

Approved October 8, 1990
Date

MINUTES OF THE House COMMITTEE ON Transportation

The meeting was called to order by Rex Crowell at
Chairperson

1:50 ~~am~~/p.m. on March 26, 1990 in room 519-S of the Capitol.

All members were present except: Representatives Gross and Roenbaugh, excused.

Committee staff present:

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

Conferees appearing before the committee:

None

The meeting was called to order by Chairman Crowell, and the first order of business was discussion on SB-580 concerning multi-state special permit fees.

Ms. Pam Somerville, Kansas Department of Transportation, provided further information regarding SB-580. (See Attachment 1)

The next bill taken up for Committee discussion and action was SB-485 concerning fees for the filing of security interests on motor vehicles.

Committee discussion was held.

A motion was made by Representative Empson that SB-485 be recommended favorable for passage. The motion was seconded by Representative Wilbert.

A substitute motion was made by Representative Guldner that SB-485 be amended so that the service fee "shall" be charged, and the amount raised to \$1.50, and that the fee shall be paid by the lending institution. The motion was seconded by Representative Fry. Motion carried, with 13 voting "yes".

A motion was made by Representative Dean that SB-485 be reported adversely. The motion was seconded by Representative Dillon.

A substitute motion was made by Representative Dillon that SB-485 be amended to read "may mail a copy of the title application" and "may charge \$1.50". The motion was seconded by Representative Dean. Motion failed with 5 voting yes.

On the original motion to report SB-485 adversely, motion failed on a voice vote.

A motion was made by Representative Empson that SB-485 be recommended as amended favorable for passage. The motion was seconded by Representative Lawrence. Motion carried.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Transportation,

room 519-S, Statehouse, at 1:50 ~~xxx~~/p.m. on March 26, 1990

The next bill taken up for Committee discussion and action was SB-489 concerning the regulation of motor carriers.

Mr. Al Maxwell, Kansas Corporation Commission, briefed the Committee concerning SB-489. (See Attachment 2)

A motion was made by Representative Lucas that SB-489 be amended on Page 3, by striking Line 20, 21 and 22 and all on Line 23 to the word "the". The motion was seconded by Representative Guldner. Motion failed.

A motion was made by Representative Lucas that SB-489 be amended to read that on all future highway bids that the contractors be required to disclose their trucking expense in the bid. Motion died for lack of a second.

A motion was made by Representative Larkin that SB-489 be recommended favorable for passage. The motion was seconded by Representative Fry. Motion carried.

The next bill taken up for Committee discussion and action was SB-487 concerning permits and certificates for motor carriers.

A motion was made by Representative Shore that SB-487 be recommended favorable for passage. The motion was seconded by Representative Freeman. Motion carried.

The next bill taken up for Committee discussion and action was SB-483 concerning the payment of taxes on motor fuels.

A motion was made by representative Shore that SB-483 be amended to require that the price on the pump at gasoline service stations be the same as the advertised price. The motion was seconded by Representative Allen. Motion passed on a division 10-8. (See Attach. 3)

A motion was made by Representative Freeman to strike the Senate Floor amendment contained in Lines 26 through 31 on Page 1, and reinsert the old language. The motion was seconded by Representative Empson. Motion carried.

A motion was made by Representative Shore that SB-483 be recommended as amended favorable for passage. The motion was seconded by Representative Larkin. Motion carried.

The next bill taken up for Committee discussion and action was SB-484 amending the Kansas Uniform Commercial Drivers' License Act.

Bruce Kinzie briefed the Committee on technical amendments to SB-484, on Page 1, Line 30, striking the word "combined" and inserting "combination" and on Page 2, Line 7 changing (C) to (4).

A motion was made by Representative Everhart that the technical amendments to SB-484 suggested by Bruce Kinzie be adopted. The motion was seconded by Representative Empson. Motion carried.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Transportation,
room 519-S, Statehouse, at 1:50 ~~XXX~~/p.m. on March 26, 1990

Bruce Kinzie briefed the Committee on another proposed technical amendment to SB-484. (See Attachment 4)

A motion was made by Representative Wilbert that the technical amendment discussed by Bruce Kinzie be adopted. The motion was seconded by Representative Dean. Motion carried.

