

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Gary Hayzlett at 1:30 P.M. on March 15, 2006 in Room 519-S of the Capitol.

All members were present except:

Representative Barbara Ballard- excused

Committee staff present:

Hank Avila, Kansas Legislative Research
Bruce Kinzie, Revisor of Statutes Office
Betty Boaz, Committee Secretary

Conferees appearing before the committee:

Sally Howard, Chief Counsel, KDOT
John Lay, President, John Lay Signs, Inc., Wichita, KS
Kenlon Johannes, KS Soybean Association
Brad Harrelson, State Policy Director, KS Farm Bureau
Bob Totten, KS Contractors Association
Patrick Hurley, representing Economic Lifeline
Ethan Erickson, Budget Manager, KDOT
Representative John Edmonds
Kevin Lockwood, Military Vehicle Preservation Association, Great Bend, KS
Jon Snapp, Citizen, Washington, KS
Travis Bartholomew, Citizen
Tim Reed, Citizen, Olathe, KS
Stu Entz, Member of Military Vehicle Preservation Association
Carmen Alldritt, Director, Motor Vehicles Div., KS Department of Revenue
Lt. John Eichkorn, Kansas Highway Patrol

Others attending:

See attached list.

Chairman Hayzlett opened the meeting with a hearing on **Substitute SB 253**.

Sub. SB 253 - Highway advertising control act of 1972

Representative Hayzlett recognized Sally Howard, Chief Counsel for the KS Department of Transportation. (Attachment #1) According to Ms. Howard, the federal Highway Beautification Act of 1965 was enacted to control the placement of billboards along the nation's highways. The Act recognizes that outdoor advertising is a legitimate, commercial use of private property adjacent to the highway, but that the erection and maintenance of advertising signs along the highways should be regulated. The new legislation requires a permit and then requires a license for each structure that is erected.

The next proponent was John Lay, President of George Lay Signs Inc. and Vice President of the KS State Sign Association. (Attachment #2) Mr. Lay said he was here to express his support for this bill which began in the Senate in January of last year. He said last year the bill as presented would have been very damaging to their businesses but now they have worked out compromises with KDOT that will keep them in business and retain opportunities to grow while keeping Kansas in compliance with Federal mandates.

There were no other proponents and no opponents to this bill. After questions were answered the Chairman closed the hearing on **Substitute SB 253** and opened the hearing on **SB 388**.

SB 388 - Establishing Kansas qualified biodiesel fuel

The first proponent for this bill was Kenlon Johannes, CEO, KS Soybean Association. (Attachment #3) According to Mr. Johannes, the KS Soybean Association has been actively involved in the promotion of the use of biodiesel in Kansas making this effort their number one market development priority. He said the use of biodiesel has increased steadily over the past few years and is on the verge of a rapid increase in use. All

CONTINUATION SHEET

MINUTES OF THE House Transportation Committee at 1:30 P.M. on March 15, 2006 in Room 519-S of the Capitol.

of the soybased or other biodiesel sold in Kansas is imported from nearby states which ultimately increases the cost of biodiesel to Kansans and limits sales of product and the use of Kansas's agriculture feed stocks in its production.

The next proponent was Jeff Swearingen, a board member of Northeast Kansas Bioenergy. (Attachment #4) Mr. Swearingen said **SB 388** would be a big boost in helping Kansas catch up in biodiesel production. He said it would result in money directly invested in the Kansas economy, more jobs for Kansans, and hopefully an adequate supply of biodiesel for Kansas consumers who wish to use it as a lubricity agent once EPA's Ultra Low Sulfur Diesel requirements take full effect in 2007.

Brad Harrelson, State Policy Director, Governmental Relations for Kansas Farm Bureau was the next proponent for **SB 388**. (Attachment #5) He said biodiesel has a tremendous upside not only for ag producers, but also fuel consumers. He said consumption of biodiesel fuel reduces our dependence on foreign oil and enhances market demand for soybeans and other crops, which is good for Kansas agriculture, and the rural Kansas economy.

There were no other proponents so after questions the Chairman called for Opponents to **SB 388**. Chairman Hayzlett recognized Bob Totten (Attachment #6) who said their main concern was the Comprehensive Transportation Program which needs all the funding available to finish all the projects proposed in 1999. Mr. Totten said their association endorses the concept of both the biodiesel measure and the shortline railroad measure but suggest that the funding of either one of these programs be taken over by the EDIF fund or the State general fund.

There being no other opponents, Chairman Hayzlett recognized Patrick J. Hurley, representing Economic Lifelines as being neutral to this bill. (Attachment #7) According to Mr. Hurley, Economic Lifeline has no opposition to the Biodiesel Fuel Producer Incentive Fund, however, it appears that the purpose of such a fund is clearly for the economic development and expansion of this industry in the State and therefore constitutes an economic development program. He said they recommended an amendment to delete reference to the transfer being from the State Highway Fund and insert that the transfer be from the Economic Development Initiatives Fund.

Ethan Erickson, Budget Manager for the Kansas Department of Transportation, was the next to speak. (Attachment #8) Mr. Erickson said KDOT supports the use of biodiesel products and continue to increase use of them in their operations. However, he said, this bill would reduce revenues to the State Highway Fund by \$3.5 million annually and any erosion of dollars will be a detriment to completing the Comprehensive Transportation Program.

Chairman Hayzlett asked if anyone else wanted to testify on **SB 388**. After questions were answered he closed the hearing on **SB 388** and opened hearings on **HB 2882**.

HB 2882 - Historic military vehicles registration of, regulation of

The first proponent was Representative John Edmunds (Attachment #9). According to Representative Edmunds, **HB 2882** clarifies the registration status of antique military vehicles by making it clear that such vehicles are a sub-type of antique motor vehicle, subject to the same rules and restrictions as would be true of any other motor vehicle greater than thirty-five years of age. Representative Edmunds had a balloon amendment he wanted to have included which, if adopted, would make it clear the fully tracked vehicles are not to be included in the definition of antique motor vehicle.

The next proponent was Kevin Lockwood who is a member of a Military Vehicle Preservation Association. (Attachment #10) Mr. Lockwood said the surplused outdated vehicles have been used in almost every imaginable task including farming, ranching, logging, etc. Additionally, he said, no vehicle has ever been released to civilian use without first passing a review by the US State Department of Defense and Bureau of Alcohol, Tobacco, Firearms, & Explosives. Lastly, the common factor of everyone there in support of this bill is an unfailing devotion to our servicemen and women, active or honorably discharged.

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MINUTES OF THE House Transportation Committee at 1:30 P.M. on March 15, 2006 in Room 519-S of the Capitol.

Jon Snapp was the next proponent for **HB 2882**. (Attachment #11) He urged support for favorable passage of **HB 2882**. He responded to concerns from the Kansas Highway Patrol on V.I.N. Inspection and safety issues.

The next proponent was Travis Bartholomew. (Attachment #12) Mr. Bartholomew said he was before the Committee to discuss the security and military/public relations aspects of having military vehicles on the roadways of Kansas. He gave examples of some destructive activities, some involved military vehicles and some did not. Mr. Bartholomew said it just shows that it is the person and their resolve, not the vehicle used, that are the primary factors in attacks. He said another aspect of this issue is the effect these vehicles have on military/public relations and recruiting.

Tim Reed was the next proponent. (Attachment #13) Mr. Reed felt the Manager of Titles and Registrations Bureau, KS Department of Revenue, overstepped his authority with regard to the acceptance of applications for vehicle registration pertaining to the antique military vehicles. Mr. Reed also belongs to the Military Vehicle Preservation Association. He encouraged the Committee's support for **HB 2882**.

The last proponent was Stu Entz on behalf of the Board of Directors and members of the Military Vehicle Preservation Association. (Attachment #14) According to Mr. Entz, members of this association strive to represent their military vehicles historically correct and have provided vehicles and information for several *History Channel* productions as well as for some major motion pictures. Members fulfill a variety of requests from providing a tank for M-TV to vehicles for Veterans Day parades to helping the *Corgi Scale Model Company* produce a series of accurate WWII Military vehicles.

There were no other proponents and no opponents.

Chairman Hayzlett recognized Carmen Alldritt, Director, Motor Vehicle Division of the Department of Revenue, who was listed as being neutral to **HB 2882**. (Attachment #15) According to Director Alldritt last fall an individual went to an inspection station with an Indiana title, declaring the vehicle as a passenger vehicle. The vehicle was a ferret scout. Revenue Policy 06-01, dated November 18, 2005, denies applications for registration on privately owned, armored military combat vehicles. She said that passage of **HB 2882**, as written, would grant armored military vehicles, the same roadway privileges as the vehicles currently registered as Kansas antiques.

Lt. John Eichkorn was the next neutral conferee to present testimony on **HB 2882**. (Attachment #16) According to Lt. Eichkorn, this bill adds the definition of an "Antique Military Vehicle" to the current definition of an "Antique" vehicle. This would include any vehicle, regardless of the vehicle's size or weight, which was manufactured for use in any country's military forces and is maintained to represent its military design. As antique vehicles, these military vehicles would be required to be more than 35 years old, propelled by a motor using petroleum fuel, steam or electricity or any combination thereof. In addition to complications in the inspection process, their concerns include traffic safety and homeland security. He concluded by saying the Kansas Highway Patrol strongly urges the Committee to give his bill careful consideration.

The Chairman drew the Committee's attention to written testimony provided by Buck Causey, Sheriff of Barton County. (Attachment #17)

After questions were answered the Chairman closed the hearing on **HB 2882**.

It was the Chairman's desire to work **SB 558** so he opened it up to the Committee. Bruce Kinzie, from the Revisor's Office refreshed the Committee on this bill. Representative Vickrey made a motion to pass this bill favorably to the Consent Calendar. The motion was seconded by Representative Humerickhouse and the motion carried.

SB 411 was also worked by the Committee. Representative Olson made a motion to amend SB 411, (balloon amendment attached) this motion was seconded by Representative Yonally and the motion carried.

(Attachment #18)

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MINUTES OF THE House Transportation Committee at 1:30 P.M. on March 15, 2006 in Room 519-S of the Capitol.

Representative Peck made a motion to amend the fee amount in **SB 411, as amended**, this motion to amend was seconded by Representative Beamer and the motion carried.

Representative Olson made a motion to favorably pass **SB 411, as amended**. Representative Treaster seconded the motion and the motion carried.

The Chairman opened **Substitute for SB 253** to the Committee to work. Representative Humerickhouse made a motion to favorably pass this bill from Committee, seconded by Representative Olson and the motion carried.

There being no further business before the Committee the meeting was adjourned. The next meeting will be March 17, 2006, at 1:30 p.m. in Room 519-S.

HOUSE TRANSPORTATION COMMITTEE GUEST LIST

DATE: 3-15-06

NAME	REPRESENTING
Ada Barker for jeep issues the ownership of jeeps etc.	
Mary Jane Stankiewicz	KARA
SHERMAN L. TACHER	MVPA
Steve CREGUT	MVPA
Bruce ZIMMERMAN	MUPA
BRAD HARRELSON	KFB
Nathan Reed	MVPA
Derck Hein	Hein Law Firm

HOUSE TRANSPORTATION COMMITTEE GUEST LIST

DATE: 3-15-06

NAME	REPRESENTING
Sally Howard	KDOT
Ethan ERICKSON	KDOT
Mary Adams Reaster	—
ORIE NELSON	MUAP
Ken Guderkauf	KDOT
JOHN EICHKORN	KHP
CARMEN ALDRIFT	KDOR
Mark Tomb	LKM
John Pajunas	MVPA
John Entz	MVPA
Lyle Templeton	MVPA
Chester Gimo	MVPA
Ed Caskey	MVPA
GREG IRWIN	MVPA, 101ST AIRBORNE PARACHUTE ASSN.
Scott Heidner	ACEC Kansas
Jessica Casterline	Rep. George
JEWELL CARLSON	MVPA
Nelson Carlson	MVPA
Harvey M. Barbas	MVPA

HOUSE TRANSPORTATION COMMITTEE

DATE 5-15-06

NAME	REPRESENTING
JEFF SWEARINGEN	NEK BIOENERGY
Kenon Johannes	Kansas Soybean Association
Tom Palace	AKA KS STATE SIGN ASSN.
MATT ZIELSORF	LAMAR ADVERTISING
John Long	George Long Systems Inc.
BOB WARREN	MVPA / MK MVPA
Judy Cross	MVPA / MK MVPA
Darryl Pies	MVPA / MK MVPA
Travis Bartholomew	MVPA / U.S. ARMY
Kevin Lockwood	Military Vehicle Collectors
Jon C. Snapp	Military Vehicle Collectors
PE SNAPP	✓ ✓ ✓
Blair Fisher	" " "
TIMOTHY M. REED	" " "
Kiel Brunner	intern
ERIK WISNER	KS Dept. of Ag
Rick Clelland	KDOR
Edwin Martin	KDOR
Diane Albert	KDOR

KANSAS

DEPARTMENT OF TRANSPORTATION
DEB MILLER, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

**TESTIMONY BEFORE THE
HOUSE TRANSPORTATION COMMITTEE
REGARDING SUBSTITUTE SENATE BILL 253
RELATING TO THE HIGHWAY ADVERTISING CONTROL ACT OF 1972**

March 15, 2006

Mr. Chairman and Committee Members:

Good morning. I'm Sally Howard, Chief Counsel for the Kansas Department of Transportation. I appreciate the opportunity to testify on the Substitute for Senate Bill 253, which substantially modifies the Highway Advertising Control Act of 1972, K.S.A. § 68-2231, et seq..

