

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE.

The meeting was called to order by Chairperson Gary K. Hayzlett at 1:34 p.m. on February 16, 1998 in Room 526-S of the Capitol.

All members were present except: Representative Flower

Committee staff present: Hank Avila, Legislative Research Department
Reed Holwegner, Legislative Research Department
Bruce Kinzie, Revisor of Statutes
J. Patterson, Committee Secretary

Conferees appearing before the committee: Representative Gwen Welshimer
Representative Melvin Minor
Betty McBride, Department of Revenue, Division of Motor Vehicles
Ken Gudenkauf, Assistant Bureau Chief of Traffic Engineering, KDOT
Brendon Wirth, Kstate Student
Don McNeely, Kansas Automobile Dealers Association
Pat Barnes, General Counsel, Kansas Automobile Dealers Association
Steve Rarrich, Deputy Attorney General
Jim Welch, Assistant Attorney General

HB 2678 - Possession of distinctive license plates.

Representative Welshimer opened the hearing giving some background on the bill. This bill would allow military tags to stay in the family for memorabilia. Bruce stated the bill will need to clearly say that the tag is non-transferable. Chair had Bruce explain the amendment to the bill **HB 2678.(Attachment 1)** Representative Minor testified as a proponent. The amendment would include being able to use an original tag on an vintage vehicle by registering it with the state and by paying a \$40.00 one time fee.

Betty McBride, Division of Motor Vehicles, testified against the amendment. A tag must be registered from the state. There would be no way to keep track of who has the tag with the amendment. The VIPS system would not handle this.

Representative Minor restated that this amendment should be given further attention.

Hearing on **HB 2678** was closed.

HB 2782 - Transporting bales of hay, special permits for excess width.

The hearing was opened with Ken Gudenkauf, KDOT testifying as a proponent. The proposed bill will bring Kansas into compliance with current federal laws and regulations. It will authorize the issue of permits to allow over-width vehicles with bales of hay to travel on interstate and federal highways.(**Attachment 2**) Brendon Wirth, intern for Representative Schwartz, was the second proponent to testify. He feels this bill is of great importance to the hay industry in Kansas. It will enable farmers to compete with the neighboring states which allow hay bale vehicles on their interstates.(**Attachment 3**)

There were no opponents to **HB 2782** and the hearing was closed.

BILL TO BE WORKED:

HB 2689 - Timely delivery of title or statement of origin.

Don McNeely introduced Pat Barnes, General Counsel for KADA, to review some clarifications on the

bill.(Attachment 4)

Steve Rarrich and Jim Welch of the Attorney General's office gave some comments against the bill.

After extensive discussion by committee members a motion was made.

Representative Shore made the motion to insert language into page 6, line 32. Representative Power seconded and the motion carried.

Representative Shore made the motion to adopt provisions of **HB 2849** into **HB 2689**. Representative Pauls seconded.

Representative Shore made the motion to pass favorably, Representative Pauls seconded and the motion carried.

The meeting was adjourned at 2:55 p.m.

The next meeting is scheduled for February 17, 1998.

HOUSE TRANSPORTATION COMMITTEE GUEST LIST

DATE: 2-16-98

NAME	REPRESENTING
Richard Bauman	KDOT
Ken Gudenkauf	KDOT
Rick Scheibe	KDOR
Bethy McBride	KDOR
Jennifer Casten	just observing
Dow McNEELY	KS AUTO DEALERS ASSN.
Whitney Damon	KS Auto Dealers Assn.
Doug Farmer	AgB
Ken Bahr	KS Governmental Consulting
Mike Beam	KS LUSTK ASSN.
Tom Whitaker	KS MOTOR CYCLES ASSN.
Luen Welsher	House
W. Richards	K3. Council, TROA
DAVID P. WIRTH	SELF FARMER
Dalton Wirth	Just observing

PROPOSED AMENDMENTS TO HOUSE BILL NO. 2678

Sec. 4. K.S.A. 1997 Supp. 8-170 is hereby amended to read as follows: 8-170. (a) Upon the transfer of ownership of any vehicle registered under the foregoing provisions of this act, its registration and right to use the license plates thereon shall expire and thereafter there shall be no transfer of any registration, and the license plates shall be removed by the owner thereof and it shall be unlawful for any person other than the person to whom such license plates were originally issued to have the same in possession. In case of a transfer of ownership of a registered vehicle the original owner of the license plates may register another antique vehicle under the same license plate designation, upon application therefor and the payment of a fee of \$1.50. Any model year license plate transferred shall comply with the provisions of subsection (c) of K.S.A. 8-172, and amendments thereto.

