

MINUTES OF THE HOUSE TRANSPORTATION.

The meeting was called to order by Chairperson Gary Hayzlett at 1:35 p.m. on February 14, 2002 in Room 519-S of the Capitol.

All members were present except:  
Representative Howell, excused

Committee staff present:  
Bruce Kinzie, Revisor  
Hank Avila, Legislative Research Department  
Chris Courtright, Legislative Research Department  
Ellie Luthye, Committee Secretary

Conferees appearing before the committee:  
Representative McKinney  
Representative Schwartz  
Larry Baer, Assistant Legal Counsel, League of Kansas Municipalities  
Tom Whitaker, Executive Director, Kansas Motor Carriers Association  
Matt Moser, Bureau Chief for Titles and Registration, Division of Motor Vehicles

Others attending:  
See attached list

**HB 2693 - prohibiting compression release engine braking systems in certain locations**

Chairman Hayzlett opened hearings on **HB 2693**. Representative McKinney was the first conferee. He said this bill would allow cities to extend the no compression braking zone to one-half mile beyond the city limits on a state highway to help alleviate the problem of noise within the city limits and irritation to its residents. (Attachment 1) He also presented written testimony from a resident in Greensburg, Kansas. (Attachment 2)

Larry Baer, Assistant Legal Counsel for the League of Kansas Municipalities, spoke in support of the bill. He stated that while many cities have adopted "Jake brake" ordinances to minimize or eliminate the loud and annoying noise that results with the use of the braking system this can only be enforced within the city limits. The braking system usage and the resulting noise occurs outside the city limits as well so therefore state control is necessary. He asked support of **HB 2693**. (Attachment 3)

Tom Whitaker, executive director of the Kansas Motor Carriers Association, stated a number of communities have expressed concern over the noise and several have banned the use of these devices so now is the time to address this issue on a statewide basis. He told the committee that all new trucks, which have been manufactured during the past 20 years, have been required to have a muffler, which meets EPA noise specifications. Current state law requires all vehicles must be equipped with a muffler and violation of the law is punishable by a fine of \$30 plus court costs. Because of the low fine, the existing law does not serve as a significant deterrent. He offered an amendment that targets only those few vehicles which pose the greatest noise problem - trucks with engine brakes but without mufflers and also would double the fine for no muffler when using an engine brake. This amendment would also remove the one-half mile restriction. He concluded that this amendment should take care of the perceived jake brake problem in numerous communities in Kansas. (Attachment 4)

In answer to a question from the committee regarding what the EPA noise specifications were, Mr. Whitaker responded for trucks prior to 1986 the noise level was 88dB and for trucks after 1986 a noise level of 85dB. He stated that in tests conducted on the compression release engine braking system, trucks fitted with a standard muffler produced a noise level of 83dB with the engine brake on. In contrast, those trucks with no muffler and the engine brake applied produce a noise level of 101dB.

Chairman Hayzlett closed hearings on **HB 2693**.

**HB 2794 - providing for 48-hour transport permit**

Chairman Hayzlett opened hearings on **HB 2794**. Representative Schwartz told the committee this legislation would clear up the legality of driving a vehicle purchased at an auction. This would allow an auctioneer to purchase 48-hour transport permits authorizing the purchaser of a vehicle at an auction conducted by the auctioneer, to operate the vehicle for a period of 48 hours. The fee for the permit would be \$2.00. (Attachment 5)

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE, Room 519-S of the Capitol at 1:35 p.m. on February 14, 2002.

She presented written testimony from Raymond Bott in support of **HB 2794**. (Attachment 6)

Mathew H. Moser, Manager Titles and Registrations, Division of Vehicles, spoke in support of **HB 2794**. He stated that auctions held on week-ends do not afford purchaseers access to a county motor vehicle office where they could obtain a 30-day permit to transport a vehicle. This bill gives the Division sufficient latitude to design and implement a system that should be cost-effective and secure. However, they would like to offer a balloon which would add, in Section 1, (b) "whose primary place of business is in Kansas". (Attachment 7)

Following discussion Representative Hayzlett closed hearings on **HB 2794**.

