

Approved 2-20-90  
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 19, 1990 in room 526-S of the Capitol.

All members were present except:

Rep. Artie Lucas, excused.

Committee staff present:

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

Conferees appearing before the committee:

Representative Al Ramirez  
Representative Gene Shore  
Dr. Ramon Powers, Kansas Historical Society  
Mr. Warren Sick, Kansas Department of Transportation

The meeting was called to order by Chairman Crowell, and the first order of business was a bill request.

Representative Al Ramirez requested that the Committee introduce a bill designating Interstate 635 as Senator Harry Darby Memorial Highway.

A motion was made by Representative Shore that this be introduced as a Committee bill. The motion was seconded by Representative George Dean. Motion carried.

The next order of business was a hearing on HB-2901 concerning the marking of the Santa Fe Trail in Kansas.

Representative Gene Shore, sponsor of HB-2901, briefed the Committee on its contents. (See Attachments 1 and 2)

Dr. Ramon Powers, Kansas State Historical Society, testified in support of HB-2901.

Mr. Warren Sick, Kansas Department of Transportation, spoke in support of HB-2901. (See Attachment 3)

Committee discussion and questioning followed.

An updated report of bills in the Transportation Committee, prepared by Hank Avila, was passed out to Committee members. (See Attachment 4)

The minutes of the House Transportation meeting held on February 14, 1990, were approved as written.

The meeting was adjourned at 2:00 p.m.

  
Rex Crowell, Chairman



EUGENE L. SHORE

TRANSPORTATION COMMITTEE: Testimony for February 19, 1990, 1:30 P.M.,

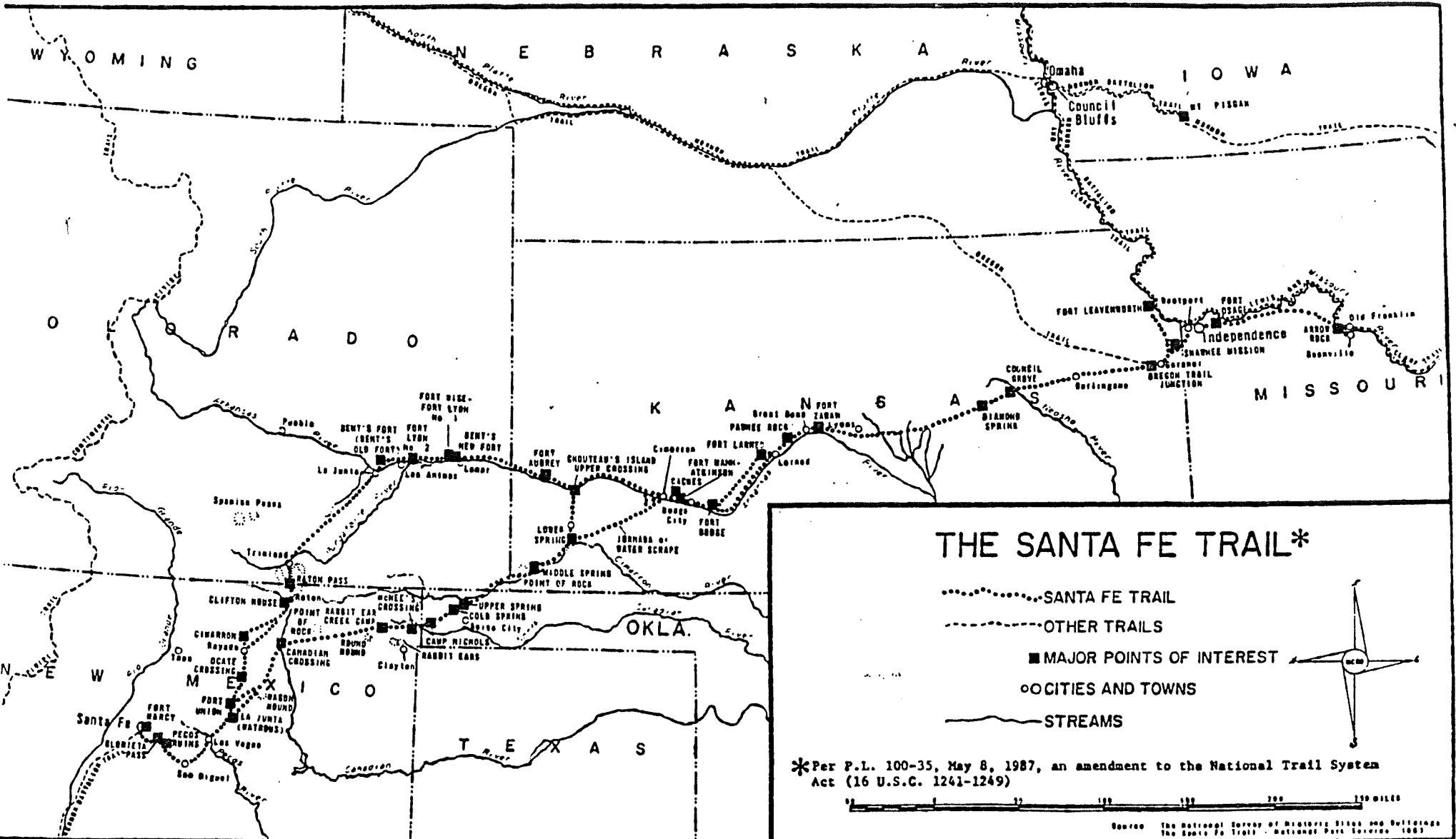
Rm.526-S, PROPONENT FOR HB-2901.