(b) Upon the transfer and sale of a registered vehicle by any person, the new owner thereof, before using a vehicle on the highways of this state, shall make application to the division for registration of the vehicle.

(c) Certificate of title:

(1) Application for certificate of title on an antique vehicle shall be made by the owner or the owner's agent upon a blank form to be furnished by the division and shall contain such information as the division shall determine necessary. The division may waive any information requested on the form if it is not available. The application together with a bill of sale for the antique vehicle shall be accepted as prima facie evidence that the applicant is the owner of the vehicle. The certificate of title shall be delivered to the applicant. The certificate shall contain the words "antique vehicle."

(2) The certificate of title shall contain upon the reverse side a form for assignment of title to be executed by the owner before a notary public or some other officer authorized to administer an oath. A certificate of title may be issued under

the provisions of this act without an application for registration.

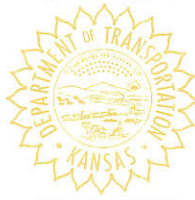
(3) The fee for each original certificate of title so issued shall be \$7 until July 1, 1999, and \$3.50 thereafter. The certificate of title shall be good for the life of the antique vehicle, so long as the same is owned or held by the original holder of the certificate of title, and shall not have to be renewed. In the event of a sale or transfer of ownership of an antique vehicle for which a certificate of title has been issued, the holder of such certificate of title shall endorse on the same an assignment thereof, with warranty of title in form printed thereon, as prescribed by the director, and the transferor must deliver the same to the buyer at the time of delivery of the vehicle. The buyer shall then present such certificate of title, assigned as aforesaid, to the director or an authorized agent of the director, whereupon a new certificate of title shall be issued to the buyer, the fee therefor being \$7 until July 1, 1999, and \$3.50 thereafter.

Sec. 5. K.S.A. 8-172 is hereby amended to read as follows:
8-172. (a) Except as provided in subsection (c), license plates issued for antique vehicles shall be distinctive and shall contain the words "Kansas" and "antique" and there shall be no year date thereon. The numbering system shall consist of combinations of not more than seven letters of the alphabet or numerals or a combination of such letters and numerals. The combinations of such letters and numerals shall be at the direction of the director of vehicles, except that any person owning an antique vehicle, other than an antique motorcycle, may make application for a special combination of letters and numerals not exceeding seven. Antique motorcycle license plates shall be the same as other antique vehicle license plates, except the numbering system shall consist of not more than five letters of the alphabet or numerals or a combination of letters and numerals. Such application shall be made in a manner prescribed by the director of vehicles and shall be accompanied by a special

combination fee of \$40. Unless the combination of letters or numerals designated by the applicant have been assigned to another antique vehicle registered in this state, or unless the combination of letters or numerals designated by the applicant have a profane, vulgar, lewd or indecent meaning or connotation, as determined by the director, the division shall assign such combination of letters to the applicant's vehicle.

(b) The registration fee for any antique vehicle shall be \$40 and once paid shall not be required to be renewed.

(c) In lieu of the license plate issued under subsection (a), a person who owns an antique vehicle who wants to display a model year license plate on the vehicle shall execute at the time of registration an affidavit setting forth that the model year license plate the person wants to display on the person's antique vehicle is a legible and serviceable license plates that originally was issued by this state. Such license plate shall be inscribed with the date of the year corresponding to the model year when the vehicle was manufactured. The registration fee for any antique vehicle displaying a model year license plate shall be \$40 and once paid shall not be required to be renewed.



KANSAS DEPARTMENT OF TRANSPORTATION

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Secretary of Transportation

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Topeka 66612-1568
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Bill Graves
Governor of Kansas

**TESTIMONY BEFORE THE
HOUSE COMMITTEE ON TRANSPORTATION**

House Bill 2782

February 16, 1998

Mr. Chairman and Committee Members:

I am Ken Gudenkauf, Assistant Bureau Chief of Traffic Engineering, at the Kansas Department of Transportation. I am here to provide testimony to the committee regarding House Bill 2782. This bill revises present statutes to remove the restriction of the movement of vehicles loaded with large bales of hay on the interstate highways and also requires over-width permits for movement of these loads on any federal highway.

