

Approved 3/22/88

Date

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES

The meeting was called to order by Sen. Bill Morris at  
Chairperson

9:00 a.m./~~p.m.~~ on March 15, 19 88 in room 254-E of the Capitol.

All members were present except:

Sen. Norvell and Sen. Vidricksen.

Committee staff present:

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

Conferees appearing before the committee:

Hank Avila, Legislative Research Department, explained the House Bills assigned to this committee. They are:

- H.B. 2101 - Providing license plates for surviving spouses.
- H.B. 2302 - Motorized bicycles, drivers' licenses.
- H.B. 2306 - Relating to sale of bonds.
- H.B. 2513 - Fines imposed for oversize or overweight vehicles.
- H.B. 2600 - Regulation of commercial motor carriers by Highway Patrol.
- H.B. 2622 - Pony Express Highway.
- H.B. 2697 - Permanent registration of township motor vehicles.
- H.B. 2706 - Repair or reconstruction of bridges.
- H.B. 2745 - Regulating train speeds.
- H.B. 2760 - Ignition interlock devices.
- H.B. 2769 - Duplicate drivers' license.
- H.B. 2770 - Non-highway certificate of title increase.
- H.B. 2863 - Board of public utilities, rate increases.
- H.B. 2953 - Administrative license suspension for DUI.
- H.B. 2954 - Relates to airport zoning.
- H.B. 2988 - Symbol to be attached to motor vehicles driven by deaf and hearing impaired.
- H.B. 3064 - Concerning issuance of securities by motor carriers.
- H.B. 3065 - Relates to vehicle dealer sales reports.
- H.B. 3066 - Multi-year registration for trailers, semi-trailers or pole trailers.
- H.B. 3073 - Frank Carlson Memorial Highway.

A brief explanation of each bill is attached. (Attachment 1).

A motion was made by Sen. Doyen and was seconded by Sen. Hoferer to approve the Minutes of March 8 and March 9, 1988. Motion carried.

Meeting was adjourned at 9:40 a.m.

DATE: 3/15/88

ROOM: 254-E

GUEST REGISTER  
SENATE

TRANSPORTATION AND UTILITIES COMMITTEE

NAME	ORGANIZATION	ADDRESS
DVO GRANT	KCCI	TOPEKA
FRANK EATON	SE KS CITIES COALITION	MANHATTAN
Jerry Coonrod	KGSE	TOPEKA
Bruce Harris	KGSE	El Dorado
DAVID ROSENTHAL / DENNIN WEDDIE	KCDHI	TOPEKA
Tom Whitaker	Ks Motor Carriers Assn	TOPEKA
PAT BARNES	Ks Motor Car Dealers Assn	Topolca
Alfonso A Meswiler	KCC	TOPEKA
Rich DAME	B.L.E.	Hoisingston
Mike Germann	Ks Railroad Association	TOPEKA

MEMORANDUM

March 14, 1988

TO: Senate Transportation and Utilities Committee  
FROM: Kansas Legislative Research Department  
RE: House Bills Assigned to the Senate Transportation and  
Utilities Committee

H.B. 2101 (As Recommended by House  
Committee on Transportation)

H.B. 2101 provides for the issuance of a "prisoner of war" license plate to the surviving spouse of a prisoner of war, upon submission of satisfactory proof, and only if the deceased prisoner of war had been issued a plate prior to his death. The surviving spouse's right to such plate terminates upon re-marriage.

H.B. 2302 (As Recommended by House  
Committee on Transportation)

H.B. 2302 relates to driver's licenses. The bill would eliminate a motorized bicycle only license and require a class C license to operate a motorized bicycle.

H.B. 2306 (As Recommended by House  
Committee on Transportation)

H.B. 2306 relates to the sale of bonds by the Secretary of Transportation. Bonds authorized to be issued by the Secretary may be sold either by public or private sale.

H.B. 2513 (As Recommended by House  
Committee on Transportation)

H.B. 2513 relates to fines imposed for oversize or overweight vehicles. All fines imposed for any size or weight violations which occur on a county or township highway in a county which employs a law enforcement officer to enforce the state laws and county and township resolutions limiting size and weight of vehicles, would be credited to the county general fund.

H.B. 2600 (As Amended by House Committee  
on Transportation)

H.B. 2600 would transfer all regulatory powers over commercial carriers and their operation from the Department of Revenue to the Kansas Highway Patrol, including operation of motor carrier inspection stations.

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This bill would take effect on July 1, 1988.

