

Approved August 4, 1989
Date

MINUTES OF THE House COMMITTEE ON Transportation

The meeting was called to order by Rex Crowell at
Chairperson

1:30 ~~xxx~~/p.m. on February 22, 1989 in room 519-S of the Capitol.

All members were present except:
Representative Dean

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

Conferees appearing before the committee:
Representative Jim Lowther
Representative Jeff Freeman
Representative Elaine Wells
Mr. Philip Winter, Lyon County Commission
Mrs. Mary Turkington, Kansas Motor Carriers Association
Mr. Allen Bell, Kansas Development Finance Authority

The meeting was called to order by Chairman Crowell, and the first order of business was a hearing on HB-2186 concerning restrictions on the use of certain highways.

Representative Jim Lowther, co-sponsor of HB-2186, briefed the Committee on the contents of the bill.

Representative Jeff Freeman, co-sponsor of HB-2186, spoke in support of the bill.

Representative Elaine Wells, co-sponsor of HB-2186, testified in support of the bill.

Mr. Philip Winter, Board of County Commissioners of Lyon County, testified in support of HB-2186. (See Attachment 1)

Mrs. Mary Turkington, Kansas Motor Carriers Association, testified in opposition to HB-2186. (See Attachment 2)

Committee discussion and questioning ensued.

The hearing on HB-2186 ended.

Mr. Allen Bell, President, Kansas Development Finance Authority, continued his presentation on the use of bonds as a method of financing the comprehensive highway program.

The next business was Committee discussion and action on HB-2015 concerning the use of after market parts.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Transportation,

room 519-S Statehouse, at 1:30 ~~a.m.~~/p.m. on February 22, 19 89

Representative Shore explained amendments recommended by the subcommittee on HB-2015. (See Attachment 3)

A motion was made by Representative Shore that HB-2015 be amended as recommended by the subcommittee. The motion was seconded by Representative Empson. Motion carried.

A motion was made by Representative Shore that HB-2015 be recommended favorable as amended for passage. The motion was seconded by Representative Wilbert.

A substitute motion was made by Representative Gross that HB-2015 be tabled. The motion was seconded by Representative Dillon. The motion failed 9-8 on a division.

A substitute motion was made by Representative Lucas that HB-2015 be sent back to the subcommittee to provide more specific wording in Line 26 regarding the phrase "equal in quality to". The motion was seconded by Representative Dillon. Motion failed on a voice vote.

The original motion to recommend HB-2015 as amended favorable for passage, carried.

Representative Gross requested to be recorded as voting "no".

The next bill taken up was HB-2174 concerning license plates for the survivors of the attack on Pearl Harbor.

A motion was made by Representative Dillon that HB-2174 be recommended favorable for passage. The motion was seconded by Representative Roenbaugh. Motion carried.

The meeting was adjourned at 3:20 p.m.


Rex Crowell, Chairman

PLEASE PRINT

NAME	ADDRESS	COMPANY/ORGANIZATION
Anna Constantine	RES Box 330 Ark City	Leadership A.C.
Linger Beck	1309 No. 11 Ark City	" "
Ann J Avery	PO Box 795 Ark City	" ^{Chaplain} _{conference}
Mark Entermill	Topeka	Kansas Coalition on Aging
Robert D. Wilson	Ark City, Ks.	
Clay D. Lane III	Ark City, Ks.	
Sandra J Fisk	" "	Leadership Ark City
Lou Morton	Ark city, Ks	Leadership A.C.
Carol Park Wood	Ark city, Ks.	" "
Lynn O. Warner	" "	" "
Lay R. Johnson	" "	" "
Shirley Constantine	" "	" "
Tom Brewer	" "	" "
Tom Wilkeli	Lawrence	Gen. Liaison
KEVIN SPARKS	LAWRENCE KS	Kill
Barbara Walker	Ark City, Ks.	Leadership Ark City
Margaret Ann Finking	Arkansas City Ks.	Leadership Ark City
Wayne Leffler	Hamersville, K.	Co-Comm
Philip E. Winters	Lyon Ks.	Co-Counselor
Glenn Wells	Carbondale	Lyon
ALLEN BELL	Topeka	KDFA
Judy Runnels	Topeka	Economic Lifelines
Rick Keady	"	KPL Gas Service
Patrick Shurley	Topeka	Ks. Good Roads
Dad W. Dieckman	Topeka	K.A.D.R.A.
Carl Hill	Topeka	Ks Motor Carriers Assn