SB 253 was introduced in the Senate Transportation Committee last year. After members of the industry voiced their concerns, the bill was tabled, and the Committee urged KDOT and the industry to work together to work out an agreed-upon bill. For months, KDOT and representatives of the industry have worked together and now stand before you in support of Substitute for Senate Bill 253 which is better for KDOT, the Outdoor Advertising Industry, and Kansas taxpayers.

The federal Highway Beautification Act of 1965 was enacted to control the placement of billboards along the nation's highways; to preserve this great country's scenic beauty. The Act recognizes that outdoor advertising is a legitimate, commercial use of private property adjacent to the highway, but that the erection and maintenance of advertising signs along the highways should be regulated. KDOT is required to enforce the Highway Beautification Act, and the Federal Highway Administration is authorized to withhold federal highway dollars if KDOT fails to do so.

Kansas initially adopted the Highway Advertising Control Act in 1972, and has not substantively reviewed the legislation since that time. Substitute SB 253 will substantially change currently existing legislation. The biggest changes that you will see are the new permitting requirements and modification of the fees paid by sign owners.

Under existing legislation no permit is required to erect a sign. Consequently, KDOT is always aware of a new sign along our highway system until after it has been erected. Unfortunately, if we later find that the sign is illegal, we must require the sign owner to remove the sign. This causes unnecessary conflict for both KDOT and the sign owner. The new legislation requires a permit, and then requires a license for each structure that is erected. This change will help KDOT determine whether signs are legal before they are erected, and will also

House Transportation
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Attachment # 1

maintain an accurate inventory of the outdoor signs that are erected on our highways, which is required by the Federal Highway Administration.

The fee structure in the proposed legislation has been revised so that, as the industry said, it is a “pay to play” system. Industry and KDOT agreed to increase the current application fee from \$5 to \$250. In addition, an increase in the renewal fees has been agreed to. Currently, KDOT charges an annual renewal fee of \$10 in each county in which the licensee operates, regardless of the size or number of signs in that county. The maximum fee that a licensee currently pays is \$250. Under this fee structure, the largest sign companies paid only thirty-four cents per sign. KDOT has worked with industry to develop a tiered structure when setting permit renewal fees. The proposed biennial renewal fees are listed below and it is estimated this fee change will generate approximately \$350,000 every two years:

<u>Fee</u>	<u>Per structure</u>
\$20	32 square feet or less
\$75	33- 300 square feet
\$150	Larger than 300 square feet

In reviewing our inventory, it appears that the majority of our license holders own one to two signs. The majority of those sign owners own signs that are less than 32 square feet, with the next largest category being the 33-300 square foot category. Those sign owners with one sign that is less than 32 square feet will not see any increase in their fees.

To minimize the impact of the new fees, Substitute SB 253 phases the fees in over a two year period. Owners of signs in our inventory prior to December 31, 2006 will pay 50 percent of the new fee in 2007, and the remaining 50 percent fee in 2008. After that time the full rate will go into effect.

This proposed legislation will allow for automatic changeable facing signs, which have been allowed in neighboring states for some time. After hearing industry concerns about vegetation control policies, we have agreed to meet with industry representatives to develop a policy and to be sure the policy is implemented within one year from the date this legislation is enacted. Substitute SB 253 also provides the sign owners the right to appeal agency decisions with which they are aggrieved.

Two amendments have been added. The first amendment requires that KDOT send notice to a sign owner by certified mail, indicating the appeal rights, prior to removing an illegal sign. The other amendment requires KDOT to annually publish a list of signs that are available to promote tourism and economic development. KDOT concurs with these amendments.

As you can see from your review of Substitute SB 253, we have nearly rewritten the Highway Advertising Control Act. I believe these changes were necessary to bring us closer to the practices of surrounding states, to help defray the cost of our administration of this Act, and to substantially improve this agency function.

Thank you Mr. Chairman. I would be happy to answer any questions.

George Lay **Signs** Inc.

(316) 262-0433

(800) 888-0433

FAX: 262-3306

Rep. Gary K. Hayzlett
Rep. John M. Faber
Rep. Margaret E. Long
Rep. Mike Burgess
Rep. Edward J. O'Malley
Rep. Barbara W. Ballard
Rep. Pat George
Rep. Jerry Henry
Rep. Julie Menghini
Rep. Richard Proehl
Rep. Louis E. Ruiz
Rep. Kay Wolf
Rep. Jim Yonally
Rep. Joe D. Humerickhouse
Rep. Robert S. Olson
Rep. Mark R. Treaster
Rep. Virginia B. Beamer
Rep. Virgil Peck
Rep. Jene Vickrey

February 16, 2006

Mr. Chairman and members of the Transportation Committee,

My name is John Lay, and I am President of George Lay Signs Inc in Wichita, and Vice President of the Kansas State Sign Association. Our association represents 30 companies in Kansas, and was formed over 30 years ago in response to changes in our industry brought about by highway beautification crusades of the 1960s. I think history is repeating itself, as I recall dinner hour conversations with my Dad 40 years ago about Lady Bird Johnson and highway beautification. Dad also made a lot of trips to Topeka when these federal mandates reached the state level in 1968, and our current billboard laws were passed. Now my kids ask "are you going to Topeka again?"

During and between all these trips to Topeka, I've spent many hours working on revisions to this bill, both in sessions with my peers, and with Ms. Howard and KDOT staff. It has been challenging to balance the interests of the smallest billboard operators – the one man shops, up through huge media groups. So to say that I'm representing a diverse group is quite an understatement. I suspect that I'm in the middle between the small and large companies as a 50 year old family owned business with 25 employees.

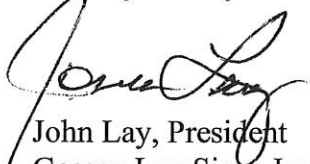
House Transportation
Date: 2-15-06
Attachment # 2

Today I'm here to express my support for Substitute SB253. This bill began in the Senate in January of last year. When I spoke to the Senate committee last February, the bill would have been very damaging to our businesses. Since then, we have worked out compromises with KDOT that will keep us in business and retain opportunities to grow our businesses, while keeping Kansas in compliance with Federal mandates. Some of these compromises have been painful to our members, and our meetings with KDOT alternated between heated and intense moments, and conciliatory ones.

We believe that what we have presented to you is a balanced bill that will:

- 1) Provide a meaningful framework to KDOT for regulation and enforcement of billboard laws
- 2) Curb abuses that have occurred under the current laws
- 3) Prohibit construction of the largest and most closely spaced billboards, while retaining limited opportunities for construction of new billboards in commercial and industrial areas
- 4) Require KDOT to "sign off" on permits for construction of new billboards on controlled routes. Under prior law, State approval was only required in certain cases
- 5) Change to a "per sign structure" permit system, to better protect the property rights of sign owners
- 6) Provide for reasonable fees to be paid to KDOT to offset costs of providing the regulatory function. The new fees will be on a "per sign" basis, instead of the current "per county" basis
- 7) Provide opportunities for billboard owners to update their sign structures to keep up with modern safety standards and production methods
- 8) Require KDOT to develop a reasonable program within a year to authorize vegetation control on the right of way near billboards
- 9) Move several enforcement issues from KDOT regulations over to the Statute, providing protection from arbitrary administrative changes by KDOT
- 10) Provide for administrative reviews on any disputes with KDOT requiring removal of signs

Thank you for your time and attention to this bill, and encourage your support.


John Lay, President
George Lay Signs Inc.



**Kansas House Transportation Committee
March 15, 2006 hearing on SB 388**

Chairman Hayzlett and members of the committee. The Kansas Soybean Association has been actively involved in the promotion of the use of biodiesel in Kansas making this effort our number one market development priority. The use of biodiesel has increased steadily over the past few years and is on the verge of a rapid increase in use. All of the soybased or other biodiesel sold in Kansas is imported from nearby states. This ultimately increases the cost of biodiesel to Kansans and limits sales of product and the use of Kansas's agricultural feed stocks in its production. Realizing the economic benefit biodiesel plants in Kansas could provide, we are encouraging the building of biodiesel production plants here so biodiesel can be made in Kansas with Kansas agriculture feed stocks.

There is a great concern that biodiesel production facilities will not be located in Kansas if we are not competitive in our ability to assist this emerging industry with incentives similar to those given in nearby states so we are here to speak in favor of SB 388. **I have attached a list developed of those considering investing in biodiesel plants in Kansas; all of them favor this bill.**

Additionally attached is the Kansas Soybean Commission's presentation to the Kansas Legislature Select Joint Committee on Energy on the **incentives provided to biodiesel and biodiesel producers in surrounding states**, as is the report on the cost of biodiesel production. **Please note the conclusion on the calculating the size of and incentive for biodiesel plants in Kansas.**

In order to compete with nearby states and the Kansas Soybean Association asks you set up a qualified biodiesel fuel producer incentive fund and adopt the 30 cent per gallon producer incentive as provided in the SB 388.

Kenlon Johannes, CEO
Kansas Soybean Association
2930 SW Wanamaker Drive
Topeka, KS 66614-4116
Phone: 785-271-1030

House Transportation
Date: 3-15-06
Attachment # 3

Proposed Kansas Biodiesel Plant start up dates and capacities

Location	Annual Capacity Million Gallons/Year	Estimated startup date based on calendar year
Lawrence (region)	30	4 th quarter of 2007
Hiawatha	30	3 rd quarter of 2007
Goodland	10-12	2 nd quarter of 2007
St. John	30	15-18 months from return of study
North Central Kansas	5	to be determined
South Central Kansas	30	3 rd quarter of 2007

These are the proposed plants known to us as of January 23, 2006. Other proposed plants may exist that are not known to the Kansas Soybean Commission and some listed may have dropped their plans to build a biodiesel plant in Kansas.

Revised January 31, 2006

Kansas Soybean Commission

Kenlon Johannes, Administrator

Requested information on other state legislature's support of biodiesel.

Report to the Kansas Legislature
Select Joint Committee on Energy
December 15, 2005

State Policy Concepts

- **Demand side policies:**
 - Requirements
 1. All diesel sold must contain biodiesel.
 2. State fleets & equipment must use biodiesel (Executive Order & legislative).
 - Financial Incentives
 1. Reimbursements for schools to use biodiesel.
 2. Excise/Sales Tax exemptions or reductions.
 - Petroleum Reduction/Renewable Portfolio Standards/Renewable Fuel Standards

State Policy Concepts

- **Supply side policies:**
 - Production Incentives
 - Tax credits for capital investments.
 - Producer Incentive Funds- per gallon grants/low - interest loan programs.
 - Blending, Distribution, Retailing Incentives
 - Tax credits for capital investments made in blending, storage, dispensing infrastructures.

State Policy Concepts

- **General Initiatives**
 - Studies examining potential benefits associated with encouraging biodiesel production & use.
 - Point of taxation, harmonize with federal point of taxation.
 - State should recognize biodiesel standard D6751 – Kansas already has this recognition

Arkansas

- 10 cent/gallon grant to qualified biodiesel producers (located within Arkansas).
 - Limited to the first 5 million gallons of biodiesel produced annually, not to exceed 5 years.
- Income tax credit for "facilities and equipment" for biodiesel suppliers (wholesale or retailers that sell in bulk) of 5% of the cost of facilities and equipment. The credits may be carried forward 3 years.
- 50 cent/gallon state fuels tax credit for biodiesel suppliers for each gallon blended into undyed diesel fuel to make up to a B2; and that is used in trade or business.

Illinois

- Sales Tax Exemption.
 - Biodiesel blends between B1 and B10 are given a partial exemption of 20%. B100 and blends above B10 are totally exempt.
 - All exemptions on all fuels end December 31, 2013.
- Executive Order requires all diesel state vehicles to use biodiesel when practical. Directs Central Management Services to procure B2 for state fleets and to increase availability of B2 for flexible fuel fleet, including the establishment of state- operated B2 filling stations.
- Fuel Cost Differential Rebate. Owners of vehicles operating on a domestic renewable fuel are eligible to apply for a fuel cost differential rebate. Rebate program is applicable to fleets.

South Dakota

- Contractors' Excise Tax-Sales Tax refund/credit.
 - Provides for a refund/credit to be taken on taxes imposed or paid for "new agriculture processing facilities" and for sales & use taxes imposed/paid on purchases of equipment for new agriculture processing facilities.

Texas

- Production grant program. Producers pay a 3.2 cents per gallon (cpg) tax into a fund. State matches by a multiplier of 5.25 cpg. The state issues grants of 20 cpg back to the plants. The net grant would equal 16.8 cpg. The producer is entitled to receive the 20 cpg for 10 years after the beginning of production. Grants are limited to 18 million gallons per year per producer per registered plant (\$3.6 million).
- The biodiesel portion of a blend is exempt from state excise tax provided the finished product is clearly identified as a blend.

