

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 March 13, 1997 in Room 254-E of the Capitol.

All members were present except:

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: Rep. Correll
Chief Hartley
Mary Turkington
Don Moler
Pat Barnes

Others attending: See attached list

HB 2202 DRIVER'S LICENSE - FIRE TRUCKS

Representative Vernon Correll appeared in support of this bill and explained the need to exempt members of volunteer fire departments from the requirement for a Class B driver's license when they have a Class C one (Attachment 1).

Chief H. A. Hartley, President Kansas State Association of Fire Chiefs, advised members of the need for an amendment to the bill (Attachment 2). His Association wishes to delete the word volunteer from the bill and just have "fire department." He further pointed out that current law needs clarification. State Fire Marshal, Gale Haag provided written testimony (Attachment 3). Mary Turkington, Kansas Motor Carriers Association, advised that they had not planned to testify at this hearing as they had no objection to **HB 2202** as it was written. They would strongly object to allowing unqualified persons to operate fire trucks; i.e. Hook and Ladder vehicles, in metropolitan areas. The intent of the bill was to protect small community fire departments and is to protect volunteers from liability should they become involved in an accident.

Discussed volunteers in larger community departments, paid vs. non-paid. Members were not willing to support an amendment such as proposed by Chief Hartley. Regarding the need for clarification of current law and CDL requirements, it was recommended that his Association come back next year with a bill on this particular issue. Members would like to find a compromise to protect the small community fire departments. Don Moler, League of Municipalities, was asked for his opinion. Mr. Moler thinks the definition of volunteer fire department is of concern here. He also believes there is a conflict between this proposed statute and the Uniform Commercial Driver's License Act which does not specify which one under A234B applies to "commercial" driver's license.

Senator Salmans moved to conceptually amend SB 2202 to define combination and volunteer fire department to include both paid and non-paid or volunteer members. Senator Huelskamp seconded the motion. Motion carried. Senator Salmans moved to recommend the bill favorable for passage as conceptually amended. Senator Harrington seconded the motion. Motion carried.

HB 2203 RE MOTOR VEHICLES - FILING OF NOTICE OF SECURITY INTEREST

Pat Barnes, Legislative Counsel, Kansas Automobile Dealers Association, in support of the bill explained that it is a minor revision of the law which would extend the time to file notice of security interest from 10 to 15 days (Attachment 4). Discussion brought forth no problems with this bill. Senator Harrington moved to recommend HB 2203 favorable for passage. Senator Tyson seconded the motion. Motion carried. Senator Donovan will carry the bill.

SB 266 RE MOTOR VEHICLES - CONSUMER PROTECTION

Hearings were held on **SB 266** on February 21, 1997. The bill was debated February 25, and March 6. Problems remained and members today returned to consideration of the bill. The definition of "salvageable motor vehicle" remains a problem. Steve Rarrick from the Attorney General's office stated they believe this statute, as written, provides needed consumer protection. Senator Gilstrap moved to strike Section 2 (regarding salvageable motor vehicle) from the bill. Senator Huelskamp seconded the motion. Motion carried. Senator Jordan moved to recommend adoption of all amendments as accepted by the Committee. Senator Gilstrap seconded the motion. Motion carried.

Several members expressed dissatisfaction with this bill. Other members felt there were still problems. Clarification is still needed in several areas. Senator Salmans moved to put this bill in a summer study. Senator Huelskamp seconded the motion. Motion carried. Senator Vidricksen voted "No".

APPROVAL OF MINUTES

Senator Salmans moved to approve the minutes of February 3 and February 4, 1997. Senator Jordan seconded the motion. Motion carried.

The meeting adjourned at 10:10 a.m.

The next meeting is scheduled for March 17, 1997

SENATE TRANSPORTATION AND TOURISM
COMMITTEE GUEST LIST

DATE: MARCH 13, 1997

NAME	REPRESENTING
TOM PALACE	KOMA
SEN DONOVAN	WICHITA
Betty McBride	KDOR
Gary Carter	KDOR
Doug Rosenbutter	ASA Kansas
ERIC SHOOWALTER	Kansas Independent Truck Dealers
DAT BARNES	Ks. Automobile Dealers Assoc.
W. M. [Signature]	KADA
Whitney Damron	KADA
Harold Walker	ASA - KS
Ronald Kasper	
Tom Whitaker	Ks Motor Carriers Assn
Mary E. Turkinston	Kansas Motor Carriers Assn.
JAMES J. WELCH	ASSISTANT ATTORNEY GENERAL
STEVE RARRICK	A.G.
SUE SCHMELZER	KCUA
John Reinhart	KPA
Maureen Smith	KMHA
Hisa Meyer	KS Gov. Consulting

