

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Gary Hayzlett at 1:30 P.M. on March 17, 2006 in Room 519-S of the Capitol.

All members were present except:

Representative Jerry Henry- excused  
Representative Rob Olson- excused  
Representative Ed O'Malley- excused  
Representative Jim Yonally- excused

Committee staff present:

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

Conferees appearing before the committee:

Randy Allen, KS Ass'n of Counties - Speaking for Daryl Lutz, P.E., Butler Co. Director of Public Works/County Engineer and Chairman of the KCHA Legislative Committee  
Adrian Polansky, Secretary of the Department of Agriculture  
Duane Simpson, Vice President of Government Affairs, Association of Ethanol Processors  
Jere White, Executive Director, KS Corn Growers Association and KS Grain Sorghum Producers  
Chris Maurich, Lobbyist, ABATE of Kansas, Inc.  
Tim Gates, District Representative of ABATE of Kansas, Inc.

Others attending:

See attached list.

Chairman Hayzlett called the meeting to order and opened **SB 510**.

**SB 510 - Road and highways, classification thereof**

Mr. Lutz was unable to come to the Committee meeting so Randy Allen, KS Association of Counties, provided Mr. Lutz testimony (Attachment #1) to the Committee. According to Mr. Lutz' testimony, this bill would correct a minor technical correction to the road classification statutes amended during the 2005 legislative session. He said the technical corrections are being proposed after KDOT discovered an omission in the county road classification statutes and in the federal aid funding statutes.

There were no other proponents and no opponents so the Chairman closed the hearing on **SB 510** and opened the hearing on **SB 544**.

**SB 544 - Motor-vehicle fuel taxation, rates, ethanol blends**

Secretary of Agriculture, Adrian Polansky, was the first proponent on this bill. (Attachment #2) According to Secretary Polansky, because the energy content of E85 is somewhat less than regular gasoline, its users are being taxed at a higher rate per mile driven than users of regular gasoline or E10. **SB 544** would reduce the motor vehicle fuel tax rate on E85 from 24 cents a gallon to 17 cents per gallon effective January 1, 2007.

The next proponent was Duane Simpson, representing the Association of Ethanol Processors. (Attachment #3) Mr. Simpson said **SB 544** would reduce E85 motor fuel taxes by \$0.07 per gallon. He said the tax on E85 should reflect the number of miles driven not the number of gallons consumed. And that users of E85 would have to purchase approximately 29% more fuel to travel the same number of miles as regular unleaded. He concluded by saying **SB 544**, as written, will treat E85 fairly and promote more ethanol use in the state with a negligible cost to the state highway fund.

Chairman Hayzlett recognized Jere White, representing the Kansas Corn Growers Association and KS Grain Sorghum Producers Association. (Attachment #4) According to Mr. White, in Kansas where the state motor fuel tax is the same for gasoline and E85 and based on a per gallon fee, the E85 user is being unfairly penalized by electing to purchase E85 instead of gasoline. He said this would, rather than encourage the use

CONTINUATION SHEET

MINUTES OF THE House Transportation Committee at 1:30 P.M. on March 17, 2006 in Room 519-S of the Capitol.

of a cleaner-burning, renewable-based, American-made gasoline alternative, it would result in the E85 user paying more per mile in road taxes than gasoline or diesel fuel users.

Chairman Hayzlett drew the Committee's attention to written testimony provided by Tony Reinhart, on behalf of Ford Motor Company. (Attachment #5)

There was also written testimony provided by Leslie Kaufman, representing the Kansas Cooperative Council. (Attachment #6)

There were no other proponents and no opponents. After questions were answered the Chairman closed the hearings on **SB 544** and opened hearings on **HB 2296**.

**HB 2296 - Traffic regulations, height of motorcycle handlebars**

Chairman Hayzlett recognized Chris Maurich, representing ABATE of Kansas, as the first proponent for **HB 2296**. According to Mr. Maurich (Attachment #7) ABATE wishes to remove handlebar height limitations/restrictions from current law. He said the handlebar height issue has never proven to be a safety issue, as a rider would be physically able to ride only what bars he/she can fully utilize while on the other hand, bars that are too short can cause serious conditions. Mr. Maurich said that a tall rider will have difficulty turning handlebars that are short due to interference with the knees on sharp, tight turns, also, the configuration or design of the motorcycle fuel tank or the angle of the frame must be considered.

The next proponent was Timothy Gates also representing ABATE of Kansas. (Attachment #8) He said they felt with the growing popularity of motorcycling these days and the major diversification among riders, the ability and freedom to select and or design a bike to fit ones taste and body size should be left up to the individual motorcyclists or the motorcycle manufacturer.

There were no additional proponents and no opponents. After questions were answered Chairman Hayzlett closed the hearings on **HB 2296**.

It was the Chairman's desire to work **SB 510** so he opened it up to the Committee. Representative Ruiz made a motion to favorably pass this bill to the consent calendar. This motion was seconded by Representative Beamer and the motion carried.

