

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 ~~am~~/p.m. on February 27, 1989 in room 519-S of the Capitol.

All members were present ~~except~~:

Committee staff present:

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

Conferees appearing before the committee:

Representative Ginger Barr
Dr. Sergio Delgado, Topeka, Kansas
Mr. Larry Ross, League of American Wheelmen, Wichita
Representative R. D. Miller
Mr. Ray McDaniel, Coffeyville, Kansas Police Department
Mr. Pat Barnes, Kansas Motor Car Dealers
Representative Bill Roy, Jr.
Mr. Mike Lackey, Kansas Department of Transportation
Ms. Lana Best, North Valley Shopping Center, Topeka
Mr. Robert Best, North Valley Shopping Center, Topeka
Mr. Claude Duncan, Duncan's Movie Magic, Topeka

The meeting was called to order by Chairman Crowell and the first order of business was a hearing on HB-2288 requiring the wearing of reflectorized material by operators of bicycles.

Representative Ginger Barr, sponsor of the bill, briefed the Committee on the contents of HB-2288. (See Attachment 1)

Dr. Sergio Delgado, Topeka, Kansas, testified in support of HB-2288. (See Attachment 2)

Mr. Larry Ross, League of American Wheelmen, Wichita, Kansas, testified in support of HB-2288.

The hearing on HB-2288 ended.

The next order of business was on HB-2116 concerning and defining golf carts.

Representative R. D. Miller, sponsor of the bill, briefed the Committee on its contents.

Committee discussion and questioning followed.

The hearing on HB-2116 was concluded.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Transportation,

room 519-S Statehouse, at 1:30 ~~xx~~ p.m. on February 27, 1989

The next order of business was a hearing on HB-2238 concerning vehicle identification numbers and penalties for violation of laws pertaining thereto.

Representative Russell, sponsor of the bill, briefed the Committee on the contents of HB-2238. (See Attachment 3)

Mr. Ray McDaniel, Coffeyville, Kansas Police Department, testified in support of HB-2238.

Mr. Pat Barnes, Kansas Motor Car Dealers Association, testified in support of HB-2238. (See Attachment 4)

The hearing on HB-2238 ended.

The next order of business was a hearing on HB-2328 concerning incentives and penalties for performing work at certain locations.

Representative Bill Roy, Jr., sponsor of the bill, briefed the Committee on its contents. (See Attachment 5)

Mr. Mike Lackey, Kansas Department of Transportation, spoke concerning federal aid on urban projects and the relationship of HB-2328 to that funding.

Ms. Lana Best, North Valley Shopping Center proprietor, testified concerning HB-2328.

Mr. Robert Best, North Valley Shopping Center proprietor, testified concerning HB-2328, and said their business has suffered due to the road being closed adjacent to the shopping center.

Mr. Claude Duncan, Duncan's Movie Magic, North Valley Shopping Center, testified in favor of HB-2328. He reported a 37.6 percent decrease in revenue during the first month of the road closing which runs past his place of business.

The hearing on HB-2328 ended.

Hank Avila gave a synopsis of bills in the House Transportation Committee. (See Attachment 6)

The meeting was adjourned at 2:55 p.m.


Rex Crowell, Chairman

PLEASE PRINT

NAME	ADDRESS	COMPANY/ORGANIZATION
FRANCES KASTNER	Topeka	Ks Food Dealer Assn
RICH DAME	Holsington	B. L. E.
HAROLD B. TURNER	TOPEKA	DIOD OF VEHICLES
TOM SKINNER	"	" " "
PAT McGRATH	Overland Park	PRIVATE
Lana Best	Topeka	Lana's
ROBERT E. BEST	Topeka	LANA'S
CLAUDE DUNCAN	TOPEKA	DUNCAN'S MOUTE MAGIC
Emily Wellman	Topeka	KCO
Nedia Boling	Topeka	Dept. of Revenue
EDWARD R. DE SOIGNIE	TOPEKA	KS. CONTRACTORS ASSOC.
John Hanna	Topeka	AP
PAT BARNES	Topeka	Ks. Motor Car Dealer Assn.
Kevin Allen	Topeka	KMESA
LT. BILL JACOBS	TOPEKA	KHP
Tom Whitaker	Topeka	Ks Motor Carriers Assn
MARY E. TURKINGTON	Topeka	Ks Motor Carrier Assn
Mike Lackey	Topeka	KDOT
Mike Shegan	"	KDOT
JIM BUSH	"	KDOT
Jerel Wright	Topeka	KCUL
Mark Intermill	Topeka	Kansas Coalition on Aging

GINGER BARR
REPRESENTATIVE, FIFTY-FIRST DISTRICT
SHAWNEE COUNTY
P.O. BOX 58
AUBURN, KANSAS 66402-0058



TOPEKA

HOUSE OF
REPRESENTATIVES

**TESTIMONY BEFORE THE HOUSE TRANSPORTATION COMMITTEE
FEBRUARY 27, 1989
CONCERNING HB 2288**

COMMITTEE ASSIGNMENTS

CHAIRMAN: FEDERAL AND STATE AFFAIRS
MEMBER: ENERGY AND NATURAL RESOURCES

Mr. Chairman and Members of the Committee:

My name is Ginger Barr and I represent the 51st District. I want to thank you for giving me the opportunity of appearing before you today in regard to HB 2288 which deals with the wearing of reflectorized material by bicyclists.

For the past four years I have been receiving complaints from constituents with the ever increasing activity of bicyclists on county and state roads. I realize that a bicycle is a mode of transportation and has a legal right to share the roads with automobiles. However, some bicyclists are not using good judgment when it comes to safety.

