

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND TOURISM

The meeting was called to order by Chairman Ben Vidricksen at 9:05 a.m. on January 29, 1997 in Room 254-E of the Capitol.

All members were present except: Senator Nancy Harrington

Committee staff present: Hank Avila, Legislative Research Department
Emalene Correll, Legislative Research Department
Bruce Kinzie, Revisor of Statutes
Marian Holeman, Committee Secretary

Conferees appearing before the committee: Steve Rarrick, Deputy Attorney General

Others attending: See attached list

INTRODUCTION OF BILLS:

Steve Rarrick, Deputy Attorney General presented 1997 legislative recommendations relating to auto proposals which were developed by a statewide task force (Attachment 1). It is anticipated all items can be incorporated into one bill. Senator Tyson moved to introduce the bill. Senator Gilstrap seconded the motion. Motion carried.

The requested bill dealing with school bus safety issues was presented for introduction. Senator Salmans moved to introduce the bill. Senator Huelskamp seconded the motion. Motion carried.

Constituents requested Senator Goodwin introduce a bill relating to traffic regulation covering vehicles hauling gravel and garbage. Senator Goodwin moved to introduce the bill. Senator Salmans seconded the motion. Motion carried.

SB-17 - DEFINITION OF SCHOOL BUSES - VANS:

The Chair advised that the issue of "increased liability" raised in connection with proposed **SB-17** is addressed in the attached correspondence from Hampton, Royce, Engleman & Nelson, L.C. (Attachment 2). Members were referred to the second page of the letter, second paragraph, last sentence which states "It is their (insurance companies) opinion that.....would not decrease liability coverage available to the school districts, nor would it increase rates....." Senator Goodwin noted that schools certainly support the bill. Senator Goodwin moved to pass the bill out favorably. Senator Huelskamp seconded the motion. Motion carried.

HIGHWAY BILL:

Senator Vidricksen explained the need for a highway bill at this time, as being simply a "working" document to initiate the process of developing a new highway program. It is believed that hearings should be held this year on highway needs, focusing strictly on awareness, and letting people know there are needs out there. Senator Larry Salmans moved to introduce a highway bill. Senator Goodwin seconded the motion. Motion carried.

Minutes of the meetings of January 21 and January 22, 1997 were approved.

The meeting adjourned at 10:05 a.m.

The next meeting will be Thursday, January 30, 1997.

SENATE TRANSPORTATION AND TOURISM
COMMITTEE GUEST LIST

DATE: JANUARY 29, 1997

NAME	REPRESENTING
Patrick Murrey	Economic Incentives
Glenn Coulter	Ks. Good Roads
Bob Totten	Ks Contractors Association
David Brun	KDOT
Woody Mous	Ks Agg Products Assn
Jim Zele	BLF
William Sanders	Gov.'s Office
Jamie Clover Adams	Governor's Office
Barbara Bringle	Ks Pupil Transp Assoc.
STEVE RARRICK	A.G.
Texas Fles	A.G.
Dyae Wakeforth	Division of the Budget
Kelly Kuetala	City of Overland Park
John Bahr	Economic Incentives
George Barber	Barber & Associates
JASON PITENBORGER	BRAD SMOOT
Roger Myers	Cap James
Mike Kelly	KMCA
Clayton King	KMCA



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January 29, 1997

TO: Senate Transportation
FROM: Attorney General Carla Stovall
RE: 1997 Legislative Recommendations

Auto Proposals

- a. **Auto Repair Disclosure** - Require disclosure of specific items.
- b. **Auto Sales Disclosure** - Require written disclosure of fact vehicle was previously damaged beyond 75% of value prior to sale.
- c. **Odometer Rollback** - Amend the KCPA to increase penalties from \$2,000 to \$10,000 for violations.
- d. **Auto Lemon Law** - Clean up the depreciation allowance provisions which are currently not being used and which include items such as taxes and insurance and make lemon law part of KCPA.
- e. **Auto Title** - Make violations of K.S.A. 8 -135c(7) (delivery of title within 30 days) a violation of the KCPA.
- f. **Seatbelt** - Make the failure of the manufacturer to comply with K.S.A. 8-2507 (seatbelt warranty) a violation of the KCPA.

SENATE TRANSPORTATION & TOURISM
ATTACHMENT NO. 1
1/29/97

1-1

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LARENCE L. KING, JR.

E. S. HAMPTON (1905-1982)
TOM W. HAMPTON (1935-1984)
JOHN O. ROYCE (1918-1991)

January 24, 1997

Senator Ben E. Vidricksen
State House
Topeka, KS 66612

Dear Senator Vidricksen:

With regard to the proposed legislation to amend K.S.A. 72-8301 and repeal the existing section, we have reviewed the applicable statutes dealing with transportation of students (Article 83 of Kansas Statutes Annotated), the Kansas Administrative Regulations, and the Federal Traffic and Motor Vehicle Safety Standards Act.

For definitional purposes, the current definition of "school bus" contained in the Kansas Statutes Annotated and in the Federal Traffic and Motor Vehicle Safety Act are consistent. However, the Federal Act is applicable only to the manufacture, sale, delivery, or importation of new motor vehicles (including school buses), but is not applicable to the use of the vehicles by the unified school districts throughout the state of Kansas. The use of the vehicles in transportation of students is, therefore, controlled by and subject to the laws of the state of Kansas, not the Federal Act.

You inquired about the issue of "increased liability" in the event of an accident involving a bus (other than a school bus) in the transportation of students to and from school and related activities, with specific reference to what would be the variance between the definitions proposed in the amendment to K.S.A. 72-8301 and the Federal Traffic and Motor Vehicle Safety Act. Since the Federal Act is not applicable to the use of the "motor vehicle," it should not be applicable or relevant to whether or not a school district was negligent in the transportation of its students and therefore should have no effect on "liability."

As indicated, the Federal Act would not be applicable, since it does not apply to the use of motor vehicles by school districts in the state of Kansas. The Kansas Statutes, however, are strictly applicable to use of motor vehicles by unified school districts for transportation of students, and would control. Violation of the Kansas Statutes could be "negligence per se," provided that causation was established.

SENATE TRANSPORTATION & TOURISM
ATTACHMENT NO. 2
1/29/97

Senator Ben E. Widricksen
January 24, 1997
Page 2

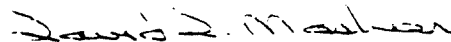
As such, in light of the reality of current circumstances and various vehicles utilized by the school districts throughout the state of Kansas, it would be our opinion that the amendment, as proposed, would decrease the exposure to liability of the school districts as opposed to increasing the exposure to liability.

Per your request, I have visited with insurance companies relative to the maintenance of liability insurance provided for in K.S.A. 72-8404 and any impact that the amendment to K.S.A. 72-8301 would have. It is their opinion that the amendment would not decrease liability coverage available to the school districts, nor would it increase rates which are primarily based on gross vehicle weight, usage, and range of operation.

If you have any questions or require additional information, please advise.

Very truly yours,

HAMPTON, ROYCE, ENGLEMAN & NELSON, L.C.



David D. Moshier

DDM/dh