The Chairman opened **SB 544**. The Secretary of Revenue asked the Committee to amend this bill in response to the possible outcome of a Kansas Supreme Court decision. This amendment is the provision of the bill which would ensure that the tax on motor fuels or special fuels would be paid by out-of-state importers.

After discussion Representative George made a motion to amend this bill with the language presented, Representative Humerickhouse seconded the motion and the motion to amend carried.

Representative Menghini made a motion for an amendment for some technical changes regarding the effective date of this bill, Representative Vickrey seconded the motion and the motion carried.

Representative Peck made a motion to favorably pass **SB 544, as amended**, Representative Beamer seconded the motion and the motion carried.

Chairman Hayzlett opened **HB 2882** to the Committee. Representative Edmonds had an amendment to clarify the language to indicate that fully-tracked vehicles (like tanks) are not considered antiques. Representative Vickrey made a motion to amend **HB 2882**, to exclude fully-tracked vehicles, the motion was seconded by Representative Humerickhouse and the motion carried.

Representative Long made a motion to favorably pass **HB 2882, as amended**, the motion was seconded by Representative Ruiz and the motion carried.

Chairman Hayzlett opened **SB 388**. Chairman Hayzlett made a motion for an amendment to say the money will come out of the EDIF fund, the motion was seconded by Representative Menghini, motion carried.

CONTINUATION SHEET

MINUTES OF THE House Transportation Committee at 1:30 P.M. on March 17, 2006 in Room 519-S of the Capitol.

Representative Humerickhouse made a motion for a technical amendment, the motion was seconded by Representative Vickrey and the motion carried.

Representative Vickrey made a motion to favorably pass **SB 388, as amended**, the motion was seconded by Representative George and the motion carried.

The Chairman opened **HB 2296**. Representative Beamer made a motion to remove the contents of **HB 2296**, remove the contents from **SB 278**, and insert the contents of **HB 2296** into **SB 278**, creating **Substitute SB 278**. Representative Humerickhouse seconded the motion and the motion carried.

Representative Burgess made a motion to favorably pass **Substitute for SB 278**, the motion was seconded by Representative Ruiz and the motion carried.

There being no further business before the Committee, the Chairman adjourned the meeting. There are no additional meetings planned for this session.

# HOUSE TRANSPORTATION COMMITTEE GUEST LIST

DATE: 3-~~16~~<sup>17</sup>-06

| NAME             | REPRESENTING         |
|------------------|----------------------|
| JAY BEFORT       | KS. DEPT. OF REVENUE |
| MICHAEL HALE     | KS. DEPT. OF REVENUE |
| James Bartle     | Dept. of Revenue     |
| David R. Corbin  | K DOR                |
| Carmen Allevetti | KDOR                 |
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## TESTIMONY

### SB 510

**An act relating to roads and highways; concerning the classification thereof; amending K.S.A. 2005 Supp. 68-101 and 68-402b and the repealing of the existing sections.**

#### **House Transportation Committee Representative Gary Hayzlett, Chairman**

Presented by: Darryl C. Lutz, P.E., Butler County Director of Public Works/County Engineer & Chairman of the KCHA Legislative Committee

March 16, 2006

To: Mr. Chairman and Members of the House Transportation Committee



On behalf of the Kansas County Highway Association, I am here today to testify in support of SB 510 as introduced.

I have served Butler County in my present position of County Engineer/Director of Public Works for 14 years. I am a member of the Kansas County Highway Association (KCHA). I am a past president of the KCHA and have served as Chairman of the Legislative Committee of the KCHA since 2003. The KCHA is an affiliate organization of the Kansas Association of Counties and is a statewide organization of County Engineers, Public Works Directors, Highway Administrators, and other highway officials. The primary purpose of the organization is to provide technical programs and education opportunities for its membership, to advance their knowledge and skills related to County road, bridge and public works functions and to develop their skills as administrators of their respective County departments.

The KCHA began work over 4 years ago to revise and update sections of Chapter 68 of the Kansas Statutes that relate to County road and bridge issues. The goal is to modernize the statutes to appropriately address current issues and to repeal statutes that are conflicting with other statutes or are outdated. The KCHA has worked closely with KDOT and with other entities as appropriate to develop past and current legislative proposals. The KCHA continues work to develop additional proposals to update Chapter 68.

The only legislative proposal ready for presentation to the Kansas Legislature for this year is a minor technical correction to the road classification statutes amended during the 2005 legislative session. The technical corrections are being proposed after KDOT discovered an omission in the county road classification statutes and in the federal aid