My reason for introducing the bill came after I received a request from Dr. Sergio Delgado, orthopedic surgeon. Several times he has had near collisions with bicyclists by not being able to see them in the dark.

Many of the bicyclists will ride through the hills of western Shawnee County on the state highways or back roads. Often the bike does not have front or rear fenders to accommodate reflectorized materials. Therefore, it is difficult to see the bicyclist at night when you approach him from behind. Reflectors attached to the spokes of bicycle wheels are ineffective unless the bicyclist is crossing your horizontal area of vision.

I have done some research on this topic and feel the only way to address this issue is to require some type of reflectorized material on the person's clothing. As far as I'm concerned, just placing a large width of reflectorized tape on a shirt so that it could be seen from the front or back would suffice. I doubt if this would cause any undue hardship or expense. The bill calls for a penalty of \$10.00

The bill is short and to the point. It is by no means an attempt to discourage bicycle enthusiasts from enjoying their sport, rather it is an attempt to save lives. I would appreciate your support for HB 2288.

Sergio Delgado, M.D., P.A. ■ Joseph W. Huston, M.D., P.A.

Brock Medical Plaza ■ 634 Mulvane, Suite 200 ■ Topeka, Kansas 66606 ■ 357-0352

February 27, 1989

Honorable Representative Ginger Barr,

I thank you for inviting me to address this committee in reference to your proposed HOUSE BILL 2288, specifically it's new section I.

I would like to focus my comments from two different points of view- 1) that of a physician exposed to the effects of trauma on the human body and 2) as a concerned resident of this great state.

With the increased interest in physical well-being seen in this country, various forms of activities and sports have become very popular. The method that each individual approaches to achieve that sense of well being is colored by each individuals interest as well as his physical and mental capabilities. They are also decided by the cost involved, facilities available, equipment necessary as well as the time needed and available for the program selected.

Bicycling has been a popular mode of transportation, sport activity and exercising tool in Europe and Asia for many years. This is influenced by the relatively low cost of bicycles compared to automobiles, increasing gasoline prices as well as the availability of good roads generally. It's competitive capabilities make bicycling a national and international spectacle of immense proportions. It's calorie burning potential, physical fitness enhancement attributes and competition qualities is making bicycling an increasingly popular activity in this country also. The creation of riding clubs, development of riding lanes and tracks is mushrooming all across this land. This popularity is causing the revision of traffic regulations and the creation of new laws to protect and benefit the riders. There is no question that bicycling may become the ideal form of transportation in growing communities, and this is already seen in New York City.

All these reasons lead us to be increasingly concerned with riders' safety in our increasingly motorized and transportation conscious society.

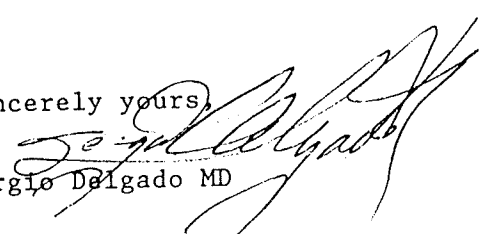
The rider, because of the lack of any armour of protection, which is better provided to an automobile rider, is precariously exposed to injury. The injuries produced by the encounter between a motorized two to three ton vehicle and bike rider can be devastating. Actuarial studies of hospital and medical costs, loss of productivity and income and rehabilitation and long term disability care is staggering. It is, therefore, the duty of the medial profession and the law creating bodies to consider regulation changes that would guarantee the safety of the rider.

As a resident of Shawnee county I enjoy seeing bicycle riders, alone or in groups, enjoying our vast expanses while exercising or competing. Most of them wear colorful outfits which aid this enjoyment. They are generally well behaved, cause no pollution and minimal noise , and add flavor to our sense of community.

There is, however, a small group of riders , that because of the constraint for leisure time or desire to increase their competitive capabilities, or as the bicycle becomes a more popular form of transportation, are required to ride at times when visibility may be diminished. The modern competitive bicycle is not provided with reflective devices, or if present, are not sufficiently large to be adequately and promptly recognized by a car driver in a usually isolated, non-illuminated road. This is especially true between dusk and dawn. A regulation is needed to either have a larger reflective device be present which can be seen from either direction or to require the wearing of reflective clothing at those times that visibility is poor. I, therefore, urge this committee to favorably consider this addition to House Bill 2288 as a way to protect the riders.

I thank you for your time.

Sincerely yours,


Sergio Delgado MD

JIM RUSSELL
 REPRESENTATIVE, SEVENTH DISTRICT
 704 SPRUCE
 COFFEYVILLE, KANSAS 67337
 (316) 251-1615



TOPEKA

HOUSE OF
 REPRESENTATIVES

COMMITTEE ASSIGNMENTS
 MEMBER COMMERCIAL AND FINANCIAL INSTITUTIONS
 ELECTIONS
 TRANSPORTATION

February 27, 1989

TO: House Transportation Committee

SUBJECT: H.B. 2238

Thank you, Mr. Chairman, and members of the House Transportation Committee.

Before I introduce Mr. Ray McDaniel, Patrolman with the Coffeyville Police Department, let me first explain how the concept for this bill came about.


Ray called me last month concerned about out-of-state individuals selling vehicles with an altered VIN (vehicle identification number) in Southeast Kansas. I had Bruce Kinzie contact Ray to clarify any questions...the result of which is H.B. 2238.

K.S.A. 8-113 makes it unlawful to destroy or cause to be destroyed, remove or cause to be removed, alter or deface, or cause to be altered or defaced VIN (vehicle identification number) in the State of Kansas... Punishable by a felony.

