

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Gary Hayzlett at 1:30 p.m. on March 5, 2009, in Room 783 of the Docking State Office Building.

All members were present except:

Representative Margaret Long and Mike Burgess

Committee staff present:

Bruce Kinzie, Office of the Revisor of Statutes
Hank Avila, Kansas Legislative Research Department
Jill Shelley, Kansas Legislative Research Department
Betty Boaz, Committee Assistant

Conferees appearing before the Committee:

Senator Janis Lee
Representative Bob Bethell
Sandy Jocquot, League of Municipalities
Bill Sneed, Representing State Farm Insurance

Others attending:

See attached list.

The Chairman called the meeting to order and opened the hearing on **SB 122.**

SB 122 - Rebuilt salvage vehicles, reduction of classification, taxation.

Chairman Hayzlett recognized Representative Bob Bethell. (Attachment #1) According to Representative Bethell he was concerned with the way value is applied to a vehicle that has been deemed to be salvage and then rebuilt. He said often the insurance company determines that a vehicle has more damage than they wish to pay to have repaired and then declare the vehicle as salvage. Representative Bethell said a good body person can sometimes repair the vehicle to equal a vehicle produced by the manufacturer.

The next proponent introduced was Joe Grisolano, the Crawford County Treasurer. (Attachment #2) According to Mr. Grisolano this bill would lower the classification code of any motor vehicle by two classes when a new title is issued with 'rebuilt salvage' on the heading. He said this reduction in classification is a one-time reduction that will stay with the vehicle as long as it is in operation. He said he had talked to a used car dealer who deals in rebuilt salvage vehicles and the dealer said a rebuilt vehicle is usually worth about 15% to 30% less than the same vehicle with a good title. Mr. Grisolano said the drop of two classes when a title is issued with 'rebuilt salvage' on the heading would be approximately 17% to 19% less. He attached a copy of Certificate of Title showing 'REBUILT SALVAGE.'

The Chairman drew the Committee's attention to written testimony in support of **SB 122** submitted by Jeannine Bateman, the Marion County Treasurer. (Attachment #3)

There being no other proponents and no opponents, the Chairman closed the hearing on **SB 122.**

Chairman Hayzlett opened the hearing on **SB 123.**

SB 123 - Antique vehicles; city issued license plates.

The Chairman recognized Representative Bethell who provided testimony for Ken Hand who could not attend the hearing. (Attachment #4) According to his testimony Mr. Hand wanted to recommend to the Committee a change in the way antique license plates are issued by the State. He provided some background on antique car plates. He said the current law allows age-appropriate plates on the car which is more aesthetically pleasing and more appropriate for display. According to Mr. Hand, Kansas did not start issuing state license plates until 1913. His request is that the State issue an antique plate as is done now but the owner of the vehicle, if he chooses not to display that plate, could put the numbers that are on the State issued plate onto a reproduction plate that he constructs out of leather (or some other material) and then the vehicle can legally

CONTINUATION SHEET

Minutes of the House Transportation Committee at 1:30 p.m. on March 5, 2009, in Room 783 of the Docking State Office Building.

be operated on the roads and streets of the State.

There were no other proponents and no opponents. The Chairman closed the hearing on **SB 123**.

Chairman Hayzlett opened the hearing on **SB 37**.

SB 37 - Regulating traffic, concerning golf carts.

The Chairman recognized Senator Janis Lee. (Attachment #5) According to Senator Lee, **SB 37** came about as a result of requests from senior citizens who were familiar with a similar law in Arizona and who live in communities where there are no public transportation systems. They feel that allowing the use of appropriately equipped golf carts on the street in their communities would enhance the ability of some citizens to continue living in their own homes longer. She said **SB 37** requires a valid driver's license and provides for local determination as to whether the use of golf carts is appropriate in their community.

The next proponent was Sandy Jacquot, Director of Law, League of Kansas Municipalities. (Attachment #6) Ms. Jacquot, gave a little background on the League's involvement with this issue. She said the League of KS Municipalities has made it a legislative priority for 2009 to request that the Legislature provide authority to cities to choose the types of vehicles to allow on city streets, knowing that a one-size-fits-all approach does not work. **SB 37** would expand to golf carts, the types of vehicles that cities may allow on city streets. Ms. Jacquot said the League would like to propose to expand this bill to define and authorize cities to allow alternative motor vehicles on cities streets with the adoption of an ordinance, or at the very least, work-site utility vehicles.

There being no other proponents, the Chairman called for Opponents to **SB 37**. Chairman Hayzlett introduced Bill Sneed, Legislative Counsel with the State Farm Insurance Companies. (Attachment #7) According to Mr. Sneed, his company thought it was important to advise the Committee of some concerns they have so that no one will be surprised of the potential of this bill after it becomes law. He said the potential for accidents is increased and with more accidents there will be more claims and with more claims there will be a resulting increase in cost for the golf cart owner. Mr. Sneed concluded by saying that they simply wanted to make the Committee aware of these facts and urged the Committee to move cautiously as there may be unforeseen consequences.

The last proponent was Michael J. McLin, Bureau Manager, Titles and Registrations, KS Department of Revenue. (Attachment #8) Mr. McLin said the Department is in support of this bill but would request the following amendments: 1) add definition for all-terrain vehicles; 2) add worksite utility vehicle back into the registration of vehicles exceptions; and 3) pull worksite utility vehicles back under the traffic violations statute, replacing the \$60 fine for unlawful operation that was inadvertently removed in **HB 2119** and placing back into statute the language that was inadvertently repealed in **HB 2119** last year.