House Transportation  
Date: 3-17-06  
Attachment # 1

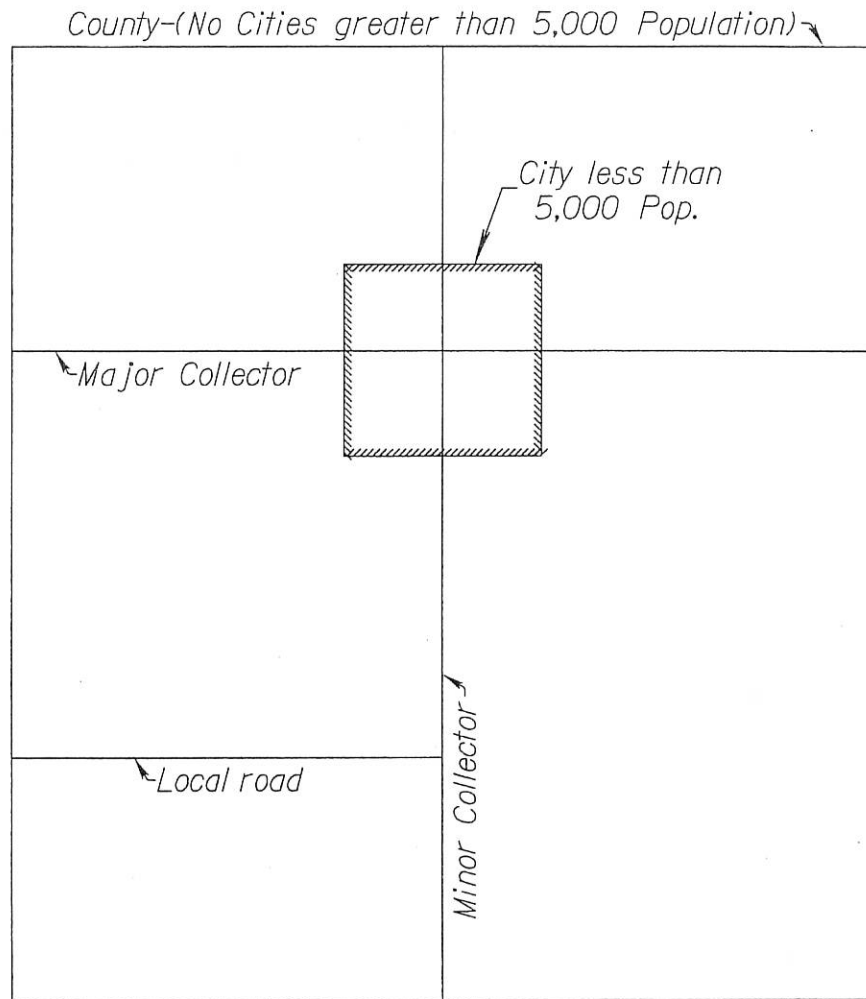
funding statutes. The omissions could affect federal aid funding on certain highway projects adjacent to cities with urban areas or urbanized areas. Following is a description of the omission and the proposed statute modifications:

1. SB 124 passed into law in 2005 amended existing statutes to update road classifications and definitions for County roads that extend to city limits. For all counties with cities under 5000 population the statute as amended is okay. For counties with cities over 5000 population and have an urban area limit (urban boundary) or cities over 200,000 population that have an urbanized area limit (urbanized boundary) that is normally in most cases beyond the corporate city limits the statute needs to be modified. The modification as proposed in Section 1 in lines 31 through 34 of page 1 will extend the definition of a county road from the urban or urbanized limits to the city limits. Inside the urban or urbanized limits, the extended route may be classified as a collector, minor arterial or major arterial. In all cases that KDOT is aware of these routes have been and would continue to be county roads.
2. The second proposed modification found in Section 2 in lines 23 and 24 of page 2 will make these roads and other streets inside the urban or urbanized boundary eligible for federal aid should the county board of commissioners wish to use their federal aid funds on these roads or streets.

The proposed revisions above do not result in a policy change with regard to jurisdiction for county roads extending into the urban or urbanized areas or with regard to federal-aid funding of road improvement projects on these roads.

Thank you for consideration of SB 510. I respectfully ask that this bill be passed favorably out of committee. I stand ready for questions.

No. 1 Explanation of proposed technical corrections included in SB 510.



