

Approved 2-19-92
Date

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES

The meeting was called to order by Sen. Bill Morris at
Chairperson

9:02 a.m./~~P.M.~~ on February 18, 1992 in room 254-E of the Capitol.

All members were present ~~except~~.

Committee staff present:

Ben Barrett, Legislative Research Department
Hank Avila, Legislative Research Department
Bruce Kinzie, Revisor of Statutes
Louise Cunningham, Committee Secretary

Conferees appearing before the committee:

Mary Turkington, Kansas Motor Carriers Association
Sen. Jerry Karr

Jack Tierce, Deputy Director of Transportation Division, KCC

Mary Turkington, Kansas Motor Carriers Association, had a request for a committee bill. It was for legislation that would clarify the registration brackets and enforcement procedures for the Commercial Driver's License. It would divide the gross weight registration category to provide for new brackets of 24,001 to 26,000 lbs. and 26,001 lbs. or more. A copy of her statement is attached. (Attachment 1). A copy of the proposed bill is attached. (Attachment 2). A motion was made by Sen. Sallee and was seconded by Sen. Kerr to introduce the bill as a committee bill. Motion carried. The Chairman said that since this bill was not of a controversial nature hearings would be held at the next meeting.

Hearing on S.B. 571 - Regulation of motor carriers, exemption of certain private carriers.

Sen. Jerry Karr said he had heard from some of his constituents who had attended the Maple Leaf Festival Arts and Crafts Show. They had been stopped on their way home and arrested for not having proper registration. He had checked into it and found there was a technical aspect of the law and they were in violation. Technically they were carrying back something they had bought. He said there were only 8 states that regulate private carriers to some degree. He questioned as to what degree did Kansas want to regulate this type of carrier. A copy of the 8 states is attached. (Attachment 3).

Mary Turkington, Kansas Motor Carriers Association said they could appreciate the reasons why this legislation was introduced but they were concerned that the proposed remedy would also exempt any number of other kinds of vehicle owners who currently hold KCC private carrier permits. They felt that enforcement agencies should direct their energies and resources to major violations which go on every day and not harass private citizens who are not in the transportation business. She felt that sometimes drivers were stopped just for harassment. She was not critical of the highway patrol personnel but felt there were problems that should be studied and discussed. A copy of her statement is attached. (Attachment 4).

One of the senators said he had had over 30 calls with reference to the enforcement people. He felt they needed proper training, standards and directions in this area. It seemed sometimes there was pure harassment or poor judgement. It was suggested that perhaps this should be the subject of an interim study.

Hearing and Action on S..B. 592 - Motor Carriers. K.C.C. plates.

Jack Tierce, K.C.C., said this legislation would eliminate the issuance of KCC tags to intrastate motor carriers. In 1989 the legislature eliminated the issuance of KCC tags to motor carriers who have both interstate and intrastate authority. Of the KCC regulated vehicles operating on Kansas highways approximately 75% are not issued a KCC tag. Cab cards are issued to all carriers that have intrastate authority and

the cards are carried in the vehicle. By issuing no KCC tags to motor carriers the state will save approximately \$40,000 annually with a \$140,000 saving every 5th year when new tags are issued. A copy of his statement is attached. (Attachment 5).

A motion was made by Sen. Rock to recommend S.B. 592 favorably for passage. Motion was seconded by Sen. Vidricksen. Motion carried.

A motion was made by Sen. Thiessen to approve the Minutes of February 12, 1992. Motion was seconded by Sen. Doyen. Motion carried.

Meeting was adjourned at 9:45. Next meeting February 19, 1992.

SENATE TRANSPORTATION AND UTILITIES COMMITTEE

Date 2-18-92 Place 254-E Time 9:02

GUEST LIST

NAME

ADDRESS

ORGANIZATION

ACK TIERCE

Topeka

KCC

DON CARLIE

Topeka

KCC

Tom Whitaker

Topeka

KS MOTOR CYCLISTS ASSN

Pat Ahlberg

Topeka

Kansas Railroad Assn

Vickie Woodbury

Topeka

KS LP Gas Assoc.

STATEMENT
by the
KANSAS MOTOR CARRIERS ASSOCIATION

Requesting the introduction of legislation to clarify registration categories with respect to the Commercial Driver's License.

