

Approved 3-19-91  
Date

MINUTES OF THE House COMMITTEE ON Transportation

The meeting was called to order by Representative Herman G. Dillon at  
Chairperson

1:34 ~~am~~/p.m. on March 4, 1991 in room 519-S of the Capitol.

All members were present ~~XXXXX~~

Committee staff present:

Hank Avila - Legislative Research  
Bruce Kinzie - Revisor of Statutes  
Jo Copeland - Committee Secretary

Conferees appearing before the committee:

John Smith - Division of Vehicles  
Ken Clark - Division of Vehicles

Chairman Dillon called the meeting to order.

HB 2434 - Concerning registration of antique vehicles.

Chairman Dillon introduced Ken Clark who testified in support of HB 2434.  
(Attachment 1)

Questions and discussion followed.

Vice-Chairman Campbell closed the hearing on HB 2434.

HB 2437 - Providing an extension for renewal of drivers licenses for certain persons.

Vice-Chairman Campbell introduced Representative Shallenburger who explained HB 2437. He stated that he had constituents who had kids that were going to college out of state. It is a requirement now that they be present when they renew their drivers license. HB 2437 would allow a 6 month extension.

Bruce Kinzie and John Smith explained an amendment on HB 2437. (Attachment 2)

Discussion and questions followed.

Hearing ended on HB 2437.

HB 2435 - Relating to driver's licenses; extending the period for suspensions and revocations under certain circumstances.

Vice-Chairman Campbell introduced John Smith who testified in support of HB 2435. (Attachment 3)

Questions and discussion followed.

HB 2436 - Concerning driver's licenses; requiring licensee to provide a mailing address in addition to a residence address.

Vice-Chairman Campbell introduced John Smith who testified in support of HB 2436. (Attachment 4) He requested the committee to endorse the proposed amendment on Page 2, Line 22, "The division shall mail all notices to the person's last known mailing address furnished to the division by the person if such address is different from the person's residence address."

Hearing ended on HB 2436.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Transportation,  
room 519-S, Statehouse, at 1:34 ~~am~~/p.m. on March 4, 1991.

HB 2482 - Concerning notice of security interest.

Vice-Chairman Campbell introduced Ken Clark who testified in support of  
HB 2482. (Attachment 5)

Questions and discussion followed.

Hearing ended on HB 2482.

HB 2483 - Amending the vehicle dealers and manufacturers licensing act.

Vice-Chairman Campbell introduced Ken Clark who testified in support of  
HB 2483. (Attachment 6)

Questions and discussion followed.

Hearing ended on HB 2483.

Chairman Dillon announced that the above bills would be on the agenda 3-  
5-91 for possible final action.

Meeting adjourned at 2:27 p.m.



**Amend the requirement for registration of antique vehicles.**

**Bill Summary:**

This bill would amend the registration requirements of antique vehicles so as to restrict the use of antique license plates.

If approved, this bill will amend K.S.A. 8-167.

**Fiscal Impact:**

The administration of this bill can be accomplished with the number of personnel contained at all three levels of the budget for FY '91.

**Policy Implication/Background:**

While this bill would change the requirements for the registration of antique vehicles, the division feels that the community of antique vehicle owners would support this change.

Unlike other tags issued by the State, there are no restrictions on the issuance and use of antique tags, other than the vehicle be 35 years old or older. In the last few years, many vehicles have suddenly become eligible for antique tags, such as farm trucks of the late 1940's vintage used for hauling grain and livestock, and vehicles of the early 1950's that appear to be antique but no longer are equipped with parts from the original manufacturer. By issuing antique tags to these vehicles the State is losing several thousand dollars each year in higher, regular registration fees.

**Impact on other state agencies:**

None.

**Change requested:**

K.S.A. 8-167

(a)"...as provided by this act. *Except that antique vehicles may not transport passengers for hire, nor haul material weighing more than 500 pounds. And antique vehicles must contain substantially the same equipment as the original manufacturer's equipment for that year, make, and model of vehicle.*"

*House Transportation  
3-4-91  
ATTACHMENT 1-1*

PROPOSED AMENDMENT TO HOUSE BILL NO. 2437

Section 1. K.S.A. 8-234a is hereby amended to read as follows: 8-234a. (a) As used in the motor vehicle drivers' license act, the following words and phrases shall have the meanings respectively ascribed to them herein:

(1) "Drivers' license examiner" or "examiner" means a drivers' license examiner of the division of vehicles or any person whom the director of vehicles has authorized, pursuant to the authority granted by this act, to accept applications for drivers' licenses and administer the examinations required for the issuance or renewal of drivers' licenses;

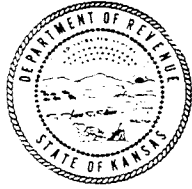
(2) "nonresident" means every person who is not a resident of this state:--Provided, For the purposes of the motor vehicle drivers' license act any person who owns, rents or leases real estate in Kansas as ~~his--or--her~~ such person's residence and engages in a trade, business or profession within Kansas or registers to vote in Kansas or enrolls ~~his--or--her~~ such person's children in a school in this state or purchases Kansas registration for a motor vehicle, shall be deemed a resident of the state of Kansas ~~ninety--(90)~~ 90 days after the conditions stated in this subsection commence, except that military personnel on active duty and their military dependents shall not be considered residents of the state of Kansas for the purpose of this act; and

*who are residents of another state*

(3) "patrol" means the state highway patrol.