K.S.A. 1988 Supp. 8-116 makes it unlawful to sell, barter or exchange, or own or have the custody or possession of a motor vehicle which VIN (vehicle identification number) has been destroyed, removed, altered or defaced...Punishable by a class C misdemeanor.

Out-of-state individuals changing vehicle identification number in another state do not violate K.S.A. 8-113. If they sell the vehicle in Kansas it violates K.S.A. 1988 Supp. 8-116...with a class C misdemeanor penalty, it is not worth the effort to pursue the individual out-of-state.

H.B. 2238 would provide for a class E felony penalty, thus justifying the time and expense for curtailing the sale of such vehicles with altered VIN (vehicle identification number) in Southeast Kansas.


 Jim Russell

JR:hlh

Statement of the
KANSAS MOTOR CAR DEALERS ASSOCIATION
Before the
HOUSE COMMITTEE ON TRANSPORTATION
AND UTILITIES

Monday, February 27, 1989

RE: House Bill #2238 Increasing Possession of Vehicle
With an Altered VIN From a Class III Misdemeanor to a
Class E Felony.

Mr. Chairman, Members of the Committee, I am Pat Barnes, legislative counsel for the Kansas Motor Car Dealers Association. We appear before you to day in support of House Bill #2238, but we do want to point out some changes which need to be in the bill, especially in view of the fact that the penalty section of the current law is being raised from a relatively minor penalty to one which is quite severe.

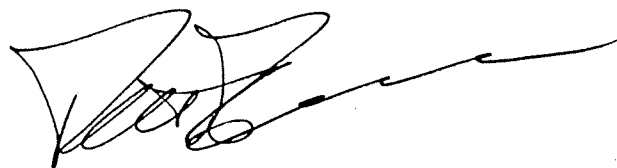
Present law allows one to be arrested and prosecuted merely for possessing a motor vehicle which has had the original VIN altered, destroyed or removed. This means totally innocent people with no knowledge whatsoever of a substandard VIN number can be arrested and jailed for something they did not do and had no knowledge about.

Many of the automobiles that are sold by dealers and purchased by individuals come from outside the State of Kansas. Many of the alterations on VIN numbers are hard to detect and

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generally do not consist of the type of thing a normal buyer and seller dwell upon in completing a transaction. VIN inspections are required on automobiles originating from outside our borders which are intended to be registered within our borders. As you can see, there are numerous opportunities for average individuals to be arrested through no fault of their own.

We would ask that a knowledge or other criminal culpability requirement be placed into the present law in conjunction with raising the penalty to a Class E felony. The possession of an automobile with an altered VIN number as it currently stands encompasses not only the criminals, who are not usually the ones arrested under this type of statute, but it also aims for those who are not responsible and should not be held responsible.

A handwritten signature in black ink, consisting of a large, stylized initial 'W' followed by a series of loops and a long horizontal stroke extending to the right.

WILLIAM R. ROY, JR.
 REPRESENTATIVE, FIFTY-THIRD DISTRICT
 STATE CAPITOL
 TOPEKA, KANSAS 66612



TOPEKA

HOUSE OF
 REPRESENTATIVES

COMMITTEE ASSIGNMENTS
 MEMBER: FEDERAL AND STATE AFFAIRS
 JUDICIARY
 TAXATION
 RANKING MINORITY MEMBER: RULES AND
 JOURNAL

February 27, 1989

TESTIMONY BEFORE HOUSE TRANSPORTATION COMMITTEE

House Bill 2328 -- Contract incentives/penalties
 on state road projects in commercial districts.

Mr. Chairman and Members of the Committee:

HB 2328 requires that all Department of Transportation contracts involving roads within urban areas that front on commercial properties include incentives to encourage early completion and penalties or disincentives for late completion.

Last November, I received many inquiries regarding the road project then under construction on North Topeka Boulevard, a state project involving route US 75.

According to the office of the city engineer, work on that project commenced in April of 1988. The project contract allocated 80 working days to complete the project and called for a completion date of December 9 and an opening date of December 16. (The discrepancy between 80 working days and the December 16 opening date allowed for weekends, holidays, and adverse weather).

The work was completed exactly by the December 16 according to schedule, but easily could have been completed much sooner in view of weather of last summer -- warm and dry -- which was ideal for road construction.

By late autumn, every passing day that the Boulevard could have been opened created hardships for merchants and inconvenience to persons who patronized or would like to have patronized their businesses, especially at that busiest time of the year, the holiday shopping season.

In order to avoid repeating the delays and mistakes on similar projects in the future, I introduced the HB 2328, which would require that all DOT contracts involving roads within urban areas that front on commercial properties include incentives to encourage early completion and penalties or disincentives for late completion.

This is a bill that has been narrowly crafted to affect only a limited number of DOT contracts where time is money -- substantial money for merchants in that commercial area .

I have with me today some North Topeka merchants who would like to share the effects such unnecessary delays had upon their businesses and customers.

Their concerns are important not only to why this bill is needed, but also to evaluating the performance of the state along with the performance of the contractor on this and similar projects.

The Department of Transportation is opposed to this bill contending that it is costly and inconvenient. I contend that the cost and inconvenience to DOT is small compared to the cost and inconvenience throughout the state to businesses and their customers when favorable conditions make delays unnecessary.

Thank you for your interest. Your favorable consideration of this bill is appreciated.

