

MINUTES OF THE HOUSE TRANSPORTATION.

The meeting was called to order by Chairperson Gary Hazylett at 1:35 p.m. on March 7, 2001 in Room 519-S of the Capitol.

All members were present except:
Representative Marti Crow, excused

Committee staff present:
Bruce Kinzie, Revisor
Hank Avila, Research
Ellie Luthye, Committee Secretary

Conferees appearing before the committee:
Sheila Walker, Director, Division of Vehicles
Tom Whitaker, Kansas Motor Carriers Association
Steve Neske, Research Analyst, Motor Vehicle Department

Others attending:
See attached sheet

SB 53 - apportioned fleet registration

Chairman Hayzlett opened hearings on **SB 53**.

Sheila Walker, Director, Division of Vehicles, said this bill would repeal a statute relating to interstate reciprocity permits for fleet vehicles. She said the Bureau has not issued an interstate reciprocity permit for fleet vehicles for several years and the statute is no longer needed since all jurisdictions that were in the Uniform Agreement are members of the International Registration Plan. (Attachment 1)

Tom Whitaker, Kansas Motor Carriers Association, appeared before the committee with an amendment which addresses a trucking company leasing a vehicle for more than 30 days. Under current Kansas law, such vehicle must be registered in the name of the trucking company and not the leasing company. This amendment would allow a leasing company, when the lease does not include a driver, to remain the registered owner of the vehicle. He said the Department of Revenue has indicated support for this amendment and there is no fiscal note. (Attachment 2)

There were no opponents.

Following questions from the committee the Chair closed hearings on **SB 53**.

SB 54 - bonding requirements for liquid-fuel carriers

Chairman Hayzlett opened hearings on **SB 54**. Steve Neske, Research Analyst, Motor Vehicle Department, said this bill would remove the requirement that a liquid-fuel carrier post a \$1,000 bond in order to obtain a liquid-fuel carrier's license. He said the bond requirement was initially imposed at a time when the motor vehicle fuel taxes were not yet paid before a liquid-fuel carrier took possession of such fuel. However, under current law the motor vehicle fuel tax is imposed on the distributor of first receipt and by the time a liquid-fuel carrier takes possession of fuel from a distributor the tax should already have been paid. He concluded that under current law, the liquid-fuel carrier's bond serves no real purpose. (Attachment 3)

There were no opponents.

Following questions from the committee Chairman Hayzlett closed hearings on **SB 54**.

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE, Room 519-S of the Capitol at 1:35 p.m. on March 7, 2001.

HB 2145 - concerning the use of child passenger safety seats and safety belts

Chairman Hayzlett called on Representative John Ballou to give a sub-committee report on **HB 2145**. He told the committee they recommended adding on line 19, Section 1 "and any and all components contained in such federal standards, including but not limited to any motorized components". He told the committee they went to the federal standards that listed all of the components and felt that should take care of the problem. He said the people in the industry and the Attorney General's office agreed to this amendment.

Jim Welch, Attorney General's office, said their only concern was there was no penalty in this bill and no enforcement mechanism. However, following discussion it was determined the industry had agreed to honor this amendment and if there was a problem in the future it could be amended further at that time.

Chairman Hayzlett thanked Representatives Ballou, Dreher and Long for their report.

SB 53 - apportioned fleet registration

Chairman Hayzlett called for discussion and final action on **SB 53**. Representative Vickery made a motion to accept the amendment as recommended by Tom Whitaker, seconded by Representative Dreher. Representative Ballou made a motion to pass SB 53, as amended, seconded by Representative Levinson and the motion carried.

SB 54 - bonding requirements for liquid-fuel carriers

Chairman Hayzlett called for discussion and final action on **SB 54**. Representative Ballou made a motion to pass SB 54 and place on the Consent Calendar, seconded by Representative Dreher and the motion carried.

HB 2145 - concerning the use of child passenger safety seats and safety belts

Chairman Hayzlett called for discussion and final action on **HB 2145**. Following discussion by the committee Representative Vickery made a motion to accept the sub-committee report and the amendment, seconded by Representative Levinson and the motion carried.

Representative Ballou made a motion to pass HB 2145, as amended, seconded by Representative Long and the motion carried.

SB 172 - traffic regulation relating to child passenger seat requirements and seat belts

Chairman Hayzlett called for discussion and final action on **SB 172**. Representative Powell offered an amendment which would strike all of new Section 4 and restore to current law, seconded by Representative Howell and the motion carried.

Representative Long offered an amendment adding on line 3, Section 2, (c) "there is not a violation of this section, if a parent or guardian is transporting such parent's or guardian's own children and the number of children subject to the requirements of subsection (a) exceeds the number of passenger securing locations available for use by such children affected by such requirements, and all of those securing locations are in use by children". This was seconded by Representative Powell. Following discussion Chairman Hayzlett called for a vote and the amendment failed.

Representative Pyle made a motion which would restore lines 3-7 back into the bill, Section 2. This was seconded by Representative Long and on a division of vote, the motion carried.

Representative McKinney made a motion to pass SB 172 as amended, seconded by Representative Powers and the motion carried.

Chairman Hayzlett adjourned the meeting at 2:25. The next meeting of the House Transportation Committee is scheduled for Thursday, March 8th in Room 519-S.