There being no other proponents, nor opponents and after all questions were answered, the Chairman closed the hearing on **SB 37**.

There being no other business before the Committee, the meeting was adjourned at 2:30 p.m. The next meeting will be on March 10, 2009.

STATE OF KANSAS

BOB BETHELL
STATE REPRESENTATIVE, 113TH DISTRICT
104 E. THIRD, P.O. BOX 186
ALDEN, KS 67512
620-534-3085
CELL 620-727-5962
bethell@ink.org



COMMITTEE ASSIGNMENTS
CHAIR: AGING AND LONG TERM CARE
MEMBER: COMMERCE AND LABOR
CORRECTIONS & JUVENILE
JUSTICE
ELECTIONS
STATE CAPITOL—ROOM 161-W
TOPEKA, KS 66612
785-296-7616

TOPEKA

SB 122
3/5/09

Chairman Hayzlett and members of House Transportation, I am Bob Bethell and appear today in support of SB 122.

Over the last several years a number of my constituents as well as other citizens of Kansas have approached me concerned with the way value is applied to a vehicle that has been deemed to be "Salvage" and then rebuilt.

Often the insurance company determines that a vehicle has more damage than they wish to pay to have repaired and then declare the vehicle as "salvage". This same vehicle in some circumstances can be repaired by a conscientious body person and in many respects be equal that which is produced by the manufacturer.

Mr. Chairman I would stand for questions.

House Transportation
Date: 3-5-09
Attachment # 1

TOM SIGHEL, DEPUTY TREASURER
TAX DEPT. 2ND FLOOR
PH. 620-724-8222
FAX 620-724-7217

JOE GRISOLANO
CRAWFORD COUNTY TREASURER
2ND FLOOR, COURTHOUSE
PO BOX 96, GIRARD, KANSAS 66743

TAMMIE WILLIAMS, VEHICLE SUPER.
VEH. DEPT. 1ST FLOOR
PH. 620-724-4959
FAX 620-724-6004

March 5, 2009

TO: Kansas House of Representatives Transportation Committee

FROM: Joe Grisolano, Crawford County Treasurer
Secretary, Kansas County Treasurers Association

SUBJECT: SB 122

Chairman Hayzlett and Committee Members:

On behalf of the Kansas County Treasurers Association, I am here today to speak in favor of SB 122. This bill would lower the classification code of any motor vehicle by two classes when a new title is issued with "Rebuilt Salvage" on the heading. This reduction in classification is a onetime reduction that will stay with the vehicle as long as it is in operation.

This bill makes sense to our association. When a vehicle has a rebuilt salvage title it is not worth as much money due to the stigma attached to the rebuilt salvage brand on the title. As the father of two grown sons, my wife and I purchased rebuilt salvage vehicles for both of our boys as their first vehicles. We looked for rebuilt salvage vehicles because we knew that we would be able to purchase them for less money than the same model of vehicle that had not been rebuilt. The vehicles that we purchased for both boys worked out well, although the paint jobs didn't look quite as nice as a vehicle that would not have been rebuilt. After a few months though, no one would have noticed much difference as both our sons put a few dings on their cars.

I recently visited with a used car dealer in Pittsburg who deals in rebuilt salvage vehicles. The dealer stated to me that in his experience, when you have two vehicles that are the same model and one of the two is a prior salvage vehicle, it is usually worth between 15% and 30% less than the same vehicle with a good title. Of course, this is just a ballpark figure because you have to take into consideration condition, mileage, and other differences in the options that the vehicles have.

House Transportation
Date: 3-5-09
Attachment # 2

I have also done some research on the difference the property tax amount the vehicle owner would pay with the two class reduction. I found that the difference in the tax would be approximately 17-19% less. This seems to be a reasonable reduction for having the stigma of "rebuilt salvage" printed on the title.

Administration of the changes due to SB 122 would be easy, providing a common sense approach for dealing with vehicles with a rebuilt salvage title. Thank you for your consideration of this legislation and for allowing me to address you today.

CERTIFICATE OF TITLE

CONTROL NUMBER ONLY

STATE OF KANSAS

VIN NO.: [REDACTED] STYLE: 2D MILEAGE: 0138424
 AND
 YEAR: [REDACTED] CLASS CODE: 014 MILEAGE STATUS:
 REPORTED AT
 MAKE: [REDACTED] EMPTY WEIGHT: 02700
 MODEL: [REDACTED] DATE OF APPLICATION: 03/08/2007
 TITLE NO. [REDACTED] PURCHASE DATE: 03/01/2007
 DATE TITLE PRINTED: 04/05/2007
 OWNER(S) NAME AND ADDRESS:
 [REDACTED]

VEHICLE RECORD NOTATIONS:

*****REBUILT SALVAGE*****

TRANSFER ON DEATH BENEFACTOR(S): VEHICLE TITLE REBUILT SALVAGE DUE TO VEHICLE BEING WRECKED OR DAMAGED.

MAILING INFORMATION ONLY:

[REDACTED]

KANSAS IS AN ELECTRONIC TITLING STATE. A KANSAS TITLE WITH A LIEN INDICATED WILL ONLY BE ISSUED AND MAILED DIRECTLY TO A REQUESTING TITLING JURISDICTION WITH LIENHOLDER'S CONSENT.