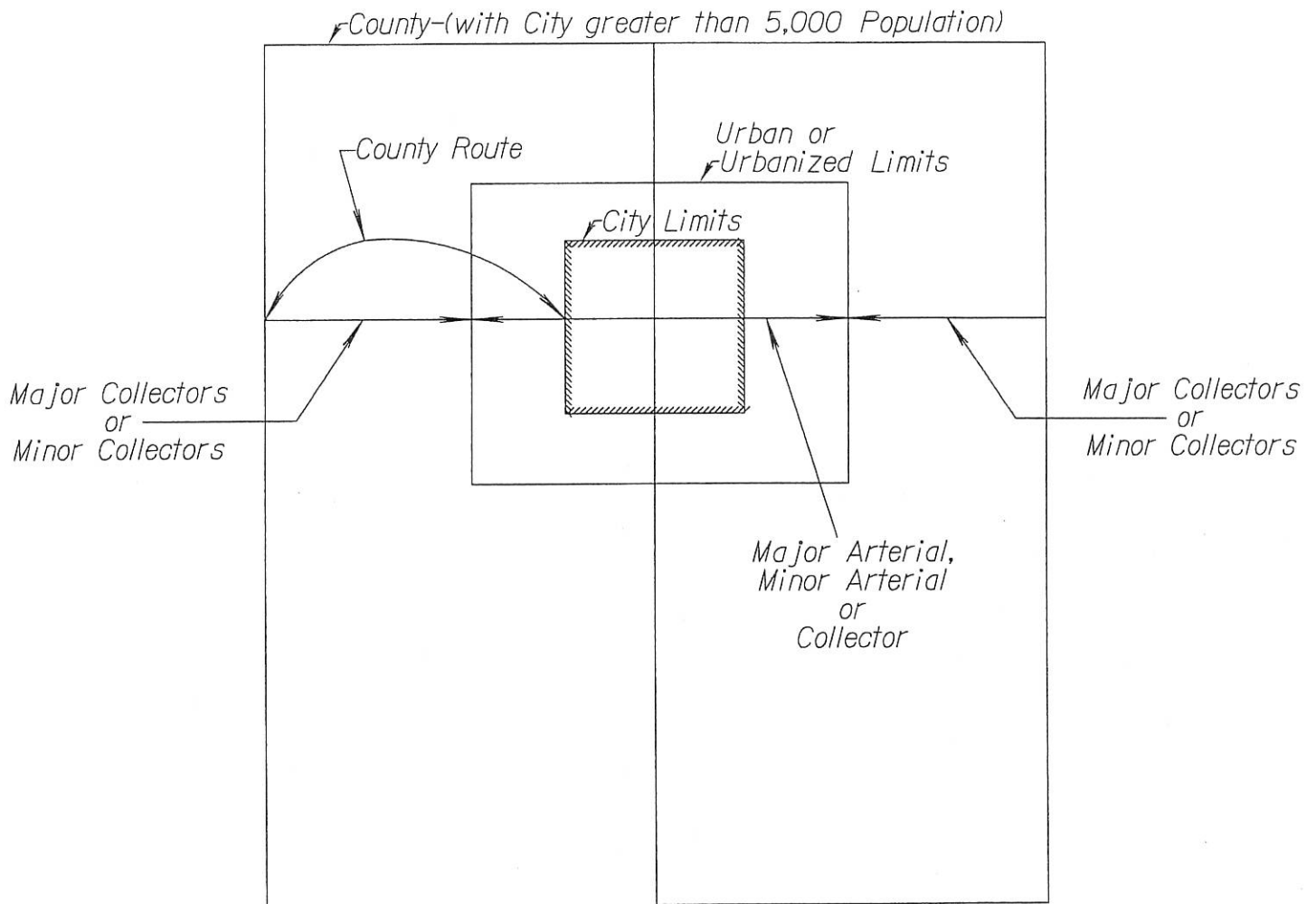
Cities with under 5,000 population do not have an urban limits.  
The Functional Classification that applies is the same as for a county.

a) County/State Rural Functional Classification

- . Major Arterial
- . Minor Arterial
- . Major Collector
- . Minor Collector
- . Local



No. 2 Explanation of proposed technical corrections included in SB 510



Counties that have cities with over 5,000 population & have an urban or urbanized limits.

a) See No. 1 Explanation for Rural Functional Classifications

b) Functional Classification inside Urban or Urbanized Limits

- . Major Arterial
- . Minor Arterial
- . Collector
- . Local



# KANSAS

DEPARTMENT OF AGRICULTURE  
ADRIAN J. POLANSKY, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

**Testimony on SB 544**  
**to**  
**the House Transportation Committee**  
**by**  
**Adrian J. Polansky**  
**Secretary of Agriculture**  
**Kansas Department of Agriculture**

**March 16, 2006**

Good afternoon Chairman Hayzlett and members of the committee. I am Secretary of Agriculture Adrian Polansky, here to testify as a proponent of SB 544, a bill that would bring equity to the motor vehicle fuel tax rate for users of E85 ethanol fuel.

E85 is a blend of 85 percent denatured ethanol and 15 percent gasoline. E85 can be used in specially designed flexible fuel vehicles that run on E85, gasoline or any combination of the two fuels. E85 has many benefits, including being a clean-burning, environmentally friendly fuel and displacing a percentage of the non-renewable petroleum that fuels the vehicles on our roads and highways.

Because the energy content of E85 is somewhat less than regular gasoline, its users are being taxed at a higher rate per mile driven than users of regular gasoline or E10. This bill would reduce the motor vehicle fuel tax rate on E85 from 24 cents a gallon to 17 cents per gallon effective Jan. 1, 2007.

Increased production and use of E85 ethanol has great potential to reduce our dependence on foreign petroleum production and to benefit the economies of our rural areas. Production of ethanol in Kansas is poised to double in the next year. It is important that its availability and consumption increase, too. An equitable, fair tax on E85 can help.

Because we wanted to make sure there were no unintended consequences from a change in this tax rate, the Department of Agriculture held stakeholder meetings that included the departments of revenue and transportation. In those meetings we concluded that the January 2007 implementation date gives the department of revenue time to make necessary process and form changes without undue expense. We also concluded that the fiscal impact from reduced tax revenues and impact to the department of transportation would be minimal.

House Transportation  
Date: 3-17-06  
Attachment # 2

Other states with motor fuels taxes based on fuel energy content include Hawaii, Pennsylvania, Maine, Minnesota and South Dakota. Other states are considering similar action.

