

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 March 22, 1989 in room 519-S of the Capitol.

All members were present except:

Representatives Lucas and Roenbaugh

Committee staff present:

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

Conferees appearing before the committee:

Mr. Al Maxwell, Kansas Corporation Commission  
Mrs. Mary Turkington, Kansas Motor Carriers Association  
Mr. Mark Wettig, Kansas Department of Revenue  
Mr. Kent Jackson, Kansas Department of Transportation  
Mrs. Terry Humphrey, Kansas Manufactured Housing Association  
Mr. Jim Deibert, Colby, Kansas  
Mr. Richard G. Farris, Edson, Kansas

The meeting was called to order by Chairman Crowell and the first order of business was a hearing on SB-142 concerning the standard for transferring certificate of public convenience and necessity.

Mr. Al Maxwell, Kansas Corporation Commission, testified in support of SB-142. (See Attachment 1)

Mrs. Mary Turkington, Kansas Motor Carriers Association, gave clarification concerning public convenience and necessity.

The hearing was concluded.

The next order of business was a hearing on SB-237 relating to issuance of 30-day temporary motor vehicle registration permits.

Mr. Mark Wettig, Kansas Department of Revenue, testified in support of SB-237. (See Attachment 2)

The hearing on SB-237 ended.

The next order of business was a hearing on SB-238 exempting certain carriers from the requirement to display KCC plates.

Mr. Al Maxwell, Kansas Corporation Commission, testified in support of SB-238. (See Attachment 3)

Mrs. Mary Turkington, Kansas Motor Carriers Association, testified in support of SB-238. (See Attachment 4)

The hearing on SB-238 was concluded.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Transportation,  
room 519-S Statehouse, at 1:30 ~~am~~/p.m. on March 22, 19 89

The next order of business was a hearing on SB-255 concerning the width and length of certain vehicles.

Mr. Kent Jackson, Kansas Department of Transportation, testified in support of SB-255. (See Attachment 5)

Mrs. Terry Humphrey, Kansas Manufactured Housing Association, testified in support of SB-255. (See Attachment 6)

Mr. Jim Deibert, Colby, Kansas, testified in support of SB-255. (See Attachment 7)

Mr. Richard G. Farris, Edson, Kansas, testified in support of SB-255. (See Attachment 8)

The hearing on SB-255 ended.

Attention was turned to SB-274 pertaining to motor vehicle accident reports.

A motion was made by Representative Blumenthal that SB-274 be recommended favorable for passage and placed on the consent calendar. The motion was seconded by Representative Everhart. Motion carried.

The meeting was adjourned at 2:50 p.m.

  
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Rex Crowell, Chairman



STATEMENT  
BY THE  
KANSAS CORPORATION COMMISSION

In support of Senate Bill No. 142 which: (1) amends K.S.A. 66-1,112c so as to separate unrelated topics into a more readable format; and (2) amends K.S.A. 66-1,118 to ease the requirement associated with transfer of motor carrier authority.

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Presented to the House Transportation Committee, Representative Rex Crowell, Chairman; Statehouse, Topeka, March 22, 1989.

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MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

My name is Alfonzo A. Maxwell, Transportation Division Administrator for the Kansas Corporation Commission (KCC). I am here today representing the KCC in support of Senate Bill No. 142.

I would like to thank the Committee for the opportunity to testify today.

This bill addresses two Commission concerns. First, it amends K.S.A. 66-1,112c to separate several unrelated topics into a more readable format; existing laws would be enforced.

Second, it amends K.S.A. 66-1,118 so as to ease the requirements associated with transfer of motor carrier authority; making the language consistent with other motor carrier statutes. (Other motor carrier statutes simply require a carrier to be "fit, willing and able" to perform transportation service and do not also require a demonstration that the carrier's service "will not unduly restrict competition", as does the existing

language of K.S.A. 66-1,118.)

We ask your support of this proposal. I would be happy to answer any questions you may have.

## MEMORANDUM

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

**FROM:** Mark E. Wettig  
Special Assistant to the Secretary

**DATE:** March 22, 1989

**SUBJECT:** Senate Bill 237, As Amended

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I appreciate the opportunity to appear before you today in support of legislation requested by the Department of Revenue. Senate Bill 237 is the result of a Department recommendation to make the knowingly unlawful issuance of a 30-day temporary registration permit a misdemeanor.

