

MINUTES OF THE SENATE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Les Donovan at 8:30 A.M. on February 7 in Room 527-S of the Capitol.

All members were present except:

Senator Pat Apple - Excused  
Senator Anthony Hensley - Excused

Committee staff present:

Hank Avila, Kansas Legislative Research Department  
Bruce Kinzie, Revisors of Statutes  
Maggie Breen, Committee Secretary

Conferees appearing before the committee:

Don McNeeley, Kansas Automobile Dealers Association  
Daryl C. Lutz, P.E., Butler County Engineer  
Carmen Alldritt, Director of Motor Vehicles  
William Miller, Midwest Crane and Rigging

Others attending:

See attached list.

Chairman Donovan opened the hearing on **SB 496 - Notice of security interest, vehicles.**

Don McNeeley, Kansas Automobile Dealers Association, appeared in support of **SB 496** to extend the time period for which a creditor can perfect a security interest in a motor vehicle from 20 days to 30 days. It conforms Kansas law with the 2005 revision to the Federal Bankruptcy Code. (Attachment 1)

Chairman Donovan closed the hearing on **SB 496** and opened the hearing on:

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

Daryl C. Lutz, Chairman of the Kansas County Highway Association (KCHA), and Butler County Engineer, said KCHA began work 4 years ago to revise and update sections of chapter 68 of Kansas statutes that relate to county road and bridge issues. **SB 510** is a minor technical correction to the road classification statutes amended during the 2005 legislative session. (Attachment 2)

Chairman asked the committee their wishes on the bill.

Senator Wilson made a motion to pass **SB 510** favorably and place it on the consent calendar. Senator Schmidt seconded the motion. The motion carried.

Chairman Donovan reopened the hearing on **SB 374 - Registration of vehicles, self-propelled cranes.**

Carmen Alldritt, Director of Motor Vehicles, said the department (DOR) introduced **SB 374** to give a clear, definite, more current definition of a self-propelled crane. This would assist our motor carriers and help the Kansas Highway Patrol with enforcement issues. She presented a balloon that contained a definition as used by OSHA. It's also an issue of fairness. She just spoke with the KCC and she said its pretty fair to say that the one operator that has an issue with this bill is the only one in the state that has a problem with registration and or the Federal Motor Carrier Safety Regulation. She asked for support of **SB 374** with the balloon amendment. (Attachment 3 & 4)

A discussion took place regarding the various types of cranes out there. A question came up as to what other states were doing. Mrs. Alldritt said Captain Meyer had the answer to that.

Captain Dan Meyer, Kansas Highway Patrol, said he only researched Missouri because that was the issue. Missouri has a special mobile equipment statute and a crane falls under it. They also have an Attorney General's opinion that falls back to how the vehicle is designed or manufactured. In his conversations with

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his counterparts in the Missouri Highway Patrol, if the vehicle in question was operated in Missouri, it would be subject to citation for not being registered.

William Miller, Midwest Crane and Rigging, said he's offering an amendment of the third page of a balloon he handed out. They are changing only one word, "constructed" to "used," that will hopefully eliminate all the problems. He's been in business for 25 years doing the very same thing. He agrees that the equipment has evolved, but it hasn't really evolved that much. The definition that Carmen Alldritt gave for a self-propelled crane is an OSHA definition, used primarily for the purpose of requirements for safety inspections by the operator and by a certified technicians to qualify that particular operator for a job site. The definition from OSHA is a very narrow definition and not relevant to what we're talking about here as far as the mobile crane operation. He operates in Missouri and has a store in St. Joseph. In 25 years of doing business, they have never had a citation in the state of Missouri and Missouri has reciprocity with Kansas. He said the issue is, if they were required to do the registration and licensing, there would be a major increase in his cost immediately and the costs would have to be passed on to the customers. In his case, working out of the Kansas City metro area, it would be an economical disadvantage. His option would be to move to Missouri. He said it's not, as it's been said, a one company issue. (Attachment 5 & 6)

Doug Lawrence, representing Polk Crane Service, pointed out that these cranes go to a location and stay there for long periods of time. They're not spending much time on streets and highways. He also mentioned that in Mr. Gilmore's testimony it's pointed out that just because a vehicle has a VIN # it doesn't make it capable of hauling anything.

Greg Polk, Polk Crane Services, Lawrence - Written Only (Attachment 7 & 8)

Allen Gilmore, Gilmore Crane Corporation of Topeka - Written Only (Attachment 9)

Chairman Donovan closed the hearing on **SB 374** and asked the committee's pleasure on **SB 496**.

Senator Schmidt made a motion to move SB 496 favorably. Senator Wilson seconded the motion. The motion carried.

The meeting adjourned at 9:27 a.m.

The next meeting is scheduled for February 9, 2006.