

MINUTES OF THE HOUSE COMMITTEE ON TRANSPORTATION.

The meeting was called to order by Chairperson Rep. Gary Hayzlett at 1:40 p.m. on March 14, 2000 in Room 519-S of the Capitol.

All members were present except:

Representative Vaughn Flora, excused  
Representative Andrew Howell, excused  
Representative Dennis McKinney, excused

Committee Staff present:

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

Conferees appearing before the committee:

Clint Riley, Department of Wildlife and Parks  
Cheri Swayne, Department of Wildlife and Parks  
Tom Whitaker, Kansas Motor Carriers Association

Others attending:

See attached list

The minutes of the House Transportation Committee for March 7<sup>th</sup> and 8<sup>th</sup> were presented for corrections or approval. Representative Larkin made a motion to accept the minutes as written, seconded by Representative Ballou and the motion carried.

**SB 536 - boating safety education certification**

Chairman Hayzlett called on Clint Riley, Deptment of Wildlife and Parks, who presented testimony in support of **SB 536**. He told the committee **SB 536** would require all persons born after January 1, 1989 to possess a certificate of completion of a boating safety course authorized by he department in order to operate a motorboat or sailboat on Kansas public waters. These courses would be a minimum of 8 hours and recognized by the U.S. Coast Guard. The bill would also allow persons to complete the course by approved correspondence course materials and examination, including a course offered over the Internet and also would recognize courses completed in other states. The department suggested this legislation as a step to address the trend of escalating boating-related accidents, fataliies, and property damage. (Attachment 1)

Representative Ballou questioned how many of the boating accidents, and fatalities, were attributed to alcohol. Cheri Swayne, Kansas Department of Wildlife and Parks, stated that alcohol was responsible for approximately 1/2 of the accidents and she would check on how many fatalities and make that information available to the committee.

There being no other proponents, and no opponents, Chairman Hayzlett closed hearings on **SB 536**.

**SB 540 - purchasing multiple demonstration permits by dealers**

Tom Whitaker, Kansas Motor Carriers Association, spoke in support of **SB 540**. This proposed legislation would allow licensed truck and truck-tractor dealers to issue a 72-hour demonstration permit for \$26.00 or a 15-day demonstration permit for \$100.00. These permits allow a dealer to demonstrate a truck or truck-tractor in a loaded situation. Currently, a truck dealer is required to go to the county treasurer's office to obtain demonstration permits and these permits cannot be obtained in the evening or on weekends. Approval of **SB 540** would allow truck dealers the ability to serve their customers when the county treasurer's office is closed. (Attachment 2)

There were no opponents.

Following questions and discussion by the committee Chairman Hayzlett closed hearings on **SB 540**.

Chairman Hayzlett adjourned the meeting at 2:30 p.m. The next meeting of the House Transportation Committee is scheduled for Wednesday, March 15, 2000 in Room 519-S.





STATE OF KANSAS  
DEPARTMENT OF WILDLIFE & PARKS

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**SENATE BILL NO. 536**

**Testimony Provided to  
House Committee on Transportation  
March 14, 2000**

SB 536 would require all persons born after Jan. 1, 1989 to possess a certificate of completion of a boating safety course authorized by the department in order to operate a motorboat or sailboat on Kansas public waters. The bill authorizes the department to establish such courses, and provides that they be a minimum of 8 hours and recognized by the U.S. Coast Guard. However, the bill also would allow persons to complete the course by approved correspondence course materials and examination, including a course offered over the Internet. The bill also allows the department to recognize courses completed in other states.

Currently, a boating safety course is required of persons age 12 to 15 for solo operation of personal watercraft (sometimes collectively referred to by the brand name "Jetski"). The department conducts approximately 30 courses each year, taught by volunteer instructors, and provides a correspondence-course alternative by mail. Approximately 1,000 students were certified last year. Prior to the regulation for 12- to 15-year-old boaters enacted in 1994, less than 100 people a year took the course. Although voluntary education has been available for almost 30 years, only about 7,000 of the estimated half-million Kansas boaters have completed the state's boating safety course since 1971.

The bill would "grandfather" any persons who may legally operate a motorboat or sailboat prior to Jan. 1, 2001 (that is, persons 12 years old or older at the time the requirement would go into effect, which is the legal age for boat operation on Kansas public waters). Therefore, the department would always expect to see mostly persons under the age of 16 enrolling in boater safety courses. However, as more persons are required to possess a course certificate, the department would also expect to make greater use of the correspondence courses in order to address the greater numbers. The department now offers its Boater Education course online through a contract with Boatsafe.com, which provides an Internet-based boating safety course. The free basic course (and additional Kansas-specific information) must be successfully completed before Boatsafe will mail a student wallet card. Should SB 536 pass, the department feels this Internet-based course will adequately supply the increased demand.