NTOP3.DOC

MEMORANDUM

February 27, 1989

TO: House Transportation Committee

FROM: Kansas Legislative Research Department

RE: Bills Assigned to Committee

H.B. 2014 (By Special Committee on Transportation
Re: Proposal No. 42)

H.B. 2014 provides for an enhanced highway program for the state of Kansas. The principal features of the program are summarized below:

1. Legislative Intent. A statement of legislative intent indicates that, in order to provide for the construction and reconstruction of a modern and efficient highway system, the Secretary of the Kansas Department of Transportation (KDOT) is directed to initiate a program which includes highway and bridge projects the Secretary selects in accord with KDOT selection method. (Sec. 1(a))
2. Program Elements. The projects selected are to represent the top 20 percent of the existing State Highway System needs, as determined by KDOT prioritization method. Also, priority bridge projects are to be increased by 25 percent.

Additionally, the Secretary is directed to include in the highway program the following:

- a. increase in substantial maintenance to a level which arrests and reverses the decline in road and bridge surface conditions (known as the "adequate" level of maintenance);
- b. maximum use by the state of available federal highway funds;
- c. increased state partnership with cities and counties, including geometric improvements on city connecting links, city connecting link payments, and economic development projects;
- d. improvements in transportation programs to aid the elderly and handicapped; and
- e. system enhancement projects which improve safety, relieve congestion, improve access, or enhance economic development. (Sec. 1(a) and 1(b))

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3. Program Plan and Reporting Requirements. KDOT is directed to develop and use criteria for selection of system enhancement projects. The Secretary must report annually to the Legislature regarding projects which constitute the system enhancement portion of the program. Also, KDOT is directed to prepare a five-year plan, to be updated annually, which includes all facets of the enhanced highway program. (Sec. 1(b) and 1(c))

4. Bonding and Investment Authority. The Secretary is authorized to issue bonds (including refunding bonds) for the highway program. The aggregate principal amount of such bonds outstanding at any time cannot exceed \$700 million; no bonds can be issued with maturity dates beyond 15 years. The highway bonds do not constitute a debt of the state but are an obligation of the State Highway Fund, they are exempt from state income taxes, they are approved investment instruments for public bodies and financial institutions, and they may be used as pledged securities by financial institutions seeking the deposit of public funds. Investment of the Highway Bond Debt Service Fund and the State Highway Fund are subject to the prudent person rule (except that investment in common stocks is prohibited). The Secretary may recommend investment policies; however, all investments are made by the Pooled Money Investment Board. (Secs. 3-14)

5. Registration and Related Fee Increases. Vehicle registration fees are increased generally as follows: the registration fee for automobiles 4,500 pounds or less is increased to a uniform \$25; those over 4,500 pounds are increased to \$35; pickup trucks generally are increased to \$35; and, while there are significant deviations, most other registrations are increased by an average of 30 percent.

Changes are made affecting the following: motorized bicycles, motorcycles, passenger vehicles, certain electrically propelled vehicles, trucks, local trucks, trucks operating less than 6,000 miles per year, license plate fees for vehicles being delivered by the drive-away method, farm trucks, trailers and certain mobile homes, 30-day temporary registration, nonhighway mobile homes and trailers, intrastate 30-day truck operator permits, nonreciprocal 72-hour truck permits, 72-hour truck sales demonstration permits, farm truck 30-day intrastate permits, antique vehicle (initial registration) plates, special interest vehicles, street rods, first dealer license plates (vehicle dealers), and 30-day temporary dealer registration permits. (Secs. 15-23)

6. State Payments for City Connecting Links. The state payment to cities for maintenance of streets and highways designated by the Secretary of Transportation as city connecting links is increased as of January 1, 1990, from \$1,250 to \$2,000 per lane mile. (Sec. 24)

7. Aid for Transportation Programs for the Elderly and Handicapped. The Secretary of Transportation is authorized to use money in the State Highway Fund for improvements in transportation programs to aid elderly and handicapped persons. (Sec. 24)

8. Fuel Tax Increases and Deletion of Fuel Tax Indexation Provision. Motor fuel taxes are increased by 7 cents per gallon, as follows: 4 cents per

gallon beginning on July 1, 1989, 2 cents per gallon beginning on July 1, 1991, and 1 cent per gallon beginning on July 1, 1993. The following fuel tax rates per gallon would be in effect on July 1, 1993, when the increases contained in the bill are fully phased in: gasoline, 18 cents; special fuels, 20 cents; and LP-gas, 17 cents. The alternative LP-gas tax schedules are adjusted commensurately with the per-gallon fuel tax increases. Interstate motor fuel trip permits are increased from \$6.50 to \$8.50 on July 1, 1989, to \$9.50 on July 1, 1991, and to \$10.00 on July 1, 1993. The fuel tax indexation provision of the current law is repealed. The percentages applicable to distribution of fuel tax revenue for state purposes and to the Special City and County Highway Fund (SCCHF) are adjusted so that all of the additional revenue attributable to fuel tax increases is allocated for state purposes. Local units retain their allocation through the SCCHF based on the present fuel tax rates. (Secs. 26-49)

9. Sales Tax Transfer from State General Fund to State Highway Fund. The sales tax transfer from the State General Fund to the State Highway Fund is increased to 10 percent, beginning with the October 1, 1989 transfer. The transfer is based on the present 4 percent rate. (Sec. 50)

(The current statutory rate for that transfer is scheduled to be 71.4 percent of a 9.19 percent rate. The 9.19 percent rate originally was based on what was considered to be that portion of the sales tax generated by sales of new and used motor vehicles. For FY 1990, that portion is estimated to be 9.59 percent.)

10. Sales and Compensating Tax Increase and Distribution of the Proceeds of Such Increase. The present sales and compensating tax (4.0 percent) is increased beginning on July 1, 1989 by 0.5 percent (to 4.5 percent). Of the amount produced by this increase, 62.5 percent goes to the State Highway Fund and 37.5 percent goes to the SCCHF. (Secs. 51-55).