February 22, 1989

Mr. Chairman and Members of the Transportation Committee:

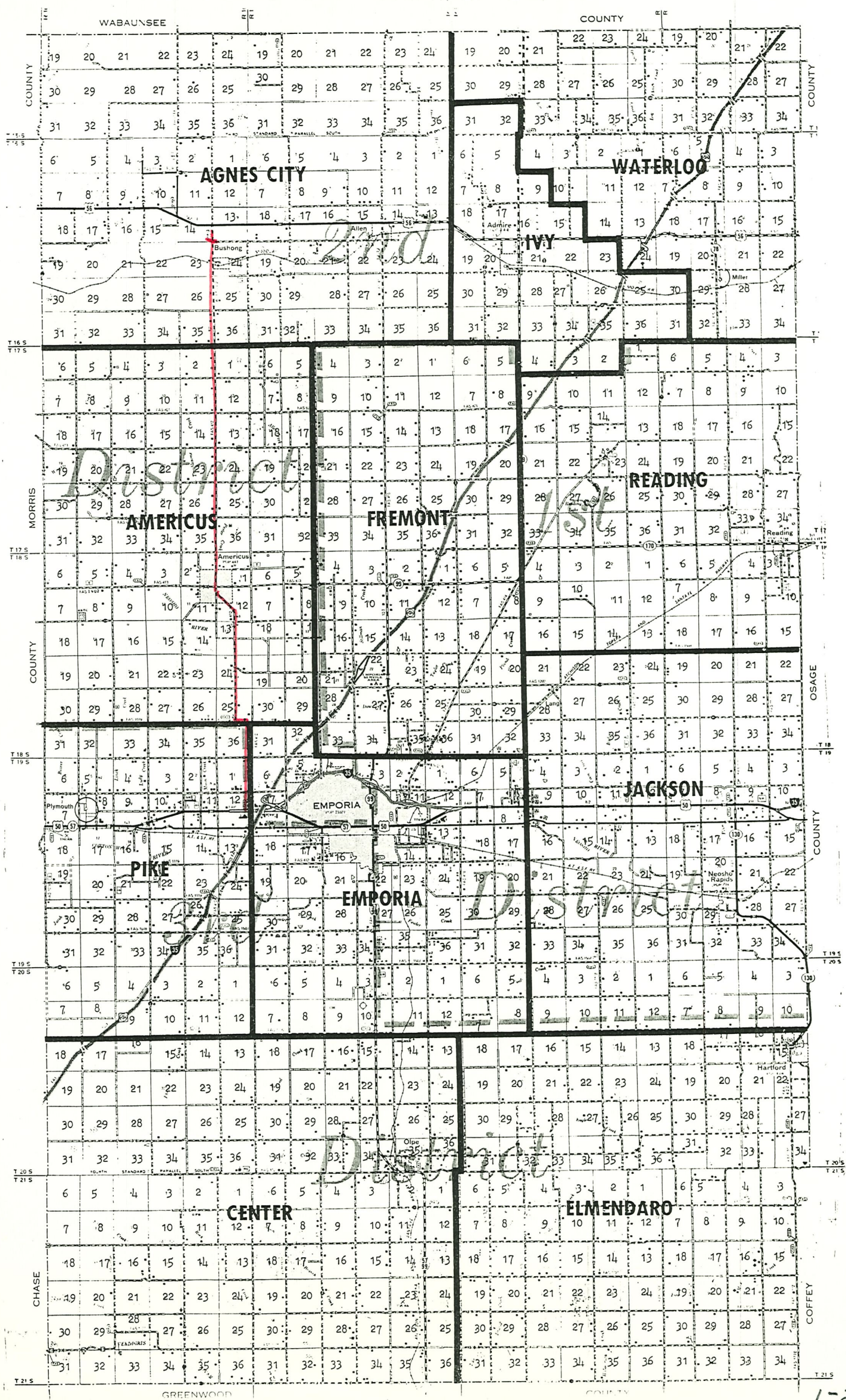
My name is Philip Winter and I am the Lyon County Counselor. I am here on behalf of the Board of County Commissioners of Lyon County. One Commissioner from Lyon County, Mr. Wayne Leffler is also here. Lyon County supports the enactment of House Bill 2186 for the reason that we feel that it would aid in the solution of specific problems concerning deteriorating oil roads in Lyon County. Lyon County has two oil roads that have a high traffic count. The first, the Burlingame Road, this bill will not help due to road patterns and businesses in that part of the county. The second is commonly known as the Americus Road which extends from Highway U.S. 56 a mile north of Bushong, Kansas, south to intersect U.S. 50 just outside the city limits of Emporia. The road was rebuilt from the city of Americus south to U.S. 50 from 1962-1967. The portion from Americus north to U.S. 56 remains, with the exception of oil, as it was since the road was first laid out in the early days of the county except for grading in 1963 and prime and seal work. This particular road carries many of the semi-trailer/tractor rigs which carry beef to Iowa Beef in Emporia. The road was obviously not built for such heavy weight and therefore the county has had extreme difficulty in maintaining this road. It had a traffic count of 2796 in 1988, higher than any other county road and almost twice as high as K-99.