VERNON W. CORRELL
REPRESENTATIVE, SEVENTH DISTRICT
LABETTE COUNTY
PO BOX 214
OSWEGO, KS 67356



TOPEKA

HOUSE OF
REPRESENTATIVES

TESTIMONY
HB 2202
to the

COMMITTEE ASSIGNMENTS
RANKING MINORITY MEMBER: FINANCIAL INSTITUTIONS
& INSURANCE
MEMBER: AGRICULTURE
TRANSPORTATION
SPECIAL CLAIMS AGAINST
THE STATE

SENATE TRANSPORTATION COMMITTEE

Thank you Mr. Chairman and members of the Committee.

HB 2202 exempts members of the Volunteer Fire Departments from the requirement of having a Class B non-commercial driver's license as long as they have a Class C driver's license.

It was pointed out by the Highway Patrol that they would not stop a fire truck to check driver's licenses, but should they be involved in an accident, the driver could have problems.

Some small towns and townships find it hard to find individuals to donate the time it takes for training to serve on a Voluntary Fire Department.

Having talked to the Department of Revenue and the Kansas Motor Carriers, it was decided the best way was to exempt those volunteer drivers.

SENATE TRANSPORTATION & TOURISM
3/13/97
ATTACHMENT 1

Vernon W. Correll
State Representative
District #7

KANSAS STATE ASSOCIATION OF FIRE CHIEFS



TESTIMONY OF H. A. HARTLEY, PRESIDENT KANSAS STATE ASSOCIATION OF FIRE CHIEFS BEFORE THE SENATE COMMITTEE ON TRANSPORTATION AND TOURISM

MARCH 13, 1997
HOUSE BILL 2202

EXECUTIVE BOARD

PRESIDENT

Chief H.A. Hartley
Shawnee Fire Department
6501 Quivira Road
Shawnee, Kansas 66216
913-631-1080

VICE PRESIDENT

Chief Jim Keating
St. Marys Fire Department
P.O. Box 56
St. Marys, Kansas 66536
913-437-6287

DISTRICT 1 REPRESENTATIVE

Chief Dean Jensen
Goodland Fire Department
1010 Center
Goodland, Kansas 67735
913-899-4545

DISTRICT 2 REPRESENTATIVE

Chief Richard Klaus
Ellis County Rural Fire District
105 W. 12th
Hays, Kansas 67601
913-625-1061

DISTRICT 3 REPRESENTATIVE

Chief Tom Girard
Salina Fire Department
222 West Elm
Salina, Kansas 67401
913-826-7340

DISTRICT 4 REPRESENTATIVE

Operations Chief Ted Hufft
Merriam Fire Department
9000 W. 62nd Terrace
Merriam, Kansas 66202
913-432-7058

DISTRICT 5 REPRESENTATIVE

Chief Thomas S. Wiencek
Grant County Fire Department
320 E. Oklahoma
Ulysses, Kansas 67880
316-356-3400

DISTRICT 6 REPRESENTATIVE

Chief Eddie Moore
Arkansas City Fire
115 South D
Arkansas City, Kansas 67005
316-441-4430

DISTRICT 7 REPRESENTATIVE

Director Gene Tucker
Montgomery County RFD #1
Route 4, Box 114
Coffeyville, Kansas 67337
316-331-2710

PAST PRESIDENT

Chief Jim McSwain
Lawrence Fire Department
746 Kentucky
Lawrence, Kansas 66044
913-841-9400

SECRETARY - TREASURER

Chief Richard Maginot
Soldier Twp. Fire Department
600 NW 46th
Topeka, Kansas 66617
913-286-2123

On behalf of the Kansas State Association of Fire Chiefs, I would like to thank this Committee for the opportunity to submit our comments regarding House Bill 2202, concerning driver's licenses and fire apparatus.

For years the volunteer fire service has strived to be just as career minded and professional as their paid counterparts. This bill has once again divided the fire service between paid and volunteer.