House Bill 2901 is a result of a five state project during 1990 to designate Highway 56 as the Santa Fe Trails Highway. This project is a concerted effort among the five states who have organized a Santa Fe Trails Commission that is working with the National Park Service in marking the crossing of the Santa Fe Trail where it crosses or can be seen along Highway 56. Highway 56 in Kansas has been designated as the Santa Fe Trails Highway due to legislation which was passed in 1961. However, other than just having the statute on the books there is no visible evidence of Highway 56 being so designated.

As I understand it, this bill parallels the signing of the Oregon Trails bill which passed this legislature two or three years ago. The signs will be National Park signs which will be the same in all states which participate in the signing. The Santa Fe Trail played a vital role in carrying both freight and passengers as the West was settled. Many signs of the Santa Fe Trail are still visible today. I for one feel that it is important that we call the traveling publics attention to some of this history which they might miss if the Santa Fe Trail is not signed.

*A. L. Shore*

Att. 2



WYOMING

NEBRASKA

IOWA

OKLAHOMA

KANSAS

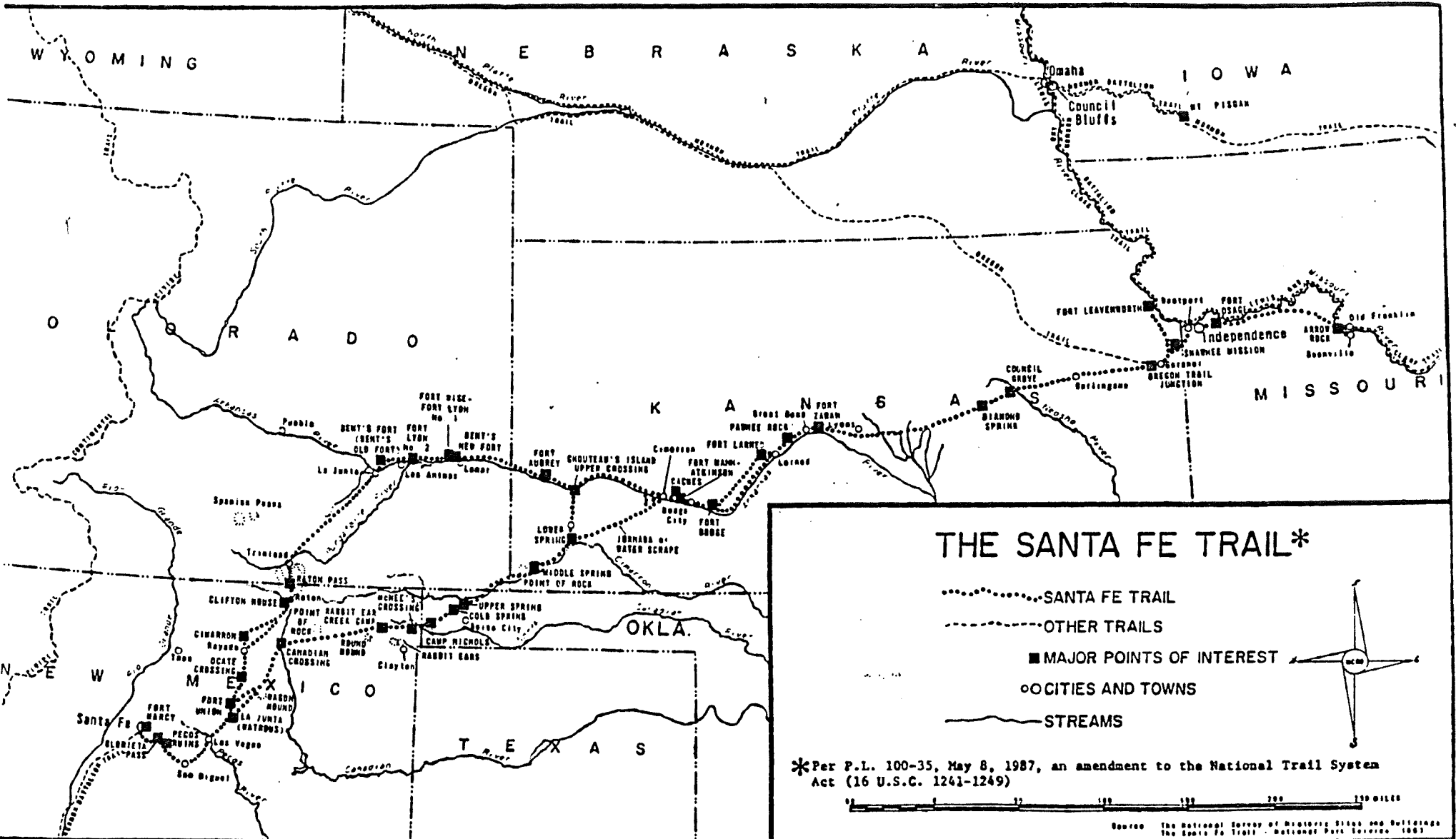
MISSOURI

OKLA.