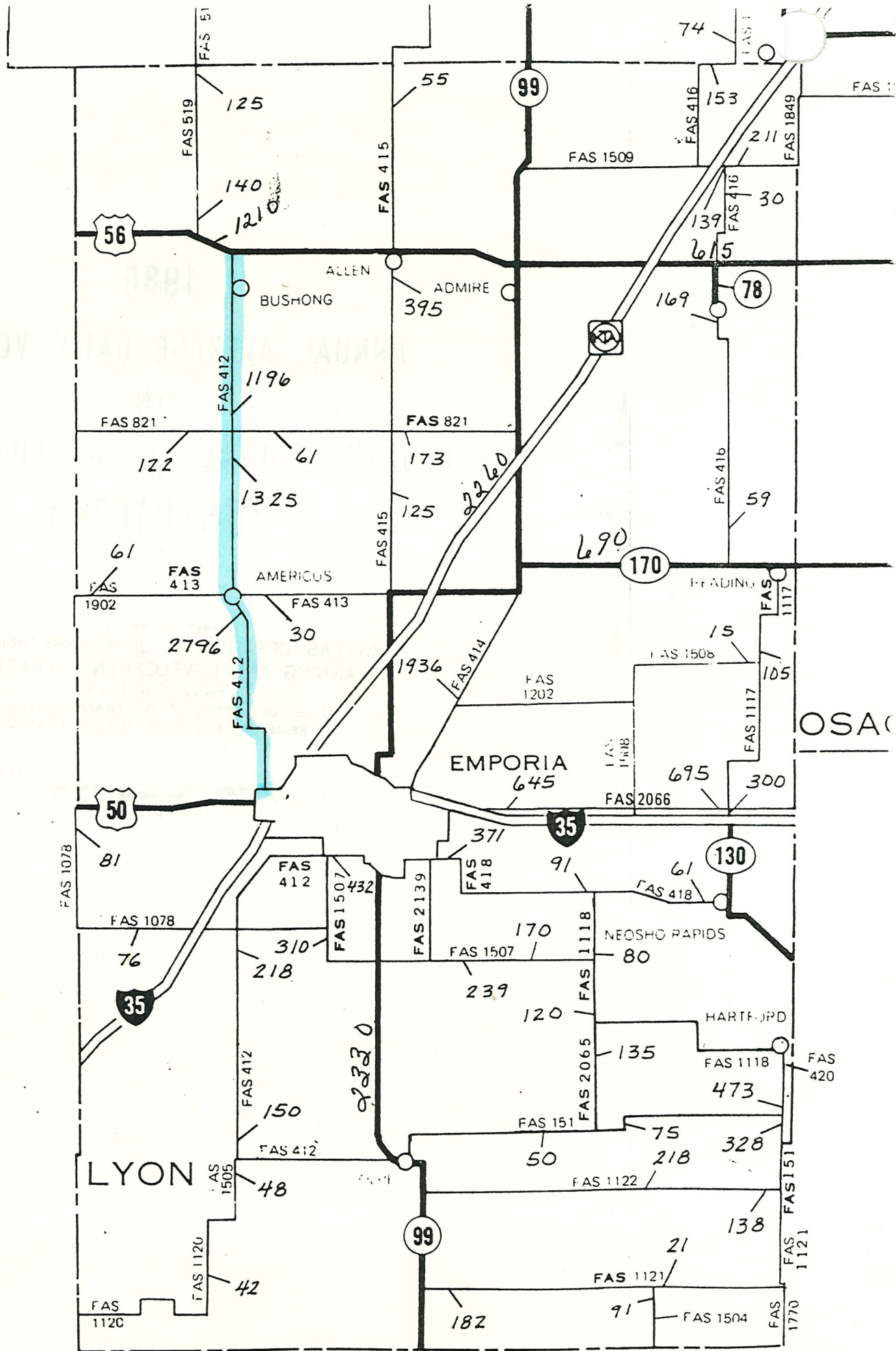
It is to be noted that the heavy freight that goes over this road, for the most part, need not use this road. K-99 parallels the road roughly seven (7) miles to the east and K-57 parallels the road running from Council Grove to just outside of Strong City. As to local traffic in the area, there are sufficient good gravel roads to handle that traffic. Should you adopt this particular bill and should it become law, Lyon County is prepared to adopt a weight limit of forty thousand pounds (40,000) so that the road can be protected. We urge you to, in fact, pass this particular bill which would allow the county to protect its road and in turn allow the county to not have the continuous drain on the Lyon County taxpayers caused by these roads constantly needed repairs.