THIS VEHICLE IS SUBJECT TO THE FOLLOWING LIENS(S):



I, the undersigned, hereby certify that I have approved an application for certificate of title for the vehicle described hereon, pursuant to the provisions of the Motor Vehicle Laws of this State, and the applicant named on the face hereof has been duly recorded as the lawful owner of said vehicle.
 I further certify that the vehicle is subject to the security interests shown herein, if any. However, the vehicle may be subject to other security interests.

Carmen Alldritt
Carmen Alldritt
 Director of Vehicles

Joan Wagnon
Joan Wagnon
 Secretary of Revenue

TR-19T Rev 01/06

DO NOT ACCEPT TITLE SHOWING ANY ERASURES, ALTERATIONS OR MUTILATIONS

VOID WITHOUT WATERMARK - HOLD TO LIGHT TO VIEW

VOID WITHOUT WATERMARK - HOLD TO LIGHT TO VIEW

SENATE BILL 122 TESTIMONY

TO: HOUSE TRANSPORTATION COMMITTEE
FROM: JEANNINE BATEMAN, MARION COUNTY TREASURER - PROPONENT
SUBJECT: SENATE BILL 122
DATE: 3/2/2009

Good afternoon. My name is Jeannine Bateman, and I am the Marion County Treasurer. I am here in favor of SB 122.

A formerly Salvage Auto does not have the monetary worth of that same vehicle prior to being wrecked. Therefore, to lower the class code the 1st time it is registered, and to brand the title showing that the class has been lowered just makes sense. Therefore I support the proposed action of SB 122.

If anyone has questions, I will be happy to try to answer them.

House Transportation
Date: 3-5-09
Attachment # 3

SENATE BILL No. 123

My name is Ken Hand and I am from Wichita. I am here today representing a small part of the antique automobile hobby. I would like to suggest for your consideration and hopefully a change in the way antique license plates are issued by the State for a part of the hobby.

In the early 1960s, the law was changed to allow owners of automobiles 25 years or older, to apply for an antique car plate that would apply to one car and that plate would not change each year. Then at a later date, the law was changed to allow owners of older cars, if they want, to obtain Kansas issued plates in the year of the manufacture of their vehicle and then register that vehicle using that plate if those numbers are not already in use. I think the above rules have worked very well, both for the hobby and for the State.

From the perspective of the hobby, one advantage of the above law was to have an age-appropriate plate on the car, which is more aesthetically pleasing and more appropriate for display. Unfortunately, the above option is not available for cars manufactured prior to 1913.

Kansas did not start issuing state license plates until 1913. (Exhibit A) Prior to that, cities or municipalities issued only number for registration purposes. It was the responsibility of the car owner to display those numbers on the vehicle. Quickly, the auto supply houses at that time saw a market and started selling blank license plates (pads) and the car owner could purchase the issued numbers and letters, attach them to the purchased plate and therefore make his vehicle legal to drive on the road. (Exhibit B)

I am here today to ask for another change in the present law that would allow owners of automobiles manufactured prior to 1913 to revert to the original method of registering cars, if they choose, since there are no plates available for these cars issued in the year of their manufacture. I would suggest that the State issue an antique plate as is done now but the owner of the vehicle, if he chooses not to display that plate, could put the numbers that are on the State issued plate onto a reproduction plate that he constructs out of leather (or some other material) and then the vehicle can legally be operated on the roads and streets of the State.

I am including in this package a list of the county number codes that Kansas used from 1930 to 1949. (Exhibit C) Maybe nobody in here is old enough to remember that system but I think it is interesting. It took me a long time to find these codes so I want to share them with you.

Thank you for your time. I will attempt to answer any questions you might have.

House Transportation
Date: 3-9-09
Attachment # 4



Wichita



WaKeeney



Cotton Wood Falls

Leather Pre-Statehood Plates



1904 - 1912 (Pre-State)
City issued Plate



1913 (black on white)



1914 (white on blue)



1915 (black on orange)



1916 (white on black)



1916 (white on black)



1917 (black on light green)



1918 (green on white)



1919 (dark blue on light blue)