The movement of vehicles loaded with bales of hay is authorized and governed by K.S.A. 8-1902 (d) for maximum width of 12 feet and K.S.A. 8-1904 (a) for maximum height of 14' 6". These loads are currently not authorized for use on interstate highways and are not allowed to travel from one-half hour after sunset to one-half hour before sunrise. Each load that exceeds 8' 6" in width is required to have an oversize load sign and red flags on all four corners.

In order to use any federal highway for movement of vehicles loaded with bales of hay that exceed 8' 6" width, the state statute needs to be revised to require the vehicle to have an over-width permit while still complying with weight limits established in K.S.A. 8-1908, K.S.A. 8-1909, and K.S.A. 8-1909a.

It is extremely important that any authorization to issue permits for use of divisible loads on interstate highways comply with federal law and regulations. If the Federal Highway Administration determines that the state is not adequately enforcing state size and weight laws on Federal-aid highways, sanction procedures can be

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implemented to reduce apportioned highway funds by ten percent. If state laws applicable to the interstate highways are not consistent with weight limits established by federal law, sanction procedures can be implemented to withhold all National Highway System funds to be apportioned to the state. Noncompliance could therefore result in sanctions of over \$20 million and \$45 million, respectively.

The proposed bill will bring us into compliance with current federal laws and regulations.

Cheyenne Alfalfa Farms

David Wirth *owner*
NE 150 AVE
Ellinwood, KS 67526
(316) 587-3795
Fax (316) 587-3515
Testimony: HB 2782

Mr. Chairman and Committee Members:

I am Brenden Wirth, an intern from Kansas State University for Rep. Schwartz. I grew up on an alfalfa farm where trucks and transportation are of vital importance. Having turned 18 and by obtaining a class A farm permit I myself have transported hay bales from various parts of the state back to our farm. I have had to take two-lane highways in an effort to keep from taking interstate highways. This poses a risk that is avoidable and in which HB 2782 would eliminate. As Stated by KDOT on January 29th 1998 on the briefing this committee found that.

“The movement of vehicles loaded with bales of hay is authorized and governed by K.S.A. 8-1902 (d) for maximum width of 12 feet and K.S.A. 8-1904 (a) for maximum height of 14’ 6”. These loads are not authorized for use on interstate and are not allowed to travel from one-half hour after sunset to one-half hour before sunrise. Each load that exceeds 8’ 6” in width is required to have an oversize load sign and red flags on all 4 corners.”

HB 2782 would keep all restrictions and safety measures except the authorization of travel on interstates and federally funded highways in which a permit would be required like all transportation of wide loads.

This bill is of great importance to the hay industry in Kansas. As we compete with other states such as Nebraska, Colorado and Missouri that allow interstate travel. We are required to come up with more costly methods and sometimes elimination of transportation. I would appreciate your support and would be happy to answer any questions that the committee might have.

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Attachment 3

BEFORE THE HOUSE COMMITTEE ON TRANSPORTATION

Re: HB 2849 and 2689

Mr. Chairman and Members of the Committee, a short time ago we requested the introduction of HB 2689 with respect to delivery of title about which we have informed you. We were contacted this morning by Representative Carmody with respect to HB 2849 which also deals with the same section of the statutes which our bill would affect as well as similar types of issues.

Attached herewith is a balloon for F.3 2689 which we believe is sufficient to satisfy concerns that were raised by the Attorney General in the past. Also, we have attached a balloon for HB 2849 which would incorporate both bills into that one and deal with all issues raised by the parties.

We leave it to the Committee as to a choice of approaches, but feel that either would be acceptable to our industry. Thank you for your time and consideration. We will certainly stand for any questions you may have.

