

SESSION OF 2006

SUPPLEMENTAL NOTE ON SENATE BILL NO. 374

As Amended by House Committee on
Transportation

Brief*

SB 374, as amended, would clarify the conditions under which self-propelled cranes are exempt from registration by specifying that they cannot be used to transport property, except when required for the operation of the crane itself. The bill also would make it an unclassified misdemeanor punishable by a fine of not less than \$500 for a person to unlawfully claim that a motor vehicle is exempt from registration as a self-propelled crane.

Background

The Director of Vehicles proposed the original bill. During Committee hearings the Director of Vehicles and a trooper of the Kansas Highway Patrol proposed an amendment (not adopted) that would have offered a substitute definition of a self-propelled crane. The representatives of the Gilmore Corporation and Polk Corporation appeared in opposition to the original bill. They stated, among other things, that the bill would have required crane companies to register and license equipment exempt since 1933. These conferees also told the Committee that the bill would have greatly increased the cost to most crane services in Kansas and would have created an advantage to Missouri crane companies which are not required to license or register these machines.

The Senate Committee on Transportation amendment would essentially restore the language in current law that sets the conditions under which a self-propelled crane is exempt from registration and specifies that the crane could not be used for the transportation of property. This proposed change was suggested by the conferee representing Midwest Crane and Rigging, Inc. who said that the amendment would confirm the original intent of the Legislature and would enable the Kansas Highway Patrol to recognize this equipment

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

as off-road. The other Senate Committee amendment would impose a minimum fine of \$500 on a person who falsely claims that a motor vehicle is exempt from registration as a self-propelled crane.

The conferees testifying in support of the bill before the House Transportation Committee included: Bill Miller, Midwest Crane and Rigging, Inc.; Greg Polk, Polk Crane Service, Inc.; and Martha Smith Neu, Executive Director, Kansas Manufacturing Housing Association. Gilmore Crane Corporation submitted written testimony in support of the bill. The Director of Vehicles testified that the bill as amended by the Senate Committee is no longer a bill sponsored by the Department. She also said that, the agency is awaiting the decision of a court in Atchinson County which states, "the exemption of self-propelled was not intended to exempt from registration any motor vehicle which happens to be equipped with a device for lifting."

The House Transportation Committee amendment would restore to existing law the types of property self-propelled cranes may transport.

The fiscal note on the original bill prepared by the Director of the Budget states that the Department of Revenue estimates that passage of the bill would cause a negligible revenue reduction because very few self-propelled cranes that use to register would no longer do so. No reliable information, however, exists by which to determine an accurate fiscal note.