

Approved: 3-7-00
Date

MINUTES OF THE HOUSE COMMITTEE ON TRANSPORTATION.

The meeting was called to order by Chairperson Rep. Gary Hayzlett at 1:40 p.m. on February 21, 2000 in Room 519-S of the Capitol.

All members were present except:
Representative Ballou, excused

Committee Staff present:
Bruce Kinzie, Revisor of Statutes
Hank Avila, Research Department
Ellie Luthye, Committee Secretary

Conferees appearing before the committee:
Sheila Walker, Director of Vehicles
Gary Long, Cycle Works, Lawrence, Kansas

Others attending:
See attached list

Chairman Hayzlett presented the minutes for the meetings of February 8th, 9th, 15th, 16th and 17th for additions or corrections. Representative Larkin made a motion to accept the minutes as presented, seconded by Representative Grant and the motion carried.

HB 2884 - motorized bicycles, electric-assisted bicycles

Chairman Hayzlett called on Bruce Kinzie, Revisor, to give an overview of the bill.

Sheila Walker, Director of Vehicles, gave testimony regarding several issues she asked the committee to consider when debating the bill. (Attachment 1)

Gary Long, Cycle Works, explained to the committee the history of the Whizzer motorbike. He presented letters concerning the classification of the motorbike and asked that it be re-classified as a "motorized bicycle".(Attachment 2)

Following questions and discussion by the committee Chairman Hayzlett closed hearings on **HB 2884**.

Upon committee approval, Chairman Hayzlett called for final action on **HB 2884** and called on Bruce Kinzie, Revisor, to explain a balloon which would change the cylinder capacity to 130 cubic centimeters from 50 and striking reference to "electric-assisted bicycle". Representative Howell made a motion to adopt the balloon, seconded by Representative McClure and the motion carried. Representative Johnston made a motion to pass **HB 2884**, as amended, seconded by Representative Grant.

Representative Pauls made a substitute motion to amend **HB 2921, drivers' licenses, motorized bicycles**, into **HB 2884**, seconded by Representative McClure. Following discussion by the committee Representative Johnston made a motion to pass **HB 2884**, as amended, seconded by Representative Grant and the motion carried.

Chairman Hayzlett adjourned the meeting at 2:15 p.m.

The next meeting of the House Transportation Committee is scheduled for Tuesday, February 22, 2000 in Room 519-S.

HOUSE TRANSPORTATION COMMITTEE GUEST LIST

DATE: 2/21/2000

| NAME | REPRESENTING |
|-----------------|-----------------|
| Dick Bauman | KDOT |
| Jeff Bottenberg | KPOA/KSA |
| STEVE KEARNEY | KAK |
| Sheila Walker | KDOR - DMV |
| Rick Scheibe | KDOR - Vehicles |
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Sheila J. Walker, Director
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Topeka, KS 66626-0001



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FAX (785) 291-3755
Hearing Impaired TTY (785) 296-3909
Internet Address: www.ink.org/public/kdor

Division of Vehicles

TESTIMONY

TO: Chairman Gary Hayzlett
Members of the House Transportation Committee

FROM: Sheila J. Walker, Director of Vehicles *Sheila J. Walker*

DATE: February 21, 2000

SUBJECT: House Bill 2884

Chairman Hayzlett and members of the House Transportation Committee, my name is Sheila Walker, and I serve as Director of the Kansas Division of Vehicles. Thank you for allowing me to provide testimony today regarding House Bill 2884.

As written, House Bill 2884 adds a new definition for electric-assisted bicycles, including them with motorized bicycles. Under this bill, all electric assisted bicycles will be required to be titled and registered. We are told that these bicycles have no vehicle identification number (VIN) and currently are not issued any type of title.

Since these bicycles have no VIN, we would have to register them by serial number. And since they are not titled, we would have to develop a new document to prove ownership (such as a notarized bill of sale).

Thank you for taking these simple issues into consideration as you debate this bill. I am available for questions.