Presented to the Senate Transportation and Utilities Committee, Senator Bill Morris, Chairman; Statehouse, Topeka, February 18, 1992.

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

On behalf of the Kansas Motor Carriers Association and the highway transportation industry, we appear before you this morning to request introduction of legislation that would clarify the registration brackets and enforcement procedures for the Commercial Driver's License.

A CDL is required for the operator of any vehicle which:

- a) has a gross vehicle weight **rating** of 26,001 or more lbs. **OR**
- b) has a gross vehicle weight **registration** of 26,001 lbs. or more, whichever is greater.

Kansas gross vehicle registration brackets basically are in 6,000-lb. increments. The critical bracket for clarification purposes is the current 24,001 to 30,000 registration category. The legislation we are requesting simply would divide that gross weight registration category to provide for new brackets of 24,001 to 26,000 lbs. and 26,001 lbs. or more.

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This change would occur throughout all registration categories, including the farm registration schedule.

Fees would not be increased. The suggested effective date of the revisions would be January 1, 1993.

Missouri made this change in its registration brackets a year ago. We believe enforcement officials would have no difficulty in determining the vehicles which would require a CDL.

We have talked with representatives of farm organizations and the Kansas Cooperative Council who understand the purpose of the proposed legislation.

We will indeed appreciate your consideration of our request and will be pleased to respond to any questions at this time.

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*Att. 1
2-18-2
(2-2)*

SENATE BILL NO. 690

By Committee on Transportation and Utilities

AN ACT concerning the registration of vehicles; amending K.S.A. 8-143 and 8-143j and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 8-143 is hereby amended to read as follows: 8-143. (1) All applications for the registration of motorcycles, motorized bicycles and passenger vehicles other than trucks and truck tractors, except as otherwise provided, shall be accompanied by an annual license fee as follows: For motorized bicycles, \$10; for motorcycles, \$15; for passenger vehicles, other than motorcycles, used solely for the carrying of persons for pleasure or business, and for hearses and ambulances a fee of (i) \$25 for those having a gross weight of 4,500 pounds or less; (ii) \$35 for those having a gross weight of more than 4,500 pounds; for each electrically propelled motor vehicle, except electrically propelled vehicles intended for the purpose of transporting any commodity, goods, merchandise, produce or freight, or passengers for hire, a fee of \$13. Except for motor vehicles, trailers or semitrailers registered under the provisions of K.S.A. 8-1,134, and amendments thereto, the annual registration fee for each motor vehicle, trailer or semitrailer owned by any political or taxing subdivision of this state or by any agency or instrumentality of any one or more political or taxing subdivisions of this state and used exclusively for governmental purposes and not for any private or utility purposes, which is not otherwise exempt from registration, shall be \$2.

(2) As used in this subsection, the term "gross weight" shall mean and include the empty weight of truck, or of combination of truck or truck tractor and any type trailer or

Att. 2
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2-18-92

semitrailer, plus the maximum weight of cargo which will be transported on or with the same, except when the empty weight of a truck plus the maximum weight of cargo which will be transported thereon is 12,000 pounds or less. The term gross weight shall not include: The weight of any travel trailer propelled thereby which is being used for private recreational purposes; or the weight of any vehicle or combination of vehicles for which wrecker or towing service, as defined in K.S.A. 66-1329, and amendments thereto, is to be provided by a wrecker or tow truck, as defined in K.S.A. 66-1329, and amendments thereto. Such wrecker or tow truck shall be registered for the empty weight of such vehicle fully equipped for the recovery or towing of vehicles. The gross weight license fees hereinafter prescribed shall only apply to the truck or truck tractor used as the propelling unit for the cargo and vehicle propelled, either as a single vehicle or combination of vehicles. On application for the registration of a truck or truck tractor, the owner thereof shall declare as a part of such application the maximum gross weight the owner desires to be applicable to such vehicle, which declared gross weight in no event shall be in excess of the limitations described by K.S.A. 8-1908 and 8-1909, and amendments thereto, for such vehicle or combination of vehicles of which it will be a part. All applications for the registration of trucks or truck tractors, except as otherwise provided herein, shall be accompanied by an annual license fee as follows:

For a gross weight of 12,000 lbs. or less	\$35
For a gross weight of more than 12,000 lbs. and not more than 16,000 lbs.	100
For a gross weight of more than 16,000 lbs. and not more than 20,000 lbs.	130
For a gross weight of more than 20,000 lbs. and not more than 24,000 lbs.	195
For a gross weight of more than 24,000 lbs. and not more than 30,000 <u>26,000</u> lbs.	310

<u>For a gross weight of more than 26,000 lbs. and not more than 30,000 lbs.....</u>	<u>310</u>
For a gross weight of more than 30,000 lbs. and not more than 36,000 lbs.	370
For a gross weight of more than 36,000 lbs. and not more than 42,000 lbs.	470
For a gross weight of more than 42,000 lbs. and not more than 48,000 lbs.	600
For a gross weight of more than 48,000 lbs. and not more than 54,000 lbs.	800
For a gross weight of more than 54,000 lbs. and not more than 60,000 lbs.	1,000
For a gross weight of more than 60,000 lbs. and not more than 66,000 lbs.	1,200
For a gross weight of more than 66,000 lbs. and not more than 74,000 lbs.	1,525
For a gross weight of more than 74,000 lbs. and not more than 80,000 lbs.	1,725
For a gross weight of more than 80,000 lbs. and not more than 85,500 lbs.	1,925

If the applicant for registration of any truck or truck tractor for a gross weight of more than 12,000 pounds is the state of Kansas or any political or taxing subdivision or agency of the state, except a city or county, whose truck or truck tractor is not otherwise entitled to the \$2 license fee or otherwise exempt from all fees, such vehicle may be licensed for a fee in accordance with the schedule hereinafter prescribed for local trucks or truck tractors.

If the applicant for registration of any truck or truck tractor for a gross weight of more than 12,000 pounds shall under oath state in writing on a form prescribed and furnished by the director of vehicles that the applicant does not expect to operate it more than 6,000 miles in the calendar year for which the applicant seeks registration, and that if the applicant shall

operate it more than 6,000 miles during such registration year such applicant will pay an additional fee equal to the fee required by the preceding schedule, less the amount of the fee paid at time of registration, such vehicle may be licensed for a fee in accordance with the schedule hereinafter prescribed for local trucks or truck tractors; and whenever the same is registered on a local truck or truck tractor fee basis a tab or marker shall be issued in connection with the regular license plate, which tab or marker shall be attached or affixed to and displayed with the regular license plate and the failure to have the same attached, affixed or displayed shall be subject to the same penalties as provided by law for the failure to display the regular license plate; and the secretary of revenue may adopt rules and regulations requiring the owners of trucks and truck tractors so registered on a local truck or truck tractor fee basis to keep such records and make such reports of mileage of such vehicles as the secretary of revenue shall deem proper.

A transporter delivering vehicles not the transporter's own by the driveaway method where such vehicles are being driven, towed, or transported singly, or by the saddlemount, towbar, or fullmount methods, or by any lawful combination thereof, may apply for license plates which may be transferred from one such vehicle or combination to another for each delivery without further registration, and the annual license fee for such license plate shall be as follows:

For the first such set of license plates	\$44
For each additional such set of license plates	18

A truck or truck tractor registered for a gross weight of more than 12,000 pounds, which is operated wholly within the corporate limits of a city or village or within a radius of 25 miles beyond the corporate limits, shall be classified as a local truck except that in no event shall such vehicles operated as contract or common carriers outside a radius of three miles beyond the corporate limits of the city or village in which such

vehicles were based when registered and licensed be considered local trucks or truck tractors. The secretary of revenue is hereby authorized and directed to adopt rules and regulations prescribing a procedure for the issuance of permits by the division of vehicles whereby owners of local trucks or truck tractors may operate any such vehicle, empty, beyond the radius hereinbefore prescribed, when such operation is solely for the purpose of having such vehicle repaired, painted or serviced or for adding additional equipment thereto. The annual license fee for a local truck or truck tractor, except as otherwise provided herein, shall be as follows:

For a gross weight of more than 12,000 lbs. and not more than 16,000 lbs.	\$60
For a gross weight of more than 16,000 lbs. and not more than 20,000 lbs.	100
For a gross weight of more than 20,000 lbs. and not more than 24,000 lbs.	130
For a gross weight of more than 24,000 lbs. and not more than 30,000 <u>26,000</u> lbs.	175
<u>For a gross weight of more than 26,000 lbs. and not more than 30,000 lbs.</u>	<u>175</u>
For a gross weight of more than 30,000 lbs. and not more than 36,000 lbs.	210
For a gross weight of more than 36,000 lbs. and not more than 42,000 lbs.	240
For a gross weight of more than 42,000 lbs. and not more than 48,000 lbs.	310
For a gross weight of more than 48,000 lbs. and not more than 54,000 lbs.	410
For a gross weight of more than 54,000 lbs. and not more than 60,000 lbs.	470
For a gross weight of more than 60,000 lbs. and not more than 66,000 lbs.	570
For a gross weight of more than 66,000 lbs. and not	

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more than 74,000 lbs.	750
For a gross weight of more than 74,000 lbs. and not more than 80,000 lbs.	880
For a gross weight of more than 80,000 lbs. and not more than 85,500 lbs.	1,000

A truck or truck tractor registered for a gross weight of more than 12,000 pounds, which is owned by a person engaged in farming and which truck or truck tractor is used by such owner to transport agricultural products produced by such owner or commodities purchased by such owner for use on the farm owned or rented by the owner of such farm truck or truck tractor, shall be classified as a farm truck or truck tractor and the annual license fee for such farm truck shall be as follows:

For a gross weight of more than 12,000 lbs. and not more than 16,000 lbs.	\$35
For a gross weight of more than 16,000 lbs. and not more than 20,000 lbs.	40
For a gross weight of more than 20,000 lbs. and not more than 24,000 lbs.	50
<u>For a gross weight of more than 24,000 lbs. and not more than 26,000 lbs.</u>	<u>70</u>
For a gross weight of more than 24,000 <u>26,000</u> lbs. and not more than 54,000 lbs.	70
For a gross weight of more than 54,000 lbs. and not more than 60,000 lbs.	180
For a gross weight of more than 60,000 lbs. and not more than 66,000 lbs.	360
For a gross weight of more than 66,000 lbs.	600

A vehicle licensed as a farm truck or truck tractor may be used by the owner thereof to transport, for charity and without compensation of any kind, commodities for religious or educational institutions. A truck which is licensed as a farm truck may also be used for the transportation of sand, gravel, slag stone, limestone, crushed stone, cinders, black top, dirt or

fill material to a township road maintenance or construction site of the township in which the owner of such truck resides. Any applicant for registration of any farm truck or farm truck tractor used in combination with a trailer or semitrailer shall register the farm truck or farm truck tractor for a gross weight which shall include the empty weight of the truck or truck tractor or of the combination of any truck or truck tractor and any type of trailer or semitrailer, plus the maximum weight of cargo which will be transported on or with the same. The applicant for registration of any farm truck or farm truck tractor used to transport a gross weight of more than 54,000 pounds shall durably letter on the side of the motor vehicle the words "farm vehicle--not for hire." If an applicant for registration of any farm truck or farm truck tractor operates such vehicle for any use or purpose not authorized for a farm truck or farm truck tractor, such applicant shall pay an additional fee equal to the fee required for the registration of all trucks or truck tractors not registered as local, 6,000-mile or farm truck or farm truck tractor motor vehicles, less the amount of the fee paid at time of registration. Nothing in this or the preceding paragraph shall authorize a gross weight of a vehicle or combination of vehicles on the national system of interstate and defense highways greater than permitted by laws of the United States congress.

Except as hereinafter provided, the annual license fee for each local urban transit bus used in local urban transit operations exempted under the provisions of subsection (a) of K.S.A. 66-1,109, and amendments thereto, shall be based on the passenger seating capacity of the bus and shall be as follows:

8 or more, but less than 31 passengers	\$15
31 or more, but less than 40 passengers	30
More than 39 passengers	60

except that the annual license fee for each local urban transit bus which is owned by a metropolitan transit authority

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established pursuant to articles 25 and 28 of chapter 12 or pursuant to article 31 of chapter 13 of the Kansas Statutes Annotated shall be \$2.