### BACKGROUND

Under current law, issuing more than one thirty-day temporary registration permit, issuing a permit without proof of ownership or issuing a permit without proof of payment of sales tax does not constitute any type of criminal violation. This allows vehicles to be operated, sometimes for years at a time, without insurance, payment of registration fees, property tax and sales tax, by a dealer improperly issuing the "owner" a new temporary permit every 30 days. SB 237 would make the knowingly unlawful issuance of a 30-day temporary registration permit a Class B misdemeanor and would take effect July 1, 1989.

RECOMMENDATION

The Department of Revenue urges this committee to lend its support to Senate Bill 237.

Thank you.

*al Maxwell*

STATEMENT  
BY THE  
KANSAS CORPORATION COMMISSION

In support of Senate Bill No. 238 which amends K.S.A. 66-1,139 to eliminate the issuance of tags to motor carriers who have interstate authority issued by the ICC registered with the Commission, who also have intrastate common or contract authority, private carrier authority or interstate exempt license issued by the Commission.

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Presented to the House Transportation Committee, Representative Rex Crowell, Chairman; Statehouse, Topeka, March 22, 1989.

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MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I am Alfonzo A. Maxwell, Transportation Division Administrator for the Kansas Corporation Commission (KCC). I am here today representing the KCC in support of Senate Bill No. 238.

I would like to thank the Committee for the opportunity to testify today.

It is the Commission's understanding that Senate Bill No. 238 amends K.S.A. 66-1,139 to eliminate the Commission's issuance of tags to motor carriers who have interstate authority issued by the Interstate Commerce Commission (ICC) registered with the Commission, who also have intrastate common or contract authority, private carrier authority or interstate exempt license issued by the Commission.

This bill, if adopted, would have no affect on the revenue received for KCC vehicle registration. The \$10.00 annual regulatory fee would still be in effect under K.S.A. 66-1,139 and the Commission would still issue those affected carriers a cab card identifying their authority and current vehicle registration (see attached cab card).



There would, however, be a savings on Commission expenditures since fewer tags would be issued. Of the total 98,223 KCC plates assigned in 1988, 31,403 were assigned to ICC regulated carriers also holding KCC authority. The Commission estimates that approximately \$39,000 in savings would be realized (\$28,577 purchase price for 31,403 tags and \$10,500 in associated mailing costs) as a result of not issuing tags to those motor carriers affected by Senate Bill No. 238.

Again the Commission supports passage of Senate Bill No. 238. I would be happy to answer any questions you may have.

STATEMENT

By The

KANSAS MOTOR CARRIERS ASSOCIATION

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

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Supporting S.B. 238 which eliminates the  
requirement for certain interstate carriers  
who also may have intrastate authority,  
from displaying an external identification  
KCC tag.

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MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I am Mary E. Turkington, Executive Director of the Kansas Motor Carriers Association with offices in Topeka. I appear here today with Tom Whitaker, our Governmental Relations Director, representing our 1,550 member-firms and the highway transportation industry to express our strong support for Senate Bill 238.

This bill addresses a credential requirement which imposes a burden on some interstate carriers with respect to the display of the external KCC plate.

Currently, interstate carriers who operate in interstate commerce in Kansas and who have registered their authority with the Corporation Commission, registered their equipment with the KCC, paid their applicable regulatory fees to the Commission, complied with insurance and related safety requirements, and have been issued a proper cab card and "bingo stamp" credentials -- do not have to display external identification KCC plates on such interstate vehicles if proper identification is

displayed on the side of the vehicle as required by the Interstate Commerce Commission.

All such interstate vehicles must have the name of the motor carrier and the ICC number on both sides of each such vehicle operated. We do not wish to disturb this statutory provision.

There are a number of such interstate carriers who also may have intrastate common and/or contract carrier authority, private carrier authority and/or an interstate exempt license with the Kansas Commission.

The proposed revision in the statutory language of K.S.A. 66-1,139 as proposed in Senate Bill 238 simply would eliminate the need for these kinds of interstate carriers to display the external KCC tag.

All carriers, subject to KCC regulation, would continue to be easily identified. The carrier either would qualify as a regulated interstate carrier and have the company name and ICC number on the sides of the vehicle -- OR -- the carrier would have intrastate authority only and would display the external KCC plate.

KCC revenue would not be affected. All carriers would continue to register their power equipment with the Commission, pay the annual \$10 regulatory fee per power unit and be subject to the rules and regulations of the Commission.

Enforcement and compliance would not be jeopardized.