H.B. 2622 (As Recommended by House  
Committee on Transportation)

H.B. 2622 amends K.S.A. 68-1019 concerning the designation of the Pony Express Highway. The Pony Express Highway is currently considered to be that portion of U.S. Highway 36 extending from the Kansas-Missouri line westward to the junction with state highway 15E in Washington County. H.B. 2622 would extend the designation of the highway to the east city limits of the city of Washington and change the name of the highway to the Pony Expressway. The bill would also name bridges 028 and 029 on U.S. 36 as the Pony Expressway bridges.

H.B. 2697 (As Recommended by House  
Committee on Transportation)

H.B. 2697 amends K.S.A. 1987 Supp. 8-143 and 8-1,134. This bill would permit township motor vehicles to be registered permanently under the city/county permanent registration law.

H.B. 2706 (As Amended by House Committee  
on Transportation)

H.B. 2706 removes, as one criterion for the repair or reconstruction of certain bridges, that the bridge be more than 30 years old.

H.B. 2745 (As Amended by House Committee  
on Transportation)

H.B. 2745 relates to train speeds. The bill prohibits cities from adopting rules, regulation, or ordinances which would regulate the speed of railway engines and cars. Any portion of an existing ordinance would also be null and void. Governing bodies of cities may initiate a complaint to the State Corporation Commission to obtain an order to regulate the speed of railway engines and cars. The Commission would investigate the complaint, conduct a hearing if needed, and issue an order consistent with law and the rules and regulations of the Federal Railroad Administration.

H.B. 2760 (As Amended by House on Final Action)

The bill, as amended, would authorize courts to restrict persons convicted of alcohol-related offenses to driving only a vehicle equipped with a functioning ignition interlock device. Such device would be approved by the Division of Vehicles and obtained, installed, and maintained at the expense of the person whose license is being restricted. The same restriction could be applied to persons who enter into diversion agreements on a complaint alleging an alcohol-related offense.

An ignition interlock device would be defined as a device that uses a breath analysis mechanism to prevent a person from operating a motor vehicle if the person has consumed an alcoholic beverage. An alcohol-related offense would be defined as a violation of any state law or city ordinance relating to operating or attempting to operate a motor vehicle while under the influence of alcohol or drugs, or both; or commission of vehicular homicide or manslaughter while under the influence of alcohol or drugs, or both.

The bill would require the Secretary of Revenue to adopt rules and regulations for approval of ignition interlock devices and for their maintenance and calibration. The costs incurred in approving or disapproving ignition interlock devices under the act would be borne by the manufacturer of the device.

The following would be class C misdemeanors:

- tampering with an ignition interlock device for the purpose of circumventing it or rendering it inaccurate or inoperative; or
- requesting or soliciting another to blow into an ignition interlock device, or blowing into such a device or starting a vehicle equipped with such a device, in order to provide an operable motor vehicle to a person whose driving privileges have been restricted under the act.

H.B. 2769 (As Amended by House Committee  
on Transportation)

H.B. 2769, as amended, would make an employee identification card with a photograph an acceptable form of identification for obtaining a duplicate driver's license.

H.B. 2770 (As Amended by House Committee  
on Transportation)

H.B. 2770 relates to nonhighway certificates of title, increasing the fee from \$3.50 to \$9.00 until January 1, 1990, when the fee would return to \$3.50. This bill would take effect upon publication in the Kansas Register.

H.B. 2863 (As Recommended by House Committee  
on Energy and Natural Resources)

H.B. 2863 would amend K.S.A. 13-1228f to effect the implementation of a rate increase by the Board of Public Utilities of Kansas City, Kansas. A filing of an application for review of a decision would not stay or suspend the rate change. The bill would permit the court to stay or suspend, in whole or in part, the rate change, upon application of the petitioning party. The bill would limit the stay or suspension to the amount that is being contested by the petitioner. The bill would also permit the court to lift the stay if the Board, upon application, stipulates to refund the rate increase, plus interest, in the event the Board's decision is not upheld or appealed.

H.B. 2953 (As Amended by House Committee  
on Federal and State Affairs)

H.B. 2953 would impose new penalties for failure of a blood, breath, urine, or other alcohol concentration test and would change current procedure for imposing license sanctions for refusal to submit to such tests or for conviction of alcohol related offenses. Specifically, as amended by the Committee, the bill provides for suspension of driving privileges for 90 days the first time a person refuses to submit to a test and one year for the second and subsequent refusals. Driving privileges would be suspended for 60 days the first time a person fails a test or is convicted of an alcohol or drug-related offense and for a year for the second and subsequent failures or convictions. In each case a person's driving privileges would be restricted for 90 days following an initial suspension. In all cases, the sanctions would be imposed administratively by the Division of Motor Vehicles. A hearing procedure would be available but would not stay the suspension.