For licensing purposes, station wagons with a carrying capacity of less than 10 passengers shall be subject to registration fees based on the weight of the vehicles, as provided in subsection (1). Station wagons with a carrying capacity of 10 or more passengers shall be subject to the truck classifications and license fees therefor shall be as herein provided:

(a) For any trailer, semitrailer, travel trailer or pole trailer the annual license fee shall be as follows: For any such vehicle with a gross weight of more than 12,000 pounds the annual fee shall be \$35; any such vehicle grossing more than 8,000 pounds but not over 12,000 pounds, the annual fee shall be \$25; for any such vehicle grossing more than 2,000 pounds but not over 8,000 pounds, the annual fee shall be \$15. Any such vehicle having a gross weight of 2,000 pounds or less may, at the owner's option, be registered and the fee for such registration shall be \$15.

Any trailer, semitrailer or travel trailer owned by a nonresident of this state and based in another state, which is properly registered and licensed in the state of residence of the owner or in the state where based, may be operated in this state without being registered or licensed in this state if the truck or truck tractor propelling the same is properly registered and licensed in this state, or is registered and licensed in some other state and is entitled to reciprocal privileges of operation in this state, but this provision shall not apply to any trailer or semitrailer owned by a nonresident of this state when such trailer or semitrailer is owned by a person who has proportionately registered and licensed a fleet of vehicles under the provisions of K.S.A. 8-1,101 to 8-1,123, inclusive, and amendments thereto, or under the terms of any reciprocal or

proration agreement made pursuant thereto.

At the option of the owner, any trailer, semitrailer or pole trailer, with a gross weight of more than 12,000 pounds, may be issued a multi-year registration for a five-year period upon payment of the appropriate registration fee. The fee for a five-year registration of such trailer shall be five times the annual fee for such trailer. If the annual registration fee is increased during the multi-year registration period, the owner of the trailer with such multi-year registration shall be subject to the amount of the increase of the annual registration fee for the remaining calendar years of such multi-year registration. When the owner of any trailer, semitrailer or pole trailer registered under this multi-year provision transfers or assigns the title, or interest thereto, the registration of such trailer shall expire. The owner shall remove the license plate from such trailer and forward the license plate to the division of vehicles or may have such license plate assigned to another trailer, semitrailer or pole trailer upon the payment of fees required by law. Any owner of a trailer, semitrailer or pole trailer where the multi-year registration fee has been paid and the trailer is sold, junked, repossessed, foreclosed by a mechanic's lien or title transferred by operation of law, and the registration thereon is not going to be transferred to another trailer, may secure a refund for the registration fee for the remaining calendar years by making application to the division of vehicles on a form and in the manner prescribed by the director of vehicles. The secretary of revenue may adopt such rules and regulations necessary to implement the multi-year registration of such trailers, semitrailers and pole trailers.

A farm trailer used in carrying not more than 6,000 pounds owned by a person engaged in farming, which trailer is used exclusively by the owner to transport agricultural products produced by such owner or commodities purchased by the owner for use on the farm owned or rented by the owner of such trailer,

shall not be subject to the registration and registration fees prescribed by this act for trailers, and the weight of any such farm trailer, plus the cargo weight of 6,000 pounds or less, shall not be considered in determining the gross weight for which the truck or truck tractor propelling the same shall be registered. Any nonself-propelled vehicle used and designed for applying fertilizers to the soil or for picking up and transporting hay or forage from a field to a storage area or from a storage area to a feedlot, which is only incidentally moved or operated upon the highways, shall not be subject to registration and registration fees prescribed by this act for trailers.

(b) Any truck or truck tractor having a gross weight of 4,000 pounds or over, using solid tires, shall pay a license fee of double the amount herein charged. The annual fees herein provided for trucks, truck tractors and trailers not subject to K.S.A. 8-134a, and amendments thereto, shall be due January 1 of each year and payable on or before February 15 in each year. If the fee is not paid by such date a penalty of \$1 shall be added to the fee charged herein for each month or fraction thereof and until December 31 of each registration year. The annual registration fee for all passenger vehicles and vehicles subject to K.S.A. 8-134a, and amendments thereto, shall be due on or before the last day of the month in which the registration plate expires and shall be due for other vehicles as provided by K.S.A. 8-134, and amendments thereto. If the registration fee is not paid by such date a penalty of \$1 shall be added to the fee charged herein for each month or fraction thereof until such registration fee is paid. Members of the armed forces of the United States shall be permitted to apply for registration at any time and be subject to registration fee, less penalties, applicable at the time the application is made. If any motorcycle, motorized bicycle, trailer, semitrailer, travel trailer, or pole trailer is either purchased or acquired after the anniversary or renewal date in any registration year there