We have researched this proposed change with the Corporation Commission and with the Kansas Highway Patrol.

Interstate carriers will be pleased to eliminate the problem of attaching the KCC plate. The Commission estimates that approximately one-third of the current number of plates would not have to be issued with a cost saving to the Commission. Effective date would be Jan. 1, 1990.

The bill was introduced by the Senate Transportation & Utilities Committee; was recommended for passage after proper hearing and discussion, and passed the Senate 40-0 on February 28, 1989.

The Kansas Motor Carriers Association strongly supports this proposal. We ask that you recommend this bill for passage. We will be pleased to respond to any questions you may have.

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**STATEMENT  
OF THE  
KANSAS DEPARTMENT OF TRANSPORTATION ON  
SENATE BILL 255 - CONCERNING THE WIDTH  
AND LENGTH OF CERTAIN VEHICLES**

The Kansas Department of Transportation respectfully requests consideration of Senate Bill 255, which amends K.S.A. 8-1904 and 8-1911. The Department asks for these changes so that Kansas will be in compliance with the Surface Transportation Assistance Act, and because we have found that one of our regulations has been rendered invalid by a Kansas Supreme Court Decision.

Section 1 of the Bill amends K.S.A. 1988 Supp. 8-1904(d) to change the semitrailer length limit from 53 feet to 59 1/2 feet. The Department makes this request so that Kansas is not penalized by the Federal Highway Administration for violating the Surface Transportation Assistance Act (STAA). The STAA forbids a State from prohibiting semitrailer lengths that had been legally operated prior to December 1, 1982 on interstate or federal-aid primary highways. The 59 1/2 feet length had been permitted by KDOT prior to December 1, 1982 and is therefore "grandfathered" by federal law. 49 U.S.C. 2311 (b); 23 C.F.R. 658.13(c)(1). In National Freight, Inc. v. Larson, 760 F.2d 499 (1985) Pennsylvania was sued by a carrier for not complying with this provision of the STAA and lost.

The addition of subsection (h) to 8-1904 which deals with stinger-steered automobile transports is also required by the Federal Highway Administration based on the STAA. 23 C.F.R. 658.13(d)(1)(i).

Section 2 of the Bill corrects a typographical error in the existing K.S.A. 8-1911(g), and subsection (g)(1), which sets a 16 feet length limit on house trailers is requested by KDOT because this limit has been enforced for five years by KDOT and the Kansas Highway Patrol pursuant to K.A.R. 36-1-26. This regulation was passed by senate concurrent resolution, a process which was later held to be unconstitutional by the Kansas Supreme Court in State ex rel. Stephan v. Kansas House of Representatives, 236 Kan. 45, 687 P.2d 622 (1984). This case invalidated all regulations passed by concurrent resolution. KDOT asks that the statute be amended to reflect current enforcement.

KANSAS MANUFACTURED HOUSING ASSOCIATION

TESTIMONY BEFORE THE

HOUSE

TRANSPORTATION COMMITTEE

TO: Representative Rex Crowell, Chairman and Members of the  
Committee

FROM: Terry Humphrey, Executive Director  
Kansas Manufactured Housing Association

DATE: March 22, 1989

Mr. Chairman and members of the Committee, I am Terry Humphrey, Executive Director of the Kansas Manufactured Housing Association (KMHA), a trade association representing all facets of the manufactured housing industry.

Today I come before you in support of Senate Bill 255, which deals with width and length of certain vehicles. Specifically, there are two provisions in SB 255 that are very important to the manufactured housing industry. The first provision allows for the overall length of a truck-tractor towing a manufactured home to go from 95 feet to 97 feet. According to manufactured home transporters the 2 feet increase is necessary because the new power units being sold for manufactured home transport have a longer wheel base for greater maneuverability.

Presently when a transporter is towing the **largest** home which is 80 feet the power unit can not exceed 15 feet. However, the new power units range from 15 feet 6 inches to 17 feet.

Several months ago I approached the Department of Transportation with this proposal and after lengthy discussions and a review of other states requirements the DOT agreed that this was an acceptable change.

The second provision in SB 255 deals with 16 wide movement of manufactured homes. Since 1983, 16 wide movement has been permitted by rule and regulation by the Secretary of Transportation. However, after reviewing this regulation with the DOT, it was determined that a statutory reference to 16 wide movement was needed in Section 2 (g) Item 1 and we support that proposal.