H.B. 2015 (By Special Committee on Transportation
Re: Proposal No. 44)

H.B. 2015 relates to the use of after market parts in the repair of automobiles. The bill provides for the following:

1. define after market parts as sheet metal or plastic parts which are not made by the original manufacturer and which generally constitute the exterior or provide support for the exterior of a motor vehicle, including inner and outer panels;
2. define insurer to include any person authorized to represent the insurer with respect to a claim who is acting within the scope of the person's authority;
3. prohibit an insurer from requiring the use of after market parts in the repair of motor vehicles unless the parts are at least equal in quality to the original part in terms of fit and performance; and

4. require a person who prepares an estimate of the cost of motor vehicle repairs to disclose to the owner of the vehicle information which informs the consumer that the estimate is based on the use of nonoriginal equipment manufacturer (OEM) parts and that such parts are at least equal in terms of fit and performance to the original manufactured parts.

Violation by insurers is enforced by the Insurance Department under K.S.A. 40-2404. The Attorney General has jurisdiction to enforce the disclosure requirements under the provisions of the Consumer Protection Act, except as it applies to an insurer.

H.B. 2053 (By Representative Cindy Empson)

H.B. 2053 as amended mandates that the operator of every watercraft vessel shall require every person 12 years of age or under to wear a United States Coast Guard-approved Type I or Type II flotation device while aboard or being towed by such vessel. The bill provides that a life belt or ring shall not satisfy the requirements of the act. In addition, violation of this requirement would be a class C misdemeanor.

H.B. 2055 (By Committee on Taxation)

H.B. 2055 as introduced amends liquid petroleum motor fuel statutes by:

1. excluding municipally owned vehicles used primarily for law enforcement purposes from the definition of motor vehicle; and
2. exempting bulk sales of LP-gas purchased for use by municipally owned vehicles used primarily for law enforcement purposes.

Other changes are technical language corrections.

H.B. 2066 (By Committee on Judiciary)

H.B. 2066 relates to motor vehicle warranties. The bill amends the current Kansas Lemon Law by making it part of and supplemental to the Kansas Consumer Protection Act.

H.B. 2082 (By Committee on Federal and State Affairs)

H.B. 2082 relates to handicapped parking spaces, concerns the signing of these spaces, and provides for penalties for those who inappropriately use the spaces.

The bill requires that handicapped parking spaces be clearly marked with vertically mounted signs with the international access sign and the statement "\$50 to \$200 fine; this law enforced."

The bill increases the fines for the misdemeanor offense for unauthorized parking in a handicapped parking spot from no more than \$50 to not less than \$50 and not more than \$200.

H.B. 2099 (By Representatives Jo Ann Pottorf
and Carol Sader)

H.B. 2099 creates the Kansas elderly and handicapped coordinated transportation act, the purpose of which is to provide coordinated financial and administration assistance to transportation systems which provide transportation to elderly and handicapped persons on a nonprofit basis.

The bill directs the Secretary of Transportation to adopt rules and regulations to develop a plan for the implementation of the act to include allocation of funds based on number of elderly and handicapped persons in a geographic area and to a lesser extent, the square miles of that area. The Secretary must also determine the eligibility of each applicant based on the following criteria:

1. whether the proposal serves the transportation needs of the targeted population in the proposed service area;
2. whether the resources are utilized efficiently and effectively; and
3. whether duplication and inefficient administration and transportation costs and services are avoided.

The bill allows for an appeal process for the withholding of funds if no coordinated efforts are undertaken in a geographic area.

The bill provides for a transfer of \$390,000 from the State General Fund to an Elderly and Handicapped Coordinated Public Transportation Assistance Fund.

H.B. 2110 (By Representatives Debara Schauf and
Elizabeth Baker)

H.B. 2110 exempts from motor fuel taxation all special fuel used by counties, cities, and townships in motor vehicles used for the construction, repair, or maintenance of public highways.

H.B. 2115 (By Representatives Debara Schauf and
Elizabeth Baker)

H.B. 2115 relates to traffic violations. This bill creates a new violation, "exhibition of acceleration," and imposes a fine of \$10 under the uniform fine schedule.

H.B. 2116 (By Representative R. D. Miller)

H.B. 2116 defines a golf cart and establishes conditions for the lawful operation of golf carts on state highways. The bill would define a golf cart as a vehicle with not less than three wheels, having an unladen weight of less than 1,300 pounds, which is designed to carry golf equipment and not more than two persons at speeds of not greater than 15 miles per hour.

The bill allows a golf cart to be operated within a one-mile radius of a golf course when transporting the operator between the course and his or her residence. In addition, the golf cart could legally be operated on a designated county highway or city street and on a state highway under specific conditions. KDOT would be required to post appropriate signs indicating that such operations are allowed.

H.B. 2119 (By Representative Cindy Empson)

H.B. 2119 provides for the transfer of a personalized license plate to a family member (spouse, son, or daughter) when the title to the original vehicle also is being transferred to such family member. The fee for this transfer is \$1.50.

H.B. 2149 (By Representative Ben Foster)

H.B. 2149 amends motor vehicle property tax statutes to provide that the motor vehicle property tax will be determined by multiplying the taxable value of a vehicle by an average countywide motor vehicle tax rate, rather than by the average countywide tax rate. This countywide average motor vehicle tax rate would be determined by dividing the countywide motor vehicle property tax by the countywide taxable motor vehicle valuation.

