

MINUTES OF THE SENATE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Dwayne Umbarger at 8:30 a.m. on January 28, 2009, in Room 136-N of the Capitol.

All members were present except:

Senator Anthony Hensley- excused
Senator Vicki Schmidt- excused

Committee staff present:

Mike Corrigan, Office of the Revisor of Statutes
Hank Avila, Kansas Legislative Research Department
Jill Shelley, Kansas Legislative Research Department
Cindy Shepard, Committee Assistant

Conferees appearing before the committee:

Thomas Day, Legislative Liaison, Kansas Corporation Commission
Bob Bethell, Representative, State of Kansas
Janis Lee, Senator, State of Kansas
Sandy Jacquot, Director of Law/General Counsel, League of Kansas Municipalities

Others attending:

See attached list.

Bill Introductions

Thomas Day, on behalf of the Kansas Corporation Commission requested two proposals for legislation (Attachment 1). Senator Kultala moved, Senator Umbarger seconded, to introduce the bills. Motion carried.

The Chairman opened the hearing on **SB 37 - Regulating traffic, concerning golf carts.**

Representative Bob Bethell testified in support, indicating many of his constituents would like to have the ability to legally drive "street legal" golf carts on the streets of their home towns. Regulation of these vehicles needs to be a local decision (Attachment 2).

Senator Lee appeared as a proponent, indicating the need to allow municipalities to implement local ordinances to regulate operation of properly equipped golf carts on streets and roads in their communities. In many of these towns, these vehicles are being driven anyway and law enforcement looks the other way. This bill would be utilized in small rural towns in Kansas; it would not be appropriate in larger cities (Attachment 3).

Sandy Jacquot, representing the League of Kansas Municipalities (LMK), appeared in favor of the bill and offered proposed amendments to provide cities the authority to choose the types of vehicles to allow on city streets. Expanding **SB 37** to create a new category of "alternative motor vehicles" including all-terrain vehicles, work-site utility vehicles, micro-utility trucks, and other alternative vehicles, clarifies all of the vehicles under one definition. LKM's main goal is to broaden city authority to choose which vehicles to allow and have a law in which there is no question what vehicles may be driven on city streets (Attachment 4).

Chairman Umbarger expressed his desire to work the bill soon; he requested the revisor to review the language in LMK's amendment and bring it back tomorrow for the committee to consider.

There being no further conferees, the hearing on **SB 37** was closed.

The meeting was adjourned at 9:05 a.m. The next meeting is scheduled for January 29, 2009.



*Kathleen Sebelius, Governor
Thomas E. Wright, Chairman
Michael C. Moffet, Commissioner
Joseph F. Harkins, Commissioner*

January 27, 2009

Honorable Dwayne Umbarger, Chairman
Senate Transportation Committee
Statehouse, Room 549-N
Topeka, Kansas 66612

Dear Senator Umbarger:

The Kansas Corporation Commission would respectfully request the Senate Transportation Committee to introduce two proposals for legislation. The first proposal is a bill that will amend two Transportation statutes KSA 66-1,108 and KSA 66-1,109. The proposed amendment to KSA 66-1,108 uses the phrase "commercial motor vehicle" consistently throughout the definitions. The proposed amendment to KSA 66-1,109 provides clarification for motor carriers of passenger's operating as part of the Public Transit System and exemptions for non-profit organizations and custom harvesters of cotton and silage. (Draft language attached.)

The second proposal will amend KSA 66-1,129. Amendments to KSA 66-1,129 will remove the commonly referred to "tools of the trade" exemptions and striking the exception for vehicles hauling implements of husbandry for clarification purposes. This will not impact the Department of Agriculture's jurisdiction over the transportation of implements of husbandry. (Draft language attached)

The Corporation Commission respectfully seeks introduction of these bills through the Senate Transportation Committee. Should you have questions, please feel free to call me at 271-3190.

Thank You,

Thomas A. Day
Legislative Liaison

STATE OF KANSAS

BOB BETHELL
STATE REPRESENTATIVE, 113TH DISTRICT
104 E. THIRD, P.O. BOX 186
ALDEN, KS 67512
(620) 534-3085
FAX 620-534-3086
bethell@ink.org



COMMITTEE ASSIGNMENTS
CHAIRMAN: SOCIAL SERVICES BUDGET
MEMBER: APPROPRIATIONS
VETERANS AND HOMELAND
SECURITY
STATE CAPITOL—ROOM 128-S
TOPEKA, KS 66612
(785) 296-7616

TOPEKA

Senate Transportation
January 28, 2009
SB 37

Good morning Senator Umbarger and members of the Senate Transportation Committee.

I am Representative Bob Bethell and I appear in front of you today in support of SB 37.

There are many constituents of mine residing in Dist 113 that would like to have the ability to legally drive "street legal" golf carts on the streets of their home towns. The benefits of providing the ability to use these vehicles as a mode of transportation, in my opinion, outweigh the negative consequences.

I believe the ability to regulate these vehicles is a local decision that needs to be allowed by the State of Kansas.

I encourage your favorable consideration and passage of SB 37.

Mr. Chairman I would stand for questions.

Senate Transportation
1-28-09
Attachment 2

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
(785) 296-7366 TOPEKA
jlee@ink.org



TOPEKA

SENATE CHAMBER

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JUSTICE OVERSIGHT
KANSAS SECURITY

**Senate Transportation Committee
JANUARY 28, 2009
Testimony of SB 37**

Dear Chairman Umbarger and Senate Transportation Committee Members;

Thank you for 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. And now in this time of potentially higher fuel prices it would also allow our constituents an opportunity to save on fuel costs.

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.

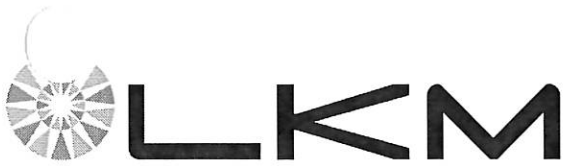
Page one lines 27 thru 30 describe the equipment required for a golf cart to be eligible to be operated on streets and the hours during which a golf cart may be operated on the streets.

Finally the bill would continue the current exemption from registration for golf carts operated on streets. Drivers of golf carts would be required 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 by local officials as to whether the use of golf carts is appropriate any community.

While I do not anticipate that such an ordinance would be appropriate in 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: Senate Transportation Committee
From: Sandy Jacquot, Director of Law/General Counsel
Re: Support for SB 37
Date: January 28, 2009

First, I would like to thank the Committee for allowing the League to testify in support of SB 37. I will be offering some proposed amendments which the League believes will broaden and address the overall problem SB 37 seeks to remedy. 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. We have provided some language to the Revisor's office, which I have attached to this testimony. I believe the Revisor has drafted some language, 9rs0456 to do essentially what LKM is proposing, in a slightly different way. That draft would keep the authorization for all-terrain vehicles and MUTS that currently exists in statute, but create a new category of "alternative motor vehicles." While we believe that it would be cleaner and less confusing to create the new category and include all of these types of vehicles under one definition, our main goal is to broaden city authority and have a law in which there is no question what vehicles may be driven on city streets.

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.