For further information

- Kansas Soybean Commission
<http://www.kansassoybeans.org>
Phone: 877-KS-SOYBEAN (577-6923)
- National Biodiesel Board
<http://www.biodiesel.org>
Phone: 888-BIODIESEL (246-3437)

Kansas Legislature Select Joint Committee on Energy January 6, 2006 Hearing

The following information was requested from Kenlon Johannes, Administrator of the Kansas Soybean Commission, by the committee on the cost of producing biodiesel and an analysis of how that might effect a per gallon plant subsidy in order for a biodiesel plant in Kansas, to be competitive with plants in surrounding states. Additional information is included on the BTU content of biodiesel and diesel.

Cost of production of biodiesel:

The rule of thumb for cost of production of a gallon of biodiesel would be to take the **cost of the feedstock delivered** (soybean oil for example) to the biodiesel plant **times 7.5, which is the number of pounds of soybean oil in a gallon**, and then add the **cost of production and distribution costs**.

The **five-year average cost for crude degummed soybean oil** (central Illinois) was \$.2188 per pound. Since feedstock pretreatment and transportation cost also needs to be included, about \$.0325 per pound should be added to the average price, making the **final feedstock cost about \$.2513 per pound**.

The **cost of production could range from \$.65 to \$.90 per gallon** of B100 (100% biodiesel), depending upon the feedstock being used. Higher free fatty acid (FFA) feedstock, such as used cooking oils would be at the higher end of the cost of production scale. **Distribution and blending charges could be about \$.30 per gallon** for B100.

Using the costs above for soybean oil, the following formula would be used:

$$$.2513 \times 7.5 + $.65 + $.30 = \$2.83 \text{ per gallon of B100}$$

Beef tallow is cheaper than soybean oil (about 6-8 cents per pound) but the processing cost is on the higher, \$.90 per gallon side of the scale and it does not yield as well.

Calculating the size of an incentive for biodiesel plants in Kansas:

There is a great concern and we are hearing that biodiesel production facilities will not be located in Kansas if we are not competitive in our ability to assist this emerging industry with incentives similar to those given in surrounding states. The highly successful ethanol industry initially received a 15 cent per gallon subsidy in Kansas. The committee should consider the following when analyzing a per gallon biodiesel plant incentive in Kansas. It would make logical sense that in order to justify a production incentive similar to Missouri's 30 cents per gallon, we could use the energy content of the fuels as a basis for comparison. The BTU content for biodiesel is about 118,300 BTUs per gallon, while the BTU content for ethanol is about 76,100 BTUs per gallon. This means that biodiesel has 1.55 times more BTUs per gallon than ethanol. If the ethanol incentive started out at \$.15 per gallon, one could argue that on an equivalent BTU basis, initial biodiesel incentives could be \$.2325 per gallon (\$.15 X 1.55); to compete with Missouri a \$.30 per gallon subsidy would be required.

KANSAS HOUSE COMMITTEE ON TRANSPORTATION

S.B. No. 388 – BIODIESEL PRODUCER INCENTIVE

March 15, 2006

Mr. Chairman and Committee Members:

My name is Jeff Swearingen, and I am a board member of Northeast Kansas Bioenergy LLC (NEK BIO). NEK BIO's intent is to raise enough money to build a 30 million gallon per year biodiesel production facility in Northeast Kansas. We are in favor of S.B. No. 388.

The attached U.S. map shows the location of biodiesel plants (larger than one million gallons annual production capacity) currently in operation or under construction as of Fall 2005. As you can see, there are no plants in Kansas. A quick look at the U.S. Department of Energy website called the "Alternative Fuels Data Center" (http://www.eere.energy.gov/afdc/laws/incen_laws.html) gives us some insights as to why. For example, Minnesota is driving biodiesel production on the demand side through a state B2 mandate. Missouri is driving biodiesel production on the supply side through a production incentive of 30 cents per gallon (program capped at \$6 million annually, and that could possibly double in the coming years).

States like Indiana with no current production have decided to try and "catch up" with a production tax credit of \$1.00 per gallon (capped at \$3 to \$5 million per facility). I mentioned this fact during my testimony for this bill in front of the Senate Agriculture Committee in January of this year. Just last week on March 9, Indiana Governor Mitch Daniels announced that Louis Dreyfus Agriculture Industries LLC plans to build the world's largest biodiesel plant near Claypool, Indiana. It is a two-phase project. The first phase is a 50 million bushel soybean crush plant, and the second phase is an 80 million gallon biodiesel facility. I can't help but to believe that Indiana's legislative efforts was the catalyst that drew such huge investment capital to that state.

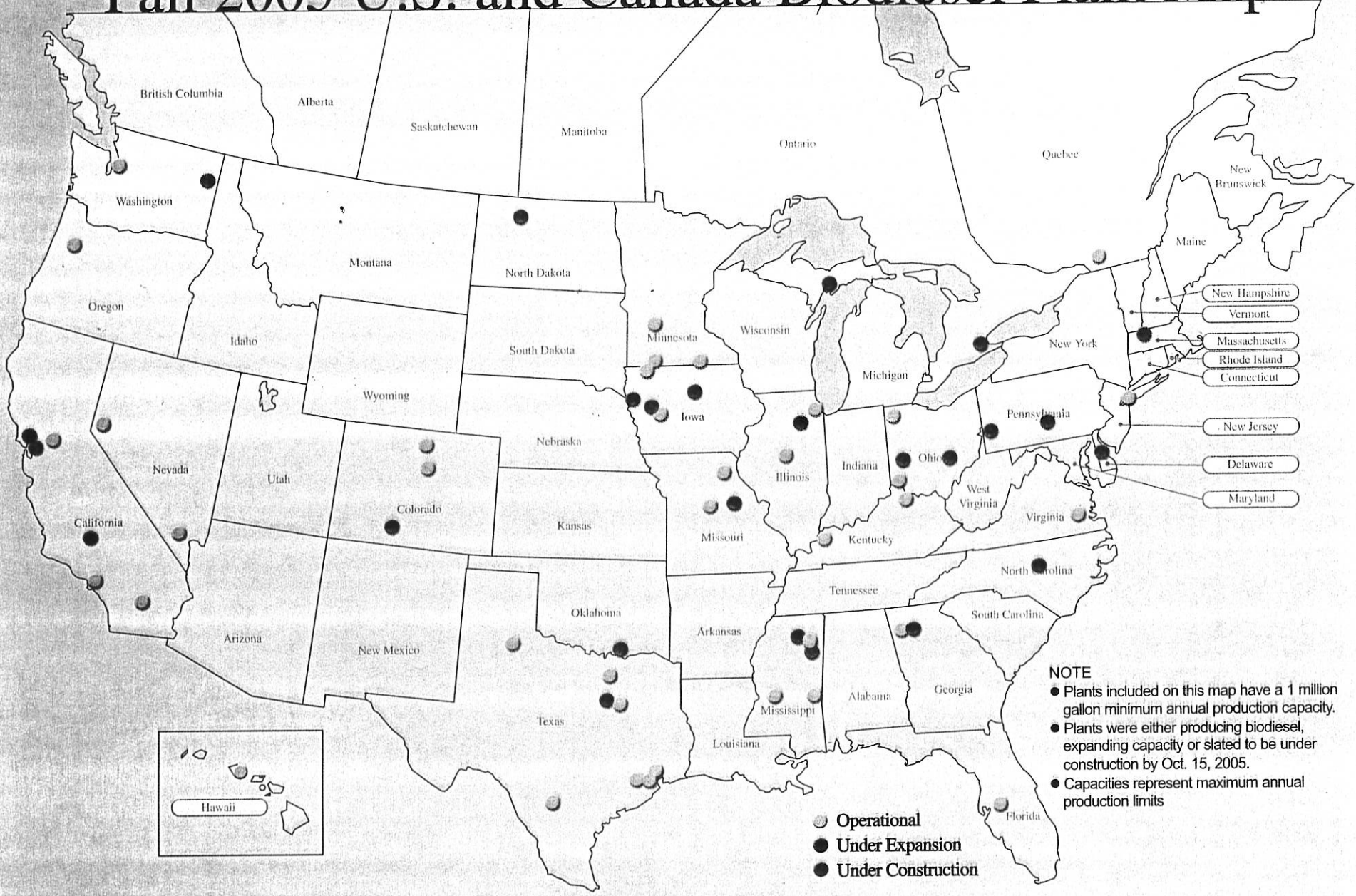
Kansas Senate Bill No. 388 would be a big boost in helping Kansas to "catch up" in biodiesel production. It will result in money directly invested in the Kansas economy, more jobs for Kansans, and hopefully an adequate supply of biodiesel for Kansas consumers who wish to use it as a lubricity agent once EPA's Ultra Low Sulfur Diesel requirements take full effect in 2007.

There is currently intense interest in biodiesel. A lot of money will be invested in biodiesel in the next year or two. The biggest question is where that money will be invested. Senate Bill No. 388 goes a long way in making sure some of that money gets invested in Kansas.

Thank you Mr. Chairman. I will be glad to answer any questions from the committee.

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Fall 2005 U.S. and Canada Biodiesel Plant Map



NOTE

- Plants included on this map have a 1 million gallon minimum annual production capacity.
- Plants were either producing biodiesel, expanding capacity or slated to be under construction by Oct. 15, 2005.
- Capacities represent maximum annual production limits

- Operational
- Under Expansion
- Under Construction



PUBLIC POLICY STATEMENT

HOUSE COMMITTEE ON TRANSPORTATION

RE: SB No. 388 – an act establishing the Kansas qualified biodiesel fuel producer incentive fund.

**March 15, 2006
Topeka, Kansas**

**Testimony provided by:
Brad Harrelson
State Policy Director
KFB Governmental Relations**

Chairman Hayzlett, and members of the House Committee on Transportation, thank you for the opportunity to appear today and offer testimony in support of SB 388. I am Brad Harrelson, State Policy Director—Governmental Relations for Kansas Farm Bureau. KFB is the state's largest general farm organization representing more than 40,000 farm and ranch families through our 105 county Farm Bureau Associations.

On behalf of Kansas Farm Bureau (KFB) I would like to extend our appreciation to the Kansas Legislature for its past support for bio-fuels. You undoubtedly share our firm commitment to this valuable, renewable energy resource. We at KFB stand ready to assist you in your mission to promote these alternative fuels.

Biodiesel has tremendous upside not only for ag producers, but also fuel consumers. Consumption of biodiesel fuel reduces our dependence on foreign oil and enhances market demand for soybeans and other crops, which is good for Kansas agriculture, and the rural Kansas economy.

As you know, our members consume large quantities of fuel, oil and fertilizer in a variety of uses ranging from running the tractor or combine, to the irrigation engine, to the application of nitrogen fertilizers that are petroleum derived products. In fact,

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within their communities, many of them purchase larger quantities of fuel than their local school district. Regularly, fuel expense is the largest input cost in overall production outlay. Farmers, as you know, operate their business without the opportunity to pass costs on to others. They are subject to receiving only what the market will pay for their commodities without regard for the costs of production. For these reasons, proactive programs that potentially lower future fuel costs are of vital importance.

A study released December 1, 2005 by the Agriculture Economics Department at Kansas State University indicates that for energy inputs (fuel and oil, irrigation energy, and fertilizer) costs in 2005 are expected to increase significantly over the previous 5-year average. The study estimates that energy and fertilizer prices across all farms will increase 2005 costs an average of \$9.30 per acre when compared to 2004. Additionally, continued spiking of prices, especially for fertilizer, will add approximately \$6.37 per acre in 2006.

Therefore, producing fuel from Kansas corn, soybeans and other grains is better long-term than continuing to rely on imported foreign oil. That's why putting new biofuels incentives in place are important to Kansas Farm Bureau. These new incentives would help us build more local demand for Kansas crops, while at the same time lowering the long-term cost of biodiesel production. It is a win-win for Kansas farmers and consumers.

The U.S. Congress approved federal tax credits for biodiesel a year ago as a part of the American JOBS Creation Act of 2004. Those biodiesel tax credits were extended to 2008 with passage of the Energy bill to ensure long-term growth for the biodiesel industry. In addition to these federal tax credits, we believe similar proactive efforts are appropriate, and needed at the state level.

In Kansas, there are currently a number of biodiesel production facilities in various stages of development now being considered. Several surrounding states have already enacted policies similar to those contemplated in this bill. To avoid further competitive disadvantage, the need to take bold and swift action is now. For these reasons, KFB supports the proposal contained in SB 388 which is a positive step and viable commitment by the state that should be seriously considered.

In conclusion, thank you for your consideration, your support of bio-fuels and Kansas agricultural producers. We stand ready to assist as you consider this important measure. Thank you.

THE KANSAS CONTRACTORS ASSOCIATION, INC.



OFFICERS

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St. Paul, Kansas

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Paola, Kansas

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Testimony

By the Kansas Contractors Association
before the House Transportation Committee

regarding

SB 388

March 15, 2006

Mr. Chairman and members of the House Transportation Committee, I am Bob Totten, Public Affairs Director for the Kansas Contractors Association. Our organization **represents over 350 companies** who are involved in the construction of highways and water treatment facilities in Kansas and the Midwest.