MEXICO

TEXAS

NEW MEXICO



STATE OF KANSAS



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KANSAS DEPARTMENT OF TRANSPORTATION

*Docking State Office Building  
Topeka 66612-1568  
(913) 296-3566*

Horace B. Edwards  
*Secretary of Transportation*

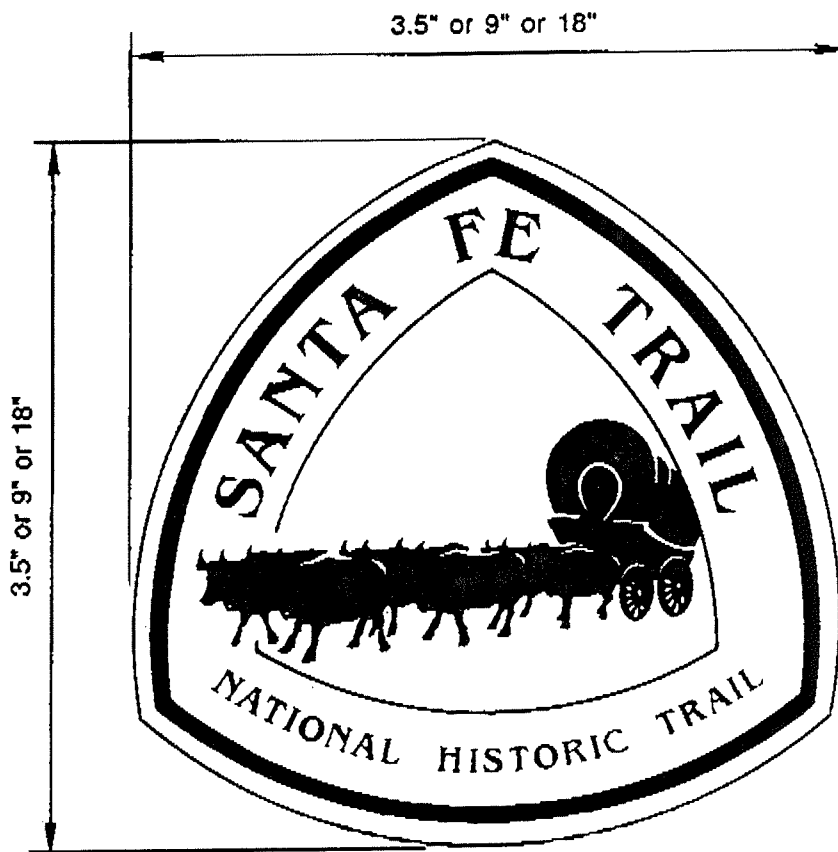
Mike Hayden  
*Governor of Kansas*

February 19, 1990

MEMORANDUM TO:           House Transportation Committee  
REGARDING:                House Bill 2901

Mr. Chairman and members of the committee. Thank you for the opportunity to appear before you today. The Department supports HB 2901 which amends existing language and provides for the authentic marking of the Santa Fe Trail. The bill also permits the Secretary of Transportation to accept and administer gifts and donations to aid in obtaining suitable signs bearing the proper approved inscription.

The Department estimates the fiscal impact to be approximately \$5,000 - \$10,000 to sign the route. The National Park Service Comprehensive Management and Use Plan outlines the specifications for the uniform marker. A copy of the Uniform marker is attached for your convenience.



# UNIFORM MARKER

# MEMORANDUM

## Kansas Legislative Research Department

Room 545-N -- Statehouse  
Topeka, Kansas 66612-1586  
(913) 296-3181

February 16, 1990

To: House Transportation Committee

Re: Bills in Committee

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

This act relates to handicapped parking spaces, concerns the signing of these spaces, and provides for penalties for those who inappropriately use the spaces. The bill would require 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 not more than \$50 to not less than \$50 and not more than \$200.

### H.B. 2110 (By Representatives Schauf and Baker)

H.B. 2110 would exempt 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 Schauf and 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)

The act defines a golf cart and establishes conditions for the lawful operation of golf carts on public roads. 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 would allow 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, under specific conditions, on a state highway. The Department of Transportation would be required to post appropriate signs indicating that such operations are allowed.