www.worldlicenseplates.com

EXHIBIT B

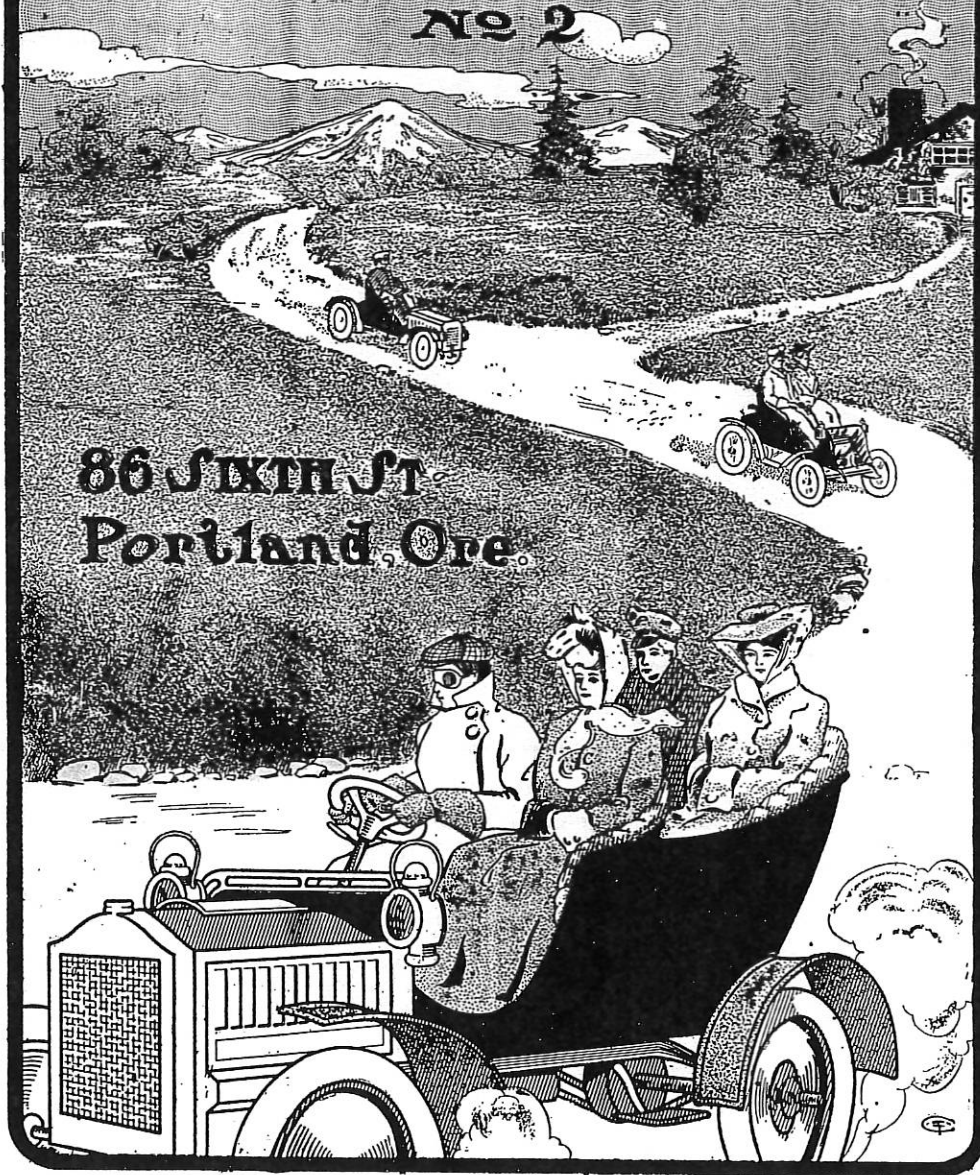
BALLOU-WRIGHT

AUTOMOBILE SUPPLIES

1906 Catalogue 1906

NO 2

86 SIXTH ST.
Portland, Ore.





**NO. 632
FLAKE GRAPHITE**

carefully prepared for
gears, bearings and
cylinders.

1-lb. cans. each 50c.

NON-FLUID OILS
automobile lubrica-
tion you want that
fluid oils or
greases can satisfac-
torily fill. They do
not slip, waste and oil
roads instead of
bearings, like fluid
oils. Unlike greases,
they do not require
to grow warm
before they lubricate,
causing no in-
crease in the friction-
and fuel consump-
tion of automobiles.
We recommend
them because exhaustive
tests show them to be
much cleaner,
more satisfactory than other
oils assuring the most

in all compres-
sion motors, etc.);
bearings; bearings of
engines, etc.
In place of fluid oil
ring oiling bear-
ings (because it does
not cause short-

.....\$1.00
..... 2.75

THREE IN ONE



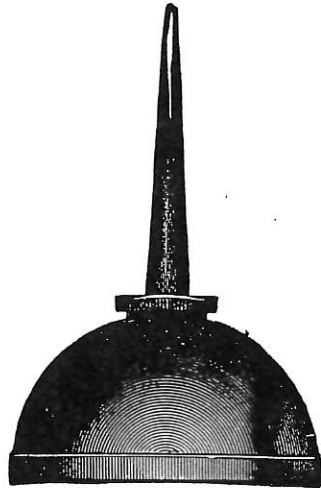
Does everything
claimed for it.
3-oz. bottle...25c
1-oz. bottle...10c

NEVERLEAK

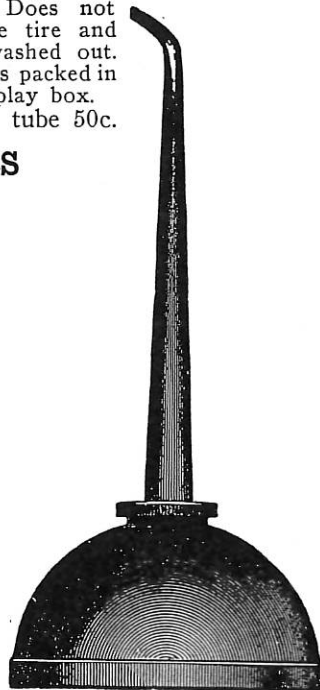


The only tire fluid
endorsed by tire
makers. Does not
injure the tire and
can be washed out.
8-oz. tubes packed in
fancy display box.
List, per tube 50c.

OILERS



No. 13 A.



No. 14.

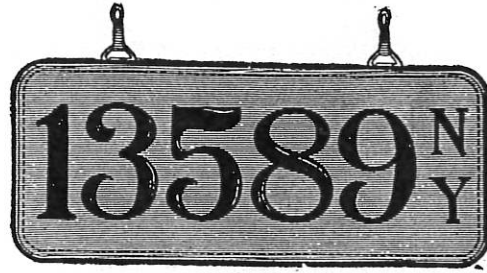
No. 14.—Steel oiler, 5 oz., 3 3/8 in. diameter, 9-in. nozzle,
heavily copper plated.