Thank you.

A+t. 1

LYON COUNTY, KANSAS





1986

ANNUAL AVERAGE DAILY VOLUMES
ON
COUNTY FEDERAL-AID SECONDARY ROADS
DISTRICT I



PREPARED BY THE
KANSAS DEPARTMENT OF TRANSPORTATION
PLANNING AND DEVELOPMENT DEPARTMENT

IN COOPERATION WITH THE
U. S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION



STATEMENT

By The

KANSAS MOTOR CARRIERS ASSOCIATION

In opposition to House Bill 2186
which would restrict the use of
Kansas highways.

Presented to the House Transportation
Committee, Rep. Rex Crowell, Chairman;
Statehouse, Topeka, Wednesday, February
22, 1989.

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I am Mary E. Turkington, Executive Director of the Kansas Motor Carriers Association with offices in Topeka. Tom Whitaker, our Governmental Relations Director; and I appear here today to represent the highway transportation industry and to oppose House Bill 2186.

We have followed, through newspaper clippings, local discussions on utilization of county highways in the Lyon county area. We are aware that there are unmet maintenance needs on these area local roads just as there are in many sections of the state.

We respectfully submit that the real solution is to support the proposed comprehensive highway program which will return substantial dollars to local units of government for badly-needed road repairs and modifications.

We cannot agree that the revisions proposed in House Bill 2186 are a workable answer to these or similar problems throughout the state.

The bill would eliminate the 90-day time limit for which local authorities could impose highway restrictions. The bill also would wipe out the provision currently in the law which says such restrictions shall not apply to any street which is a connecting link of the state highway system unless a satisfactory alternate route is provided and has been approved by the secretary of transportation.

This bill would address not only the Lyon county local road situation but would have state-wide application as well. We cannot believe that this committee would respond favorably to such a change in public policy.

We wonder how the folks in the Americus and nearby communities will be supplied with gasoline and related petroleum products. How will the world famous Marlow Woodcut industry be served? There is a fertilizer service located nearby and Americus has a small grain elevator.

How will this community be served if highways are restricted at the pleasure of local authorities?

Many citizens of the state are working as diligently as we know how to support a comprehensive highway program that will address the needs of local units of government along with the needs of the state highway system -- and at the same time help provide badly needed funding for education budgets and property tax relief throughout the state. This is a positive program. House Bill 2186 is a negative approach to the commerce of local communities and offers no real solution to the highway improvement needs of Lyon county and local streets and highways throughout Kansas.

####

HOUSE BILL No. 2015

By Special Committee on Transportation

Re Proposal No. 44

12-22

Att. 3

16 AN ACT concerning motor vehicles; relating to the repair thereof;
17 concerning the use of after market parts; disclosure; ~~amending~~
18 ~~K.S.A. 50-626 and repealing the existing section.~~

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

20 New Section 1. As used in this act "after market part" means
21 sheet metal or plastic parts which generally constitute, or provide
22 support for the exterior of a motor vehicle, including inner and outer
23 panels.

24 New Sec. 2. No ~~insurance company~~ shall require the use of after
25 market parts in the repair of a motor vehicle unless the after market
26 parts are at least equal in quality to the original part in terms of fit
27 and performance.