House Transportation Committee
February 21, 2000
Attachment 1

KANSAS HIGHWAY PATROL

Service—Courtesy—Protection

Bill Graves
Governor



Col. Donald W. Brownlee
Superintendent

October 12, 1999

Marge Bailey
Kansas Department of Revenue
Docking State Office Building
915 Harrison
Topeka, KS 66612-1588

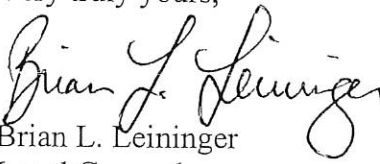
Dear Ms. Bailey:

Recently your agency and the Kansas Highway Patrol have entertained a question as to the proper way to register a vehicle called the Whizzer Motorbike. It is our opinion the Whizzer should be registered as a motorcycle.

For registration purposes (K.S.A. 8-127) it is important to distinguish between a motorcycle (K.S.A. 1998 Supp. 8-126(d)) and a motorized bicycle (K.S.A. 1998 Supp. 8-126(aa)). A vehicle, to be categorized a motorized bicycle, must have a cylinder capacity of not more than 50 cubic centimeters. The specifications of the Whizzer state it has a cylinder capacity of 120 cubic centimeters. Therefore, the Whizzer cannot be categorized a motorized bicycle and falls into the broader motorcycle category.

If we encounter such a vehicle we will take enforcement action consistent with this opinion. If you have any questions or concerns please contact me.

Very truly yours,


Brian L. Leininger
Legal Counsel

cc: Mr. Gary Long

122 SW SEVENTH STREET
TOPEKA, KANSAS 66603-3847
(785) 296-6800 FAX (785) 296-5956

House Transportation Committee
February 21, 2000
Attachment 2



January 26, 2000

Honorable Gary K. Hayzlett
Kansas House of Representatives
State Capitol Office Building
Room 115 South
Topeka, KS 66612

Dear Mr, Hayzlett:

Enclosed is our previous correspondence.

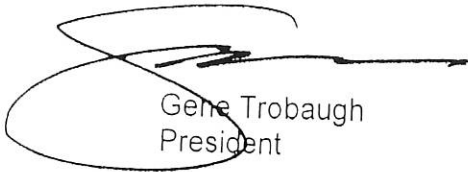
We appreciate your looking in to this matter and any assistance you can offer will be greatly appreciated.

Our product meets Kansas performance requirements of a "motorized bicycle", which is what it really is, and our engine size is due to the "old" style technology, and the type of drive system employed, very old style.

Several other states classify our product as "moped" meeting similar regulations as in Kansas.

If you need any additional information please let us know.

Thank you very much,



Gene Trobaugh
President



August 30, 1999

Honorable Gary K. Hayzlett
Kansas House of Representatives
308 E. Russell Rd. PO 66
Lakin, KS 67860

Dear Mr. Hayzlett:

On behalf of our Kansas dealers and thousands of Kansas Whizzer fans we would like to ask your assistance with the re-classification of our product as a "motorized bicycle".

Present Kansas regulations specify that a "motorized bicycle" be as follows:

Kansas Regulations

*Not more than 50cc engine capacity
No more than 3.5 horse power
Maximum speed 30 mph*

Whizzer Specifications*

**123.cc engine capacity
1.5 horse power
Maximum speed 25 mph**

Kansas State Motor Vehicle officials and the Highway Patrol advised that due to the engine capacity of our product it must be classified as a motorcycle. We had asked that it be considered a moped in as much as our performance meets the spirit and the intent of Kansas regulation. They advised they must follow the letter of the law. Therefore we respectfully request our product be included as a motorized bicycle due to our actual performance and specifications.

Our product is not targeted to young riders and we are not interested in that market. Our product is for the "nostalgia" market, people who remember the Whizzer from the 40s and 50s, that want to relive that special time again. Since our product is a true "moped" in all respects of performance and operation we hope you can support our request for classification as a motorized bicycle. The reason our bike has a 123cc engine is due to the technology of the time, 1939, and performance requirement of low speed torque. We have a large fly wheel for start-up since we have no transmission, but a direct belt drive system just like the original old model.

In every sense of the word the Whizzer is truly a "motorized-bicycle". We'll be happy to supply any additional information or assistance you may require. Thank you for your consideration,

Sincerely,

Gene Trobaugh
President

* meets US DOT regulation and is classified as a Motor-Driven-Cycle