List, each 60c.

No. 13 A.—Same, with 5-in. nozzle.

List, each 50c.

NUMBERS AND HANGERS



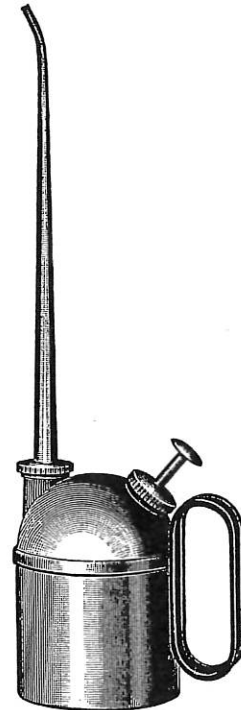
1906

Between the two sides of enameled leather a steel plate is placed, which stiffens hanger and clinch; tacks used to attach letters.

Size 5x12, list each \$1.00.

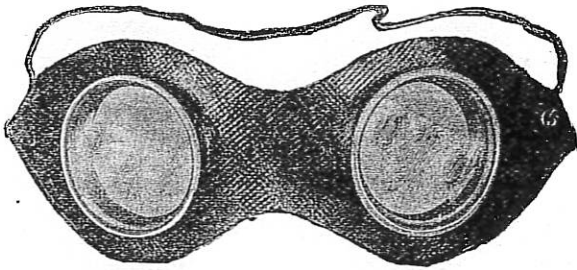
Aluminum figures, 3-in., list each...25c
Aluminum letters, 1-in., list each...15c

PUMP OILER

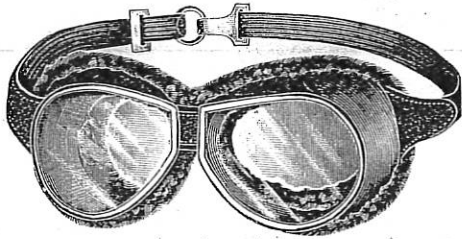


Made of solid steel, copper plated; flow controlled by pressure of thumb.
1 pint. List, each \$1.25.

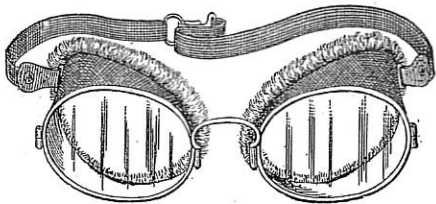
GOGGLES.



No. 200—Black leather mask, round ventilated metal cups, with flat glasses, 1 1/2" diameter, elastic head band. Price..... \$0.25



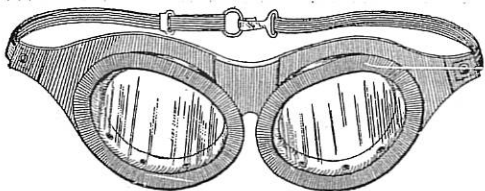
No. 225—Collapsible eye cups, edged with chenille, leather nose piece and tabs, lined, extra large curved glasses, special form, adjustable elastic head band. Price 1.25



No. 250—Nickel frame, small size, with jointed metal nose piece to fold, collapsible silk eye cups, flat oval glasses, edged with chenille, adjustable elastic head band. Price \$2.00



No. 275—Bright aluminum frame, well ventilated, with air-inflated rubber cushions. Egg shape curved glasses, affording a maximum range of vision. Adjustable elastic band with hook and ring fastenings. Weight but 1 1/4 oz. Can be washed with soap and water without injury. Price \$2.50



NO. 300 RUBBER GOGGLES.

Positively the best fitting goggles on the market. Made of fine India Rubber. Cool and comfortable. Excludes all dust. Rain proof. Can be washed with soap and water. Glasses can be slipped in and out in a second. Price 1.00

No. 305—Goggles same as No. 300 with pair extra glasses. Price 1.25

LICENSE OR NUMBER PADS.



No. 20—Number pads, steel plate with painted aluminum letters. Price, per pair \$1.25
 No. 25—Number pads, steel plate with metal aluminum letters. Price per pair 3.25

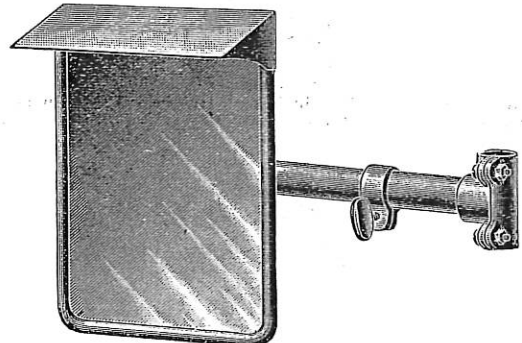
LEATHER NUMBER PADS.



These pads are made of patent leather stretched over a steel frame and securely sewed, so that a bright patent leather surface is presented on both sides. Impossible to warp out of shape.

No. 30—Leather Number pads without numbers, each \$1.00
 No. 35—Leather number pads with painted aluminum numbers. Price per pair 3.00
 No. 40—Leather number pads with metal aluminum numbers. Price per pair 3.75
 Sheet aluminum letters or numbers, each15
 Straps for license tags, per set of40

THE ARGUS MIRROR.