Att. 4

**H.B. 2169 (By Representatives Johnson,  
Baker, and 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 Rezac)**

H.B. 2171, relates to traffic violations. New Section 1 creates a new violation under the uniform fine schedule, "inattentive driving," imposing a \$20 fine for a conviction. Section 2 defines "exhibition of speed or acceleration" including, but not limited to, those acts which cause or create unnecessary rapid acceleration, unnecessary tire squeal, smoke, or slide upon acceleration or stopping, including the casting of road gravel, dirt, or other road surface materials from the tires or acts that cause the vehicle to unnecessarily turn abruptly, sway, or lose traction with the road surface.

**H.B. 2186 (By Representatives Lowther,  
Freeman, and Wells)**

H.B. 2186 would allow 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 law allows such restrictions for only 90 days in a calendar year. This bill would eliminate the 90-day restriction.

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

**H.B. 2197 (By Committee on Transportation)**

H.B. 2197 relates to vehicle dealer licensing. This bill would permit lending agencies to purchase dealer license plates for a fee of \$25 per plate.

(1989 H.B. 2014 increased the fee for the first dealer plate from \$250 to \$275. The bill also increased the fee for additional dealer plates from \$16.25 to \$25.)

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

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



**H.B. 2265 (By Representatives Gross and Larkin)**

H.B. 2265 relates to highways and provides for the financing of highways. The bill provides the Secretary of Transportation with authorization for expenditure of new revenues for construction, reconstruction, maintenance of state highways except that each highway district must have an equal amount of the new revenue expended in it.

The bill would allow the Secretary to expend state highway funds for elderly and handicapped transportation, except that the payments may not exceed 25 percent of the federal funds available to Kansas for those purposes.

H.B. 2265 would provide for an average increase in motor vehicle registration fees of approximately 50 percent and increase motor fuels tax by 3 cents in FY 1990 and an additional 1 cent in FY 1991.

The bill would transfer, effective October 1, 1989, 10 percent of the sales tax revenue from the State General Fund to the State Highway Fund.

(1989 H.B. 2014 enacted by the 1989 Legislature addressed the issue of highways.)

**H.B. 2288 (By Representative Barr)**

H.B. 2288 would require that every person operating a bicycle upon a highway anytime between one-half hour after sunset and one-half hour before sunrise wear a reflectorized material of a type approved by the Secretary of Transportation which is visible from a distance of 200 feet.

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

H.B. 2291 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.

**H.B. 2298 (By Representative Sprague)**

H.B. 2298 would raise the legal driving age to 18 years and prohibit the issuance of restricted Class D licenses. A Class C restricted license could be issued to an individual who is at least 14 years of age to operate a Class C vehicle registered as a farm truck or truck tractor. The provision which permitted operation of a vehicle to school on a Class C restricted license has been deleted. The age at which an instruction permit can be obtained would be raised to 16 years.

**H.B. 2301 (By Representative Patrick)**

H.B. 2301 would require the Director of Accounts and Reports to transfer \$25 million from the State General Fund to the Special City and County Highway Fund

for the purpose of repairing and maintaining bridges under the jurisdiction of counties and cities. Monies received could not be used for computing the county entitlement from the County Equalization and Adjustment Fund.

**H.B. 2318 (By Representative Patrick)**

H.B. 2318 relates to various aspects of the Department of Transportation and the financing of highways. The bill includes the following provisions:

1. it would reduce by 500 FTE from the Department staff in FY 1990;
2. it would grant authority to local units to close specific routes on the highway state system for more than 90 days as long as adjacent premises are served by some roadway;
3. it would decrease the number of miles in the state highway system from 10,000 to 9,000, with 750 miles removed based on traffic count and the availability of a generally parallel alternate highway;
4. it would increase by 20 percent the special LP-gas permits issued to LP-gas users operating motor vehicles on state public highways;
5. it would increase interstate motor fuel user trip permit from \$6.50 to \$7.50;
6. it would increase, effective July 1, 1989, on motor fuels tax per gallon from 11 cents to 13 cents, on special fuels from 13 cents to 16 cents, on LP-gas from 10 cents to 12 cents;
7. it would revise amounts transferred to the state freeway fund (59.5 percent to 66.3 percent) and the special city county highway fund (40.5 percent to 33.7 percent) effective August 1, 1987; and
8. it would revise the amount transferred daily from the state freeway fund to state highway fund from the current 81.6 percent to 86.3 percent.

(1989 H.B. 2014 enacted by the 1989 Legislature addressed the issue of highways.)

**H.B. 2335 (By Representative Hoy, et al.)**

H.B. 2335 relates to vehicle license plates. The bill would permit the surviving spouse of a former prisoner of war to keep the POW license plate. The right to the license plate would terminate upon remarriage.

**H.B. 2343 (By Representative Whiteman)**

H.B. 2343 relates to driver licensing. The bill would prohibit the Department of Revenue from issuing a license or instruction permit to an individual under 18 years of age who does not have a high school diploma. A license or instruction permit may be issued if there is documentation that the individual:

1. is enrolled in a GED program;
2. is enrolled in a secondary school; or
3. is excused from this requirement due to circumstances beyond the person's control.

The bill also provides for notification of the Division of Vehicles upon withdrawal of a student from school. The Division would, in turn, notify the licensee of a suspension of driving privileges within 30 days of the notice date, unless proper documentation is received.