28 New Sec. 3. Any person who prepares an estimate of the cost
29 of motor vehicle repairs shall disclose to the owner of the motor
30 vehicle, either on the estimate or on a separate document attached
31 to the estimate, the following information in at least 10-point type:

32 THIS ESTIMATE HAS BEEN PREPARED BASED ON THE
33 USE OF AUTOMOBILE PARTS NOT MADE BY THE ORIG-
34 INAL MANUFACTURER. PARTS USED IN THE REPAIR OF
35 YOUR VEHICLE BY OTHER THAN THE ORIGINAL MAN-
36 UFACTURER ARE REQUIRED TO BE AT LEAST EQUAL IN
37 QUALITY IN TERMS OF FIT AND PERFORMANCE TO THE
38 ORIGINAL MANUFACTURER PARTS THEY ARE REPLAC-
39 ING. ~~PARTS USED IN THE REPAIR OF YOUR VEHICLE BY~~
40 ~~OTHER THAN THE ORIGINAL MANUFACTURER MAY NOT~~
41 ~~BE COVERED BY THE VEHICLE MANUFACTURER'S~~
42 ~~WARRANTY.~~

43 All after market parts installed on the motor vehicle shall be clearly

: (a)

which are not made by the original manufacturer and _____

the exterior

; (b) "insurer" includes any person authorized to represent the insurer with respect to a claim who is acting within the scope of the person's authority.

(a)

insurer

; (b) violations of subsection (a) and section 3 by insurers, shall be enforced under the provisions of K.S.A. 40-2401 et seq., and amendments thereto.

3-2

44 identified on the estimate of such repair.

45 ~~Sec. 4. K.S.A. 50-626 is hereby amended to read as follows: 50-~~

46 626. (a) No supplier shall engage in any deceptive act or practice
47 in connection with a consumer transaction.

48 (b) Deceptive acts and practices include, but are not limited to,
49 the following, each of which is hereby declared to be a violation of
50 this act:

51 (1) Representations made knowingly or with reason to know that:

52 (A) Property or services have sponsorship, approval, accessories,
53 characteristics, ingredients, uses, benefits or quantities that they do
54 not have;

55 (B) the supplier has a sponsorship, approval, status, affiliation or
56 connection that he or she does not have;

57 (C) property is original or new, if such property has been de-
58 teriorated, altered, reconditioned, repossessed or is second-hand or
59 otherwise used to an extent that is materially different from the
60 representation;

61 (D) property or services are of particular standard, quality, grade,
62 style or model, if they are of another which differs materially from
63 the representation; or

64 (E) the consumer will receive a rebate, discount or other benefit
65 as an inducement for entering into a consumer transaction in return
66 for giving the supplier the names of prospective consumers or oth-
67 erwise helping the supplier to enter into other consumer transactions,
68 if receipt of benefit is contingent on an event occurring after the
69 consumer enters into the transaction;

70 (2) the intentional use, in any oral or written representation, of
71 exaggeration, innuendo or ambiguity as to a material fact;

72 (3) the intentional failure to state a material fact, or the inten-
73 tional concealment, suppression or omission of a material fact,
74 whether or not any person has in fact been misled;

75 (4) disparaging the property, services or business of another by
76 making, knowingly or with reason to know, false or misleading rep-
resentations of material facts;

(5) offering property or services without intent to sell them;

79 (6) offering property or services without intent to supply reason-

80 able, expectable public demand, unless the offer discloses the

6-5

81 ~~limitation;~~

82 (7) making false or misleading representations, knowingly or with
83 reason to know, of fact concerning the reason for, existence of or
84 amounts of price reductions, or the price in comparison to prices of
85 competitors or one's own price at a past or future time;

86 (8) falsely stating, knowingly or with reason to know, that a con-
87 sumer transaction involves consumer rights, remedies or obligations;

88 (9) falsely stating, knowingly or with reason to know, that serv-
89 ices, replacements or repairs are needed;

90 (10) falsely stating, knowingly or with reason to know, the reasons
91 for offering or supplying property or services at sale or discount
92 prices;

93 (11) knowingly failing to provide the disclosure required in sec-
94 tion 3;

95 ~~Sec. 5. K.S.A. 50-626 is hereby repealed.~~

96 Sec. ~~6~~ This act shall take effect and be in force from and after
97 its publication in the statute book.

98

Sec. 4. The attorney general shall have the jurisdiction to enforce the provisions of section 3 under the provisions of the consumer protection act, K.S.A. 50-623, et seq., and amendments thereto, except as it applies to an insurer.

5.