Reducing the motor fuels tax to an equitable level on E85 has increased usage in other states. In 1998, the state of Minnesota was selected as a national E85 pilot market by the U.S. Department of Energy Clean Cities program and other public and private partners. Early on, representatives to this coalition recognized the inequity of the state motor fuel tax.

Through legislative action, the Minnesota motor fuel tax was corrected to represent "energy parity" for the fuels. In 2005, more than eight million gallons of E85 were sold in the state at 184 stations compared to less than 40,000 gallons at 12 stations in 1998.

Currently Kansas has 11 E85 stations and some 300,000 gallons of E85 are sold here. A combination of incentives, including more purchases of flex fuel vehicles, more installation of fueling stations, and the new tax rate based on energy parity, hopefully will increase sales of E85 in Kansas, too.

I urge your support for SB 544.



Ethanol - *Made in Kansas*

# Association Of Ethanol Processors

## Statement in Support of SB 544 House Transportation Committee March 16, 2006

Thank you Chairman Hayzlett, and members of the Committee, my name is Duane Simpson, I am Vice President of Government Affairs for the Kansas Association of Ethanol Processors. KAEP's membership includes all of the major ethanol processors in Kansas, representing 160 of the 170 million gallons produced in Kansas. On behalf of the members of KAEP, I am testifying in support of SB 544 which would tax E-85 fuel at the same rate as regular unleaded on a mile driven basis.

The bill would reduce E-85 motor fuel taxes by \$0.07 per gallon. The reduction keeps the state from receiving a tax windfall when motorists switch to E-85. E-85 has a lower BTU value than regular unleaded fuel leading to reduced miles per gallon. Since motor fuel taxes are user fees intended to pay for the roads, it only makes sense that the tax on E-85 should reflect the number of miles driven not the number of gallons consumed. Users of E-85 would have to purchase approximately 29% more fuel to travel the same number of miles as regular unleaded. Without this legislation, widespread adoption of E-85 would result in a windfall to the state highway fund. Of course, with a \$0.07 per gallon disincentive on E-85, that windfall will probably never occur. SB 544 will serve as an incentive to help drive demand for E-85 fuel and ethanol. The estimated cost to the state highway fund is \$100,000.

There has been some discussion about transferring the funding for this bill from the highway fund to the state general fund. If that is this committee's wishes, we would still support the bill. However, I would caution you that doing so will actually increase the fiscal cost of this bill in a manner that is impossible to calculate. As the \$0.07 incentive drives sales of E-85, the highway fund will be 'reimbursed' by the SGF for revenues that are not actually lost. Amending this bill will increase the E-85 windfall to the highway fund while draining limited SGF dollars unnecessarily. We are concerned that such an amendment could actually jeopardize the bill.

SB 544, as currently written, will treat E-85 fairly and promote more ethanol use in the state with a negligible cost to the state highway fund. I urge the committee to support the bill and will stand for questions at the appropriate time.

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



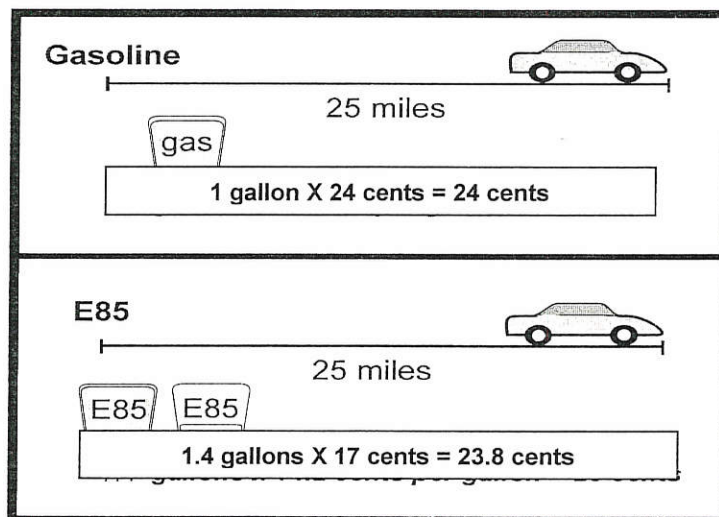
## TESTIMONY

**TO:** House Transportation Committee  
**FROM:** Jere White, Executive Director  
**DATE:** 16 February 2006  
**SUBJECT:** S.B. 544

The Kansas Corn Growers Association and Kansas Grain Sorghum Producers Association appear before this committee today to stand in strong support for S.B. 544.

In Kansas, where the state motor fuel tax is the same for gasoline and E85 and based on a per gallon fee, the E85 user is being unfairly penalized by electing to purchase E85 instead of gasoline. Rather than encouraging the use of a cleaner-burning, renewable-based, American-made gasoline alternative, Kansas rules result in the E85 user paying more per mile in road taxes than gasoline or diesel fuel users.