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Attachment 4

4-2

1 sale of a vehicle required to be registered under the laws of this state,
 2 without assignment of the certificate of title, is fraudulent and void, unless
 the parties shall agree that the certificate of title with assignment thereof
 shall pass between them at a time other than the time of delivery, but
 5 within 30 days thereof. The requirements of this paragraph concerning
 6 delivery of an assigned title shall be satisfied if (i) the seller mails to the
 7 purchaser by restricted mail the assigned certificate of title within 30 days,
 8 or (ii) if the transferor is a dealer, as defined by K.S.A. 8-2401, and amend-
 9 ments thereto, such seller shall be deemed to have possession of the
 10 certificate of title if such seller has made application therefor to the di-
 11 vision, or (iii) if the transferor is a dealer and has assigned a title pursuant
 12 to paragraph (9) of this subsection (c).

13 (8) In cases of sales under the order of a court of a vehicle required
 to be registered under this act, the officer conducting such sale shall issue
 to the purchaser a certificate naming the purchaser and reciting the facts
 16 of the sale, which certificate shall be prima facie evidence of the own-
 17 ership of such purchaser for the purpose of obtaining a certificate of title
 18 to such motor vehicle and for registering the same. Any such purchaser
 19 shall be allowed 30 days, inclusive of weekends and holidays, from the
 20 date of sale to make application to the division for a certificate of title
 21 and for the registering of such motor vehicle.

22 (9) Any dealer who has acquired a vehicle, the title for which was
 23 issued under the laws of and in a state other than the state of Kansas,
 24 shall not be required to obtain a Kansas certificate of title therefor during
 25 the time such vehicle remains in such dealer's possession and at such
 26 dealer's place of business for the purpose of sale. The purchaser or trans-
 27 feree shall present the assigned title to the division of vehicles when
 28 making application for a certificate of title as provided in subsection (c)(1).

29 (10) Motor vehicles may be held and titled in transfer-on-death form.

30 (11) *Notwithstanding the provisions of this act with respect to time
 32 requirements for delivery of a certificate of title, or manufacturer's state-
 33 ment of origin, as applicable, any person who has received and accepted
 34 assignment of the certificate of title or manufacturer's statement of origin
 35 for the vehicle in issue may not thereafter void or set aside the transaction
 36 with respect to the vehicle for the reason that a certificate of title or
 37 manufacturer's statement of origin was not timely delivered, and in such
 38 instances the sale of a vehicle shall not be deemed to be fraudulent and
 void for that reason alone.*

reaffirmed

[is advised of their rights pursuant to subsection (c)(7)
 in writing on a form approved by the division prior to
 application for title and

39 Sec. 2. K.S.A. 1997 Supp. 8-135 is hereby repealed.

40 Sec. 3. This act shall take effect and be in force from and after its
 41 publication in the statute book.
 42

3 sale of a vehicle required to be registered under the laws of this state,
 4 without assignment of the certificate of title, is fraudulent and void, unless
 5 the parties shall agree that the certificate of title with assignment thereof
 6 shall pass between them at a time other than the time of delivery, but
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 8 delivery of an assigned title shall be satisfied if (i) the seller mails to the
 9 purchaser by restricted mail the assigned certificate of title within 30 days,
 10 or (ii) if the transferor is a dealer, as defined by K.S.A. 8-2401, and amend-
 11 ments thereto, such seller shall be deemed to have possession of the
 12 certificate of title if such seller has made application therefor to the di-
 13 vision, or (iii) if the transferor is a dealer and has assigned a title pursuant
 14 to paragraph (9) of this subsection (c).

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 15 to be registered under this act, the officer conducting such sale shall issue
 16 to the purchaser a certificate naming the purchaser and reciting the facts
 17 of the sale, which certificate shall be prima facie evidence of the own-
 18 ership of such purchaser for the purpose of obtaining a certificate of title
 19 to such motor vehicle and for registering the same. Any such purchaser
 20 shall be allowed 30 days, inclusive of weekends and holidays, from the
 21 date of sale to make application to the division for a certificate of title
 22 and for the registering of such motor vehicle.

22 (9) Any dealer who has acquired a vehicle, the title for which was
 23 issued under the laws of and in a state other than the state of Kansas,
 24 shall not be required to obtain a Kansas certificate of title therefor during
 25 the time such vehicle remains in such dealer's possession and at such
 26 dealer's place of business for the purpose of sale. The purchaser or trans-
 27 feree shall present the assigned title to the division of vehicles when
 28 making application for a certificate of title as provided in subsection (c)(1).

30 (10) Motor vehicles may be held and titled in transfer-on-death form.