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

H.B. 2487 would require the Division of Vehicles to title vessels/watercraft as defined in the bill. Application for title would be made at the owner's local county treasurer's office. An owner of a vessel on January 1, 1990 would not be required to obtain a title unless interest in the vessel is transferred. The fee for an original or duplicate title is \$7.50. The county treasurer would retain \$2 from each application for title as a fee for expenses incurred in administering this law. The remainder of the monies would be deposited to the State General Fund.

**H.B. 2525 (By Committee on Taxation)**

H.B. 2525 would change the handling allowance on the motor fuel tax to 2 percent. Currently, distributors are allowed a handling allowance of 2.5 percent of the first million gallons of motor fuel received during a calendar year and 2 percent on anything in excess of one million gallons.

**H.B. 2598 (By Special Committee on Judiciary)**

H.B. 2598 would define the residency requirements of an individual for motor vehicle registration, increase the fine for violation of the laws regulating vehicle registration, and provide for a refund when the motor vehicle is moved from the State of Kansas.

The bill defines an individual to be a resident of a county in the state for motor vehicle registration purposes when the person is registered to vote in the county; or the person, partnership, company, firm, corporation, or association conducts the business of leasing or renting motor vehicles in the county for over 60 days.

There is a rebuttable presumption that a person is a resident of the county if the person maintains a place of residence within the county for more than 30 days; the person enrolls his/her dependent in a school district; the person has a residence and accepts employment in the county or engages in a profession in the county; the business maintains an office or warehouse in the county and operates motor vehicles in the county for more than nine months; or the person or business engages in intrastate haulage in the state and the motor vehicle is stored in the county for more than nine months.

A resident does not include members of the armed services who are stationed in Kansas and are registered in another state; or students who are enrolled for nine or more college credit hours when the student has a valid driver's license, motor vehicle registration, and a place of residence in another state.

Violation of the statute, a misdemeanor, results in a fine of up to \$2,500 or imprisonment in the county jail for not less than 30 days nor more than six months, or both.

The bill provides for a refund of the unused portion of the motor vehicle registration costs when the person and motor vehicle move and establish residency into another state. The person must submit to the county treasurer evidence of another state's valid driver's license and motor vehicle registration and surrender the Kansas license plate. The refund would be calculated by the county treasurer to an amount equal to 1/12 of the tax paid upon the motor vehicle for the full registration year, multiplied by the number of calendar months remaining until the registration would be due again after the month of residency establishment in another state.

**H.B. 2656 (By Committee on Transportation)**

H.B. 2656, as introduced, amending K.S.A. 8-1,104 and 8-1,110, provides clarifying language to these statutes regarding the charging, by the Department of Revenue, of penalties and interest on unpaid or delinquent fees. This language brings these statutes into line with other statutes governing the collection of all other taxes and fees administered by the Department.

**H.B. 2658 (By Committee on Transportation)**

H.B. 2658 does the following:

1. clarifies that, for purposes of administrative hearings, the Division of Vehicles is authorized to revoke as well as suspend driving privileges;
2. provides for judicial review for all revocation, suspension, and cancellation of a driver's license except for those offenses listed under K.S.A. 8-254 or suspension resulting from a driving under the influence (DUI) conviction;
3. makes clear that the administrative hearing officer in hearings involving a mandatory suspension, including that required under the implied consent law, must either affirm or dismiss the administrative action;
4. provides for a definition of "alcohol concentration" in the DUI statute (K.S.A. 8-1567);
5. amends K.S.A. 8-1014 to prohibit the Division of Vehicles from issuing restricted licenses to persons whose driving privileges are suspended (the present wording in K.S.A. 8-1014 (f) implies that the division shall issue a restricted license after suspending the license, which is contradictory);

6. allows evidence other than a person's blood or breath test taken within two hours of the person's driving to support a conviction for operating or attempting to operate a vehicle with an alcohol content of .10 or more at the time of driving;
7. clarifies that the Division of Vehicles rather than the court is responsible for a driver's license suspension resulting from a DUI conviction; and
8. clarifies that, for purposes of the suspension of a driver's license, the suspension does not have to be for a specific designated period.

**H.B. 2659 (By Committee on Transportation)**

H.B. 2659 would authorize the Director of the Division of Motor Vehicles to enter into an interstate agreement to exchange civil or criminal violation or conviction information regarding nonresident wholesale vehicle dealers.

**H.B. 2681 (By Committee on Transportation)**

H.B. 2681 prohibits a vehicle dealer (as defined in K.S.A. 1989 Supp. 8-2401) from knowingly or intentionally failing to disclose in any solicitation or advertisement offering a motor vehicle for sale, lease, or rental the fact that the motor vehicle is being offered for sale, lease, or rental by such vehicle dealer.