The Senate Committee did make one substantial amendment to the bill. As originally introduced, SB 536 would have provided a 30-day exemption for nonresidents, and a 60-day exemption for residents new to the state. This provision was intended to prevent the bill from impairing efforts to promote tourism in Kansas. The Senate Committee eliminated these

House Transportation Committee  
March 14, 2000  
Attachment 1

exemptions. Therefore, the current version of SB 536 would impose the boater safety education requirement on residents and nonresidents equally. At this time, 29 other states require boater safety education, and education courses are available in all 50 states. Consequently, the department does not oppose this amendment.

At this point, the department expects to be able to conduct the necessary boating safety courses without additional FTEs. In addition, the bill would authorize the department to charge a fee to cover costs of material and supplies. Although the department does not anticipate needing to charge for supplies now that the Internet course is available, this authorization would ensure that the department would be able to fund the program if the number of people taking the course through other means were to dramatically increase. Regardless, the department hopes the bill will provide an overall financial benefit to the state due to the decrease in accidents and property damage.

The department suggested this legislation as a step to address the trend of escalating boating-related accidents, fatalities, and property damage. Kansas has around sixty boating-related accidents each year, an average of 8 fatalities, and several hundred thousand dollars of property damage and insurance claims. While SB 536 would not eliminate boating accidents in Kansas, the department believes it could play an important role in making public waters safer for all Kansas boaters.

For those familiar with the hunter safety education program, SB 536 may be seen as an analogous proposal. Since the Kansas Legislature established that requirement in 1972, over 350,000 people have taken hunter safety education courses, the vast majority of whom were under the age of 16. Hunter safety education is credited with decreasing hunting accident rates nationwide, and in Kansas the rate of hunting fatalities has dropped from between four and five per year in the 1960s and 1970s to less than one per year over the last five years. While a direct causation is impossible to prove, the department hopes that by creating a similar boating safety education program now, in future years we would see results similar to the positive impact of the hunter safety education program.

In 1998, the House Transportation Committee recommended a substantially similar bill favorably, but it died on General Orders. Last year, the House Tourism Committee recommended a slightly different version of this bill. It went through General Orders, but failed on Final Action, 51-74. Nonetheless, the department believes it has made a commitment to its constituency, to pursue mandatory boater safety education, and therefore asks that the SB 536 be recommended favorably, for the full House to consider this version of the proposal during the 2000 session.

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# KANSAS MOTOR CARRIERS ASSOCIATION

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*Trucking Solutions Since 1936*

## LEGISLATIVE TESTIMONY

Presented by the

### KANSAS MOTOR CARRIERS ASSOCIATION

Appearing before the House Transportation  
Representative Gary Hayzlett, Chairman  
Tuesday, March 14, 2000  
State Capitol, Topeka, Kansas

Supporting Senate Bill No. 540

JERRY ARENSDORF  
*Arensdorf Trucking, Inc.*  
President

LESLIE J. UNRUH  
*Unruh Grain, Inc.*  
Chairman of the Board

JOHN LATHROP  
*Roadway Express, Inc.*  
First Vice President

CHRISTIE CHAMBERS  
*Chambers Trucking, Inc.*  
Second Vice President

KEN LEICHT  
*Frito-Lay Distribution & Service*  
Treasurer

LARRY "DOC" CRIQUI  
*Kansas Van & Storage/Criqui Corp.*  
Corporate Secretary

GLENN UNREIN  
*Golden Plains Trucking, Inc.*  
ATA State Vice President

DARRELL KIRKWOOD  
*National Carriers, Inc.*  
ATA Alternate State Vice President

TONY GASTON  
*Rawhide Trucking, Inc.*  
ProTruck PAC Chairman

MARVIN ROBERTSON  
*J.M.J. Projects, Inc.*  
Public Relations Chairman

MIKE KELLEY  
Executive Director

### MR CHAIRMAN AND MEMBERS OF THE HOUSE TRANSPORTATION COMMITTEE:

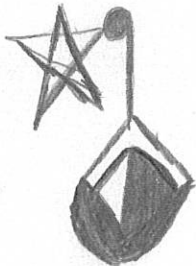
My name is Tom Whitaker, director of governmental relations and membership services for the Kansas Motor Carriers Association. I appear here this afternoon representing the Kansas Trucking Industry and specifically the truck dealers that serve our industry.

We are here today in support of Senate Bill No. 540. The proposed legislation will allow licensed truck and truck-tractor dealers to issue a 72-hour demonstration permit for \$26.00 or a 15-day demonstration permit for \$100.00. These permits allow a dealer to demonstrate a truck or truck-tractor in a loaded situation. Dealers would be allowed to purchase 3 such permits at a time.

The language in Senate Bill No. 540 is fashioned after the current 30-day temporary registrations issued by motor vehicle dealers. Currently, a truck dealer is required to go to the county treasurer's office to obtain demonstration permits. These permits cannot be obtained in the evening or on weekends. The bill does not eliminate the ability for a dealer to purchase a permit from the county treasurer.

Approval of Senate Bill No. 540 will allow truck dealers the ability to serve their customers when the county treasurer's office is closed. This is a customer friendly bill. We ask for your support of Senate Bill No. 540.

We thank you for the opportunity to appear before you today and would be pleased to respond to any questions.



House Transportation Committee  
March 14, 2000  
Attachment 2