430 UT
INSURANCE CO. (NOT AGENT) AMERICAN AUTO INS.
POLICY NUMBER MXG80205816 EXPIRATION DATE 04-04-88
COMMODITY BEING TRANSPORTED APPLES AND SALAD DRESSING FROM NE LINE
TO OK LINE VIA ROUTES US 81 S, I-35 S

PERMISSION IS GRANTED TO MAKE ONE TRIP INTO OR THRU THE STATE OF
KANSAS AND IS VOID WHEN VEHICLE LEAVES THE STATE. THE ABOVE
DESCRIBED VEHICLE MUST BE INSURED FOR PUBLIC LIABILITY AND PROPERTY
DAMAGE IN THE AMOUNTS REQUIRED BY LAW FOR THE DURATION OF THIS
TRIP. PROOF OF INSURANCE REQUIRED. THIS RECEIPT MUST REMAIN IN
VEHICLE, AND AUTHORIZES INTERSTATE MOVEMENT ONLY.

STATE CORPORATION COMMISSION,
STATE OF KANSAS

U S FINNS EXDDECC TNC DEANTS ALIAT

TAL: 214-631-1505

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PMT COLLECT USFE TOPEKA KS 12-04 0911ER CST

(CHARGE ~~22.50~~ FEE ~~26.50~~) USFE PERMIT COLLECT ONLY ~~49.00~~

452.00
7/5 per

NORTON FRUIT CO

BOBBELMAN TS

KS-COM 801-375-1318 IURN UNIT 31

KANSAS COMBINATION PERMIT

PERMIT NUMBER: 2302

EFFECTIVE 12101A DATE 12-05-87

YEAR AND MAKE OF POWER UNIT 87 WHITE ION 20537 UNIT# 31

LICENSE N 007430 STATE UT GROSS WEIGHT 80000

NAME OF INSURANCE CO AMERICAN AUTO INS. CITY AND STATE IDAHO FALLS

POLICY N MK880208816 EXPIRATION DATE 04-04-88

AMOUNT OF PERSONAL INJURY/PROPERTY DAMAGE 500,000

1. () (KSKCC1) - SPECIAL CLEARANCE TRANSPORTING (LOAD) APPLES AND SALAD DRESSING ORIGIN NE LINE DESTINATION OK LINE VIA ROUTES 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100. KCC OR ICC LOG BOOK, HEALTH CARD AND SAFETY EQUIPMENT REQUIRED
STATE FEE: 85.00

2. () (KSKCC2) - KCC OPERATOR NOT HAVING PROPER CREDENTIALS
KCC AUTHORITY NUMBER NONE
STATE FEE 82.50

3. (8.50) (KS-MF) - INTERSTATE MOTOR VEHICLE FUEL USE TRIP PERMIT
FUEL CARD IN CAR
STATE FEE 80.50

4. () (KS-LFC) - 72 HOUR TEMPORARY LIQUID FUEL CARRIERS PERMIT
DAMNABLE DESTINATION REQUIRED ON VEHICLE
STATE FEE 85.00

5. (20.00) (KS-72H) - 72-HOUR REGISTRATION
STATE FEE 820.50

6. () (KS-500) - 30-240 TRUCK REGISTRATION FOR INTRASTATE
RATING ONLY
88 WEIGHT 80000
STATE FEE: 8 26.50

MOTOR CARRIER INSPECTION BUREAU BY US FUNDS EXP. PERMIT

• PERMITS • 800/228-7577 • REQUEST TRANSCEIVER • 800/228-7577 • PERMITS •

TRANSCEIVER CHARGE \$ 12.00
 STATE PERMIT FEE 5.00
 ESCROW USE CHARGE 2.00
 APPLICATION FEE
 MISC. CHARGE 9.00
 TRUCKSTOP COMM. 4.00
 TOTAL \$ 32.00

STATE NAME KS PERMIT NO. 821448
 STATE STATION NO. 24331
 SEND/RECEIVE DATE 5.5.87 TIME 1:05 AM
 PICK-UP DATE 5.5.87 TIME 1:15 AM
 OPERATOR Flora STATION NUMBER 22335 PM

INVOICE NUMBER 63216

J & B Imp
 TRUCK COMPANY
X [Signature]
 CUSTOMER SIGNATURE

TRANSCEIVER of Nebraska Inc.
 11570 W. Dodge Rd., Omaha, Nebraska 68154
 Phone (402) 493-6156

MID-AMERICA Permit Service, Inc.
 11570 W. Dodge Rd., Omaha, Nebraska 68154
 Phone 800-228-7577 Nebr. (402) 493-7201

RETURN TOP COPY TO TRANSCEIVER

• PERMITS • 800/228-7577 • REQUEST TRANSCEIVER • 800/228-7577 • PERMITS •

TRANSCEIVER CHARGE \$ 12.00 #
 STATE PERMIT FEE 5.00 2831
 ESCROW USE CHARGE 2.00
 APPLICATION FEE
 MISC. CHARGE Self 4.00
 TRUCKSTOP COMM. 4.00
 TOTAL \$ 27.00