HOUSE TRANSPORTATION COMMITTEE GUEST LIST

DATE: March 7, 2001

NAME	REPRESENTING
Fran Brunner	Kansas Attorney General's Office
Jim Welch	" "
Angelia Crawford	" "
Shene Neske	Ks. Dept. of Revenue
Marissa Ebel	Hiawatha High School
Jennifer Cairn	Hiawatha High School
John Eichkorn	KHP
Mark Engholm	KHP
Jan Hegelmar	Ks. SAFE KIDS Coalition
Jim Keating	Ks. SAFE KIDS Coalition
Trista Bendles	Office of the Governor
NATHAN WEDDUM	Hiawatha High School
Benjamin Over	Melton High School
Jennifer Kruse	Hiawatha High School
Heather Lowe	Hiawatha High School
Aimee Davidson	Hiawatha High School
Wes	Hiawatha High School
Jon Mackay	Hiawatha High School
Chelsea Blaw	Ken Kennedy middle school

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Division of Vehicles

TESTIMONY

TO: House Transportation Committee Chair Gary Hayzlett
Members of the House Transportation Committee

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

DATE: March 7, 2001

RE: Senate Bill 53

Chairman Hayzlett and members of the House Transportation Committee, my name is Sheila Walker, and I serve as Director of the Kansas Division of Motor Vehicles. Thank you for the opportunity to provide testimony today in support of Senate Bill 53.

This bill repeals the old "Uniform Agreement" statute (K.S.A. 2000 Supp. 8-1,112).

Kansas has not issued an interstate reciprocity permit for fleet vehicles for several years. British Columbia was the last member of the old Uniform Agreement to join the IRP in January of 1996.

This statute is no longer needed since all jurisdictions that were in the Uniform Agreement are now members of the International Registration Plan (IRP). The IRP is a registration reciprocity agreement among 58 jurisdictions in the United States and Canada that provides for payment of license fees on the basis of miles operated in each jurisdiction.

Thank you for your consideration of this clean-up measure.

House Transportation Committee
March 7, 2001
Attachment 1



KANSAS MOTOR CARRIERS ASSOCIATION

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ProTruck PAC Chairman

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J.M.J. Projects, Inc.
Public Relations Chairman

TOM WHITAKER
Executive Director

LEGISLATIVE TESTIMONY

By the Kansas Motor Carriers Association

Appearing before the House Transportation Committee
Representative Gary Hayzlett, Chairman

Wednesday, March 7, 2001

State Capitol, Topeka, Kansas

Supporting Senate Bill No. 53 and Requesting That Additional Provisions be Added to the Bill

MR. CHAIRMAN AND MEMBERS OF THE HOUSE TRANSPORTATION COMMITTEE:

My name is Tom Whitaker, executive director of the Kansas Motor Carriers Association. I appear here this afternoon representing our 1,450 member firms and the highway transportation industry. We are here today in support of Senate Bill No. 53 and we are requesting that the House Transportation Committee add language to the bill to ease the registration burden for companies leasing trucks.

SB 53 repeals the statute concerning the interstate reciprocity agreement. Reference to this agreement is no longer needed because Congress mandated that all states participate in the International Registration Plan (IRP). The IRP requires all interstate trucks to be registered on an apportioned basis through the state in which the trucking company is based. Through the base state, the trucking company will pay the registration fee to each state, for each motor vehicle, based on the percentage of miles operated in each state.

In other words, if you operate a truck 50% of the miles in Kansas and 50% in Missouri, Kansas gets 50% of the applicable registration fee and Missouri gets 50% of the applicable registration fee. Even if the trucks are based in Tennessee, Kansas gets its fair share of registration fees for any truck that travels through Kansas.

Our requested amendment addresses the situation where a trucking company leases a vehicle for more than 30 days. Under current Kansas law, such vehicle must be registered in the name of the trucking company and not the leasing company. Our goal, with the attached amendment, is to allow a leasing company, when the lease does not include a driver, to remain the registered owner of the vehicle. This amendment would greatly help companies such as Ryder, Penske and Ruan that lease fleets of trucks to Kansas companies. Additionally, in Ryder's case, it reduces the number of accounts the state must maintain from approximately 40 down to two.

The Kansas Dept. of Revenue has indicated support for this amendment. We understand that changes to computer programs will not be necessary and there is not a fiscal note.

We respectfully request that you approve SB 53 with our requested amendment. Thank you for the opportunity to present this testimony. We would be pleased to respond to any questions you may have.

House Transportation Committee
March 7, 2001
Attachment 2

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Office of Policy & Research

To: Representative Gary Hayzlett, Chair
House Transportation Committee

From: Steve Neske

Re: Senate Bill 54

Date: March 7, 2001

Senate Bill 54 would amend K.S.A. 2000 Supp. 55-508 and repeal K.S.A. 2000 Supp. 55-509 to remove the requirement that a liquid-fuel carrier post a \$1,000 bond in order to obtain a liquid-fuel carrier's license.

The bond requirement was initially imposed at a time when the motor vehicle fuel taxes were not yet paid before a liquid-fuel carrier took possession of such fuel. The primary purpose of the bond was to provide security for the unpaid motor vehicle fuel taxes not yet paid for fuel being hauled by the liquid-fuel carrier. K.S.A. 2000 Supp. 55-509. Under current law, K.S.A. 2000 Supp. 79-3409, the incidence of the motor vehicle fuel tax is imposed on the distributor of first receipt. In addition, a distributor must post a bond in order to obtain a distributor's license. K.S.A. 79-3403. By the time a liquid-fuel carrier takes possession of fuel from a distributor, the tax should already have been paid. If the liquid-fuel carrier is also a distributor, then the liquid fuel-carrier would already be required to post a bond for the distributor's license.

Under current law, the liquid-fuel carrier's bond serves no real purpose. The bond requirement is an expense for liquid-fuel carriers and an administrative burden to the Department in processing the bonds, with no apparent utility. In recent experience, the Department is not aware of any claims being filed against a liquid-fuel carrier's bond.