shall immediately become due and payable a registration fee as follows: If purchased or acquired between the anniversary or renewal date of any registration year and the first six months of such registration year, the annual fee hereinbefore provided; if purchased or acquired during the last six months of any registration year, 50% of such annual fee. If any truck or truck tractor, except trucks subject to K.S.A. 8-134a, and amendments thereto, is purchased or acquired prior to April 1 of any year the fee shall be the annual fee hereinbefore provided, but if such truck or truck tractor is purchased or acquired after the end of March of any year, the license fee for such year shall be reduced $1/12$ for each calendar month which has elapsed since the beginning of the year. If any truck registered for a gross weight of 12,000 pounds or less or passenger vehicle is purchased or acquired and less than 12 months remain in the registration period, the fee shall be $1/12$ of the annual fee for each calendar month remaining in the registration period.

(c) The owner of any motorcycle, motorized bicycle, passenger vehicle, truck, truck tractor, trailer, semitrailer, or electrically propelled vehicle who fails to pay the registration fee or fees herein provided on the date when the same become due and payable shall be guilty of a misdemeanor, and upon conviction thereof shall be subject to a penalty in the sum of \$1 for each month or fraction thereof during which such fee has remained unpaid after it became due and payable; and in addition thereto shall be subject to such other punishment as is provided in this act. Upon the transfer of motorcycles, motorized bicycles, passenger vehicles, trailers, semitrailers, trucks or truck tractors, on which registration fees have been paid for the year in which the transfer is made, either (A) to a corporation by one or more persons, solely in exchange for stock or securities in such corporation, or (B) by one corporation to another corporation when all of the assets of such corporation are transferred to the other corporation, then in either case (A) or

case (B) the corporation shall be exempt from the payment of registration fees on such vehicles for the year in which such transfer is made. Applications for transfer or registration shall be accompanied by a fee of \$1.50. When the registration of a vehicle has expired at midnight on the last day of any registration year, and such vehicle is not thereafter operated upon the highways, any application for renewal of registration made subsequent to the anniversary or renewal date of any registration year following the expiration of such registration and for succeeding registration years in which such vehicle has not been registered shall be accompanied by an affidavit of nonoperation and nonuse, and such application for renewal or registration shall be received by the division of vehicles upon payment of the proper fees for the current registration year and without penalty.

(3) Any nonresident of Kansas purchasing a vehicle from a Kansas resident and desiring to secure registration on the vehicle in the state of such person's residence may make application in the office of any county treasurer for a thirty-day temporary registration. The county treasurer upon presentation of evidence of ownership in the applicant and evidence the sales tax has been paid, if due, shall charge and collect a fee of \$3 for each thirty-day temporary license and issue a sticker or paper registration as may be determined by the director of vehicles, and the registration so issued shall be valid for a period of 30 days from the date of issuance.

(4) Any owner of any motor vehicle which is subject to taxation under the provisions of article 51 of chapter 79 of the Kansas Statutes Annotated or any other truck or truck tractor where the annual registration fee has been paid and the vehicle is sold, junked, repossessed, foreclosed by a mechanic's lien or title transferred by operation of law, and the registration thereon is not going to be transferred to another vehicle may secure a refund for the registration fee for the remaining