31 (11) *The owner of any vehicle assigning a certificate of title in ac-*
 32 *cordance with the provisions of this section may file with the division a*
 33 *form indicating that such owner has assigned such certificate of title. Such*
 34 *form shall be furnished by the division and shall contain such information*
 35 *as the division may require. The filing of such form shall be prima facie*
 36 *evidence that such certificate of title was assigned and shall create a re-*
 37 *buttable presumption. If the assignee of a certificate of title fails to make*
 38 *application for registration, an owner assigning such title and filing the*
 39 *form provided by this paragraph shall not be held liable for damages*
 40 *resulting from the operation of such vehicle.*

40 Sec. 2. K.S.A. 1997 Supp. 8-135 is hereby repealed.

41 Sec. 3. This act shall take effect and be in force from and after its
 42 publication in the statute book.

Add the following at each point indicated:

or manufacturer's statement of origin

In any event, notwithstanding the provisions of this act with respect to time requirements for delivery of title, or a manufacturer's statement of origin, as applicable, any person who is advised of their rights pursuant to subsection (c)(7) by the form provided by this subsection may not thereafter void or set aside the transaction with respect to the vehicle for the reason that a certificate of title or manufacturer's statement of origin was not timely delivered, and in such instances the sale of a vehicle shall not be deemed to be fraudulent and void for that reason alone.

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1 sale of a vehicle required to be registered under the laws of this state,
2 without assignment of the certificate of title, is fraudulent and void, unless
3 the parties shall agree that the certificate of title with assignment thereof
4 shall pass between them at a time other than the time of delivery, but
5 within 30 days thereof. The requirements of this paragraph concerning
6 delivery of an assigned title shall be satisfied if (i) the seller mails to the
7 purchaser by restricted mail the assigned certificate of title within 30 days,
8 or (ii) if the transferor is a dealer, as defined by K.S.A. 8-2401, and amend-
9 ments thereto, such seller shall be deemed to have possession of the
10 certificate of title if such seller has made application therefor to the di-
11 vision, or (iii) if the transferor is a dealer and has assigned a title pursuant
12 to paragraph (9) of this subsection (c).

13 (8) In cases of sales under the order of a court of a vehicle required
14 to be registered under this act, the officer conducting such sale shall issue
15 to the purchaser a certificate naming the purchaser and reciting the facts
16 of the sale, which certificate shall be prima facie evidence of the own-
17 ership of such purchaser for the purpose of obtaining a certificate of title
18 to such motor vehicle and for registering the same. Any such purchaser
19 shall be allowed 30 days, inclusive of weekends and holidays, from the
20 date of sale to make application to the division for a certificate of title
21 and for the registering of such motor vehicle.

22 (9) Any dealer who has acquired a vehicle, the title for which was
23 issued under the laws of and in a state other than the state of Kansas,
24 shall not be required to obtain a Kansas certificate of title therefor during
25 the time such vehicle remains in such dealer's possession and at such
26 dealer's place of business for the purpose of sale. The purchaser or trans-
27 feree shall present the assigned title to the division of vehicles when
28 making application for a certificate of title as provided in subsection (c)(1).

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33 *form shall be furnished by the division and shall contain such information*
34 *as the division may require. The filing of such form shall be prima facie*
35 *evidence that such certificate of title was assigned and shall create a re-*
36 *buttable presumption. If the assignee of a certificate of title fails to make*
37 *application for registration, an owner assigning such title and filing the*
38 *form provided by this paragraph shall not be held liable for damages*
39 *resulting from the operation of such vehicle.*

Add the following at each point indicated:
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In any event, notwithstanding the provisions of this act with respect to time requirements for delivery of title, or a manufacturer's statement of origin, as applicable, any person who is advised of their rights pursuant to subsection (c)(7) by the form provided by this subsection may not thereafter void or set aside the transaction with respect to the vehicle for the reason that a certificate of title or manufacturer's statement of origin was not timely delivered, and in such instances the sale of a vehicle shall not be deemed to be fraudulent and void for that reason alone.

Whether or not the form is filed

40 Sec. 2. K.S.A. 1997 Supp. 8-135 is hereby repealed.
41 Sec. 3. This act shall take effect and be in force from and after its
42 publication in the statute book.