This mirror allows the chauffeur to see at a glance the movements of all moving vehicles behind him, allowing him to turn back and reverse without jeopardizing the occupants of the machine. It is a special plate glass mirror, bound in brass, but is interchangeable, and is the only one on the market today in which a new glass can be fitted. Has a ball and socket joint, enabling it to be removed in any position. The mirror is slightly concave, and gives an extraordinary wide range of vision behind. Nothing can occur behind the driver which he cannot readily observe.

Price \$5.00
 With Hood 6.50

FIRE EXTINGUISHER.



Manville Fire Extinguisher, Price each \$1.75

LAMP BRACKETS

STANDARD FORK BRACKET

For Gas Lamps of all Makes

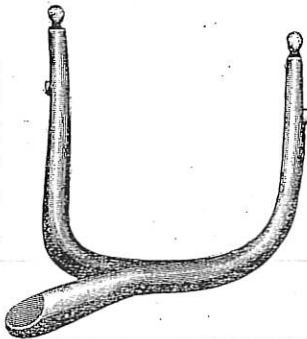
Made of drop-forged steel, stub is long enough to allow for welding to fit car.

Furnished with either curved or straight stub.

- No. 1235. 6 in. centres.
- No. 228. 7 in. centres.
- No. 229. 8 1/4 in. centres.

Price, either size, \$1.50 each.

Our Price, \$.75 each.



ADJUSTABLE FORK BRACKET

For Gas Lamps of all Makes

This bracket can be used on any size lamp, it is made of drop-forged steel, finished in brass, finely polished.

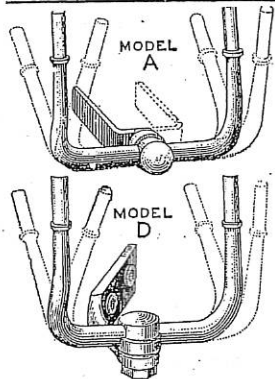
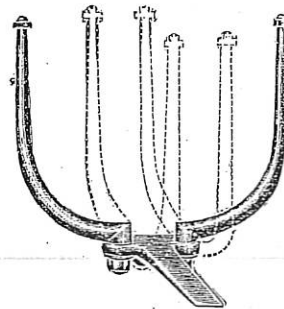
Bracket bolts in place and requires no expert mechanic to adjust.

No. 230. Price, \$6.50 per pair.

Our Price, \$3.50 per pair.

This bracket as per illustration will be found adaptable to a great many cars.

We have special fittings for Maxwell, Cadillac and Ford cars, at the same price. Kindly state which of the four styles you wish.



ROCHESTER HEADLIGHT BRACKETS—Made of Steel. Polished

Strong durable brackets. Made in styles and sizes to fit any car or lamp

MODEL A. Specially adapted for Ford and Cadillac cars, or light cars.

No. 1235. 6 or 7 in. centres. Price, \$4.75 pair
Our Price, \$3.75

MODEL B. For Maxwell runabouts, or light cars requiring a straight flat bracket, which is adjustable to allow for setting in proper position.

No. 1236. 6 or 7 in. centres. Price, \$4.75 pair
Our Price, \$3.75

MODEL C. Same as B, but with adjustable centres to fit any size lamp.

No. 1237. Price, \$5.25 pair, Our Price, \$4.25

MODEL D. For large cars and lamps. It has special arm to fit where the butt end is framed. State width desired.

No. 1238. Price, \$5.25 pair, Our Price, \$4.25

MODEL E. Same as D, but is adjustable to fit any size lamp. This bracket will fit most any style of frame.

No. 1239. Price, \$5.50 pair, Our Price, \$4.50

SIDE LAMP BRACKETS

Solid brass, nicely polished, made especially for use on cars with curved dash.

No. 231. Price, \$1.50 per pair,
Our Price, \$1.25



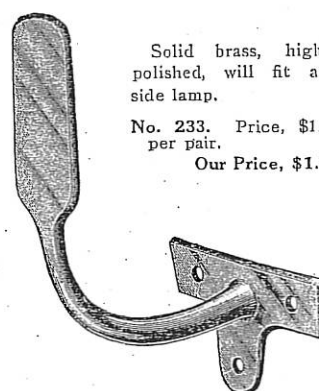
Solid brass, highly polished, designed for use on cars with curved dash and where prop of lamp requires bracket head set sideways.

No. 232. Price, \$1.60 per pair,
Our Price, \$1.25



Solid brass, highly polished, will fit any side lamp.

No. 233. Price, \$1.60 per pair,
Our Price, \$1.25



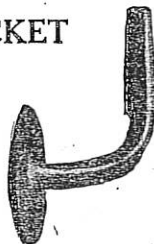
TAIL LAMP BRACKET

Solid brass, highly polished and finished.

Will fit any size and make of lamp.

No. 239. Price, \$.70 each.

Our Price, \$.45



LAMP NUMBERS



Adjustable, brass frame and figures.

Fit any size lamp, figures are two inches in height, very distinct.

No. 240. Price, per pair, \$.75.

Our Price, \$.3

GENERAL AUTOMOBILE SUPPLY CO., Inc., J. C. Nichols, President.
Uptown Store: Broadway and 52nd Street, Lincoln Hotel Block, Phone 6160 Columbus.
Downtown Store: 11 Warren Street, Phone 1745 Cortlandt.