In closing, I would like to remind the committee that all manufactured homes are moved by special permit over routes approved by the DOT and the proposed changes will not effect that. Also, it is our belief that allowing for a longer power unit will be a safety benefit to all highway users. Therefore, I respectfully request your support of SB 255. Thank you.

<u>State</u>	<u>Combination Length</u>
Kansas	95 feet
Nebraska	95 feet
South Dakota	No regulation
Oklahoma	No regulation
Missouri	95 feet
Colorado	No regulations
Texas	100 feet
Illinois	95 feet
Indiana	95 feet
Arkansas	No regulation
Iowa	95 feet
Arizona	120 feet
Florida	No regulations
Louisiana	No regulations
Massachusetts	No regulations
Washington	85 feet

RE: SB# 255

Presented to the House Transportation Committee by Jim Deibert  
of Colby, Kansas

During the wheat harvest campaign custom harvesters are required to buy harvest permits. 1988 brought a big change by the central permit office in Topeka allowing us to buy our permits for wheat harvest even before we went to Texas. With many ports of entry being closed and mobile enforcement units not selling permits as in the past the change was welcomed by custom harvesters.

The change we are proposing is very simple. We merely ask to be allowed to buy the oversize permit as we did in 1988, but that the maximum width be increased from 12' to 14'. We are presently allowed to buy a 72 hour permit to move our combines that are over 12', but we must get to the permit office or highway patrol to obtain this permit. We work in lots of small towns with no highway patrols or transceivers facilities. Many of these small towns only amount to a grain elevator and a few houses.

Now you must go to a town where there is a highway patrol facility. If the officer is on an accident call or patrol you may sit 2 to 3 hours waiting to get your permits. In the meantime my convoy is sitting along the road waiting to give the state \$20.00 for four permits. While we sit my farmer is waiting on his harvest crew to get into his field.

While this much time is not lost in every case, the highway patrol has better things to do than write out these permits.



Kansas has the best permit system for harvesters and since we are the wheat state we want to keep it that way.

There is no permit requirement when we move on state highways, but the reason that I like to move on the interstate is the safety factor. The interstate has wide shoulders and faster traffic can easily pass us without fear of oncoming traffic as in 2 lane roads. The routes that the majority of custom harvesters travel during harvest are west of I-35 out of congested traffic of the urban areas.

My three combine operation requires that I hire six employees all summer increasing to nine in the fall with an approximate payroll of \$70,000. We purchase new combines usually every two years and these now list for \$130,000 each. We also use about 500 gallons of diesel per day and are buying large quantities of goods and services to keep this operation moving.

This request is made in the interest of simplification. We request that we be able to purchase these over-width 14' permits from the central office at the same time we purchase our wheat harvest permits before harvest.

The economic benefit of this proposal would result in the Kansas wheat harvest being stored away from an act of nature with unnecessary time loss.

In summary we are not putting unsafe or a new class of vehicles on the interstate, but merely asking to simplify the permitting system to benefit both the enforcement department and harvesters.

I thank you for your time and consideration.

Testimony in favor of SB #255 by:

Richard G. Farris

Box 205

Edson KS 67733

I am a custom harvester from Edson KS. Our family has been involved in the harvesting business since the mid 40s. I am also a past officer of U.S. Custom Harvesters Inc., a national harvesters organization. Our organization has been working very hard on safety as it applies to our individual operations and we have also been trying to simplify the process of obtaining our permits for the various states that we travel through.

In early 1988 we ask the Kansas Department of Transportation personel to try to devise a method to simplify the permitting process. They designed a form which contained the necessary information for our permits. We can fill out this form and mail it to the central permit office in Topeka which can then issue all of the permits that we need. The state collects the money earlier, they do not have to have the enforcement personel devoting a majority of their time to selling permits in June, and the personel at the central permit office can issue these permits when their work load is low.

By increasing the seasonal permit width from 12 to 14 feet, it will allow those of us who operate the larger machines to obtain all of the permits needed when we purchase our other permits. At harvest time it is very hard to find anyone to sell permits for interstate travel and transceiver services cost more than the permits and are not available in most rural areas.

Due to the nature of our business we do not make numerous trips on the interstate. I usually use it when we go south to harvest to travel the 100 miles from my home to Wakeeney. Normally I do not use it anymore. Last summer when we finished our work at Ford our work at Wallace was not ready. We took our machines home to service them. If we would have had permits we would have used the interstate as it would have saved us 20 miles.

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