Fuels vary by their respective energy contents. This is true whether one is comparing diesel, gasoline, E85, propane, hydrogen, natural gas or others. For instance, a gallon of gasoline may contain 120,000 British thermal units (BTUs) of energy, while a gallon of E85 will contain 86,000 BTUs. This is an approximate 29% reduction in energy content compared to gasoline. In operation, it translates to a lesser distance traveled by a vehicle fueling on E85 compared to that same vehicle fueled with gasoline. If a state motor fuel tax is the same for gasoline and E85 and based on a per gallon fee, as it is in Kansas today, the E85 user is being unfairly penalized.



Mr. Chairman, members of this committee, S.B. 544 corrects an inequity in road use taxes that penalize users of E85. While E85 is a very small part of Kansas fuel sales, we hope to see it grow and are implementing programs to help it happen. Passage of S.B. 544 is something that the legislature can do to be a part of this expansion. Drivers committing to use alternative energy should not be penalized for making the choice to use a clean burning, renewable, Kansas grown fuel in Kansas. Thank you.

P.O. BOX 446, GARNETT, KS 66032-0446 • PHONE (785) 448-6922 • FAX: (785) 448-6932  
[www.ksgrains.com](http://www.ksgrains.com) • [jwhite@ksgrains.com](mailto:jwhite@ksgrains.com)



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House Transportation  
Date: 3-17-06  
Attachment # 4

**Testimony of Tony Reinhart  
On behalf of Ford Motor Company  
Before the Kansas House Transportation Committee  
In Support of SB544**

**March 16, 2006**

Mr. Chairman and members of the Committee:

My name is Tony Reinhart and I am the Regional Governmental Affairs Director for Ford Motor Company. I appreciate this opportunity to share with you Ford Motor Company's views on the renewable fuels issue and in particular, SB 544.

At Ford, we recognize that we have a responsibility to do something to address America's energy security needs, and we are accelerating our efforts to develop innovative solutions. As Bill Ford has said, "Ford Motor Company is absolutely committed to making innovation a central part of everything we do." In our recent product announcements we committed to increase our hybrid production capabilities to a quarter-million units per year by 2010 and to continuing our leadership in ethanol powered flexible fuel vehicles.

Flexible fuel vehicles have been a key part of Ford's alternative fuel strategy for some time. We believe ethanol is an important step toward the development of more efficient, future renewable biofuels – lessening dependence on foreign oil, addressing customer concerns over high gas prices, as well as providing environmental benefits.

By the end of this year, Ford Motor Company will have placed a total of nearly 2 million FFVs on America's roads and the industry will have produced nearly 6 million vehicles. In 2006 alone, Ford will produce as many as 250,000 FFVs including four new vehicles with flexible fuel technology -- the Ford F-150, Ford Crown Victoria, Mercury Grand Marquis and Lincoln Town Car. If all of these vehicles were operated on E85, over 2.5 billion gallons of gasoline a year could be displaced.

And we are not stopping there. A little over a month ago, we unveiled the Ford Escape Hybrid FFV research vehicle which marries two petroleum-saving technologies – hybrid electric power and E85 flexible-fuel capability. Though there are many technical and cost challenges to address, we believe that if just 5% of the US fleet were powered by E85 HEVs, oil imports could be reduced by about 140 million barrels a year.

But there is a problem. Even though the volume of E85 vehicles continues to grow rapidly, there are less than 600 E85 fueling stations in the US – and that's out of over 170,000 retail gasoline fueling stations nationwide. For ethanol to compete as a motor fuel in the transport sector and play an increasingly significant role in addressing our nation's energy concerns, we need strong, long-term focus on policies that increase US ethanol production, accelerate E85 infrastructure development and increase consumer demand.

As fuel prices soar at the pumps and energy security remains a concern, Ford Motor Company is dedicated to produce vehicles that can run on 85% ethanol (E85) and will work to expand the fueling infrastructure to support flexible fuel vehicles (FFVs). To that end, Ford is partnering with VeraSun - an ethanol provider who will concentrate on growing the E85 infrastructure in 2006. The initiative will serve to convert current fuel pumps to VeraSun's branded E85 - VE85 - in existing retail outlets. A consumer awareness campaign to promote the benefits and use of E85 will also be launched. Local retail outlets and Ford dealerships will be asked to participate in the campaign.

Ethanol is an innovative energy source straight from the heartland of America. E85 has great potential as an alternative fuel. Increasing FFV production and E85 use represent the best near-term solution to significantly reducing our dependence on foreign oil. The two greatest challenges facing greater E85 use are access to convenient fueling locations and a lack of consumer demand.

Ford supports increasing the availability of E85 and legislation like SB 544 which we believe will help answer the call for increased consumer demand. Energy is literally the fuel that powers the industrial and manufacturing growth of the United States. The energy supply disruptions of last summer, increases in global demand, and geopolitical concerns with some of the oil rich regions of the world led to significantly higher energy prices and consumer angst at the fuel pump. It's our view that action must be taken in all sectors if we are to meet these challenges as a nation. In our sector, we believe E85 is a significant part of the solution and we appreciate your consideration of legislation like SB 544 to help increase consumer demand for the product.

Thank you for your consideration.