**HB 2792 - repealing KSA 68-163; approval of highway or bridge lighting plans by corporation commission**

Chairman Hayzlett opened the floor for discussion and final action on **HB 2792**. Representative Powers made a motion to pass **HB 2792** favorably, seconded by Representative Osbornw and the motion carried.

Chairman Hayzlett adjourned the House Transportation Committee at 2:35 p.m. The next meeting of the House Transportation Committee will be Tuesday, February 19, 2002.

*add bottom*

# HOUSE TRANSPORTATION COMMITTEE GUEST LIST

DATE: February 14, 2002

NAME	REPRESENTING
Erin Benson	South Middle (Salina)
Chris Franz	South Middle (Salina)
Jennifer Pickering	South Middle (Salina)
Cecilia Ha	South Middle (Salina)
Kenya Gillespie	South Middle (Salina)
Theresa Zackary	Salina South Middle
Chrissy Brande	Salina South Middle
Larry R Baser	LKM
Mathew Moser	KDOR
MARK SCHREIBER	Westar Energy
GARY DAVENPORT	KS MOTOR CARRIERS ASSN
Christi Stewart	KS Motor Carriers Assoc.
Deann Williams	KS Motor Carriers Assoc.
Sheela Walker	KDOR-DMV
Diane Albert	" "
Matt Moser	" "
Robin Jannison	Westar Energy
Marcia Stambaugh	KDOT
Bill Brady	KS Gov't Consulting

TESTIMONY TO HOUSE TRANSPORTATION COMMITTEE

House Bill 2693

February 12, 2002

Thank you for the opportunity to have a hearing on HB 2693 regarding compression braking by trucks. In my neck of the woods we call these "jake brakes."

I made the motion to introduce the bill at the request of a constituent who owns and operates a motel located on the edge of a city. The city has a "no jake brake" ordinance. But trucks usually brake right up to the city limits causing irritation for motel customers and anger for the owner who then calls his state representative.

The bill allows cities to extend the no compression braking zone to ½ mile beyond the city limits on a state highway to help alleviate this problem.

My understanding is that the motor carriers have an idea to improve the bill and I am certainly open to that.

Thank you.

Dennis McKinney

Mansukh Patel  
800 W Kansas Ave  
Greensburg Ks, 67054

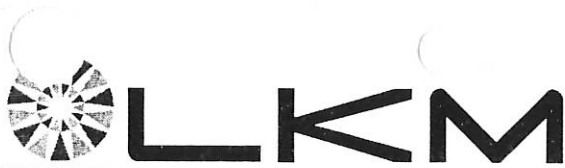
Feb 13th 2002

To the House of State of Kansas

My family and I reside and operate a motel business in Greensburg , west edge of town on us 54 highway .There are times when truck traffic is quite heavy ,and when the truckers approach town they apply engine brake (jake brake).Which creates unbearable noise. This certainly does not help my family or our customers to have a quite night .This problem does not help our revenue .

We have a sign within our city limit ,rather in front of the motel on opposite side of the highway to inform the traffic coming into town , but this does not serve the purpose because the speed is decrease by truckers right in city limit by applying jake brake . We feel that if the sign was posted outside of city limit about half mile to inform the traffic not to apply jake brake in city limit since there is noise ordinance in cities of State of Kansas. If this legislation were to pass, it would not only help us but all the towns and cities of State of Kansas

Mansukh Patel



League of Kansas Municipalities

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Date: February 14, 2002  
To: House Transportation Committee  
From: Larry R. Baer  
Assistant Legal Counsel  
Re: HB 2693 - Testimony in Support

Thank you for allowing me to appear before the Committee on behalf of the League of Kansas Municipalities and its member cities to testify in support of HB 2693.