**H.B. 2686 (By Representative Dillon)**

H.B. 2686 relates to railroads and requires a telemetry system on trains. A telemetry system is defined as a radio transmitter and receiver system which indicates the following:

1. brake pipe pressure at the rear of the train, displayed in increments of one pound per square inch;
2. rear car movement;
3. whether the rear marker light is operating;
4. remaining battery life powering the system;
5. any interruption in radio transmission as established by a distance-measuring device at the rear-end device; and
6. the location of the rear of the train as established by a distance-measuring device at the rear-end device.

The bill provides that no train may depart any crew change point or its point of origin unless the train is equipped with a telemetry system. Inoperable telemetry systems must be repaired or replaced before leaving the point of origin or at crew change point.

Telemetry devices must also be equipped so that an emergency application of the brakes of the train can be initiated at the rear car of the train.

The bill makes it unlawful to institute any disciplinary action or other adverse administrative or employment action against any person who reports a violation or acts to enforce the provisions of the act.

The State Corporation Commission is required to adopt reasonable rules and regulations to require telemetry devices on railroad trains which create a local safety hazard passing through certain areas within the state. The requirements cannot be incompatible with the federal regulations relating to telemetry devices and cannot create an undue burden on interstate commerce.

**H.B. 2687 (By Representative Dillon)**

H.B. 2687 relates to railroad companies. The bill would require that any railroad company that operates a railroad line in this state:

1. equip each engine and caboose that is used for the transportation and occupation of railroad crewmen with sanitary drinking water;
2. retain a toilet facility on any engine or caboose that is equipped with a toilet facility;
3. ensure that any toilet facility is in working and sanitary condition; and
4. provide privacy to the person using such toilet facility.

The bill does not require a railroad company to equip any engine or caboose with a toilet facility.

The bill also defines "sanitary condition" as a condition of good order and cleanliness that precludes the reasonable probability of disease transmission.

The bill additionally grants the Secretary of Health and Environment the authority to inspect the places mentioned above and enforce the provisions of the act.

The Secretary of Health and Environment is authorized to adopt such rules and regulations as are necessary to carry out the provisions of the act.

Any railroad company violating the provisions of the act or rules and regulations adopted by the Secretary of Health and Environment, on conviction, shall be guilty of a misdemeanor and fined \$200 for each violation. Each day a violation occurs is a separate violation.

**H.B. 2691 (By Committee on Transportation)**

H.B. 2691 relates to sales of motor vehicles by vehicle dealers away from the dealer's established place of business. This bill would allow dealers to display vehicles at a motor vehicle show without obtaining a license for the location, upon proper notice to the Director of Vehicles, and provided that a majority of dealers in the

county are participating in the show. These provisions do not pertain to dealers of manufactured homes or recreational vehicles.

New definitions were included for a supplemental place of business, temporary place of business, and motor vehicle show or display.

**H.B. 2724 (By Representative Samuelson, et al.)**

H.B. 2724 provides for the disposition of fines imposed for vehicular size and weight violations.

The bill provides that 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 townships resolutions limiting size and weight of vehicles, would be credited to the county general fund.

**H.B. 2735 (By Representative Gross)**

H.B. 2735 would allow a motor vehicle dealer who demonstrates trucks and truck tractors and who wishes to obtain a 15-day trip permit the option of buying such permit for \$100.

**H.B. 2775 (By Representative Dillon)**

H.B. 2775 pertains to the use of aircraft to enforce speed laws. The bill provides that any aircraft used to enforce the maximum speed limits on highways in this state must meet the following requirements:

1. At least two persons must be in the aircraft while it is in operation.
2. The aircraft must be equipped with a recording barograph.
3. When being used to determine the speed of a motor vehicle, the aircraft must be operated at an altitude of between 2,000 and 3,000 feet above ground level and must not be more than one-half mile horizontally from the aircraft markers on the highway.
4. Aircraft markers must have been repainted or retaped in the previous 12 months prior to an aircraft operator using such aircraft markers to determine the speed of a motor vehicle.

**H.B. 2842 (By Representative Everhart)**

H.B. 2842 provides that all school transportation vehicles, which are purchased after the effective date of this act, must be equipped, in addition to any other equipment required by law, with safety belts or passenger safety restraining systems for use by all pupils and school personnel when being provided or furnished transportation. The term "school transportation vehicles" means every motor vehicle, bus, and school bus designated for use by a school district to provide or furnish transportation under the provisions of paragraphs (1), (2), or (3) of subsection (c) of K.S.A. 72-8301.

**H.B. 2857 (By Representatives Hensley and Sebelius)**

H.B. 2857 requires the Secretary of Revenue on July 1, 1990, and on each October 1, January 1, April 1, and July 1 thereafter to certify to the Director of Accounts and Reports the amount equal to 6.56 percent of the total revenues received by the Secretary from the taxes imposed under the Kansas Retailers' Sales Tax Act and deposited in the state treasury and credited to the State General Fund during the preceding three calendar months.

Upon receipt of each certification the Director of Accounts and Reports would transfer from the State General Fund to the State Highway Fund an amount equal to the amount certified on July 1, 1990, October 1, 1990, January 1, 1991, and April 1, 1991 and on each October 1, January 1, and April 1 thereafter.