Tony Reinhart  
Regional Governmental Affairs Director  
Ford Motor Company  
1201 NW Briarcliff Parkway Suite 315  
Kansas City, Missouri 64116  
1-816-472-6500



816 SW Tyler St., Ste. 300  
Topeka, Kansas 66612  
Phone: 785-233-4085  
Fax: 785-233-1038  
www.kansasco-op.coop

## House Committee on Transportation

March 16, 2006

### SB 544 - Adjusting the state fuel tax to reflect differences in BTUs relative to miles per gallon.

Chairman Hayzlett and members of the House Committee on Transportation, thank you for the opportunity to comment today in support of SB 544. I am Leslie Kaufman, Executive Director of the Kansas Cooperative Council. As you know, the bill before you now will adjust the state fuel tax to reflect differences in BTUs relative to miles per gallon.

The Kansas Cooperative Council represents all forms of cooperatively structured, member-owned/member-controlled businesses. We have nearly 200 members across Kansas. Approximately one-half of these members are engaged in grain storage and farm supply enterprises. These individual cooperatives are owned and controlled by farmers and ranchers.

The Kansas Cooperative Council has been supportive of many renewable fuel proposals based on policy language:

*The KCC supports initiatives which promote the use of renewable fuel sources such as ethanol, bio-diesel and e-diesel.*

The bill before you now adjusts the motor-vehicle fuel tax to better reflect the differences in BTU's relative to miles per gallon for E85 compared to other motor fuels. There are many positive benefits to using ethanol-based fuels. But for some, a down-side with E85 is a reduction in miles per gallon. SB 544 tries to equalize the tax application to account for the difference in mileage through establishing a differential reflective of the BTU content of various motor fuels. This, in-turn, should make ethanol's pricing more attractive.

We hope you will act favorably on this initiative. Thank you.

House Transportation  
Date: 3-17-06  
Attachment # 6



Honorable Mr. Chairmen, members of the committee,

I am Chris Maurich, representing ABATE of Kansas. We are proponents of this legislation. ABATE wishes to remove handlebar height limitations / restrictions from the Kansas Statutes. Current Kansas law specifies the position of the motorcycle riders hands when seated on the motorcycle. Statute K.S.A 8-1597 is titled "*Same; equipment on motorcycles for passengers; height of handlebars*". We believe that this is, and has been, a potential discriminatory issue, and not a safety issue. This statute was passed in 1974, a time when motorcyclists were targeted as "outlaws", and certain makes of motorcycles were modified by riders.

Times have changed, and we feel it is time to remove such restrictive language concerning motorcycle handlebars from the statute. The handlebar height issue has never proven to be a safety issue, as a rider would be physically able to ride only what bars he / she can fully utilize. On the other hand, bars that are too short can cause serious conditions. A tall rider will have difficulty turning handlebars that are short due to interference with the knees on sharp, tight turns. Configuration or design of the motorcycle fuel tank or the angle ( rake ) of the frame must also be considered. Custom bikes often have modified frames, and taller handlebars can be used to allow the rider a comfortable seating / riding position. Many riders look at this as a freedom issue, that is the freedom to customize his / her motorcycle.

Motorcycle popularity is on the rise, as evidenced by increased registrations in Kansas, as well as nationwide. Network television airs several shows specifically aimed towards motorcycle customization and motorcycle building. Many custom bikes sport handlebars known as "apehangers" or "buckhorn" bars, where a riders hands may be above the shoulders. Kansas has Motorcycle shops as well as a few motorcycle manufacturers that build custom motorcycles. This is a huge industry, and tax dollars generated by sales add to the Kansas economy.

Several states have passed legislation modifying or eliminating handlebar height restrictions. Some recent changes were in California, Minnesota, New York, Oregon, Tennessee and Washington, with South Carolina discussing it this legislative session.

Chris Maurich, Lobbyist, ABATE of Kansas inc.

House Transportation  
Date: 3-17-06  
Attachment # 7

# 8-1597

## Chapter 8.--AUTOMOBILES AND OTHER VEHICLES

### Article 15.--UNIFORM ACT REGULATING TRAFFIC; RULES OF THE ROAD

#### **8-1597. Same; equipment on motorcycles for passengers; height of handlebars. (a)**

Any motorcycle carrying a passenger, other than in a sidecar or enclosed cab, shall be equipped with a seat and footrests for such passenger.

(b) No person shall operate any motorcycle with handlebars so positioned that the hands of the operator, when upon the grips, are at or above shoulder height when such person is sitting astride the seat with the vehicle in an upright position.

**History:** L. 1974, ch. 33, § 8-1597; July 1.

TIMOTHY S. GATES  
9312 West 83<sup>RD</sup> Terrace  
Overland Park, KS. 66212  
Wk.913-649-5900 Res.913-341-3097  
E-mail: [TimothyGates@Yahoo.com](mailto:TimothyGates@Yahoo.com)

March 13, 2006

House Transportation Committee  
Kansas State Capitol  
Attn: Betty Boaz, 115S  
10<sup>th</sup> & Jackson  
Topeka, Kansas 66612

RE: HB 2296

Dear Committee members,

I am writing as a proponent of HB 2296 which would repeal what I and many others consider a discriminatory handle bar height law. I do not believe there is any study or factual information which would support the existing law. I believe it was enacted to discriminate against a certain group of riders during a certain period of time many years ago. With the growing popularity of motorcycling these days and the major diversification among riders, the ability and freedom to select and or design a bike to fit ones taste and body size should be left up to the individual motorcyclists or the motorcycle manufacturer.