We understand HB 2693 to prohibit the use or operation of a compression release engine braking system, or "Jake brakes" as they are known in the vernacular, within one-half mile of the city limits of any city that has an ordinance in place prohibiting the use of such a braking system.

Many cities have adopted "Jake brake" ordinances to minimize or eliminate the loud and annoying noise that results with the operation or use of the braking system. However, a city ordinance prohibiting the use of the braking system can only be enforced within the city limits – cities having no extraterritorial traffic control authority. The braking system usage and the resulting noise occur outside the city limits as well. Since cities have no extraterritorial traffic control authority, state control is necessary.

The League supports HB 2693. It leaves traffic control at the local level while giving "extraterritorial" effect to the local control. This is a good example of state legislation that will work cooperatively with local control.

Thank you for your consideration of this matter.



# KANSAS MOTOR CARRIERS ASSOCIATION

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**TOM WHITAKER**  
Executive Director

## Legislative Testimony by the Kansas Motor Carriers Association

### Providing a Positive Alternative to House Bill No. 2693

Presented before the House Transportation Committee  
Representative Gary Hayzlett, Chairman  
Thursday, February 14, 2002 Statehouse, Topeka, Kansas

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

I am Tom Whitaker, executive director of the Kansas Motor Carriers Association. I appear before you this afternoon representing our 1,400 member firms and the Kansas trucking and highway transportation industry.

For the first time, the provisions of HB 2693 would address the use of a compression release engine braking system, or "Jake Brake", within ½ mile of the city limits of any city which has passed an ordinance prohibiting the use of any compression release engine braking system which results in the excessive, loud, unusual or explosive noise from such motor vehicle.

KMCA believes now is the time to address this issue on a statewide basis. A number of communities have expressed concern over the noise associated with compression release engine braking systems. Several communities have actually banned the use of these devices because of complaints from residents. Unfortunately, banning the use of these devices could pose a safety problem. Rather than have more communities seek a ban on the use of these safety devices, KMCA proposes a more constructive approach to the root of the problem.

House Transportation Committee  
February 14, 2002  
Attachment 4

**What is a compression release engine braking system?** Compression release engine braking systems, simply known as engine brakes or jake brakes, provide the truck with a supplemental retarding device, providing drivers a measure of reassurance while traveling hilly terrain, and saving on engine and brake wear and tear. Because of a critical value associated with engine brakes, over 70% of all new heavy-duty trucks are equipped with these devices. Vehicles equipped with these devices are more efficient and productive and are also safer as they enhance driver control.

Engine braking devices are not loud when the truck is equipped with a muffler. The problem is that a small percentage of trucks do not have mufflers. In tests conducted on these braking systems, trucks fitted with a standard muffler produced a noise level of 83dB with the engine brake on. This is under the federal noise limits. In contrast, those trucks with no muffler and the engine brake applied produce a noise level of 101 dB. To the human ear, this sounds twice as loud as a muffled truck.

**What is current law?** All new trucks, which have been manufactured during the past 20 years, have been required to have a muffler, which meets EPA noise specifications. Current state law requires that all vehicles must be equipped with a muffler. Violation of this law is a traffic infraction punishable by a fine (tripled last year) of \$30 plus court costs. Unfortunately, a limited number of truck owners have removed the mufflers from their vehicles. Because of the low fine, the existing law does not serve as a significant deterrent of this practice.

KMCA is offering a balloon amendment to HB 2693 that targets only those few vehicles, which pose the greatest noise problem – trucks with engine brakes but without mufflers. Further, our amendment would double the fine for no muffler when using an engine brake and not affect those vehicles without engine brakes.

Mr. Chairman we respectfully ask that the Committee adopt our proposed balloon. We believe this will take care of the perceived jake brake problem in numerous communities throughout Kansas. Thank you for the opportunity to appear before you today. I would be pleased to respond to any questions you may have.