EXHIBIT C

KANSAS AUTO LICENSE TAG NUMBERS 1930 TO 1950

1	Wyandotte	36	Cloud	71	Finney
2	Sedgwick	37	Washington	72	Woodson
3	Shawnee	38	Ellis	73	Rush
4	Crawford	39	Pottawatomie	74	Decatur
5	Montgomery	40	Republic	75	Ness
6	Reno	41	Clay	76	Graham
7	Leavenworth	42	Jackson	77	Rawlins
8	Cowley	43	Jewell	78	Thomas
9	Butler	44	Coffey	79	Edwards
10	Cherokee	45	Doniphan	80	Sherman
11	Labette	46	Jefferson	81	Chase
12	Sumner	47	Geary	82	Cheyenne
13	Lyon	48	Rice	83	Trego
14	Saline	49	Linn	84	Seward
15	Atchison	50	Smith	85	Kiowa
16	Douglas	51	Harper	86	Meade
17	Bourbon	52	Anderson	87	Sheridan
18	Dickinson	53	Pratt	88	Gove
19	Johnson	54	Morris	89	Gray
20	Marshall	55	Mitchell	90	Comanche
21	Franklin	56	Osborne	91	Clark
22	Neosho	57	Kingman	92	Stevens
23	Marion	58	Phillips	93	Hodgeman
24	Allen	59	Stafford	94	Morton
25	Brown	60	Russell	95	Logan
26	McPherson	61	Norton	96	Scott
27	Wilson	62	Wabaunsee	97	Lane
28	Harvey	63	Chautauqua	98	Kearny
29	Osage	64	Ellsworth	99	Wallace
30	Riley	65	Ottawa	100	Hamilton
31	Miami	66	Lincoln	101	Haskell
32	Greenwood	67	Barber	102	Wichita
33	Barton	68	Elk	103	Grant
34	Nemaha	69	Pawnee	104	Stanton
35	Ford	70	Rooks	105	Greeley

These county prefix numbers were used between 1930 and 1950 on Kansas auto tags. The ranking was done by population based on state enumeration returns as of March 1, 1928.



TOPEKA

SENATE CHAMBER

SENATOR JANIS K. LEE
 ASSISTANT MINORITY LEADER
 STATE SENATOR, 36TH DISTRICT
 ELLIS, HODGEMAN, JEWELL,
 MITCHELL, OSBORNE, PAWNEE,
 PHILLIPS, RUSH, RUSSELL
 AND SMITH COUNTIES
 2032 90TH RD.
 KENSINGTON, KANSAS 66951
 (785) 476-2294 HOME
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House Transportation Committee March 5, 2009 Testimony of SB 37

Dear Chairman Hayzlett and House Transportation Committee Members;

Thank you your consideration of SB 37.

SB 37, would allow municipalities to implement local ordinances to regulate the operation of properly equipped golf carts on streets and roads in their communities.

SB 37 came about as a result of requests from constituents in my area who were familiar with a similar law in Arizona. These constituents were senior citizens from communities where we have no public transportation system. They feel that allowing the use of appropriately equipped golf carts on the street in their communities would enhance the ability of some of our citizens to continue living in their own homes longer.

The bill defines a golf cart in new section 1, page one lines 14 thru 18. Furthermore the bill limits, for the purpose of this bill, their use to streets posted with a speed limit of 30 MPH or less and prohibits their use on any highway except for the crossing of such a highway.

Page one lines 28 thru 32 describe the equipment required for a golf cart to be eligible to be operated on streets and that such a golf cart would be required to display a slow-moving vehicle emblem.

Finally the bill would continue the current exemption from registration for golf carts operated on streets. Drivers of golf carts would require the driver to have a valid driver's license under general law which requires those who drive on streets to have a drivers license.

Again SB 37 provides for local determination as to whether the use of golf carts is appropriate in their community.

House Transportation
 Date: 3-5-09
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While I do not anticipate that such an ordinance would be appropriate in one of our larger cities, this bill could be very helpful in our more rural communities where indeed we have no public transportation system. (I do not envision golf carts on Kellogg in Wichita nor on Topeka Ave. in Topeka.)

Thank you for your consideration and I am pleased to stand for questions.



League of Kansas Municipalities

To: House Transportation Committee
From: Sandy Jacquot, Director of Law/General Counsel
Re: Support for SB 37
Date: March 5, 2009

First, I would like to thank the Committee for allowing the League to testify in support of SB 37. When this bill had a hearing on the Senate side, I offered some proposed amendments which the League believes will broaden and address the overall problem SB 37 seeks to remedy. I have attached that proposal to my testimony. That amendment did not go on the bill on the Senate side, and although there was some consideration of adding a floor amendment for work-site utility vehicles, the bill passed without amendment.

A little background on the League's involvement with this issue might be helpful. Several years ago, the Legislature passed a bill that would allow cities to authorize the operation of all-terrain vehicles and work-site utility vehicles on city streets with the adoption of an ordinance. LKM ran an article in the *Kansas Government Journal* explaining the new law and providing ordinance language. Then last year the Legislature repealed the authority of cities to allow work-site utility vehicles on city streets, but enacted a bill to authorize cities to allow micro-utility trucks (MUTS) on city streets. Again, LKM ran an article explaining the change and provided sample ordinance language for cities to use in making the change, with the understanding they now had to repeal their work-site utility vehicle ordinances and explain to the public why they were no longer allowed on city streets.