The Kansas State Association of Fire Chiefs represents over 250 fire officers in the state and we feel that the current law is very ambiguous depending on who interprets the law. Today in the state some fire departments require only a Class "C" license, where other departments require CDL's. Since this law is ambiguous we feel that the Attorney General should issue an opinion on the current law. The current law does not make a firefighter an emergency apparatus operator by obtaining a Class "B" driver's license; this can only be accomplished by proper fire department training.

The Kansas State Association of Fire Chiefs' opinion is that if the current law needs to be changed, then the clause "or any fire truck operated by a volunteer fire department" should read as follows; "or any fire truck operated by a fire department", deleting the word "volunteer".

SENATE TRANSPORTATION & TOURISM
3/13/97
ATTACHMENT 2

1997 CONFERENCE - SALINA, KANSAS
1998 CONFERENCE - GREAT BEND, KANSAS

Kansas State Fire Marshal
Suite 600; 700 S.W. Jackson
Topeka, KS 66603-3714



Telephone: 913-296-0151
FAX: (913)-296-0151

State Fire Marshal Gale Haag

Governor Bill Graves

"Where Fire Safety is a way of life"

March 10, 1997

Senator Ben Vidricksen
Senate Committee on Transportation and Tourism
State Capital, Room 143-N
Topeka, KS 66612

Dear Senator Vidricksen:

I would like to take a minute of your time to address the position of the Kansas State Fire Marshal on House Bill 2202 regarding driver's license requirements for fire department personnel.

My office supports any and all measures that will benefit our volunteers in the fire service. We are well aware of the extraordinary commitment required to be a volunteer firefighter, juggling home and family, working full time jobs to provide for life's necessities plus donating your personal time, effort and often times money to provide a very valuable service to the community in which you live.

The first preference of my agency would be to eliminate the word "volunteer" on page 2 on both lines 7 and 17 since I believe that all firefighters should be treated equally whether they are volunteer or paid professional firefighters. However, I understand the intent of the bill and I also understand the needs of our volunteers therefore I would support this bill as it stands without reservation.

If there is anything this office can do to assist you on this or any other matter while you're in Topeka, please feel free to contact me or the Assistant State Fire Marshal Elena Nuss.

Sincerely,

Gale Haag
State Fire Marshal

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SENATE TRANSPORTATION & TOURISM
3/13/97
ATTACHMENT 3

3-1

TESTIMONY BEFORE THE SENATE
COMMITTEE ON TRANSPORTATION AND TOURISM

By the Kansas Automobile Dealers Association
March 13, 1997

RE: House Bill No. 2203

Mr. Chairman and Members of the Committee, I am Pat Barnes, legislative counsel for the Kansas Automobile Dealers Association which represents the franchised new car and truck dealers of Kansas. Thank you for allowing us to appear here today and provide our views and support for this bill. The revision to the law which we are requesting with this bill is fairly minor. It simply asks that the time allowed for noting our lien on the title for any vehicle we sell which is financed, where the vehicle will be security for the financial arrangements, be increased from the present time allowed of 10 days to 15 days.

The current time line is essentially causing problems for our members which, in some cases, has led to the loss of lien rights, and security interests in vehicles, in bankruptcy proceedings where debtors purchase cars from our members and then turn around and file bankruptcy. Reports which we have received indicate the bankruptcy rules appear to have been used to allow the bankruptcy trustee to seek to avoid the dealer's lien on the vehicle for the purchase price in certain instances where perfection did not occur within ten (10) days and, in so doing, avoid paying for the vehicle in some instances where notice of the lien is not made within 10 days of vehicle delivery. The debt then becomes an unsecured debt in the bankruptcy and can be discharged.

The net result is that the dealer loses 100% of the purchase price.

The time needed to process paperwork, transmit lien notices and titles by mail and the press of daily business can all combine to effectively invalidate a lien as against third parties due to untimely filing by missing the current 10 day rule. A typical example arises where a car is delivered on a Friday, the paperwork on the transaction does not arrive at the dealer's administrative office until the following week, and by the time a title is completed, and a lien notice prepared and mailed to the state, another four days has elapsed to the point where you are then at the following week by the time the state receives it, which at that point may be one or two days outside the 10 day time frame the current law provides. The problem is exacerbated if technical problems arise with respect to paperwork that must be corrected, or problems with the mail.

This is a simple change which will assist in insuring that those who sell vehicles can make sure the financing granted on the vehicle is secured by the vehicle as intended by the buyer and seller. Thank you for your attention and I would be happy to answer any questions which you may have.