portion of the year by making application to the division of vehicles on a form and in the manner prescribed by the director of vehicles, accompanied by all license plates and attachments issued in connection therewith. If the owner of the registration becomes deceased and the vehicle is not going to be used on the highway, and title is not being currently transferred, the proper representative of the estate shall be entitled to the refund. The refund shall be made only for the period of time remaining in the registration year from the date of completion and filing of the application with and delivery of the license plate and attachments to the division of vehicles. Where the registration is secured under a quarterly payment annual registration fee, as provided for in K.S.A. 8-143a, and amendments thereto, such refund shall be made on the quarterly fee paid and unused and all remaining quarterly payments shall be canceled. Any truck or truck tractor having the registration fee paid on quarterly payment basis, all quarterly payments due or a fraction of quarterly payment due shall be paid before title may be transferred, except that in case of death, the filing of the application and returning of the license plate and attachment shall cancel the remaining annual payments due. Whenever a truck or truck tractor, where the registration is secured on a quarterly payment of the annual registration, the one repossessing the truck or truck tractor, or foreclosing by a mechanic's lien, or securing title by court order, the mortgagor or the assigns of the mortgagor, or the one securing title may pay the balance due on date of application for title, but the payments for the remaining portion of the year shall not be canceled unless application is made and the license plate and attachments are surrendered. Nothing in this subsection shall apply when registration is secured under the provisions of K.S.A. 8-1,101 to 8-1,123, inclusive, and amendments thereto. Notwithstanding any of the foregoing provisions of this section, no refund shall be made under the provisions of this section

where the amount thereof does not exceed \$5. The division of vehicles shall furnish such blank forms as may be required under the provisions of this subsection as it deems necessary to be completed by the applicant. Whenever a registration which has been secured on a quarterly basis shall be canceled as provided in this subsection, the division of vehicles shall notify the county treasurer issuing the original registration of such cancellation so that the county treasurer may, and the county treasurer shall cancel the registration of such vehicle in the county treasurer's office and release any lien issued in connection with such registration.

(5) Every owner of a travel trailer designed for or intended to be moved upon any highway in this state shall, before the same is so moved, apply for and obtain the proper registration thereof as provided in this act, except when such unit is permitted to be moved under the special provisions relating to secured parties, manufacturers, dealers and nonresidents contained in this act. At the time of registering any travel trailer for the purpose of moving any such vehicle upon any highway in this state, the owner thereof shall indicate on the registration form whether or not such vehicle is being moved permanently to a location outside of the county in which such vehicle is being registered. No such vehicle which the owner thereof intends to move to a permanent location outside the boundaries of such county shall be registered for movement on the highways of this state until all taxes levied against such vehicle have been paid. A copy of such registration form shall be sent to the county clerk or assessor of the county to which such vehicle is being moved. When such travel trailer is used for living quarters and not operated on the highways, the owner shall be exempt from the license fees as provided in paragraph (a) of subsection (2) so long as such travel trailer is not operated on the highway.

Sec. 2. K.S.A. 8-143j is hereby amended to read as follows:
8-143j. (a) On and after January 1, 1991, any truck or truck

(140/16)

tractor registered for a gross weight of more than 12,000 pounds which is engaged in farm custom harvesting operations may be registered in accordance with the schedule for such farm custom harvesting vehicles, but shall not be registered as a farm truck or farm truck tractor. The annual license fee for a farm custom harvesting truck or truck tractor shall be as follows:

For a gross weight of more than 12,000 lbs. and not more than 16,000 lbs.	\$60
For a gross weight of more than 16,000 lbs. and not more than 20,000 lbs.	100
For a gross weight of more than 20,000 lbs. and not more than 24,000 lbs.	130
For a gross weight of more than 24,000 lbs. and not more than 30,000 <u>26,000</u> lbs.	175
<u>For a gross weight of more than 26,000 lbs. and not more than 30,000 lbs.</u>	<u>175</u>
For a gross weight of more than 30,000 lbs. and not more than 36,000 lbs.	210
For a gross weight of more than 36,000 lbs. and not more than 42,000 lbs.	240
For a gross weight of more than 42,000 lbs. and not more than 48,000 lbs.	310
For a gross weight of more than 48,000 lbs. and not more than 54,000 lbs.	410
For a gross weight of more than 54,000 lbs. and not more than 60,000 lbs.	470
For a gross weight of more than 60,000 lbs. and not more than 66,000 lbs.	570
For a gross weight of more than 66,000 lbs. and not more than 74,000 lbs.	750
For a gross weight of more than 74,000 lbs. and not more than 80,000 lbs.	880
For a gross weight of more than 80,000 lbs. and not more than 85,500 lbs.	1,000

(b) A tab or marker shall be issued and displayed in connection with the regular license plate for a truck or truck tractor registered as a farm custom harvesting truck or truck tractor.