H.B. 2159 (By Representatives David Heinemann and Jim Lowther)

H.B. 2159 amends K.S.A. 8-1906 which prohibits vehicles from being driven or moved on highways unless they are constructed or loaded so as to prevent their load from dropping, sifting, leaking, or otherwise escaping. The bill restores language which exempts trailers or semitrailers hauling livestock from this prohibition if the trailers are properly equipped with a clean-out trap and the trap is operated in a closed position unless material is intentionally spilled when the trap is in the closed position. Language is also restored which requires that trailers and semitrailers hauling livestock be cleaned out periodically.

The bill also provides that the exemption would not apply to trailers or semitrailers where livestock are not being hauled in such trailer or semitrailers.

H.B. 2169 (By Representatives Mary Jane Johnson, Elizabeth Baker, and Debara Schauf)

H.B. 2169 relates to renewal of registration. The bill specifies that anyone failing to renew a vehicle registration shall be subject to a fine of \$20 when less than 30 days late, \$50 when more than 30 days but less than 60 days late, and \$100 when more than 60 days late.

H.B. 2171 (By Representative Don Rezac)

H.B. 2171 relates to traffic violations. A new violation under the uniform fine schedule, "Inattentive Driving," is created. Under the uniform fine schedule, a fine of \$20 is imposed for a conviction. Section 2 defines "exhibition of speed or acceleration" as used in K.S.A. 1988 Supp. 8-1565.

H.B. 2174 (By Representative Herman Dillon)

H.B. 2174 provides for the issuance of distinctive license plates for survivors of the attack on Pearl Harbor. Satisfactory proof must be submitted to the Director of Vehicles prior to issuance.

H.B. 2177 (By Representative Denise Everhart, et al.)

H.B. 2177 relates to nonhighway registration. This bill exempts mobile homes and travel trailers used as living quarters and not operated on the highway from motor vehicle registration.

H.B. 2186 (By Representatives Jim Lowther,
Jeff Freeman, and Elaine Wells)

H.B. 2186 allows a local authority to prohibit the operation of vehicles on a highway or to impose weight restrictions on the vehicles to be allowed on a certain highway if that highway, because of deterioration or climatic conditions, will be damaged or destroyed by those vehicles. (Current statute allows such restrictions for only 90 days in a calendar year. This bill would eliminate the 90-day restriction.)

In addition, the bill allows local authorities to prohibit the operation of trucks or commercial vehicles on certain roads and allows the imposition of weight and size restrictions as long as the premises adjacent to the restricted highways are served by some roadway.

H.B. 2192 (By Representatives William Bryant and
Rex Crowell)

H.B. 2192 requires KDOT to install rumble strips at all railroad crossings located on highways which are part of the State Highway System and protected only by signs in the form of crossbucks. The rumble strips must be placed to provide sufficient warning of an approaching railroad grade crossing.

H.B. 2196 (By Committee on Transportation)

H.B. 2196 pertains to child passenger safety. The bill provides for the following:

1. Every driver who transports a child under the age of 14 years in a passenger car must provide for the protection of a child by properly using (a) for a child under the age of four years a child passenger safety restraining system or (b) for a child four years of age but under the age of 14, a safety belt manufactured in compliance with federal Motor Vehicle Safety Standard No. 208, except that if the number of children subject to this requirement exceeds the number of passenger securing locations available for use by children, and all available locations are in use by children, then there is not a violation. A \$20 fine is imposed for violating the above provisions.
2. Failure to provide a child safety restraining system or safety belt for more than one child in the same passenger car is treated as a single violation.

3. Evidence of failure to secure a child in a restraining system or safety belt shall not be admissible in an action for purposes of determining any aspect of comparative negligence or mitigation of damages.
4. An occupant of a passenger car required to be protected by a safety restraining system under the child passenger safety act is exempt under the seat belt law.
5. Failure by a driver to provide for the protection by using a child passenger restraining system for a child under the age of four years and for a child four years but under 14 years does not constitute a moving violation.

H.B. 2197 (By Committee on Transportation)

H.B. 2197 permits lending agencies to purchase dealer license plates for a fee of \$25 per plate.

H.B. 2238 (By Representative Jim Russell)

H.B. 2238 imposes a class E felony penalty on persons who unlawfully sell, barter, exchange, own, or possess any motor vehicle on which the original vehicle identification number has been destroyed, removed, altered, or defaced. Current law provides the violation of this provision is a class C misdemeanor.

H.B. 2259 (By Representative William Roy, et al.)

H.B. 2259 prohibits the Kansas Turnpike Authority from charging or collecting tolls for transit over that portion of turnpike located between interchanges servicing a single city.

H.B. 2265 (By Representatives Delbert Gross and Bruce Larkin)

H.B. 2265 does the following:

1. It authorizes the Secretary of Transportation, beginning July 1, 1989, to expend new revenue for the construction, reconstruction, and maintenance of state highways, except that equal amounts of the new revenue would be required to be expended in each of the highway districts.
2. It authorizes the Secretary of Transportation to expend funds from the State Highway Fund for rural, elderly, and handicapped public transportation not to exceed in a fiscal year 25 percent of the federal apportionment under Sections 16(b)(2) and 18 of the Urban Mass Transportation Act of 1964, as amended.
3. It increases motor vehicle registration fees for passenger cars and regular and farm pickup trucks by approximately 50 percent.

4. It increases, beginning July 1, 1989, the tax rates per gallon on motor fuel from \$.11 to \$.14, on special fuel from \$.13 to \$.16, and on LP-gas from \$.10 to \$.13. Beginning July 1, 1990, tax rates per gallon are increased to \$.16 on motor fuels, \$.18 on special fuels, and \$.15 on LP-gas. Alternative LP-gas permits and motor carrier trip permits are increased proportionately to the LP-gas and diesel fuel tax rates, respectively.
5. It removes the current fuel tax indexation provision.
6. Beginning October 1, 1989, it increases the sales tax transfer from the State General Fund to the State Highway Fund from approximately 6.56 percent (71.4 percent of 9.19 percent) to 10 percent.