Transfers made would be considered to be demand transfers from the State General Fund.

**H.B. 2863 (By Committee on Transportation)**

H.B. 2863 would allow the erection of rural business and farm or ranch directional signs in areas adjacent to a highway. The bill also defines various terms associated with these signs.

**H.B. 2864 (By Committee on Transportation)**

H.B. 2864 provides that if the certification required under the provisions of subsection (a) of 23 U.S.C. 141, shows that the State of Kansas is not in compliance with 23 U.S.C. 154 and the Secretary of the United States Department of Transportation reduces the State of Kansas' apportionment of federal-aid highway funds by 10 percent, the Secretary of the Kansas Department of Transportation shall certify to the State Treasurer those cities and counties which are not in compliance with 23 U.S.C. 154 and the State Treasurer shall withhold 10 percent of the funds payable to such cities or counties under the provisions of K.S.A. 79-3425c until the reductions of federal-aid highway funds have been restored.

**H.B. 2865 (By Committee on Transportation)**

H.B. 2865 provides that any person employed as a school bus driver or applying to become a school bus driver, who fails to meet the minimum qualifications for the physical examination required by the Kansas Department of Transportation, may be permitted to drive a school bus, if the school district, nonpublic school, or other employer, requests the Secretary of Transportation to provide a waiver for that portion of the physical examination failed by the person. The Secretary must determine, based on the facts submitted, that the person would be or is a satisfactory school bus driver.

The waiver cannot exceed two years and would be renewable.

A copy of the letter granting a waiver must be kept on file at the office of the school district, the nonpublic school, or other employer and must be retained by that office for a minimum of two years from the date the waiver was grants.



**H.B. 2901 (By Representative Shore)**

H.B. 2901 requires the Secretary of Transportation, in cooperation with the governing body of a city or county, to designate and mark the primary route of the historic Santa Fe Trail in Kansas, as described in the National Park Service Comprehensive Management and Use Plan, by placing signs in locations where the trail travels on public highways and crosses public highways. The Secretary may accept and administer gifts and donations to aid in obtaining signs bearing the proper approved inscription.

**H.B. 2941 (By Representative Gregory, et al.)**

H.B. 2941 designates certain routes the Frontier Military Highway. The route begins from the junction of Highway K-5 with U.S. Highway 73 and Highway K-7, south on Highway K-5 to the junction with I-435, south on I-435 to the junction with U.S. 69, to the junction with U.S. 69 alternate, then south on U.S. 69 alternate to the Kansas-Oklahoma line. The Secretary of Transportation is required to place markers along the highway right-of-way at proper intervals to indicate that the highway is the Frontier Military Highway. The Secretary may accept and administer gifts and donations to aid in obtaining and installing suitable highway signs.

**H.B. 2947 (By Representative Heinemann)**

H.B. 2947 would authorize the board of county commissioners of a county and the governing body of a city to issue revenue bonds for the purposes of paying all or a portion of the cost for the construction of highway projects identified as system enhancements. The amount of the bond issue could not exceed the cost of the project and would be payable solely from the proceeds of a countywide or city retailers' sales tax. In addition to the county wide and city retailers' sales taxes now authorized or limited by law, the board of county commissioners of a county and the governing body of a city proposing to issue bonds and impose a retailers' sales tax must adopt a resolution stating its intention to issue such bonds and levy such tax. Moneys collected from such tax would be credited to a Highway Enhancement Construction Sales Tax Fund established by the State Treasurer.

**H.B. 2959 (By Committee on Transportation)**

H.B. 2959 would prohibit the issuance of special permits by the Secretary of Transportation or a local authority, except as provided in subsection (g) of K.S.A. 8-1904, to a person operating a vehicle combination consisting of a truck tractor operated in combination with a semitrailer, tractor, and trailer.

**H.B. 3004 (By Committee on Transportation)**

H.B. 3004 would allow for a refund on any quantity of motor-vehicle fuel purchased and used by a motorboat. The refund for motor-vehicle fuel purchased for use by a motorboat cannot be less than \$5.

**S.B. 129 (By Committee on Transportation and Utilities as Amended by House Committee on Transportation)**

S.B. 129 relates to the use of certain vehicle registration fees by the county treasurer. The bill increases the additional compensation authorized for the county treasurer for administering the motor vehicle title and registration laws to \$520 per 1,000 vehicle registration, not to exceed \$7,800 for any calendar year. Also, the service fee charged for motor vehicle registrations is increased from \$1 to \$2.50. These fees are used in the administration of the motor vehicle title and registration laws, including payment of additional compensation to the county treasurer.

1989 H.B. 2561 increased from \$1.00 to \$2.25 the service fee charged by the county treasurer for processing motor vehicle registrations.

**S.B. 340 (By Committee on Federal and State Affairs as Recommended by Senate Committee on Transportation and Utilities)**

S.B. 340 deletes the provision which provided for payment from the Department of Revenue to wire service companies for transmitting licenses and permits to motor carriers and allows these companies to charge a transmittal fee to the carriers for this service. The "Permit and Licensing Agent Fund" is abolished.