I am a district representative of ABATE of Kansas and at our monthly meeting on March 12<sup>th</sup> we discussed this issue. I have attached a list of those at the meeting who were also in support of HB 2296 (I also typed the signatures for easier reading.). On the list there are members of our district who live in Missouri and also support HB2296. Although some of the people on the list are not Kansas residents they are consistent visitors who bring tourism type tax revenue to our state. We also have many more members and motorcyclists in Kansas who support HB2296 but for whatever reason rely upon us to make their voice heard.

All of us as ABATE of Kansas members and supporters promote motorcycle safety and awareness. We reach out to communities, veterans and charities with support and donations. We also support our soldiers at home and abroad along with their families.

We really appreciate the committee listening to our testimony and hope that you will move forward with HB2296. If there is anything I or ABATE can do to help in any way please let us know.

Sincerely,



Tim Gates

House Transportation  
Date: 3-17-06  
Attachment # 8

| <b>Name</b>        | <b>City</b> | <b>State</b> |
|--------------------|-------------|--------------|
| Corrin Madere      | Horton      | Kansas       |
| Dustin Madere      | Horton      | Kansas       |
| Jennifer Brown     | Leavenworth | Kansas       |
| Donald E. Harris`  | Leavenworth | Kansas       |
| Crystal Martin     | Atchison    | Kansas       |
| Larue Bennet       | Atchison    | Kansas       |
| Anna Barr          | Leavenworth | Kansas       |
| Busy Bess          | Atchison    | Kansas       |
| David Buster       | Atchison    | Kansas       |
| Jody Buster        | Atchison    | Kansas       |
| Linda Kitterman    | Leavenworth | Kansas       |
| Charles Raney Jr.  | Leavenworth | Kansas       |
| Leanne Pendergraft | Leavenworth | Kansas       |
| Pat Howard         | St. Joseph  | Missouri     |
| Mary Allison       | St. Joseph  | Missouri     |
| Steve Peterman     | St. Joseph  | Missouri     |
| Jason Vannaman     | St. Joseph  | Missouri     |
| Jason Seager       | Atchison    | Kansas       |
| Jeremy Beagle      | Atchison    | Kansas       |
| Kim Meister        | Sabetha     | Kansas       |
| Phillip T. Dexter  | Horton      | Kansas       |
| Angela M. Dexter   | Horton      | Kansas       |
| Dana Houchlei      | Atchison    | Kansas       |
| Mike Reams         | Atchison    | Kansas       |
| Bill Martin        | Rushville   | Missouri     |
| Doyle Pendergraft  | Leavenworth | Kansas       |
| David Walker       | Kansas City | Kansas       |
| Stephanie Walker   | Kansas City | Kansas       |
| Jeff Schulz        | Atchison    | Kansas       |
| Gary Robertson     | Atchison    | Kansas       |
| Robby L. Walker    | Atchison    | Kansas       |
| Mike Richardson    | Atchison    | Kansas       |
| Missie Bedell      | Tonganoxie  | Kansas       |
| Kyle Lux           | Tonganoxie  | Kansas       |

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| Tim Gates          | Overland Park        |
| Corrin Madere      | <del>B.</del> Horton |
| Dustin Madere      | Horton               |
| Jennifer Brown     | Leavenworth          |
| DONALD E HARRIS    | Leavenworth KS       |
| Crystal Martin     | Atchison             |
| LARUE Bennett      | Atchison             |
| ANNA Barr          | Leavenworth          |
| Busy Bess          | Atchison             |
| David Buster       | Atchison KS          |
| Jody Buster        | Atchison KS          |
| LINDA KITTERMAN    | Leavenworth, KS.     |
| CHARLES RANEY OR   | Leavenworth, KS.     |
| Leanne Pendergraft | Leavenworth, KS      |
| Pat Howard         | St. Joe MO           |
| Mary Allison       | St. Joseph MO -      |
| Steve Peterman     | St. Joseph MO        |
| Bruce              | St. Joseph MO        |
| JASON VANMAN       | St. JOSEPH, MO.      |
| Jason Seager       | Atchison KS          |
| Jeremy Beagle      | Atchison, KS         |
| Kim Meister        | Salvetha, KS.        |
| Phillip T. Dexter  | Horton KS            |
| ANGELA M. Dexter   | Horton KS            |
| DANA Houchle       | Atchison, KS         |
| Mike Lane          | Atchison, KS         |
| Bill Martin        | Rushville MO.        |

Doyle Fendergraft  
David Walker

Stephan Walker

Jeff Schulz

Gary Robertson

Polly Walker

Mike Richardson

Missie Bedell

Kyle Lutz

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