The Kansas Contractors Association must oppose SB 388 not for anything else except we are greatly concerned the Comprehensive Transportation Program needs all the funding available to finish all the projects proposed in 1999. Earlier this year, four Legislative committees approved the issuance of \$210 million dollars in bonds. At that time, KDOT Secretary Deb Miller said the program was very tight financially but if the bonds were approved, KDOT could complete the program as planned.

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Date: 3-15-06
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At the Kansas Contractors Association Convention held January 27, 2006, Ms. Miller said the program would be completed but that the budget is tight and that the program may have to finish on fumes but all the projects mentioned in the 1999 CTP would be completed as published.

Unfortunately for me, I have tried to drive my car on fumes and sometimes I have ended up walking to the gas station to get some more fuel to complete my trip. I fear the same may happen to KDOT. They may have to go somewhere to get additional funds to complete the program if too many hits are taken on the program as proposed today.

KDOT is already under the gun as evidenced with the problems caused by Hurricane Katrina. In October of 2005, KDOT rejected many of the project bids because the prices were higher than expected. The price of materials has increased at a rate higher than what KDOT thought it would seven years ago and therefore they rejected the bids. KDOT relet many of the jobs in January but unfortunately the prices were still higher than expected.

Even KDOT documents presented February 20 show that prices of concrete and asphalt are rising at a very substantial rate. Those increases were not part of the 1999 plan and the impact of those prices are already having an effect. I have been told by various legislators that projects in their districts have been delayed due to the price of fuel.

KDOT also showed in January 2006 in its own cash flow charts that it wouldn't have any money in its coffers when the program was completed in 2009. That was before HB 2709 passed the House..the measure which supports short line railroads in Kansas. That measure takes \$6 million from KDOT and then this measure takes another \$6-10

million dollars from KDOT . I don't understand how KDOT can fund both measures when it appears they are already short or very close to it.

As an association, we endorse the concept of both the bio diesel measure and the shortline railroad measure but we suggest that the funding of either one of these programs be taken over by the EDIF fund or the State general fund.

I thank you for your attention today.

Testimony
of
Economic Lifelines
presented by
Patrick J. Hurley

to the
House Transportation Committee
on
Senate Bill 388
on
March 15, 2006

House Transportation
Date: 3-15-06
Attachment # 7

Mr. Chairmen and Members of the House Transportation Committee:

I am Pat Hurley and I am appearing on Senate Bill 388 on behalf of Economic Lifelines.

Senate Bill 388 would create the Kansas Qualified Biodiesel Fuel Producer Incentive Fund and would direct that \$3.5 million per year be transferred from the State Highway Fund into that newly created fund.

This Committee has repeatedly heard KDOT testify that by the end of FY2009 they project essentially a zero balance. In other words, they have no flexibility to do future projects without new funding sources.

While the proposed transfer of \$3.5 million is a small amount, it nevertheless significantly impacts KDOT's ability to do future planned projects. More so, it constitutes yet another raid on the Highway Fund from the purpose for which it is statutorily intended.

We wish to make it clear that Economic Lifelines has absolutely no opposition to the subject matter of SB 388, nor to the creation of the fund proposed therein. However, it would appear to us that the purpose of such a fund is clearly for the economic development and expansion of this industry in the state of Kansas. Therefore it clearly constitutes an economic development program.

As such, we would propose that you consider one amendment to the bill. We suggest the bill be amended in the appropriate places to delete reference to the transfer being from the State Highway Fund and insert that the transfer be from the Economic Development Initiatives Fund, which is designed specifically for these types of economic development projects.

As you know, the EDIF Fund receives approximately \$50 million each year from gaming revenue and that amount is distributed annually to a variety of "economic development projects" determined by the Appropriations committees.

Historically, the House and Senate Transportation Committees have had little opportunity to speak directly to the various borrowings, modifications, and alterations to the funding packages, which were originally established to fund the 1999 Comprehensive Transportation Program.

We believe it is clearly the prerogative of this committee to do so and our suggested amendments would be one opportunity for your committee to participate directly in that decision making process by making a strong statement about protecting the existing funding sources for transportation purposes and preventing them from being used for a variety of other purposes.

By the adoption of the suggested amendment it would in no way impede the creation of the fund created in SB 388, nor would it have any adverse impact upon this industry. Rather it would simply indicate this committee's belief as to the proper source for funding such a program.

Thank you for your consideration of our testimony and proposed amendment and I would be happy to answer any questions.

KANSAS

DEPARTMENT OF TRANSPORTATION
DEB MILLER, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

TESTIMONY BEFORE THE HOUSE TRANSPORTATION COMMITTEE

REGARDING SENATE BILL 388 ESTABLISHING A BIODIESEL PRODUCER INCENTIVE FUND

MARCH 15, 2006

Mr. Chairman and Committee Members:

Good afternoon. My name is Ethan Erickson, Budget Manager for the Kansas Department of Transportation (KDOT). I appreciate the opportunity to testify on Senate Bill 388.

KDOT supports the use of biodiesel products and we continue to increase our use of them in our operations. Biodiesel purchases comprise 60-65 percent of our agency diesel fuel purchases. However, this bill would reduce revenues to the State Highway Fund (SHF) by \$3.5 million annually; and any erosion of dollars will be a detriment to completing the Comprehensive Transportation Program (CTP).

The most recent cash flow forecast for the SHF shows a zero available ending balance at the end of FY 2009. The agency is cautiously optimistic that, barring no significant changes in costs and funding, we will complete announced projects; however, further diversion of state highway funds would jeopardize completion of the CTP.

Thank you, Mr. Chairman. I would be glad to answer any questions.

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Date: 3-15-06
Attachment # 8

STATE OF KANSAS
HOUSE OF REPRESENTATIVES

STATE CAPITOL
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ROOM 171-W
TOPEKA, KS 66612
(785) 296-7681



DISTRICT OFFICE
1010 TAFT
P.O. BOX 1816
GREAT BEND, KS 67530
(620) 792-6552

JOHN T. EDMONDS
112TH DISTRICT
CHAIRMAN
COMMITTEE ON FEDERAL AND STATE AFFAIRS
LEGISLATIVE POST AUDIT COMMITTEE
JOINT COMMITTEE ON PENSIONS, INVESTMENTS AND BENEFITS
March 15, 2006

Honorable Gary Hayzlett, Chairman
House Transportation Committee

Thank you for the opportunity to appear before you in support of House Bill 2882. As you are aware, HB 2882 clarifies the registration status of antique military vehicles by making it clear that such vehicles are a sub-type of antique motor vehicle, subject to the same rules and restrictions as would be true of any other motor vehicle greater than thirty-five years of age.

There are others here who can speak more eloquently and more knowledgeably about the hobby of collecting and operating antique military vehicles. It is not my wish to supplant them, nor do I wish to use more of the Committee's time than is necessary. I do, however, wish to indicate to you that I am in full support of these hobbyists, particularly those who involve themselves and their equipment in patriotic activities such as parades, re-enactments, and so forth.

On the supposition that you may wish to work HB 2822, I would make one suggestion. The enclosed balloon amendment, if adopted, would make it clear the fully tracked vehicles are not to be included in the definition of antique motor vehicle. I don't believe that anyone truly believes that we should treat a tank as a motor vehicle. This balloon would take care of that eventuality.

Thank you for your time and attention. I will be happy to stand for questions at the appropriate time.

Sincerely,

A handwritten signature in black ink, appearing to read "John Edmonds".

John Edmonds

House Transportation
Date: 3-15-06
Attachment # 9

HOUSE BILL No. 2882

By Committee on Federal and State Affairs

2-10

9 AN ACT relating to motor vehicles; concerning antique military vehicles;
10 amending K.S.A. 8-166 and repealing the existing section.
11

12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. K.S.A. 8-166 is hereby amended to read as follows: 8-166.

14 The following words and phrases when used in this act shall for the pur-
15 pose of this act have the following meaning:

16 (a) ~~"Antique."~~ "Antique" means any vehicle, including an antique mil-
17 itary vehicle, more than ~~thirty-five (35)~~ 35 years old, propelled by a motor
18 using petroleum fuel, steam or electricity or any combination thereof.

19 (b) ~~"Person."~~ "Person" means every natural person, firm, copartner-
20 ship, association, corporation, club or organization.

21 (c) "Antique military vehicle" means a vehicle, regardless of the ve-
22 hicle's size or weight, which was manufactured for use in any country's
23 military forces and is maintained to represent its military design.

24 ~~and~~ (d) The words and phrases defined in K.S.A. 8-126 and 8-126a,
25 and amendments thereto, when used in this act shall have the meanings
26 respectively ascribed to them by ~~said~~ such sections.

27 Sec. 2. K.S.A. 8-166 is hereby repealed.

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

, except that an antique military vehicle shall not
include a fully tracked vehicle

Rep. Edmonds'
balloon amendment
for HB 2882
9-2

My name is Kevin Lockwood, I am and have been a Military Vehicle Preservation Association (MVPA) member for ten years. My wife Wendy, my two sons and I reside in Great Bend, Ks. I have been involved with restoring old vehicles since high school. In 1994, as a token of admiration to my uncle, I began rebuilding a 1941 White Motor Company Halftrack vehicle.

Vehicles, such as the ones, I and others here own are really a tangible link to generations of sacrifice and history. They often are the catalyst that brings together school children and veterans. One example was a recent history contest at a local grade school. The winners of the contest were awarded with a pizza hut lunch. Transportation to lunch was provided by one of my halftracks which easily accommodated the eight winners, the school principal and myself as driver. Students were thrilled to actually ride in a vehicle which they had only seen in wartime photos prior to this.

Owners of these rare and historic vehicles are, I would suggest, the consummate American citizen. Many of them are veterans themselves. We are business owners, doctors, attorneys, farmers, law-enforcement officers, and soldiers. We are willing to assist law-enforcement and have often times been called upon by first responders as well as emergency response teams. I myself have provided vehicles to assist our local National Guard unit in training as well as recruiting. My halftrack was called upon to help EMTs reach a heart-attack victim after all available emergency vehicles had become stuck in deep snow. My fellow volunteers have co-operated in several instances with Homeland Security, and FBI trainees at large public gatherings such as the Oklahoma City airshow.

I would ask that you consider these points: Over eighty years ago Fort Riley, as well as every other military post in the United States, began surplusizing outdated vehicles to citizens of this country. During these past years these vehicles have been put to work at almost every imaginable task including farming, ranching, logging, etc. then after being put out to pasture some lucky few have been restored to there original form. Still they are "old warhorses", proud to have served well, but lets face it not really a serious threat any longer. Technology has passed them by. Their usefulness is now in teaching our young and paying tribute to the veterans who so often go without thanks. In the many years they have labored, frolicked, or paraded upon our roads they have also amassed an exemplary safety record. Often being used to save lives when emergency services are unable to overcome a terrain obstacle. As I stand here I must question the reasons for any concern. No record of traffic safety problems exist. No record of traffic fatalities have been reported. No felony crimes have been committed. Yet here we are. ?????? In virtually all of the other States these vehicles are permitted to share the roadways with other motorists lets not make Kansas the first to punish what are probably the safest group of vehicle operators.

Two final points that I think must be stated. First no vehicle has been released to civilian use without first passing a review by the U.S. State Dept., Dept of Defense, and Bureau of Alcohol, Tobacco, Firearms, & Explosives. These vehicles have ALL PASSED. Second, All of the Kansans here today in support of these military relics have one thing

House Transportation
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in common. A unfailing devotion to our servicemen and women; active or honorably discharged.

I thank you all , committee members and concerned Kansans, for taking time to hear our testimony on this issue.

I would gladly stand to respond to any questions.

Kevin Lockwood



DEPARTMENT OF THE ARMY
101ST MILITARY HISTORY DETACHMENT
3130 GEORGE WASHINGTON BOULEVARD
WICHITA, KANSAS 67210-1598

13 February 2006

REPLY TO
ATTENTION OF

Military History Office

Honorable Gary Hayzlett
Chairman, Transportation Committee
Kansas House of Representatives
300 Southwest 10th Avenue
Topeka, Kansas 66612-1504

Dear Mr. Chairman:

Philosopher George Santayana once said, "A country without a memory is a country of madmen." As members of the 101st Military History Detachment, our mission is to preserve our military's history so it may be passed on to future generations. In doing so, we honor the memory of our veterans who sacrificed selflessly to defend our way of life.

Some of the tools we use to accomplish our mission are historical military vehicles, owned by private individuals, which augment our military activities. These historical vehicles show where we have come from as an armed force and a nation, and provide a fantastic public outreach opportunity for the military. Without them, our displays would consist of only modern equipment and would not be as effective.

It has come to our attention that your committee is in discussion of House Bill 2805. This bill, as currently written, would hinder our mission by limiting the ability to use these historic military vehicles for many of the informal opportunities for outreach that present themselves on a regular basis. Even though the owner may only be taking their vehicle for a drive down to the local restaurant, there are many opportunities to talk with members of the public about the history of the vehicle, what its purpose was, and why it is important to our history.

