

SESSION OF 2009

**CONFERENCE COMMITTEE REPORT BRIEF
HOUSE SUBSTITUTE FOR SENATE BILL NO. 145**

As Agreed to March 31, 2009

Brief*

House Sub. for SB 145 generally would require vehicles to be driven in the right lane on a multi-lane road outside of a city, would increase certain permit fees charged by the Kansas Department of Transportation (KDOT), and would change requirements for cotton module permits.

Specifically, the bill would make the following changes to current law:

- It would amend current law to require vehicles to be driven in the right lane when two lanes of traffic are going in the same direction on a highway outside of any city. It also would require vehicles on highways with three or more lanes proceeding in the same direction not to be driven in the far left lane. Exceptions apply to both cases when a vehicle is:
 - Overtaking and passing another vehicle;
 - Preparing to make a proper left turn;
 - Otherwise directed by official traffic-control devices; or
 - Otherwise required by other provisions of law.

The provisions would not apply to authorized emergency, law enforcement, or Kansas Turnpike Authority vehicles or to KDOT vehicles used for construction or maintenance work. Law enforcement officials would be required to

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issue a warning citation for the first full year the bill's provisions would be in effect (until July 1, 2010).

- It would increase the single-trip permit fee charged by the Kansas Department of Transportation (KDOT) for certain oversize or overweight vehicles from \$5 to \$25 and the annual permit fee from \$125 to \$150. It also would specify single-trip permit fees of \$30 for "large structures," which are structures that exceed certain width and height limits, and \$50 for "superloads," which are extremely heavy loads.
- It would restrict to 50,000 pounds the gross weight on tandem axles of a cotton module issued a special permit for an oversize or overweight vehicle on a highway under the Kansas Department of Transportation's jurisdiction. It would exclude such a cotton module from being considered a "superload."

Conference Committee Action

The Conference Committee agreed to the House provisions of House Sub. for SB 145, dealing with cotton modules, and further agreed to incorporate into the bill all of the provisions of the original SB 145, the "move right" provisions, and of SB 300's increase in certain permit fees, both as recommended by the Senate Committee on Transportation. (SB 300's provisions were identical to those of HB 2146 as it left the House Committee on Transportation.)

Background

SB 145 originally contained the provisions requiring a vehicle to be driven in the right lane when two lanes are going in the same direction or not driven in the far left lane when three or more lanes proceed in the same direction. The only testimony received on the bill was presented by a representative of the Kansas Highway Patrol. According to the

fiscal note from the Division of the Budget, KDOT estimated additional costs of \$6,000 from the State Highway Fund to install 12 signs to inform motorists of these requirements. If the bill is enacted, KDOT states it would need an increase in expenditure authority within the agency operations account of the State Highway Fund. Law enforcement agencies did not anticipate any effect on staffing.

The House Committee on Transportation recommended the introduction of a substitute bill, the portion of the bill dealing with cotton modules. The House Committee received no testimony on the cotton module portion of the bill and, at the time of committee action, no fiscal note was available on that portion. The portion of the bill dealing with permit fees was SB 300, which was approved by the full Senate; those provisions also are identical to those of HB 2146, which was stricken from the House calendar at turnaround.

Representatives of KDOT and the Kansas Motor Carriers Association (KMCA) testified in favor of the increased permit fee portion of the bill. The KMCA representative said that the fee increase had been agreed to by his association, KDOT, the Kansas Department of Revenue, the Kansas Corporation Commission, and the Kansas Highway Patrol. Written neutral testimony, with concerns, was provided by a representative of the Kansas Manufactured Housing Association. No one presented testimony opposing this portion of the bill. According to the fiscal note prepared by the Division of the Budget, KDOT reported that passage of the bill would increase agency revenues by \$1,495,615 because of the increases for certain permits and a KDOT official told Committee members that the increase would be used to cover costs to automate and otherwise improve the permit system. Any fiscal effect resulting from the passage of the bill was not included in amounts recommended in *The FY 2010 Governor's Budget Report*.

History of the Fees

None of the permit fees listed in the bill, not including the proposed specific fees for large structures and superloads, had

been changed in recent years. Below is information on the history of those fees:

- Single-trip permits. This fee has been \$5 since 1970. A KDOT official testified that the cost of issuing a single-use permit is more than three times the current permit fee.
- Vehicles authorized to move bales of hay. This fee has been \$25 since the provision was added in 1998.
- Annual permits. This fee has been \$125 since the provision was added in 1992. (From 1992 to 1996, it applied only to oil field servicing rigs.)
- Special vehicle combination permits. This fee has been unchanged since 1990: \$2,000 plus \$50 for each power unit operating under such annual permit.

Definitions

Regulations (KAR 36-1-35) define “large structure” and “superload”:

- “Large structure” means any load that exceeds either 16 feet, 6 inches in width or 18 feet in height.
- “Superload” means either of the following:
 - A vehicle transporting a nondivisible load that is in excess of 150,000 pounds gross weight; or
 - A vehicle transporting a nondivisible load in which any group or groups of axles exceed the limitations of these regulations.

No permits are required for farm machinery, machinery being transported to be used for terracing or soil or water conservation work on farms, or most vehicles owned by counties, cities, and other political subdivisions. Overweight vehicles transporting waste are not exempt.

cotton module; permit; fees; traffic; warning