A motion was made by Representative Wilbert that SB-484 be recommended as amended favorable for passage. The motion was seconded by Representative Everhart.

A substitute motion was made by Representative Freeman that SB-484 be amended by striking the word "includes" on page 2, Line 18 and inserting "does not include", and reinserting the language to make it clear that farm trucks with a gross weight rating of 26,001 pounds or more are under Class C which is the current existing law, and striking Section 2. The motion was seconded by Representative Shore. Substitute motion carried.

A motion was made by Representative Guldner that SB-484 be recommended as amended favorable for passage. The motion was seconded by Representative Smith. Motion carried.

The next bill taken up for Committee discussion and action was SB-695 concerning the International Fuel Tax Agreement.

A motion was made by Representative Smith that SB-695 be recommended favorable for passage. The motion was seconded by Representative Lawrence. Motion carried.

The next bill taken up for Committee discussion and action was SB-580 concerning multi-state special permit fees.

A motion was made by Representative Dean that SB-580 be recommended favorable for passage. The motion was seconded by Representative Empson. Motion carried.

The meeting was adjourned at 3:15 p.m.


Rex Crowell, Chairman

STATE OF KANSAS



KANSAS DEPARTMENT OF TRANSPORTATION

*Docking State Office Building
Topeka 66612-1568
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Horace B. Edwards
Secretary of Transportation

Mike Hayden
Governor of Kansas

March 23, 1990

MEMORANDUM TO: The Honorable Rex Crowell, Chairman
 House Transportation Committee

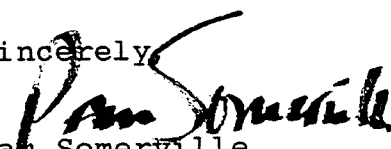
REGARDING: Senate Bill 580

Please accept my apology for not ensuring written testimony was presented on the bill. I assure you that such an oversight will not occur in the future.

In view of the confusion during the hearing on SB 580, I would like to clarify the intent of the bill. SB 580 is not a vehicle for "triple bottoms", but rather a vehicle to permit the Secretary to collect and disburse fees for the multi-state permits. As indicated in written testimony, the receipts and disbursements of the fees would be made to and from a "Highway Special Permit Fund" which is provided for in the bill. Although the provisions of SB 580 have been amended into HB 2959 (triple bottoms), the Secretary encourages favorable passage of this legislation.

Please feel free to contact me if additional information is needed.

Sincerely,


Pam Somerville
Legislative Liaison

cc: Secretary Edwards
Gary Griffiths

Att. 1

M E M O R A N D U M

To: Chairman Crowell
Members of the House Transportation Committee

From: Al Maxwell, KCC Transportation Division Administrator

Date: March 22, 1990

Re: Clarification concerning the effect of SB 489 on vehicles operated by custom harvesters in Kansas.

After our presentation on Tuesday, we believe we may have left some members of the Committee with the wrong impression concerning the effect SB 489 would have on custom harvesters in Kansas. SB 489 is the bill that is designed to bring Kansas motor carrier regulations into conformity with federal guidelines to save federal MCSAP funding for Kansas.

As we stated Tuesday, custom harvesters that cross a state line are already covered by the federal safety regulations. They are covered by the regulations when they are operating inside and outside of Kansas. This bill would have no effect on what regulations with which those operators must comply. They will be enforced only by the federal government.

This bill would have an effect on custom harvesters that operate wholly within Kansas, and never leave the state. But, only custom harvesters who operate with common carrier or contract carrier authority would be subject to the safety regulations. (We believe that few, if any, custom harvesters operate as common or contract carriers.) Custom harvesters who are not common or contract carriers, that operate wholly within Kansas, still would not be subject to safety regulations under SB 489.

The reason such custom harvesters would not be subject to the safety regulations is the definitions in K.S.A. 66-1,108, when read in conjunction with K.S.A. 66-1,111. K.S.A. 66-1,108(i) defines a "private motor carrier of property" as "any person engaged in the transportation, by motor vehicle, of property sold or to be sold" Because the typical custom harvester does not transport property "sold or to be sold," he would not be considered a private carrier, and therefore, not subject to the motor carrier act. (See K.S.A. 66-1,111.)