As military historians, we ask that all the facts be considered before limiting the use of these historical military vehicles. They are vital to our mission's success and to the enrichment of our nation's heritage.

Thank you for your consideration.

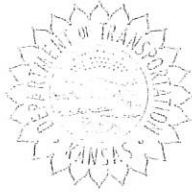
Sincerely,

Jack D. Lee

Master Sergeant, U.S. Army Reserve

J. Scott Welch

Master Sergeant, U.S. Army Reserve



FROM: John M. Clayton

DATE: January 26, 2006

RE: Vintage military vehicles

To whom it may concern;

Kevin Lockwood contacted me to ask my opinion of any problems we had noticed concerning his vintage military vehicles traveling on State and local highways. To the best of my knowledge, we have never received any complaints or concerns from anyone about those vehicles driving on the highways. Likewise, we have never noticed or been apprised of any damage to the road surface or any other part of the highway system that was, or could have been, caused by any of these vehicles, tracked or otherwise. It has been my observation that the drivers of these vehicles obey all traffic laws and are considerate of other drivers when they are on the road.

As the person in charge of highway maintenance activities on State and US highways in and around the Barton county area, I have no concerns or misgivings concerning Mr. Lockwood's vintage military vehicles traveling on any of the highways I oversee.

Sincerely,

A handwritten signature in black ink that reads "John M. Clayton". The signature is written in a cursive style with a long horizontal stroke extending to the right.

John M. Clayton
Public Service Administrator II
Ks. Dept. of Transportation
Great Bend, Ks.
620-793-5408

Department of Police

James R. Daily
Chief of Police



120 East Seventh • P.O. Box 426 • Newton, Kansas 67114-0426

February 10, 2006

To Whom It May Concern:

My name is Jim Daily. I am Chief of Police for the City of Newton, Kansas.

I am writing this letter to express my concern regarding your policy on registration of privately owned, antique military vehicles. I understand this ruling was made because of a perception that these types of vehicles are a threat to homeland security.

I have several friends who participate in an organization called Military Vehicle Preservation Association. This association is comprised of individuals who have a deep seeded respect for the sacrifices made by all of the men and women of all military branches, past and present.

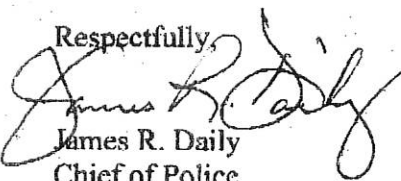
The vehicles they have chosen to restore and display in parades, schools and local events demonstrate to our children and adults their love for this nation and respect for its sacrifices. Likewise, these vehicles are displayed as a reminder that freedom isn't free. To continue their mission it is necessary that these vehicles be registered by your department.

I must point out the fact, before these vehicles can be used in a threatening fashion, the owner must have threatening thoughts. No one that I know involved with this association possesses that type of propensity.

Further, I have, over the course of time witnessed members of this association in static display at air shows and other community events and at no time did they have on these vehicles any weaponry that was functioning in its original condition.

In conclusion, I ask that you re-examine your policy and reinstate a means for these vehicles to be registered as antiques and allow the owners of these vehicles to continue to enjoy bringing history of this country to the children and adults alike.

Respectfully,

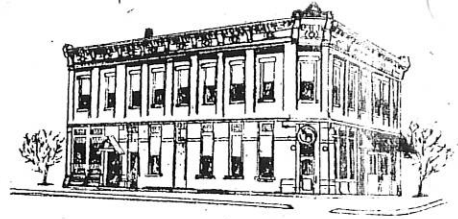

James R. Daily
Chief of Police

JRD:mj

office (316) 284-6030

fax (316) 283-2223

The City of Lindsborg



City Hall

February 08, 2005

Transportation Committee
Kansas House of Representatives
Topeka, Kansas

It has come to my attention that your committee is in discussion of House Bill 2805, which would, effectively, dissolve historical military vehicle owners' ability to tag and drive those vehicles at their leisure.

In my experience, historical military vehicle owners are law-abiding, forthright citizens and their vehicles are used only as a means to educate the public on our nation's history and to honor those veterans who served. That said, the opportunities for these historical military vehicle owners to educate and honor on a frequent basis will be severely limited by House Bill 2805. Limiting their travel to and from parades, club activities, or for maintenance purposes only allows these owners a few times a year to reach out to the community.

Many of these military vehicles are similar to civilian vehicles of the same year and, in some cases, are exactly the same. For example, the 1942 Harley Davidson WLA motorcycle is no different than a civilian Harley Davidson of that era. In fact, many of these military WLA's were converted, or "chopped," after the war to meet the demand of civilian motorcycle enthusiasts. How are we to delineate between an olive drab motorcycle and a red motorcycle of the same make, model, and year?

I ask the committee to consider all the facts before making a decision that will restrict the rights of some of our finest Kansans. These vehicles and their owners are no more of a threat to our roadways than tractor-trailers, farm trucks, or other antique vehicles and should be treated as such.

Thank you for your time and consideration.

Sincerely,


Chief Timothy Berggren
Lindsborg Police Department

Biographical sketch: Mr. Ian Wallace

Mr. Wallace worked in the criminal justice field for thirty-eight years, first as a commissioned police officer and later as an educator and training manager. He served in uniformed positions for twelve years, most of which was in traffic related positions – enforcement, collision investigation, and finally as Traffic Division Commander.

He also served as a faculty member of The Traffic Institute, Northwestern University, Evanston, Illinois with the rank of Lecturer for four years. While there Mr. Wallace helped develop the National Highway Traffic Safety Administration's model Police Traffic Radar Operator Course. He also developed and delivered numerous traffic safety programs for delivery across the United States. He currently serves on the joint National Highway Traffic Safety Administration - International Association of Directors of Law Enforcement Standards and Training Radar Training Program Curriculum Committee which developed the national standard Radar Instructor, Radar Operator, Lidar Instructor, Lidar Operator courses and speed measurement device core courses.

Mr. Wallace also served as his agency's representative on the Washington State Association of Sheriffs and Police Chiefs Traffic Safety Committee, as well as on the Washington State Traffic Safety Commission's Fatal Collision Review Committee which evaluated every fatal collision occurring in the State of Washington for causation and possible prevention measures.

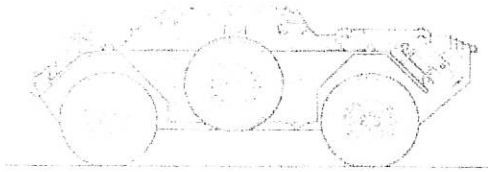
For twenty-two years Mr. Wallace served as Law Enforcement Program Manager for the Washington State Criminal Justice Training Commission with responsibility for all police traffic related in-service training courses. He managed Washington State's radar and lidar training and certification program from 1981 until 2003, and has personally trained over five hundred speed measurement course instructors. He is also a qualified collision investigation instructor and collision reconstruction expert. He has additionally served as a Defensive Driving Course Instructor for the National Safety Council. He has also served as an expert witness on behalf of the defendants (police

agencies) in numerous police training related civil court cases throughout the country.

In addition to his traffic related duties Mr. Wallace served as the Criminal Justice Training Commission's representative on the Washington State Department of Emergency Services' Committee on Terrorism. In that capacity he worked with the Committee to develop and deliver first responder training programs to police officers and other public service personnel throughout the State of Washington.

Mr. Wallace has also trained specialized traffic instructors from Alaska, Colorado, Hawaii, Idaho, Illinois, Indiana, Massachusetts, Montana, North Carolina, Nebraska, Oregon, Texas and Wisconsin. He has delivered specialized instructor programs for the National Highway Traffic Safety Administration, United States Army Military Police and Department of Defense Police, as well as delivery of a Traffic Administration Program for the government of Brazil in that country.

Mr. Wallace holds Bachelor and Master of Arts degrees in Public Administration from the University of Puget Sound, Tacoma, Washington. He also holds a Professional Lecturer Certificate from the Washington State Criminal Justice Training Commission. He retired from the State of Washington in 2003 and now lives on Ostrander, Ohio.



**IAN WALLACE
HISTORIC BRITISH MILITARY VEHICLES**

**3860 Burnt Pond Road
Ostrander, Ohio 43061-9777
(740) 666-0092
iwallace@columbus.rr.com**

To the State of Kansas Highway Patrol:

Re: My expert opinion related to the safety issues involved with the operation of a Daimler "Ferret" Scout Car

This is my professional evaluation of the safety issues which surround the operation of the Ferret on public roadways. I am a qualified expert in traffic safety issues (see curriculum vita) as well as a Ferret owner since January of 2001. I have, since acquiring my Ferret, operated it for more than four thousand five hundred miles on public roadways in the states of Washington and Ohio. This has been on some of the most congested roadways in the country (King County, Washington State) as well as the Columbus, Ohio metropolitan area.

For those not familiar with the Ferret, a short description is in order. The Ferret was developed following World War Two by the British Ministry of Defence as a two or three person military scouting and reconnaissance vehicle with the ability to provide light support for dismounted infantry. It is quite small, measuring only twelve feet in length, a width of six feet, and height of six feet, about the size of a Ford Bronco. It is lightly armored to provide crew safety, and is powered by a one hundred twenty-nine horsepower six cylinder Rolls Royce gasoline engine. The top speed of a Ferret is sixty miles per hour. It has full time four wheel drive.

At the time of development and distribution to its military forces the British Royal Armoured Corps had responsibilities throughout the British empire. Consequently the Ferret was designed to meet the requirements for operation on public streets throughout the world. As a result the Ferret has all the safety equipment required by any of the motor vehicle departments in the United States as well as foreign nations. The Ferret drives like a small heavy truck. It is responsive and easy to operate. There is no acclimation period for a new driver of the Ferret.

The Ferret driver's seating position in the crew compartment is situated in the centre of the vehicle. The driver's head is directly under the usual Ministry of Defence assigned vehicle registration number. He faces the open driver's access hatch and the two side vision hatches. The driver's seat is fully adjustable both forward and backwards, as well as up and down to fully accommodate all sizes of drivers.

When the driver has properly adjusted his seating position his head is in a location to have one hundred and eighty degree vision forward. The "A" pillars are no more an obstruction than those found in many passenger and cargo vehicles. Due to the fact that the driver is so close to his open vision areas simple movements of the head allow full observation of the traffic around him. The driver of a Ferret has as much if not more peripheral vision capability than that of the driver of a H2 "Hummer" considering the short right side window and the Hummer H2 drivers's vertical angle of side vision.

The Ferret is equipped with two front fender mounted rear view mirrors which provide the driver with the ability to clearly observe vehicles to his right and left, as well as to the rear. Once again,

Initials: _____

the Ferret driver's ability to safely observe the traffic around him is no different than in many short cab cargo trucks. There are two additional vision ports directly behind the driver which can also be used in the case of low speed parking and backing maneuvers.

I have polled the owners of Ferrets that I am aware of in the United States, England, Australia, New Zealand, Canada, Ireland, Scotland and Norway. There are approximately fifty Ferrets currently in the United States, most of which are licensed for public road driving. In the State of Washington, for example, there are eleven Ferrets, probably the most of any of the states. They are all frequently driven to and participate in various patriotic military events, car and truck shows, as well as occasional pleasure driving. Each of these Ferrets is fully insured by some of the most prestigious insurance carriers in the world such as Allstate, Metropolitan Life (MetLife), Hagerty Collector Car Insurance, J.C. Taylor Collector Car Insurance, and American Family. There are probably others, but the point here is that these insurance carriers would certainly not offer nor write a policy for any vehicle that was considered unsafe. My poll of those owners that I've been able to personally contact reveals absolutely no collisions or any other events resulting in an insurance claim. This safety record probably reflects many, many thousands of road miles driven here in the United States. Similar reports of accident free operation have come from the owners in other countries.

The Ferret owner has a unique vehicle and as such has a great respect for it. It has probably been lovingly restored and treated as a classic car collector would treat his vintage Corvette. The values are similar, and no collector/owner wants to mistreat or jeopardize his privilege to drive his priced vehicles on the streets, hence a strict attention to safe driving. The Ferret owner is likely to be above the median in education and income, and realizes the responsibility of operating a collector vehicle.

In my professional expert opinion the Daimler "Ferret" FV701 Scout Car is a perfectly safe vehicle and requires no special skills or attention to driving than any other motor vehicle.

Ian Wallace
3860 Burnt Pond Road
Ostrander, Ohio 43061
(740) 666-0092

Signature

Date

Notary Statement: On the _____ day of _____, _____, there appeared before me _____, who, in my presence, signed and dated this document.

Notary Signature: _____

Date of Notary Signature: _____

Date of Expiration of Notary's License/Commission: _____

State/Province in which Notary is Licensed/Commissioned: _____

Notary's Seal:

Initials: _____

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2

Written Testimony of Jon Snapp Concerning H. 2882 before the Kansas House Transportation Committee

March 15, 2006

First, I want to thank you for being a Kansas Legislator. It is often a time consuming and thankless job. It is public servants like you that keep our system of government running smoothly and for that, I am grateful.

Second, I urge you to support and vote for H.B. 2882 as introduced and without amendment. This bill would specifically define military vehicles over 35 years as antique vehicles in Kansas.