H.B. 2288 (By Representative Ginger Barr)

H.B. 2288 requires persons operating a bicycle on a highway at any time from one-half hour after sunset to one-half hour before sunrise to wear a reflectorized material of a type approved by the Secretary of Transportation which is visible from a distance of 200 feet. A traffic infraction fine of \$10 is imposed for a violation of this requirement.

H.B. 2291 (By Committee on Energy and Natural Resources)

H.B. 2291 is cited as the Motor Fuel Marketing Act. The bill would prohibit refiners, marketers, and retailers of motor fuels from charging less than their costs for motor fuel they sell. The bill is meant to discourage price cutting that may tend to damage competition. Violators of the bill's provisions would be subject to a civil penalty of up to \$10,000 plus attorney fees for each offense. The bill also provides for injunctive relief. A cost survey would be used to establish the lowest available cost of fuels to wholesalers and retailers in each market area. The bill indicates that independent motor fuel markets are unable to survive predatory subsidized pricing at their marketing level. Persons who violate the provisions of the act would be subject to a civil penalty not to exceed \$10,000 per violation for each offense.

H.B. 2298 (By Representative Dale Sprague)

H.B. 2298 provides for the following:

1. It increases the age requirement for a driver's license from 16 years to 18 years.
2. It eliminates the restricted driver's license issued for motorcycles.
3. It eliminates a restricted license for licensees who operate a motor vehicle:
 - a. while going to or from or in connection with any job or employment;
 - b. on days while school is in session;

- c. when a licensee operates a passenger car when accompanied by an adult who holds a valid class A, B, or C driver's license; and
 - d. when a licensee operates a motorcycle when accompanied by an adult who holds a valid class D driver's license.
4. It allows a person with a restricted class C license to operate any motor vehicle in class C which is registered as a farm truck or truck-tractor.
 5. It provides that persons who held a valid driver's license or restricted class C or D license on the effective date of this act to continue can operate motor vehicles subject to the same conditions, limitations, and restrictions prior to its amendment.
 6. It eliminates the issuance of a restricted class B driver's license to a minor over 16 years of age who operates a school bus.
 7. It allows any person who holds a valid restricted class B driver's license and operates a school bus prior to the effective date of the act to drive all class C motor vehicles.
 8. It increases the age requirement for an instructional permit from 14 to 16 years of age.
 9. It allows a person who held a valid instruction permit or restricted instruction permit on the effective date of the act to continue to operate motor vehicles subject to the same conditions, limitations, and restrictions prior to its amendment.

H.B. 2301 (By Representative Kerry Patrick)

H.B. 2301 mandates the Director of Accounts and Reports to transfer \$25 million from the State General Fund to the Special City and County Highway Fund. These funds would be apportioned and paid within ten days after the date of the transfer. Such funds would be used to repair and maintain bridges on roads and highways under the jurisdiction of a county or city. Money received for these purposes could be expended by cities or counties during the budget year ending in 1989, even though the funds were not included in the budget of expenditures for such year. The moneys received cannot be used for computing the county entitlement from the County Equalization and Adjustment Fund.

H.B. 2318 (By Representative Kerry Patrick)

H.B. 2318 provides for the following:

1. It directs the Secretary of Transportation to reduce, beginning fiscal year 1990, the total number of positions equated to full-time, in the classified and unclassified service under the Kansas Civil Service Act in full-time or regular part-time positions, not including intermittent or temporary positions, in KDOT, by 500 such positions. For fiscal year 1991, the

reduction will not exceed the resulting position limitations. These reductions apply only to positions funded by the State Highway Fund.

2. It strikes the 90-day restriction period local authorities may impose as to the weight of vehicles which operated on roads under local jurisdiction when such roads by reason of deterioration or climatic condition will seriously damage or destroy the road unless the use of vehicles is prohibited or permissible weights on such roads are reduced.
3. It gives local authorities complete control with respect to weight limitations over cities' streets and highways under their jurisdiction.
4. It reduces the total number of State Highway System mileage from not to exceed 10,000 miles, to not to exceed 9,000 miles.
5. It directs the Secretary of Transportation to vacate or remove 750 miles of highways currently on the State Highway System based on traffic counts and the availability of alternate highways which generally parallel such highway.
6. It increases the motor fuel tax per gallon from \$.11 to \$.13, the special fuel tax from \$.13 to \$.16 (and increases the motor carrier trip permits proportionately), and the LP-gas tax from \$.10 to \$.12 (and increases the alternative LP-gas permits proportionately).
7. It removes the current fuel tax indexation provision.

H.B. 2320 (By Representatives Anthony Hensley, et al.)

H.B. 2320 provides that the Secretary of Transportation shall designate state highway construction contracts or portions thereof to be set aside for competitive bids by disadvantaged business enterprises solely.

H.B. 2328 (By Representative William Roy)

H.B. 2328 stipulates that a contract entered into by the Secretary of Transportation to perform work on a highway located in an incorporated city and abutting property which is zoned for commercial use must contain incentive provisions to avert late completion of the contract.

H.B. 2335 (By Representatives Rex Hoy, et al.)

H.B. 2335 permits the surviving spouse of a former prisoner of war (POW) to keep the specialized POW license plate. The right to the license plate would terminate upon remarriage.