The confusion does not stop with these three types of vehicles. Cities have been calling for quite a few years asking if they could allow various types of alternative motor vehicles, and just what vehicles were lawful for operation on their streets. This has become a major issue in many cities that want to allow more flexibility for their residents, particularly as the price of gasoline increases. One city may want to allow golf carts, while another city may want to allow work-site utility vehicles. LKM even has citizens calling with questions on these vehicles.

With that backdrop, LKM has made it a Legislative priority for 2009 to request that the Legislature provide authority to cities to choose the types of vehicles to allow on city streets, knowing that a one size fits all approach does not work. SB 37 would expand to golf carts, the types of vehicles that cities may allow on city streets. LKM would propose to expand this bill to define and authorize cities to allow "alternative motor vehicles" on cities streets with the adoption of an ordinance, or at the very least, work-site utility vehicles.

Thank you for your consideration of the League's request and I will be present to answer any questions.

Section 1. "Alternative motor vehicle" means any motor vehicle including, but not limited to, golf carts, all-terrain vehicles, riding lawnmowers, lawn tractors, micro utility trucks, and work-site utility vehicles, which is unable to be registered with the Division of Motor Vehicles due to lack of a vehicle identification number or is otherwise not required to be registered.

Section 2. (a) It shall be unlawful for any person to operate an alternative motor vehicle (1) On any interstate highway, federal highway or state highway; or (2) on any public highway or street within the corporate limits of any city unless authorized by such city. Cities may choose which alternative motor vehicles to authorize and may establish regulations for the operation of such vehicles in the city.

(b) The provisions of subsection (a), shall not prohibit an alternative motor vehicle from crossing a federal or state highway.

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

TO: THE HONORABLE GARY HAYZLETT, CHAIR
HOUSE TRANSPORTATION COMMITTEE

FROM: WILLIAM W. SNEED, LEGISLATIVE COUNSEL
THE STATE FARM INSURANCE COMPANIES

RE: S.B. 37

DATE: MARCH 5, 2009

Mr. Chairman, Members of the Committee: My name is Bill Sneed and I am Legislative Counsel for the State Farm Insurance Companies. State Farm is the largest insurer of homes and automobiles in Kansas. State Farm insures one out of every three cars and one out of every four homes in the United States. Please accept this memorandum as our opposition to S.B. 37.

We have been monitoring S.B. 37 and thought it important to advise the Committee of some concerns that we have so that if the bill is successfully passed and becomes law, no one will be surprised of the potential of these issues after the fact.

First, we would contend that the Committee, when evaluating the convenience that such a bill would provide the Kansas communities, should also balance the safety issue. Golf carts are not designed to be on roads. Examples have been given where they are used generally in gated communities. Usually the speed limits are substantially slower than 30 mph. Golf carts are lower to the ground thus can be more difficult to see on the roadway.

Because of these issues, the potential for accidents is increased, and with more accidents there will be more claims. With more claims there will be a resulting increase in cost for the golf cart owner.

Currently, golf cart owners can procure liability coverage through their homeowners' insurance. That is because under current Kansas law, the use of golf carts away from the golf course is considered incidental and not on an ongoing basis. By expanding their use in the general populace and on public roads, the exposure for loss will increase and consequently the coverage for these types of golf carts will also increase. Alternately, we are unaware of factors that would allow us to adequately rate recreational vehicles that are being used as private passengers, and this could lead to no coverage for these types of vehicles.

As we stated earlier, we simply wanted to make the Committee aware of these facts as it deliberates on Senate Bill 37. We urge the Committee to move cautiously on this type of legislation, as there may be unforeseen consequences. If the committee has any specific

questions regarding the insurance coverage for golf carts, we would be happy to provide that information to the Committee.

Again, thank you very much.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Will W Sneed". The signature is written in a cursive, slightly slanted style.

William W. Sneed

WWS:kjb

KANSAS

DEPARTMENT OF REVENUE

Kathleen Sebelius, Governor
Joan Wagnon, Secretary

www.ksrevenue.org

March 5, 2009

To: Representative Hayslett – Chairman of House Transportation
House Transportation Committee Members

From: Michael J. McLin – Bureau Manager – Titles & Registrations

Subject: SB 37C – Golf Carts by Senator Janice Lee

Good Afternoon, I want to take time to Thank You, Mr. Chairman and Committee Members for affording me the opportunity to provide both written and oral testimony to you today in regards to SB 37.

I am here today in support of SB 37C as it was amended in Senate Transportation. The Bureau of Titles and Registrations has worked over the past two years with some of the current members of this Committee and former members of the committee in regards to clarifying items such as Micro Utility Trucks, ATV's, and Worksite Utility Vehicles.

The Department would request the following Amendments. The Amendments deal with several different items, one is All Terrain Vehicles (ATV's Definition), the second amendment is to K.S.A. 8-128 adding Worksite Utility Vehicle back into the registration of vehicles exceptions, the third amendment is to pull Worksite Utility Vehicles back under the traffic Violations statute placing the \$60 fine for unlawful operation that was removed in HB 2119 inadvertently, and finally, placing back into statute the language of 8-15,105 which was repealed inadvertently in HB2119 last year.

These amendments combine the original intent of the bill and fix an issue that many Municipalities had incurred in the passage of HB 2119, during the 2008 Legislative Session.

Again, Mr. Chairman and Committee Members, I want to thank you for your time, I will now stand for questions.

Sincerely,



Michael J. McLin
Bureau Manager
Titles & Registration/
Dealer Licensing

House Transportation
Date: 3-5-09
Attachment # 8

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