Third, I'd like to address the issues that the hierarchy of the Kansas Highway Patrol raised concerning military vehicles (MVs) and most particularly armored vehicles. The Patrol is a very professional law enforcement agency, respected both in and out of the state. As an attorney, I've had the occasion to both prosecute and defend cases involving KHP officers. They were always professional. However, with all due respect to the KHP command, I do not believe that they are best suited to make judgment calls on this matter. (I'd also note that rank and file KHP (patrol officers) are not necessarily in agreement with the hierarchy's opinions.)

V.I.N. INSPECTION: KHP indicates it is having a problem running VIN checks on imported (out-of-state) MVs often because it cannot locate such number on the vehicles or it cannot use the number found because they do not have enough digits/characters. This is not a problem limited to military vehicles. Most old vehicles have an abbreviated VIN or serial number. However, some old motor vehicles don't even have a VIN or chassis number at all. I'm sure my club, (the MVPA) and other old vehicle collectors and clubs in the state would be willing to work closely with KHP to develop a system/reference guide of locating such numbers and checking them. While it is not necessarily an owners' problem, I (and I'm sure others in the club) would welcome the opportunity to work with KHP to solve this problem.

SAFETY: KHP says it's interested in the safety aspect of certain armored MVs but cannot cite ANY instances of accidents involving these vehicles in private ownership. In fact there many vehicles with poor safety records but we continue to allow them to be operated on Kansas roads. Just look at top-heavy loaded grain trucks driven by 16 year olds in the rush of harvest, 40 ft. motor homes driven at high speeds in the Kansas cross winds, Explorers and Suzuki Samurais that are rollover prone, 200 MPH Corvettes, etc., etc., etc.

So far, KHP only cites one article taken from a web site of unknown origin discussing potential safety issues of one vehicle, the British Ferrett. I've talked with several owner/drivers of the specific vehicle KHP cites as a safety concern. (By the way, has anyone from KHP driven one? Has anyone from KHP been inside of one? Has anyone from KHP talked to some owners? At least until a few weeks ago, the answer to these questions was "no.") The owners/drivers indicate that while caution must be exercised in the driving of these vehicles, they are no more than driving many other common vehicles including delivery trucks. Driving is a serious

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business and vigilance with the operation of any vehicle is a requirement. These folks also uniformly say there are many other common vehicles that present much greater traffic hazards than these. Examples they cite included old Corvairs, high-speed sports cars, semi-trucks loaded with all manner of haz-mats, top-heavy cement and gravel trucks, busses, etc.

If these armored MVs are the safety issue KHP claims, surely insurance would not be available. Such is not the case, however. Not only it is available but it's available through nationally known companies. Unlike, KHP, these companies have done actuarial studies. As we all know, insurance companies are not into taking great risks, at least without the payment of big premiums first. The companies have found the risks to be low enough that they will insure such vehicles (and at reasonable rates.) Insurance companies also know that these MVs are usually someone's "baby" and are treated with great care.

HOMELAND SECURITY: I'd laugh at this issue if KHP did not appear so serious in their concerns about it. I've checked with contacts in Washington D.C. that I have at the federal level as well as hearing from with those in Army intelligence and the DIA. The Dept. of Homeland Security and the U.S. military have no interest in such vehicles for homeland security reasons. Neither do the states. Why now are KHP and the Div. Vehicles concerned about such vehicles when they have not been a problem for the past 60+ years?

KHP says armored MVs present a homeland security problem, yet could not and did not specify any situation under which one has been or would be a real threat. Lets be clear here. Is this really a homeland security issue or is this just an issue involving one or two minor events (of the potential of scaring one to two people)? Far too often, the catch phrase "homeland security" is used where it is just a minor matter not related to events that do or could affecting large numbers of people such as a terroristic threat or a natural disaster. This is exactly a case of the misuse of the "homeland security" term to hype up concern over a non-homeland security issue. Privately owned MVs are no more of a homeland security issue than KHP patrol cars. (After all, there are legitimate people that are scared of patrol cars.)

To build on this issue, there are NO recorded instances of criminal use of privately owned military vehicles in the U.S. This is so because amongst other reasons, a) these vehicles are so expensive AND time consuming to buy, restore and maintain (hence, again, they are someone's "baby" and are treated as such) that no collector would use such a piece of equipment for such a purpose; b) they are really not suited to such use as they were not designed to be an instrument of mass destruction; and c) there are so many other more common every day items that can be used as instruments of mass destruction (e.g., box cutters and Boeings; Ryder trucks, diesel fuel and fertilizer to name a few examples) that these would be a poor choice at best to use for such purposes.

Kansas Highway Patrol makes reference to turrets on some vehicles but cannot come up with a valid reason that any turreted vehicle would present a greater homeland security threat that a similar non turreted one. KHP's basic premise is that such vehicles are "scary" to some people. (I must also ask: Are such vehicles any less scary when loaded on a trailer?) I'm not aware of any military vehicle-scared folks but in our age of ultra sensitivity, I am sure if you looked long enough, you could find one or two. Just because a very few have irrational fears of an object is

not a reason to restrict such, especially based upon appearance. In fact, this statement by KHP almost seems like a First Amendment freedom of speech issue. I can assure you, I've read many more frightening editorials (both from the right and from the left) than I've seen military vehicles scaring folks on the street (and I've seen my share on the street).

KHP, as with most law enforcement agencies, is as a rule, in favor of restricting individual rights. I understand that it makes law enforcement's job that much easier. That's not necessarily good for the individual citizen, though. Just because law enforcement does not like something or it causes them some small amount of inconvenience is not necessarily a reason to restrict it. Here, with no instance of criminal misuse, KHP and the Div. Vehicles are punishing MV owners for doing nothing wrong. That is just plain wrong. Surely, KHP and Div. Vehicles have much more important things to do than worry about a few MVs.

One final note on the homeland security issue. Ben Franklin once observed "They who give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety." Homeland security is a very important issue and I'm the first to support it. However, when we restrict the law abiding for NO reason, the use of "homeland security" to restrict personal freedoms has gone way too far.

Our country was founded on the principle of trusting our private citizens to be responsible and do the right thing. We need to do that here. With regard to military vehicles of all types, history shows that the citizenry have done and that experience indicates they will continue to do the right thing. Here, KHP and the Div. Vehicles, in the guise of Policy 06-01, do not seem to trust the private citizen though. The Legislature, in this case by legislative will, needs to see that KHP and the Div. Vehicles do the right thing. The Div. Vehicles' Policy 06-01 is a solution looking for a problem and needs to be dropped. To do so, I again urge you to support and vote for H 2882 without amendment to force the dropping of that ill-conceived policy.

Thank you,

A handwritten signature in black ink, appearing to read "Jon Snapp". The signature is fluid and cursive, with a large initial "J" and "S".

Jon Snapp, Washington, Kansas

Comments for the Kansas House Transportation Committee – 15 March 2006
CW2 Travis Bartholomew, U.S. Army Reserve

Ladies and Gentlemen:

I am here to discuss the security and military/public relations aspects of having these vehicles on the roadways of Kansas.

To discuss the impact of these vehicles on our security, we have to look at the data regarding the primary causes of terrorism and security threats within our nation.

The forces behind the majority of terrorism in our country are not Islamic terrorists, religious cults, or far right para-military organizations.

Eco-terror and bio-terror groups are, far and away, the lead forces behind terrorist acts in the United States.

Since the early 1990s, eco-terror and bio-terror groups, such as the Earth Liberation Front (ELF) and the Animal Liberation Front (ALF), have claimed responsibility for nearly 1,400 separate acts of terrorism, causing more than \$115 million in damage.

Their tactics range from arson and bombs to office takeovers and letters rigged with razor blades.

Their attacks have been growing in size and frequency and their targets include research labs, restaurants, SUV dealerships, and new home developments.

Just last month, 11 members of the ELF and the ALF were indicted by the Justice Department on domestic terrorism charges.

I have provided you this information so I could tell you this: Not one military vehicle was used in any of these almost 1,400 terrorist attacks.

Some of you may remember the images of a M60 main battle tank tearing through the streets of suburban San Diego in 1995.

Shawn Nelson, an Army veteran who had battled mental illness and a drug and alcohol problem, stole the tank from a local National Guard Armory and rampaged through the streets destroying vehicles and property, but killing no one.

This is an example of what some of you may fear.

You may be afraid that one of the historical military vehicle owners will commence their own version of this tragic event, which left Mr. Nelson dead when the police opened fire into the tank once it became stuck on a highway divider.

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If you have this fear, let me tell you about two similar situations.

In the summer of 2004, Marvin Heemeyer plowed a makeshift armored bulldozer into several buildings after a dispute with city officials in Granby, CO.

Mr. Heemeyer also fired several weapons from the portholes he cut into the steel plates welded to the bulldozer's frame.

No one was killed, but the small town was left in ruins before Mr. Heemeyer committed suicide in the cab of his armored bulldozer.

In 1998, Thomas Leask stole a city-owned front-end loader and punched holes in several public buildings, knocking out water and phone services to the entire town of Alma, CO.

Mr. Leask was also armed and began his rampage by killing the former mayor of Alma.

All three of these terrible situations resulted in major property losses and loss of life.

Only one was committed using a military vehicle.

This shows us the person and their resolve, not the vehicle used, are the primary factors in determining the success of an attack.

Another aspect of this issue is the effect these vehicles have on military/public relations and recruiting.

When the military determines a piece of equipment is of no longer of any use, the equipment is either destroyed or sold.

Because of this, the military does not have functional historical vehicles, only modern equipment.

So, when the military wants to have a public outreach or recruiting event, to include historical displays, they must rely on the citizens that collect these vehicles to participate.

I have participated in several events where the military has worked with private vehicle owners to create a military timeline using equipment from the Revolutionary War until present.

These outreach/recruiting activities would not have been possible but for the individuals that own, operate, and maintain these historical vehicles.

Also, vehicle owners that drive their vehicles, on occasion, in their towns also provide informal opportunities for education and outreach.

By driving a historical military vehicle to work, the owner may have contact with several people that ask questions about the vehicle and its history.

These interactions also lend themselves to an increase in patriotism and possible military recruiting efforts.

I think back to the many times in my youth that I went to parades or met someone driving an old, military Jeep and I thought about joining the military when I came of age, and look where I am today.

The same principles behind this line of thinking are well executed throughout the military.

The Navy's "Blue Angels" and the Air Force's "Thunderbirds" exist for one, primary reason; recruiting.

Both formal and informal interactions greatly aid recruitment, and if these opportunities are hindered, recruiting will be more difficult for our armed services in the state of Kansas.

The decisions made in the recent Base Realignment and Closure (BRAC) plan were made using vast amounts of data, but one of the key factors in the BRAC Commission's decision-making process was the ability of the military to recruit in the given area.

Kansas made out quite well in the last round of BRAC, but reductions in recruitment numbers could mean a different outcome next time.

My closing comments, today, are related to my experience as a Soldier being deployed in various combat zones throughout the world.

Specifically, I would like to point out my experience in Afghanistan.

There are very few automobiles in Afghanistan that are not painted yellow.

Now, I know you are asking yourself why this is pertinent to my testimony today.

However, as it turns out, it is very pertinent.

When the Taliban took control of Afghanistan, they levied a very heavy tax on private automobiles.

The Afghan's, being the excellent problem solvers they are, discovered that taxis, shuttles, and delivery vehicles were exempt from this tax.

So, cars became taxis, vans became shuttles, and trucks became delivery vehicles.

With House Bill 2805, we have a surprisingly similar situation.

By that, I mean HB 2805 would penalize vehicle owners if their vehicle is painted green and presents a military appearance, and ignore those vehicles that may be the exact same make, model, and year that have been "civilianized."

I do not mean to infer that this committee is exhibiting Taliban-like tendencies.

My presence here, where I am allowed to have my voice heard, is evidence enough of that.

My intention is to use this example to show why I feel this legislation is off base.

Plus, I would really rather not have to paint my motorcycle yellow, with checkerboard trim.

In conclusion, I would ask this committee to strongly consider all the pros and cons of this issue before making a decision.

In my humble opinion, the policy change within the Division of Vehicles that led to this legislation was rashly made, without all of the facts.

My hope is HB 2805 will be replaced with HB 2882; a bill that will support historical military vehicles and afford them the same rights as any other antique vehicle.

Thank you for your time and the opportunity to speak today.

Representative Mike Kiegerl
2350 Golf Course Road
Olathe, KS. 66061

Dear Sir,

January 23, 2006

Enclosed is a Memorandum dated November 18, 2005, from Mr. Mathew Moser, Manager, Titles and Registrations Bureau to all County Treasurers and T&R staff concerning Privately Owned Surplus Armored Military Combat Vehicles. Mr. Moser states per KSA 8-127(a) he as the Director of Vehicles has the authority to declare policy with regard to the acceptance of applications for registration. He goes on to state these vehicles are not manufactured or intended for general transportation purposes by the public on public roads. He states how they may lack proper safety equipment, are dedicated weapons of war, and are a cause of concern for law enforcement and homeland security. He lists these vehicles to include tanks, half tracks, armored personnel carriers, self-propelled artillery, armored anti-tank and armored scout cars.