**S.B. 481 (By Committee on Transportation and Utilities)**

S.B. 481 increases the fee charged by the Division of Vehicles of the Department of Revenue for duplicate vehicle registrations from \$.50 to \$2.00.

**S.B. 482 (By Committee on Transportation and Utilities; As Amended by Senate Committee on Transportation and Utilities)**

S.B. 482 pertains to salvage vehicle dealers. The definition of the term "salvage vehicle dealer" is modified to allow a salvage vehicle dealer to operate at both wholesale and retail.

**S.B. 483 (By Committee on Transportation and Utilities; As Amended by Senate Committee of the Whole)**

S.B. 483 pertains to the taxation of motor fuels. The bill makes the following changes:

1. provides that all motor fuel kept, offered, or exposed for sale, or sold at retail containing at least 1 percent by volume of oxygenates must be labeled by the maximum percentage of the oxygenate by common name of the oxygenate (ethanol, methanol, MTBE, or other) and must be identified as "with," "containing," or similar working on the dispenser;
2. exempts from the motor fuel tax the first sale or delivery of motor vehicle fuel from a refinery, pipeline terminal, or pipeline tank farm to

a licensed distributor who then resells the motor vehicle fuel to another distributor; and

3. permits the Director of Taxation of the Department of Revenue to enter into agreements with special fuel and L-P users and dealers and with interstate motor fuel users to extend the statute of limitations for assessing additional taxes or filing refund claims.

**S.B. 485 (By Committee on Transportation and Utilities;  
As Amended by Senate Committee on Transportation  
and Utilities)**

S.B. 485 concerns filing fees pertaining to motor vehicle security interests.

The bill:

1. increases from \$1.50 to \$2.50 the fee for filing a motor vehicle security interest with the Division of Vehicles of the Department of Revenue; and
2. requires county treasurers, for a fee of \$1.00, to mail a copy of the vehicle title application to the lienholder of the vehicle.

**S.B. 487 (By Committee on Transportation and Utilities  
as Amended by Senate Committee on Transportation  
and Utilities)**

S.B. 487 pertains to motor carriers. The bill eliminates the requirement that prospective contract carrier or common carrier applicants submit shipper witness affidavits which attest to the necessity of motor carrier service. The bill also includes language that requires a formal hearing on the application if a protest is filed or if the prefiled testimony does not demonstrate that the applicant is fit, willing, and able to perform the proposed service.

**S.B. 489 (By Committee on Transportation and Utilities  
as Amended by Senate Committee on Transportation  
and Utilities)**

S.B. 489 pertains to motor carrier regulation.

The bill amends K.S.A. 66-1,109 as it relates to the listing of those carriers exempted from economic regulation to specify that such exempted carriers need not obtain a certificate, license, or permit from the State Corporation Commission or file rates, tariffs, annual reports, or provide proof of insurance with the Commission. Two other minor changes to K.S.A. 66-1,109 clarify that private carriers may operate within the 25-mile radius of only the city where the private motor carrier is domiciled, and specify that the seating capacity for vehicles used in vanpooling is the driver and 15 passengers (rather than the driver and 16 passengers).

The second statute which is amended is K.S.A. 1989 Supp. 66-1,129. This law pertains to the State Corporation Commission's motor carrier safety regulations.

New language in K.S.A. 1989 Supp. 66-1,129(a) makes it clear that the State Corporation Commission safety regulations apply to all interstate and intrastate motor carriers except those in nine specified categories. The amendment also clarifies that the minimum age requirement specified in the section applies only to intrastate drivers and allows the Commission, by regulation, to make the age requirement for interstate drivers conform with federal motor carrier regulations. Other amendments make Kansas statutes consistent with the definition of commercial vehicles found in federal regulations which defines a commercial motor vehicle as being a vehicle that has a gross vehicle weight rating or gross combination rating of 10,001 pounds or more.

**S.B. 531 (By Committee on Transportation and Utilities;  
As Amended by Senate Committee on Transportation  
and Utilities)**

S.B. 531 pertains principally to the disposal of salvage vehicles through the use of a transfer certificate. This new certificate will be used to transfer ownership of vehicles ten or more model years of age to a salvage vehicle dealer when the owner of the vehicle does not have in his or her possession a certificate of title for the vehicle. Such a transfer has the same effect as surrendering the title as salvage or junk, so no subsequent title may be issued. Vehicles so transferred are to be dismantled or recycled, and may not be sold as a unit at retail.

The Director of Vehicles of the Department of Revenue processes applications and issues transfer certificates may charge a fee not to exceed the original title fee for transfer certificate forms. When it receives a transfer certificate application, the Division of Vehicles verifies ownership of the vehicle and issues the transfer certificate or a certificate of title, as the case may be. If the owner of the vehicle is other than the transferor or if the vehicle has not been titled in Kansas, the salvage dealer obtains a possessory lien to the extent of such dealer's costs in connections with the vehicle.