(b) As used in this act, the words and phrases defined by the sections in article 14 of chapter 8 of the Kansas Statutes Annotated shall have the meanings respectively ascribed to them therein, unless a different meaning is ascribed to any such word or phrase by subsection (a) of this section.

*House Transportation  
3-4-91  
ATTACHMENT 2-1*



**KANSAS DEPARTMENT OF REVENUE**

*Division of Vehicles*

**Robert B. Docking State Office Building  
Topeka, Kansas 66626-0001**

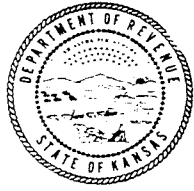
House Bill 2435 will provide an equitable enhancement of extending periods of driver license suspensions and revocations.

The present statute requires an additional like period of suspension if the original suspension was for a definite period of time, but requires no additional time for an indefinite suspension.

Failure to comply with traffice citations, failure to maintain liability insurance, even if an accident is invovled, and DUI convictions are indefinite suspensions.

The department supports this bill and repectfully requests the committee to endorse this amendments.

*House Transportation  
3-491  
ATTACHMENT 3-1*



**KANSAS DEPARTMENT OF REVENUE**

*Division of Vehicles*

**Robert B. Docking State Office Building**

**Topeka, Kansas 66626-0001**

House Bill 2436 provides that the address furnished to the division as the person's mailing address if different from the person's permanent address is the official address to which the Division of Vehicles shall mail all notices.

The Bill is needed because the Commercial Motor Vehicle Safety Act provides for the division to maintain both addresses. If this statute is not amended it could result in confusion as to which address should be used and will negate the Kansas Supreme Courts ruling in State V Moffett which established that the division mails notices to the last known address furnished by the person regardless of any other address which may be in the division records.

The department supports this Bill and respectfully requests the committee to endorse this amendment.

*House Transportation  
3-4-91  
ATTACHMENT 4-1*

**Amend K.S.A. 1989 supp 8-135 to requiring County Treasurers to send a copy of the title application to the lienholder.**

**Bill Summary:**

This bill would require County Treasurers to only send a copy of the title application to Kansas Lienholders.

The statute effected is K.S.A. 1989 supp 8-135.

**Fiscal Impact:**

This bill will have no fiscal impact on the division of vehicles. The personnel necessary for the administration of this bill are in the current FY '91 budget at all three budget levels.

**Policy Implications/Background:**

The current version of this bill requires County Treasurers to mail a copy of the title application to all lienholders, both in Kansas and out-of-state. However, because many out-of-state lienholders are based in title holding states, it is unnecessary to send a copy of the title application when they already have a copy of the title showing them as the lienholder. In fact, upon receiving a copy of the title application and the bill from the County Treasurer for \$1.50, many out-of-state lienholders have written the State indicating that they do not want a copy of the title application and will not pay the bill.

This bill will not affect current policy regarding the treatment of Kansas lienholders.

**Impact on other State agencies:**

None.

**Change requested:**

K.S.A. 8-135

...The county treasurers shall mail a copy of the title application to the *Kansas* lienholder. Each county treasurer shall charge the lienholder a \$1.50 service fee for processing a mailing a copy of the title application to the *Kansas* lienholder.

House Transportation  
3-4-91  
ATTACHMENT 5-1



## Further Define Business and Display Areas for Dealers

### Bill Summary:

Amend K.S.A. 2404 to define a display area for vehicles being offered for sale, and when more than one dealer is occupying the same business location, although under different names, each dealer must maintain a separate area within that location.

### Fiscal Impact:

This bill will have no fiscal impact on the division of vehicles.

### Policy Implication/Background:

While all dealers are required to maintain a display area, there is no clear definition of what a display area is.

Also, there is no requirement that dealers who share the same business location, under different names, maintain separate area from which to transact business and keep business records. This bill would not impact or alter current state policy regarding the administration of the Dealer's and Manufacturer's Licensing Act.

### Impact on other State agencies:

None.

K.S.A. 8-2404 (k)

...dealer license plates the dealer has had assigned. *The display area shall be visible from the street and cannot be on a public easement, right-of-way or driveway. The display area shall be within sight of the dealer's office and be reasonably accessible to such office. The display area may be located within a building, subject to the approval of the Director of Vehicles. This provision does not apply to wholesale dealers.*

K.S.A. 8-2404 (n)

...properly conduct the business of a vehicle dealer. *Provided that each dealer maintain a separate area from which to conduct business and maintain business records.*

House Transportation  
3-4-91  
ATTACHMENT 6-1