I own a 1943 M3A1 Scout Car manufactured by the White Motor Company. I spent over three years restoring this rare military vehicle to its original condition. My scout car has been licensed with an antique license plate and registered in Kansas since 1990. I pay insurance and taxes on it annually. I belong to the Military Vehicle Preservation Association. This is a worldwide antique vehicle club dedicated to the preservation of military transport. Type in MVPVA on your internet search and the national site will come up on the list. You can see this is nothing more than every day law-abiding citizens who like military vehicles.

I have driven my Scout Car to numerous air shows, parades, and veterans events. I have never been remotely close to being involved in a vehicle accident. I always receive positive responses from fellow motorists, thumbs up, victory signs, horn honks and waves. This is to include fellow law enforcement officers of numerous agencies. Oh yes, I am a Deputy Sheriff for Johnson County, Kansas. I belong to the National Sheriffs' Association, VFW Post 6654 in Desoto, KS., American Legion Post 153 in Olathe, KS., and the Heart of America Wing of the Commemorative Air Force at New Century, KS.

Military vehicles are very conspicuous. They stand out in a crowd. A terrorist is going to use a common every day vehicle to commit an act of terror with. A criminal would not want to use one of these vehicles in the commission of a crime as they would draw too much attention, and the get away would be too slow. However, these military and armored combat vehicles provide the public a chance to see a living piece of history. Most of these vehicles are kept in better condition by their current owners than they ever were in their military service.

I have discussed this matter with Sheriff Frank Denning of Johnson County, Kansas. I provided him with a copy of Mr. Moser's memorandum. Sheriff Denning agrees these vehicles are not of a law enforcement concern. Sheriff Denning intends to discuss this matter further in upcoming law enforcement meetings.

I believe Mr. Moser is out of line with his memorandum and his agenda. I have to wonder what his ideas and beliefs are based on. I am a Bronze Star recipient. I have completed an honorable military career of twenty-one years. I have worn the badge of a law enforcement officer for over thirty-two years. I took an oath long ago to uphold the laws of the Constitution and to defend this nation and the people who live here. I am insulted by Mr. Moser's remarks.

Representative John Edmonds from Great Bend, Kansas is presently looking into this matter. Members of the MVPA who live in that district have contacted Mr. Edmonds with their concerns about Mr. Moser's memorandum. I urge you to contact Mr. Edmonds and join this effort to stop an unjust act.

We expect to be able to pursue life, liberty and happiness in this country. Many of us fought for our freedom. Many others died for it. Please help right a wrong being done to honest, law abiding Americans. Your assistance in this matter will be greatly appreciated.

Respectfully,

Timothy M. Reed
SFC, USA - Ret.

14372 South Greentree Lane
Olathe, KS. 66061
PH: 913-856-8663
E-mail: topkickreed@msn.com

att 1: Memorandum dated November 18, 2005

att. 2: Kansas Statute 8-127



K A N S A S

JOAN WAGNON, SECRETARY

DEPARTMENT OF REVENUE
DIVISION OF VEHICLES

KATHLEEN SEBELIUS, GOVERNOR

MEMORANDUM

DATE: November 18, 2005

TO: All County Treasurers and T&R Staff

FROM: Mathew Moser, Manager, Titles and Registrations Bureau

SUBJECT: Privately Owned Surplus Armored Military Combat Vehicles

Pursuant to K.S.A. 8-127(a), the Director of Vehicles is vested with the authority to declare policy with regard to the acceptance of applications for registration. In addition, the Division of Vehicles is charged with exercising the administrative functions of vehicle registration and development of vehicle registration policy.

In recent months attempts have been made to register privately owned armored military combat vehicles. These types of vehicles are not manufactured or intended for general transportation purposes or use by the public on public roads. Further, they may lack proper safety equipment and pose a traffic hazard if operated on public roads. Privately owned surplus armored military combat vehicles are dedicated weapons of war with no private adaptable civilian purpose and are a cause of concern for law enforcement and homeland security. These types of vehicles include, but are not limited to: tanks, half-tracks, armored personnel carriers, self-propelled artillery, armored anti-tank and armored scout cars. Vehicles not included in this category are trucks, jeeps or other vehicles used primarily to transport persons or property, are not armored, designed to carry heavy weaponry or dedicated to engaging in combat.

The Director of Vehicles has declared it shall be the policy of the Division of Vehicles not to permit privately owned surplus armored military combat vehicles to apply for registration. However, privately owned surplus armored military combat vehicles may be operated on public roads while in parades or other local events within the guidelines established in K.S.A. 8-2002(a)(3) under the regulation of local authorities permitting processions or assemblages on the highways.

If you have any questions or need additional information about this policy, please feel free to contact me at (785) 296-2571.

06-004

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8-127

Chapter 8.--AUTOMOBILES AND OTHER VEHICLES

Article 1.--GENERAL PROVISIONS

8-127. Registration of vehicles operated in this state; exceptions; temporary operation of certain vehicles without registration, when. (a) Every owner of a motor vehicle, motorized bicycle, trailer or semitrailer intended to be operated upon any highway in this state, whether such owner is a resident of this state or another state, or such motor vehicle, motorized bicycle, trailer or semitrailer is based in this state or another state shall, before any such vehicle is operated in this state, apply for and obtain registration in this state under the provisions of K.S.A. 8-126 to 8-149, inclusive, and acts amendatory thereof or supplemental thereto, except as otherwise provided by law or by any interstate contract, agreement, arrangement or declaration made by the director of vehicles.

(b) Any truck or truck tractor bearing registration of a state other than Kansas which is engaged in intrastate movements within this state shall have Kansas registration, except such vehicles which are registered under the provisions of K.S.A. 8-1,101 to 8-1,123, inclusive, and amendments thereto, and except such vehicles as are entitled to engage in intrastate movements within this state under any interstate contract, agreement, consent, arrangement or declaration made by the director of vehicles.

(c) Whenever any person has a current motorcycle, motorized bicycle, passenger vehicle, truck or truck tractor registration and license plate for a vehicle which has been sold, traded or otherwise disposed of not later than 30 days, inclusive of weekends and holidays, after acquiring another motorcycle, motorized bicycle, passenger vehicle, truck or truck tractor to which the registration and license plate will be transferred and such person has complied with all of the conditions precedent to the transfer of the registration except having the registration transferred in the office of the county treasurer, such person may operate the motorcycle, motorized bicycle, passenger vehicle, truck or truck tractor acquired for a period of not to exceed 30 days, inclusive of weekends and holidays, after acquiring the same and pending transferral of registration and license plate in the office of the county treasurer by displaying the motorcycle license plate on the motorcycle acquired, the motorized bicycle license plate on the motorized bicycle acquired, the passenger vehicle license plate on the passenger vehicle acquired, or the truck or truck tractor license plate on the truck or truck tractor acquired. If the acquired vehicle is a new vehicle, such person also must carry and have in possession the assigned certificate of title or bill of sale when operating the acquired vehicle during said thirty-day period.

History: L. 1929, ch. 81, § 5; L. 1955, ch. 44, § 1; L. 1963, ch. 48, § 2; L. 1968, ch. 180, § 1; L. 1971, ch. 16, § 1; L. 1971, ch. 17, § 1; L. 1978, ch. 30, § 1; L. 1980, ch. 29, § 1; L. 1985, ch. 43, § 3; July 1.

An Overview of the Military Vehicle Preservation Association

Good morning/afternoon, my name is Stu Entz. I would like to thank you for this opportunity to speak to you on behalf of the Board of Directors and 10,000 members of the Military Vehicle Preservation Association.

Established in 1976, the MVPA's mission is: *To provide an international organization for military vehicle enthusiasts, historians, preservationists and collectors interested in the acquisition, restoration, preservation, safe operation, public education and display of historic military transport.*

The backbone of the MVPA is its 62 affiliate groups located in 36 states, 2 of which are in Kansas and represented here today. In addition we have 22 international affiliates located in 12 countries from Canada to Australia, Brazil to Japan. The MVPA is aligned with some of the largest military vehicle groups in the world like the MVCC Italia and the Military Vehicle Trust in England.

Our members travel the world to take part in military vehicle events such as the 50th and 60th Anniversary celebrations of D-Day in Normandy France. The MVPA sponsored 1900-mile convoy in WWII military vehicles from Edmond Alberta Canada to Fairbanks Alaska to commemorate the 50th anniversary of the Alcan Highway, and we participated in the dedication of the National WWII Memorial in Washington DC.

MVPA members strive to represent their military vehicles historically correct and have provided vehicles and information for several *History Channel* productions as well as major motion pictures like *The "Thin Red Line"* and the upcoming *"Flags of Our Fathers"*. MVPA members fulfill a variety of requests from a providing a tank for M-TV to vehicles for Veterans Day parades to helping the *Corgi Scale Model Company* produce a series of accurate WWII military vehicles.

The Military Vehicle Preservation Association hosts the largest gathering of historic military vehicles and vendors in the United States at our annual convention each summer. This year it will be held in Dayton Ohio at Wright State University and we are expecting over 250 vehicles to be on display, from bicycles to tanks. Several thousand MVPA members will attend the 3-day event and we welcome the public as we are eager to share these marvelous machines and the importance of preserving this part of our history for future generations to experience.

Safety is a top priority for the MVPA and in 30 years of operations we have never had a major accident. We have a national safety chairperson; currently Lee Holland of Chester, Virginia and we publish safety articles regularly in both our publications, *Army Motors* and *Supply Line*. They are respected world wide as the source for correct information regarding the military vehicle hobby, and *Army Motors* is in the reference rooms of several public libraries including New York and Los Angles.

The Military Vehicle Preservation Association is a not-for-profit organization operating solely on membership dues, no government funding. Yet through a labor of love and some skinned knuckles it is the dedicated members of the MVPA who are responsible for restoring what our government once developed but no longer needs or has the resources to preserve. I think you will agree, history "in action" is much more interesting than words on a page.

Again, I would like to thank you for your time. I would be glad to answer any questions or provide you with additional information.

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K A N S A S

JOAN WAGNON, SECRETARY OF

DEPARTMENT OF REVENUE
DIVISION OF VEHICLES

KATHLEEN SEBELIUS, GOVERNOR

TO: Chairman Gary Hayzlett
Members of the House Transportation Committee

FROM: Carmen Alldritt, Director
Division of Vehicles

DATE: March 15, 2006

SUBJECT: House Bill 2882 – Historic Military Vehicles

Last fall, an individual went to the inspection station with an Indiana title, declaring the vehicle as a passenger vehicle. The vehicle was a ferret scout. A ferret is a British Army, Armored car. At that time, the Division of Vehicles denied registration. Our policy 06-01, dated November 18, 2005, denies applications for registration on privately owned, armored military combat vehicles.

Immediately, I began receiving email, mail and phone calls from out of state owners of ferrets. I know most of you have been receiving email and lots of questions from your constituents.

Early in the Session, Lt. Eichkorn and I met with Chairman Hayzlett and Representatives Edmonds and Bethell. As a result of that meeting, HB2805 was proposed. In February we met at the Department of Revenue, with a number of owners and collectors of historic military vehicles.

The intent, from the beginning, was never to deny the jeeps, ambulances, half- tracks, etc. the mobility they currently enjoy. These vehicles are registered with regular tags, personalized plates or antique plates. In Kansas, antique vehicles are allowed to operate 365 days a year 24 hours a day. Most other states allow very restricted use of antique vehicles such as to and from an event, the repair shop and only during daylight hours. Missouri allows limited mileage during the year and the owner must keep a detailed log.

It should be noted, that passage of HB2882 as written, would grant armored military vehicles, the same roadway privileges as the vehicles currently registered as Kansas antiques.

A few days ago, as most of you are aware, Chairman Hayzlett, Representatives Huelskamp and Edmonds, arranged for us to see the ferret up close. I actually got to ride around on it, thanks to Mr. Warren from Conway Springs and the other folks that came in for the afternoon. The ferret reminded me of a heavy- duty enclosed dune buggy. As we were driving around the area I asked the driver what he did with his ferret. He told me he liked to get to and from the parades in town and drive to the parts store. He usually trailers the ferret to an event.

House Transportation
Date: 3-15-06
Attachment # 15

FERRET HEAVEN

BEING AN ACCOUNT OF THEIR OWNERS, HISTORY, MODELS AND



Dedicated to those members of the 9th/12th Royal Lancers who have died in the service of their country. All are missed but we especially remember

- + -

Fred Freestone, Stewart Sloane, John Michir
Tom Doyle, Paul Oram, Sean Prendergast
Michael Biela, Stefan Broome, Michael Vert

- + -

This web site is also dedicated to the many people who have served, and are still serving, as Ferret crew members and to those who now own these vehicles which, after many years service, are now in retirement and fascinating generations of military vehicle enthusiasts.

PHOTO ALBUM	THE FERRET	OWNERS AREA	MAILING LIST	V
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This page was last updated on 09/08/2005 04:31:08



K A N S A S

WILLIAM R. SECK, SUPERINTENDENT

KANSAS HIGHWAY PATROL

KATHLEEN SEBELIUS, GOVERNOR

**Testimony on HB 2882
To
House Transportation Committee**

**Presented by
Lieutenant John Eichkorn
Kansas Highway Patrol**

March 15, 2006

Good afternoon, Mr. Chairman and members of the committee. My name is Lieutenant John Eichkorn and on behalf of Colonel William Seck and the Kansas Highway Patrol, I appear before you today to comment on House Bill 2882.