Alcohol and drug-related convictions would be defined as convictions for violation of K.S.A. 8-1567 (DUI), a similar law of another state or a parallel city ordinance or county resolution. Entering into a diversion agreement during the immediately preceding five years would be considered a conviction for purposes of identifying a first, second, or subsequent occurrence. Further, it would be irrelevant whether an offense occurred before or after conviction or diversion for a previous offense.

The bill provides that if a person refuses to take a test, no additional testing would be conducted unless the certifying officer has probable cause to believe that the person, while under the influence of alcohol or drugs or both, has operated a vehicle in such a manner as to have caused the death of or serious injury to another person. In such cases, other tests authorized by law could be administered as if a search warrant had been issued. If the results of such a test show a blood alcohol concentration of .10 or greater, the person's driving privileges would be subject to suspension, or suspension and restriction.

Guidelines are established for certifications of failure or refusal to take a test. The certifications would be prepared by a law enforcement officer, forwarded to the Division of Motor Vehicles and would be the basis for the Division to suspend driving privileges. If an officer certifies that a person failed a test, the scope of the hearing appealing a suspension would be limited and an affidavit from the Department of Health and Environment stating that the breath testing device was reliable would be conclusive evidence for purposes of establishing the reliability of the testing device and the qualifications of the operator.

H.B. 2954 (As Recommended by House  
Committee on Transportation)

H.B. 2954 relates to airport zoning and requires that a political subdivision give the Secretary of Transportation 15 days notice of a public hearing relating to airport zoning regulations.

H.B. 2988 (As Amended by House Committee  
on Transportation)

H.B. 2988, as amended, provides for a symbol to be attached to motor vehicles driven by the deaf and hearing impaired. The Kansas Commission for the Hearing Impaired is directed to design and issue upon request such symbol or device that may be attached to a motor vehicle operated by a deaf or hearing impaired person. The device would cost \$2. If the device is not more than five inches wide or high, it could be attached to the lower left corner of the rear window of a vehicle. In any event, the symbol could be attached to the rear bumper of a vehicle. Acceptable medical proof that a person is deaf or hearing impaired could be required by the Commission. The Commission may contract with the state or a local agency for the distribution of the device. Finally, the Commission is directed to provide law enforcement agencies an explanation of the meaning of the device prior to the issuance thereof.

H.B. 3064 (As Amended by House Committee  
on Transportation)

H.B. 3064 would exempt motor carriers from the provisions of K.S.A. 66-125 which govern the issuance of indebtedness. The bill also would validate any issue of stocks, bonds, notes, or other evidences of indebtedness not payable within one year issued by a motor carrier prior to the effective date of the act without obtaining a certificate from the Corporation Commission.

H.B. 3065 (As Amended by House Committee  
on Transportation)

H.B. 3065, as amended, amends K.S.A. 8-2408 and relates to vehicle dealer sales reports. This bill provides that a lending agency which sells two or less vehicles a month will not be required to file a monthly sales report, except that such lending agencies must report annually to the Division of Vehicles, Department of Revenue, the total number of sales or transfers of such vehicles.

H.B. 3066 (As Recommended by House Committee  
on Transportation)

H.B. 3066 provides the option for the owner of a trailer, semitrailer, or pole trailer, with a gross weight of more than 12,000 pounds, to obtain a multiyear registration for a five-year period upon payment of the appropriate registration fee.

The fee would be five times the annual fee (\$125) for such trailer, except that if the annual registration fee is increased during the multiyear period, the owner would pay the amount of the increase of the annual registration fee for the remaining calendar years of the registration period. When the owner transfers or assigns the title, the multiyear registration would expire. However, the owner could have the license plate assigned to another trailer upon the payment of fees required by law. An owner whose trailer is disposed of before expiration of the multiyear registration could obtain a refund for the registration fee for the remaining calendar years by applying to the Division of Vehicles of the Department of Revenue.

H.B. 3073 (As Recommended by House Committee  
on Transportation)

H.B. 3073 would designate the portion of United States Highway 81 where it enters the state on the Kansas-Nebraska line on the north then south to the junction of Interstate Highway 70 as the Frank Carlson Memorial Highway. The Secretary of Transportation would be required to place signs along the highway right-of-way at proper intervals to indicate that the highway is the Frank Carlson Memorial Highway. The Secretary would be permitted to accept gifts and donations to aid in obtaining suitable highway signs.