TOPEKA

HOUSE OF  
REPRESENTATIVES

SHARON SCHWARTZ  
REPRESENTATIVE, 106TH DISTRICT  
WASHINGTON, & PARTS OF  
MARSHALL, REPUBLIC, RILEY &  
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COMMITTEE ASSIGNMENTS  
CHAIRPERSON: HOUSE AGRICULTURE &  
NATURAL RESOURCES BUDGET  
MEMBER: HOUSE APPROPRIATIONS  
HOUSE ENVIRONMENT  
HOUSE AGRICULTURE

## House Bill 2794

Chairman Hayzlett and committee members. I appear here in support of HB 2794. This summer I was approached by an auctioneer asking me to introduce legislation to clear up the legality of driving a vehicle purchased at an auction. This legislation allows an auctioneer to purchase 48-hour transport permits authorizing the purchaser of a vehicle at an auction conducted by the auctioneer, to operate the vehicle for a period of 48 hours. The fee for each permit shall be \$2.00. This is a simple solution making it legal to drive a vehicle bought at an auction back to the purchasers residence.

Attached to my testimony is a letter from Mr. Bott, the auctioneer, supporting the legislation.

February 11, 2002

Raymond E. Bott  
Raymond Bott Realty & Auction  
119 C. Street, Box 68  
Washington, KS 66968

Rep. Sharon Schwartz  
Kansas House of Representatives  
Room 110S  
Statehouse  
Ste 477W  
Topeka, KS 66612

Sharon:

I like the idea of allowing auctioneers to issue a "transport permit", which along with a bill of sale, would allow the buyer of a vehicle at an auction to drive the vehicle home. Buyers of vehicles at auction have been driving them home anyway, but many times there is some doubt about ownership and insurance coverage at the time of sale at an auction. There is also the small issue of the license plate that is on the vehicle. The seller either removes his, which leaves the buyer driving a vehicle without a license plate, or the seller leaves the plate on, which leaves the buyer driving a vehicle with someone else's license plate. A permit of this nature should help clear up those questions.

Sincerely,



Raymond



Titles and Registrations/Dealer Licensing  
Mathew H. Moser, Manager  
Kansas Department of Revenue  
915 SW Harrison St.  
Topeka, KS 66626-0001

(785) 296-3621  
FAX (785) 296-3852  
Hearing Impaired TTY (785) 296-8924  
Web Site: [www.ksrevenue.org/dmv](http://www.ksrevenue.org/dmv)

Division of Vehicles

MEMORANDUM

**TO:** Chairman Gary Hayzlett  
Members of the House Transportation Committee

**FROM:** Mathew H. Moser, Manager *Mathew H. Moser*  
Titles & Registrations

**DATE:** February 14, 2002

**SUBJECT:** House Bill 2794 – 48-Hour Auctioneer Permits

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Mr. Chairman, members of the Committee, I am Mathew Moser, Manager of the Title and Registration Bureau for the Division of Vehicles. I want to thank you for the opportunity to testify regarding HB 2794 and the issuance of 48-hour transport permits.

K.S.A. 8-2401 permits auctioneers to sell motor vehicles, under certain circumstances, without acquiring a motor vehicle dealer's license. Auctions held on the weekends do not afford purchasers access to a county motor vehicle office where they may obtain a 30-day permit to transport a vehicle purchased at a weekend auction.

HB 2794 grants the Division of Vehicles new authority to create a 48-hour permit that auctioneers would be able to issue to their customers, for the purpose of transporting their vehicles from the place of purchase. The bill gives the Division sufficient latitude to design and implement a system that should be cost-effective and secure.

However, one administrative problem has been identified and we respectfully request that the attached balloon be given the Committee's consideration. The balloon would limit the acquisition of 48-hour permits to auctioneers whose primary place of business is in Kansas.

The balloon notwithstanding, HB 2794 will alleviate a major inconvenience experienced by auctioneers, their clients and customers.

I would like to thank the committee for permitting my appearance today and will stand for any questions you may have.