HB 2882 is a relatively simple bill that adds the definition of an "Antique Military Vehicle" to the current definition of an "Antique" vehicle. This would include any vehicle, regardless of the vehicle's size or weight, which was manufactured for use in any country's military forces and is maintained to represent its military design. As antique vehicles, these military vehicles would be required to be more than 35 years old, propelled by a motor using petroleum fuel, steam or electricity or any combination thereof. Amendments to K.S.A. 8-166 found in HB 2882 would virtually give all military vehicles fitting the definition, including tanks and other heavily armored combat equipment, the same privileges as currently defined antique vehicles, such as a 1957 Chevrolet or a 1964 ½ Mustang.

Registration of heavily armored combat equipment was recently brought to the Patrol's attention after an out-of-state British Ferret Scout was brought into Kansas and its owners sought State vehicle registration. During that process, the Patrol was asked to perform a vehicle identification number inspection in accordance with State law. Difficulties arose as inspectors were unable to verify identification numbers. To our knowledge, there are no National standards for identification numbers, showing important details such as product information and number location. Because of this, difficulties exist when trying to identify stolen property coming into the State and the possibility of other criminal activities. Current inspection processes include verification of identification numbers for vehicles listed in resources provided by the NICB (National Insurance Crime Bureau.) Currently, the Patrol is able to inspect civilian-owned surplus military vehicles that were manufactured or partially produced by motor vehicle manufacturing companies such as Jeep, General Motors, or Chrysler.

On February 14 of this year, the Patrol joined the Department of Revenue, the Department of Transportation, legislators and owners of surplus military equipment and other interested parties in a

ing to discuss the registration and use of this type of equipment on publicly maintained roadways. The meeting helped shed light on all sides of this issue. Members of the Patrol in attendance appreciated the opportunity to participate in the discussion and to voice some of the concerns we have about the inspection process and operation of some of this equipment on Kansas' roadways.

In addition to complications in the inspection process, our concerns include traffic safety and homeland security. For example, if a piece of heavily armored combat equipment would be involved in a crash with a smaller motor vehicle, such as a Mitsubishi Eclipse or VW Beetle, chances of severe or fatal injury could increase significantly. We also have concern for the safety of the operator of the equipment. If they become trapped, how do we get them out? Will the Jaws of Life work on an armored hatch? Limited visibility out of heavily armored combat equipment could also create a dangerous situation. In relation to Homeland Security, the Patrol is concerned that tanks and heavily armored combat equipment traveling on public streets might create public anxiety, especially during elevated threat levels. Since 9/11, Americans are much more aware of their surroundings and that we are not immune to terrorist activities. For example, a low flying airplane is now a cause for concern for most Americans, when before 9/11 it would have gone virtually unnoticed.

The Kansas Highway Patrol strongly urges this committee to give House Bill 2882 careful consideration. The Patrol appreciates the opportunity to address you today, and I will be happy to answer any questions you may have.

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BARTON COUNTY SHERIFF'S OFFICE

1416 Kansas
GREAT BEND, KANSAS 67530



BUCK CAUSEY
Sheriff

Phone (620) 793-1876
FAX (620) 793-1885

GARY VAUGHAN
Undersheriff

March 14th, 2006

To Whom It May Concern:

I have been an active law enforcement officer for thirty-four years, twenty-eight years with Kansas Highway Patrol, Chief of Police Pratt for one year and presently Sheriff of Barton County, beginning the sixth year. My experience has been that people who own retired military vehicles are active in clubs such as MVPA, Military Vehicle Preservation Association, which is a highly respected organization. These vehicles are displayed in parades, schools and local events, teaching children and reminding adults part of the history of this great State and Nation in which we live. This is a vital function in our community to remind citizens to appreciate the freedom we have. To operate in functions listed above these vehicles obviously need to be registered. I also believe that continued registration of these vehicles would be a positive issue for homeland security. If their were ever an incident of terrorism involving a retired military vehicle we would have a place to begin an investigation, due to the availability of all registered owners. The vehicles will exist whether registered or not. Accountability would be a very positive issue for the safety of our state and citizens.

I respectfully ask that you work towards passing legislation that will allow retired military vehicles to continue to be registered. Retired military vehicles need to be accounted for and required registration accomplishes this.

Respectfully,

Buck Causey, Sheriff
Barton County

House Transportation
Date: 3-15-06
Attachment # 17

SENATE BILL No. 411

By Committee on Transportation

1-19

9 AN ACT regulating traffic; concerning vehicles engaged in highway con-
10 struction or maintenance operations; amending K.S.A. 8-1520a and 8-
11 1531 and K.S.A. 2005 Supp. 8-2118 and repealing the existing sections.

providing for certain traffic infractions;

and 66-1,130

12
13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 8-1520a is hereby amended to read as follows: 8-
15 1520a. (a) The driver of a vehicle shall not overtake and pass another
16 vehicle when approaching within 100 feet of:

17 (1) A stationary authorized emergency vehicle on a highway that con-
18 sists of two lanes carrying traffic in opposite directions, when the author-
19 ized emergency vehicle is making use of visual signals meeting the
20 requirements of K.S.A. 8-1720, and amendments thereto, or subsection
21 (d) of K.S.A. 8-1722, and amendments thereto; or

22 (2) a stationary authorized vehicle which is obviously and actually
23 engaged in work on a highway that consists of two lanes carrying traffic
24 in opposite directions, when such vehicle displays flashing lights meeting
25 the requirements of K.S.A. 8-1731, and amendments thereto.

26 (b) From and after the effective date of this act, and prior to July 1,
27 ~~2001~~ 2007, a law enforcement officer shall issue a warning citation to
28 anyone violating the provisions of *paragraph (2)* of subsection (a).

29 (c) This section shall be part of and supplemental to the uniform act
30 regulating traffic on highways.

31 Sec. 2. K.S.A. 8-1531 is hereby amended to read as follows: 8-1531.

32 (a) The driver of a vehicle shall yield the right-of-way to any authorized
33 vehicle or pedestrian actually engaged in work upon a highway within any
34 road construction zone, as defined in K.S.A. 8-1458a, indicated by official
35 traffic-control devices.

36 (b) The driver of a vehicle shall yield the right-of-way to any author-
37 ized vehicle which is obviously and actually engaged in work upon a high-
38 way whenever such vehicle displays flashing lights meeting the require-
39 ments of K.S.A. 8-1731, and amendments thereto.

40 (c) The driver of a motor vehicle upon approaching a stationary au-
41 thorized vehicle which is obviously and actually engaged in work upon a
42 highway, when such authorized vehicle is displaying flashing lights meet-
43 ing the requirements of K.S.A. 8-1731, and amendments thereto, shall do

z411h1.pdf

Rep. Olson's

balloon amendment
for SB 411
House Transportation
3-15-06
Attachment 18

18-2

1			5001 to 7500 7e per pound
2			7501 and over ... 10e per pound
3	Exceeding gross weight on any axle or tandem,	8-1908	Pounds Overweight
4	triple or quad axles		up to 1000 \$25
5			1001 to 2000 3e per pound
6			2001 to 5000 5e per pound
7			5001 to 7500 7e per pound
8			7501 and over ... 10e per pound
9	Failure to obtain proper registration, clearance	66-1324	\$272
10	or to have current certification		
11	Insufficient liability insurance for motor	66-1.128	\$122
12	carriers	or 66-1314	
13	Failure to obtain interstate motor fuel tax	79-34,122	\$122
14	authorization		
15	No authority as private or common carrier	66-1,111	\$122
16	Improper equipment	66-1,129	\$52
17	No current driver's daily log	66-1,129	\$52
18	Invalid or no physical examination card	66-1,129	\$52

19 (d) Traffic offenses classified as traffic infractions by this section shall
 20 be classified as ordinance traffic infractions by those cities adopting
 21 ordinances prohibiting the same offenses. A schedule of fines for all
 22 ordinance traffic infractions shall be established by the municipal judge
 23 in the manner prescribed by K.S.A. 12-4305, and amendments thereto.
 24 Such fines may vary from those contained in the uniform fine schedule
 25 contained in subsection (c).

26 (e) Fines listed in the uniform fine schedule contained in subsection
 27 (c) shall be doubled if a person is convicted of a traffic infraction, which
 28 is defined as a moving violation in accordance with rules and regulations
 29 adopted pursuant to K.S.A. 8-249, and amendments thereto, committed
 30 within any road construction zone as defined in K.S.A. 8-1458a, and
 31 amendments thereto.

32 (f) For a second violation of K.S.A. 8-1908 or 8-1909, and
 33 amendments thereto, within two years after a prior conviction of K.S.A.
 34 8-1908 or 8-1909, and amendments thereto, such person, upon conviction
 35 shall be fined 1½ times the applicable amount from one, but not both,
 36 of the schedules listed in the uniform fine schedule contained in
 37 subsection (c). For a third violation of K.S.A. 8-1908 or 8-1909, and
 38 amendments thereto, within two years, after two prior convictions of
 39 K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon
 40 conviction shall be fined two times the applicable amount from one, but
 41 not both, of the schedules listed in the uniform fine schedule contained
 42 in subsection (c). For a fourth and each succeeding violation of K.S.A. 8-
 43 1908 or 8-1909, and amendments thereto, within two years after three

Violation of motor carrier safety rules
 and regulations, except for violations
 specified in subsection (b)(2) of K.S.A.
 66-1,130, and amendments thereto

66-1,129

\$100

1 prior convictions of K.S.A. 8-1908 or 8-1909, and amendments thereto,
2 such person, upon conviction shall be fined 2½ times the applicable
3 amount from one, but not both, of the schedules listed in the uniform
4 fine schedule contained in subsection (c).

5 Sec. 4. K.S.A. 8-1520a and 8-1531 and K.S.A. 2005 Supp. 8-2118 are
6 hereby repealed.

7 Sec. 5. This act shall take effect and be in force from and after its
8 publication in the statute book.

Sec, 4. K.S.A. 2005 Supp. 66-1,130 (see attached)

And by renumbering the remaining sections accordingly

and 66-1,130

18-3

Sec. 4. K.S.A. 2005 Supp. 66-1,130 is hereby amended to read as follows: 66-1,130. (a) Except as provided in subsection (b), every carrier to which this act applies and every person who violates or who procures, aids or abets in the violating of any provision of this act, or who fails to obey any order, decision or rule and regulation of the commission, or who procures or aids or abets any person in his failure to obey such order, decision or rule and regulation, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not exceeding \$500.

(b) (1) Every carrier who violates the provisions of K.S.A. 66-1,111 or 66-1,128, and amendments thereto, or violates rules and regulations adopted pursuant to K.S.A. 66-1,129, and amendments thereto, ~~relating to improper equipment, no current driver's daily log or invalid or no physical examination card~~ except for violations specified in paragraph (2), shall pay a fine in accordance with K.S.A. 8-2118, and amendments thereto.

(2) The following violations of rules and regulations adopted pursuant to K.S.A. 66-1,129, and amendments thereto, shall be deemed misdemeanors under subsection (a):

- (A) All hazardous materials violations;
- (B) false report of drivers' record of duty status (49 C.F.R. 395.8(e));
- (C) driver uses or is in possession of drugs (49 C.F.R. 392.4(a));
- (D) possession, use or under influence of alcohol four hours

prior to duty (49 C.F.R. 392.5(a));

(E) violation of out-of-service order for alcohol violation (49 C.F.R. 392.5(c)(2));

(F) fraudulent records (49 C.F.R. 390.35);

(G) failing to comply with an unsatisfactory safety rating, out-of-service (49 C.F.R. 385.13(d));

(H) failing to comply with imminent hazard, out-of-service order (49 C.F.R. 385.72(b));

(I) operating in interstate commerce on or after out-of-service order (49 C.F.R. 385.325(c));

(J) refusal to submit to a required alcohol or controlled substance test (49 C.F.R. 382.211);

(K) assistance in investigations and special studies (49 C.F.R. 390.15);

(L) refusal to allow inspections of motor vehicles in operation (49 C.F.R. 396.9);

(M) interstate driver under 21 years of age (49 C.F.R. 391.11(b)(1));

(N) non-english speaking driver (49 C.F.R. 391.11(b)(2));

(O) driving a commercial motor vehicle while disqualified (49 C.F.R. 391.15(a));

(P) unsafe operations of commercial motor vehicle forbidden (49 C.F.R. 396.7);

(Q) failure to correct defects noted on inspection report (49 C.F.R. 396.9(d)(2));

(R) carrier requiring or allowing operation of vehicle

driver under influence of alcohol or drugs (49 C.F.R. 392.5(b)(1) and (2));

(S) railroad grade crossing, stop required (49 C.F.R. 392.1);

(T) driving commercial motor vehicle after placed out-of-service (49 C.F.R. 395.13(d)); or

(U) inspection, repair and maintenance, parts and accessories (49 C.F.R. 396.3(a)(1)).