Sec. . K.S.A. 79-3409 is hereby amended to read as follows: 79-3409. (a) Every distributor paying such tax or being liable for the payment thereof shall be entitled to charge and collect such tax on motor-vehicle fuels sold or delivered by him ~~or her~~ such distributor, as a part of the selling price thereof. When the price of motor-vehicle fuels posted on a price sign does not include the state and federal tax the total of the taxes must be shown in numbers the same size as the price of the gasoline. Any deviation from the maximum price charged for a given grade of motor-vehicle fuels must be stated in letters at least six (6) inches high and legible. Fractions of cents must be posted in numbers at least ~~one-fifth-(1/5)~~ 1/5 the height of the whole number.

(b) The price of motor-vehicle fuels posted on a price sign, in the largest size numbers, shall be the same price posted on the motor-vehicle fuels dispenser.

PROPOSED AMENDMENT TO S.B. NO. 484

Sec. . K.S.A. 1989 Supp. 8-2,133 is hereby amended to read as follows: 8-2,133. (a) No person may be issued a commercial driver's license unless that person is a resident of this state and has passed a knowledge and skills test for driving a commercial motor vehicle which complies with minimum federal standards established by 49 C.F.R. 383, subparts G and H, effective January 1, 1991, and has satisfied all other requirements of the commercial motor vehicle safety act in addition to other requirements imposed by state law or federal regulation. The tests shall be prescribed and conducted by the secretary;

(b) except as otherwise provided in this act, the following criteria shall be met before an applicant who has been licensed to drive a commercial motor vehicle prior to July 15, 1988, and is currently licensed, may be exempt from the driving skills portion of the commercial driver license testing. Waivers for the knowledge test and endorsement portions of the driving skills test, except for the air brake endorsement, may not be obtained. The applicant shall provide evidence and certify that for the two-year period, except that for paragraph (F) of subsection (1) it shall be a five-year period, immediately prior to applying for a commercial driver's license, the applicant:

(1) (A) Has held only one license, except under the conditions outlined in 49 C.F.R. 383.21(b), effective January 1, 1991;

(B) currently has no actions pending which could result in the license of the driver being revoked, suspended or canceled or the driver being disqualified pursuant to 49 C.F.R. 383.51, effective January 1, 1991;

(C) has not had any driver's license suspended, revoked or canceled, except as otherwise provided within this statute;

(D) has not been convicted of any type of the

disqualifications listed in 49 C.F.R. 383.51, effective January 1, 1991; and

(E) has no violations under either state or local law relating to motor vehicle traffic control, other than parking, arising out of a recorded traffic accident in which the applicant was at fault;

(F) had no convictions for violations enumerated in K.S.A. 8-254, and amendments thereto, or K.S.A. 8-285, and amendments thereto; and

(G) had no more than two violations of K.A.R. 92-52-9, arising from two separate incidents excepting defective equipment violations within the previous two years; and

~~(H) has had no more than one at-fault accident as determined by being convicted of a moving traffic violation in connection with the accident; and~~

(2) (A) has previously taken and passed, within the previous two years, the required skills test through a state with a classified licensing and testing system and behind the wheel test in a representative vehicle in the class the applicant is now desiring to be tested in; or

(B) operated, for at least two years immediately preceding the application for a commercial driver's license, a representative vehicle that the applicant currently operates or expects to operate;

(c) the secretary may authorize a person, including an agency of this or another state, an employer, a private driver training facility or other private institution, or a department, agency or instrumentality of local government, to administer the skills test specified by this section, if:

(1) The test is the same which would otherwise be administered by the state; and

(2) the third party has entered into an agreement with the state which complies with requirements of 49 C.F.R. 383.75, effective January 1, 1991.

(d) A commercial driver's license or commercial driver's instruction permit may not be issued to a person while the person

is subject to a disqualification from driving a commercial motor vehicle, or while the person's driver's license is suspended, revoked or cancelled in any state; nor shall a commercial driver's license be issued to a person who has a commercial driver's license issued by any other state unless the person first surrenders all such licenses, which must be returned to the issuing state for cancellation.