H.B. 2343 (By Representative Donna Whiteman)

H.B. 2343 denies a driver's license or instruction permit to persons under the age of 18 who at the time of application do not present a diploma or other certificate of graduation issued from a secondary school or documentation that the person:

1. is enrolled and making satisfactory progress in a course leading to a general educational development (GED) certificate from a state-approved institution or organization, or has obtained such certificate;
2. is enrolled in a secondary school in Kansas or any other state;
3. is excused from such requirement due to circumstances beyond such person's control.

The attendance director or principal must provide upon request documentation of enrollment status to any student 14 years of age or older who is properly enrolled in a school. This information is presented to the Division of Motor Vehicles with an application for or for reinstatement of an instruction permit or license to operate a motor vehicle. If a student 14 years of age or older withdraws from school, except when beyond the student's control, the attendance director or principal must notify the Division of Motor Vehicles of the withdrawal. Within five days of receipt of notice, the Division sends notice to the licensee that the license will be suspended on the 30th day following the date the notice was sent unless documentation of compliance is received by the Division before such time.

Withdrawal is defined as more than ten consecutive or 15 days total unexcused absences during a single semester. Suspension or expulsion from school or imprisonment in a jail or a penitentiary is not a circumstance beyond the control of such person.

Whenever the withdrawal from school of such student, or such student's failure to enroll in a course leading to or to obtain a GED or high school diploma, is beyond the control of the student, or is for the purpose of transfer to another school as confirmed in writing by the student's parent or guardian, notice is not required to be sent to the Division to suspend the student's instruction permit or motor vehicle operator's license. If the student is applying for an instruction permit or a license, the attendance director or principal must provide the student with documentation to present to the Division to excuse the student. The school district superintendent or the appropriate school official of any private secondary school, with the assistance of any other staff or school personnel, is the sole judge of whether withdrawal is due to circumstances beyond the control of such person.

H.B. 2483 (By House Committee on Transportation)

H.B. 2483 sets standards for driver's license vision examinations. The bill requires driver's license examiners to use the following vision standards for driver's license applicants:

1. An applicant testing 20/40 or better in each eye separately at the examination station must meet the vision requirements. The driver's license examiner must give an applicant failing to meet the test a vision form and refer the applicant to a vision specialist of their choice.
2. An applicant who has received a vision report from a vision specialist must have 20/60 or better vision in at least one eye, with or without corrective lens, in order to be issued a driver's license.

3. The license examiner must require a person with a reading of 20/60 or less in at least one eye, with or without corrective lens, to submit to a driver's test for the proper restrictions.
4. An applicant failing to meet the above standards may be issued a driver's license if the person can demonstrate that he or she can safely operate a vehicle and has had a good driving record for the previous three years. The Division may impose reasonable restrictions on such license.
5. An applicant failing to meet such standards will be afforded a hearing.

S.B. 19 (By Special Committee on Transportation
Re: Proposal No. 52)

S.B. 19, as amended, requires every bus transporting passengers and those vehicles enumerated in Section 392.10 of the Federal Motor Carrier Safety Regulations to stop at all but certain exempted railroad crossings. Following are the new exemptions:

1. any abandoned railroad grade crossing which is marked with a sign indicating that the rail line is abandoned;
2. any industrial or spur line railroad grade crossing marked by the appropriated state or local authority with a sign reading "Exempt"; and
3. a railroad grade crossing used exclusively for industrial switching purposes within a business district.

H.B. 2487 (By Committee on Commercial and
Financial Institutions)

H.B. 2487 requires the owner of any watercraft 17 feet or longer in length used principally in the waters of the state and required to be numbered pursuant to state law to apply to the county treasurer of the county where the owner resides for a certificate of title for the vessel. Canoes or inflatable vessel regardless of length are excluded from the title requirement. The bill provides that a person who, on January 1, 1990 owns a vessel 17 feet or longer in length with a valid certificate of number issued by the state is not required to apply for title to the vessel unless the person transfers an interest in the vessel. A person who owns a vessel which is not required to have a title may apply for a title for the vessel. Such vessel would be subsequently subject to the requirements of the act as though the vessel was required to be titled. The cost for a certificate of title is \$7.50. Other provisions of the bill pertain to various procedures associated with the issuance or the transfer of a certificate of title. Violations of the act would constitute a class B misdemeanor.

S.B. 20 (By Special Committee on Transportation
Re: Proposal No. 52)

S.B. 20 establishes the Railway-Highway Crossing Grant Fund, the purpose of which is to provide state matching grants to local units of government to eliminate hazards of railway-highway crossings in accord with federal law.

The bill provides that on July 1, 1989, the sum of \$225,000 would be transferred from the State General Fund to the Railway-Highway Crossing Grant Fund. On July 1 of each subsequent year the transfer would be \$225,000, less any existing unencumbered balance in such fund.

The funding program, administered by the Secretary of Transportation, is to provide grants to cities, counties, or townships to assist them in matching federal funds for projects to eliminate hazards of railway-highway crossings in accord with federal law (23 U.S.C. 130). A state grant may not exceed 50 percent of the amount required to match federal funds for any one project.

S.B. 41 (By Senators Bill Morris, et al.)

S.B. 41, as amended, permits the Board of County Commissioners of Sedgwick County to contract with the Kansas Turnpike Authority for the purpose of paying to the Authority an amount equal to the cost of constructing an interchange on the Kansas Turnpike in the general vicinity of the turnpike intersection with Highway K-96. Sedgwick County may negotiate with the Kansas Turnpike Authority to repay to Sedgwick County the cost the county incurred for the bond principal and interest and incidental costs associated with construction of the interchange.

S.B. 130 (By Senate Committee on Transportation
and Utilities)

S.B. 130 pertains to lights on emergency vehicles. It authorizes, but does not require, emergency vehicles to be equipped with head lamps which alternately flash from high to low beam or simultaneously flash high to low beam.