(c) Trucks or truck tractors registered under this section shall be eligible for proportional registration under the provisions of K.S.A. 8-1,100 et seq., and amendments thereto.

(d) As used in this section, "farm custom harvesting operations" means a person, firm, partnership, association or corporation engaged in farm custom harvesting operations if a truck or truck tractor is used to:

(1) Transport farm machinery, supplies, or both, to or from a farm, for custom harvesting operations on a farm;

(2) transport custom harvested crops only from a harvested field to initial storage or to initial market locations; or

(3) transport agricultural products produced by such owner or commodities purchased by such owner for use on the farm owned or rented by the owner of such vehicle.

Sec. 3. K.S.A. 8-143 and 8-143j are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after January 1, 1993, and its publication in the statute book.

AMERICAN TRUCKING ASSOCIATIONS



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October 30, 1991

M E M O R A N D U M

TO: Hank Avila, KS Legislative Service
BY FAX

FROM: Bob Pitcher *RCP*

RE: States Regulating Private Carriers

Responding to your telephone request of yesterday, our sources indicate the following 8 states regulate private carriers to some degree:

CA
ID
IL
KS

NE
OR
TX
VA

Only NE and TX regulate private carriers to the same extent as common and contract carriers. We have somewhat more detail if you should need it.

cc: Mary Turkington, KMCA

Att. 3
T&U
2-18-92

STATEMENT

By The

KANSAS MOTOR CARRIERS ASSOCIATION

Concerning Senate Bill 571 which would exempt certain private carrier transportation.

Presented to the Senate Transportation & Utilities Committee, Senator Bill Morris, Chairman; Statehouse, Topeka, February 18, 1992.

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I am Mary E. Turkington, Executive Director of the Kansas Motor Carriers Association with offices in Topeka. Tom Whitaker, our Governmental Relations Director and I appear here this morning to express our concern with Senate Bill 571.

We understand that the proposed legislation is intended to eliminate the necessity for light-weight vehicle owners to qualify as a private carrier with the Kansas Corporation Commission. We can appreciate the reasons why this legislation was introduced. Application of this proposed remedy for the constituents intended to be covered, however, also exempts any number of other kinds of vehicle owners who currently hold such KCC private carrier permits.

Att. 4
T&U
2-18-92

As we understand it, the Kansas Corporation Commission may be confronted with the necessity to change our current definition of a private carrier to coincide with the Federal Highway Administration's definition. This would eliminate an intrastate variance with federal regulations.

The federal definition is:

"Private motor carrier of property" means a person who provides transportation of property by motor vehicle, and is not a for-hire motor carrier.

Common-sense enforcement can eliminate countless problems in this area.

We believe enforcement agencies should direct their energies and resources to the major violations which go on every day in this state and not harass private citizens who are not in the transportation business.

We further respectfully request that the private carrier definition be studied to fully measure its impact and that our enforcement alignment, policies and procedures be studied to assure maximum utilization of enforcement resources in our state.

We would hope, Mr. Chairman and members of the Committee, that this bill might provide the framework for such study.

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STATEMENT OF THE
STATE CORPORATION COMMISSION

Presented to the Senate Transportation Committee
February 18, 1992

Senate Bill No. 592

Mr. Chairman and Members of the Committee:

My name is Jack Tierce. I am the Deputy Director of the Transportation Division, State Corporation Commission. This legislation will eliminate the issuance of KCC tags, to intrastate motor carriers. The Commission would encourage the Senate Transportation Committee to respond favorably to the proposed changes in K.S.A. 66-1,139.

Background Information

In 1989 the legislature passed SB 238 which eliminated the issuance of KCC tags to motor carriers who have both interstate and intrastate authority. At the present time the commission issues KCC tags to motor carriers who only have intrastate authority. We issue a cab card to all carriers that have intrastate authority which is carried in the vehicle. Of the KCC regulated vehicles operating on Kansas highways approximately 75% are not issued a KCC tag.

Economic Saving

By issuing no KCC tags to motor carriers the state will save approximately \$40,000 annually with a \$140,000 saving every 5th year when new tags are issued. The commission will continue issuing cab cards to all intrastate carriers. Enforcement should not be a problem since 75% of the KCC regulated vehicles are presently not displaying a KCC tag.

Conclusion

The Commission would request that the committee respond favorably.