

MINUTES OF THE SENATE TRANSPORTATION COMMITTEE.

The meeting was called to order by Chairperson Senator Les Donovan at 8:30 a.m. on March 12, 2002 in Room 245-N of the Capitol.

All members were present except: Senator Goodwin
Senator Harrington
Senator Pugh

Committee staff present: Hank Avila, Legislative Research Department
Bruce Kinzie, Revisor of Statutes
Marian F. Holeman, Committee Secretary

Conferees appearing before the committee: Rep. Dennis McKinney
Tom Whitaker, Exec. Dir., KS Motor Carriers
Rep. Sharon Schwartz
Matt Moser, Titles & Registration, KDOR
Darrell Simnitt, Simnitt Bros., Inc.
L. N. Collier, Atty. Carlson Auction

Others attending: See attached list

HB 2693: Re traffic regulations; compression release engine braking system

Representative Dennis McKinney testified this bill is designed to enact a law which would provide for a standard method throughout the state to handle the noise made by the compression release engine braking system, or "Jake brakes" (attachment 1).

Tom Whitaker, Executive Director, Kansas Motor Carriers Association, explained that "Jake Brake" is a registered trademark. He further addressed his Association's belief that this problem should be addressed as a statewide issue because of the safety problem posed by banning the use of these devices. 70% of all new heavy-duty trucks are equipped with Jake Brakes because such vehicles are more efficient, productive, and safer as they enhance driver control. KMCA supports **HB 2693** as amended by the House Transportation Committee. It targets trucks with engine brakes but without mufflers and should be more effective because it would double the fine for violations to \$60 (attachment 2). Following committee discussion, Senator Schodorf moved the bill favorable for passage. Senator Jackson seconded the motion. Motion carried.

HB 2794: Re motor vehicles, 48 hour transport permit

An auctioneer constituent of Representative Sharon Schwartz requested this legislation to allow auctioneers to issue a "transport permit," which along with a bill of sale, would allow an auction buyer of a vehicle to drive the vehicle home (attachment 3). Several questions raised regarding the 48 hour limit, since farm auctions, estate auctions, etc. often occur over three day week-end periods. Mathew H. Moser, Manager Title and Registrations/Dealer Licensing, Department of Revenue explained that **HB 2794** permits auctioneers to sell motor vehicles, under certain circumstances, without acquiring a motor vehicle dealer's license and would alleviate a major inconvenience presently experienced in these circumstances. The bill would allow the Division to design and implement a system that should be cost-effective and secure (attachment 4). Darrell Simnitt, Simnitt Brothers, Inc. further discussed the problems involved in this issue. He presented written testimony from Richard H. Garvin, CAI, GPPA, Chairman of the Kansas Auctioneers Association (attachment 5). 30-day tags are issued to dealers only. A non-dealer auctioneer would have to consult with the Division of Motor Vehicles if for any reason they were selling more than 3 vehicles at one time.

L. N. Collier, Attorney at Law, representing Carlson Auction Service, Inc., expressed concern that the 48-hour permit may encourage unlicensed motor vehicle auctions which would not be subject to the same requirements as properly licensed auction dealers. He further listed concerns related to Section (b) of the bill and asked for considered clarification of these perceived problem areas. Since this bill can have a significant impact on auction motor vehicle

CONTINUATION SHEET

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dealers and consumers it was suggested that auction vehicle dealers, who are already subject to supervision by the Division of Vehicles, be included among those authorized to benefit from this less expensive temporary registration permit (attachment 6).

Senator Jackson requested an amendment to **HB 2794** which with necessary technical changes, would add an additional reassignment on certificates of title. The lack of reassignment space often leads to costly delays in transferring titles. Following a brief discussion, Senator Jackson moved to adopt the amendment. Senator Salmans seconded the motion. Motion carried.

Chairman Donovan requested that all those involved in concerns raised by last conferee, meet with Staff Revisor and the Director of Motor Vehicles to work out problems and the Committee will then return to the bill.

Approval of minutes

Senator Salmans moved to approve minutes of the March 6, 2002 meeting. Senator Jackson seconded the motion. Motion carried.

The meeting adjourned at 9:30 a.m.

The next meeting is scheduled for March 13m 2002.