STATE NAME Kansas PERMIT NO. 821749
 STATE STATION NO. 2831
 SEND/RECEIVE DATE 5/27/89 TIME
 PICK-UP DATE TIME
 OPERATOR Monica STATION NUMBER

RECEIPT NUMBER 77510

FDWA Culvert Builders
 TRUCK COMPANY
Leo J. Randall
 CUSTOMER SIGNATURE

TRANSCEIVER of Nebraska Inc.
 11570 W. Dodge Rd., Omaha, Nebraska 68154
 Phone (402) 493-6156

MID-AMERICA Permit Service, Inc.
 11570 W. Dodge Rd., Omaha, Nebraska 68154
 Phone 800-228-7577 Nebr. (402) 493-7201

AUTHORIZED TRANSCEIVER CENTER


DOCUMENTS - TRUCKING PERMITS - T-CHEK MONEY TRANSFERS

TRANSCEIVER CHARGE . . . 12.00
 STATE PERMIT FEE . . . 10.00
 ESCROW USE CHARGE . . . 2.00
 APPLICATION FEE . . . 6.00
 SALES CHARGE . . .
 TRUCKSTOP COMM. . . 4.00
 TOTAL . . . 34.00

STATE NAME Nebraska PERMIT NO. E068613
 STATE STATION NO. _____
 RECEIPT DATE 3-17-86 TIME 9:32
 PICK UP DATE _____ TIME _____
 SIGNATURE [Signature] STATION NUMBER 27581
 TRUCK STOP OPERATOR

INVOICE NUMBER **S 40438**

Laura Landa Trucking
 TRUCK COMPANY
Chilcota
 CUSTOMER SIGNATURE



TRANSCEIVER OF NEBRASKA, INC.
 P.O. BOX 360
 ELKHORN, NE 68022
 Telephone 402/288-4353

TEL: 214-631-1505

Nov 26, 87 10:16 No. 802 P.1

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PMT COLLECT USFE TOPEKA KS 12-04 09:15A CST

(CHARGE 22.50 FEE 25.50 USFE PERMIT COLLECT ONLY 49.00)

+ \$ 2.00

T/S fee

NORTON FRUIT CO

BOSELMAN TS

KS-COM 801-375-1318 IVAN UNIT 51

KANSAS COMBINATION PERMIT

PERMIT NUMBER: 2302

EFFECTIVE 12:01A DATE 12-05-87

YEAR AND MAKE OF POWER UNIT 87 WHITE ID# 20537 UNIT# 51

LICENSE # 007430 STATE UT GROSS WEIGHT 80000

NAME OF INSURANCE CO AMERICAN AUTO INS. CITY AND STATE IDAHO FALLS ID

POLICY # MXG80205816 EXPIRATION DATE 04-04-88

AMOUNT OF PERSONAL INJURY/PROPERTY DAMAGE 500,000

1. () (KSKCC1) - SPECIAL CLEARANCE TRANSPORTING (LOAD) APPLES AND SALAD DRESSING ORIGIN NE LINE DESTINATION OK LINE VIA ROUTES US 81 S, I-35 S
KCC OR ICC LOG BOOK, HEALTH CARD AND SAFETY EQUIPMENT REQUIRED

STATE FEE: \$5.00

2. () (KSKCC2) - KCC OPERATOR NOT HAVING PROPER CREDENTIALS
KCC AUTHORITY NUMBER NONE

STATE FEE \$2.50

3. (6.50) (KS-MF) - INTERSTATE MOTOR VEHICLE FUEL USE TRIP PERMIT
NO FUEL CARD IN CAB

STATE FEE \$6.50

4. () (KS-LFC) - 72 HOUR TEMPORARY LIQUID FUEL CARRIERS PERMIT
FLAMMABLE DESIGNATION REQUIRED ON VEHICLE

STATE FEE \$5.00

5. (20.00) (KS-72H) - 72-HOUR REGISTRATION

STATE FEE \$20.00

6. () (KS-30D) - 30-DAY TRUCK REGISTRATION FOR INTRASTATE
OPERATING ONLY
GROSS WEIGHT 80000

STATE FEE: \$ 26.50

MOBILE MOTOR CARRIER INSPECTION BUREAU BY US FUNDS AND FEE

Ladies and Gentleman of the House of Representatives of the State of Kansas.

I'm Donald Allen of Lebanon, Kansas on 281 highway, Station # 55. I have been an inspector for 25 years. We may be a small station. This is a major highway for the combine traffic going south. We cleared 637 combines in 1987, this is about the same number every year. We sold a total of 4,038 permits to trucks to make them legal for the year 1987. These permits total 42,779.15. Think what this would cost the trucking industry if they had to wire for all these permits at the rate of \$20.00 each, plus the cost of the permits. We haven't been able to be open all 24 hours a day as we have only 3 inspectors. If someone is sick or on vacation that shift must be close. If they close these stations as is in this bill there will be a lot of bumping for what few jobs are left. I am sure you will be getting a lot of letters from truckers, letting you know how they feel about closing these stations, also a lot of phone calls from a lot of county chairmen, once this bill is made public.

I do agree to everything that Cupha says. And wish I would think of more to bring out. If you have any questions, please ask.

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