

## HOUSE BILL No. 2715

By Committee on Transportation

2-14

1 AN ACT regulating traffic; concerning permits; relating to farm machinery  
2 and equipment; amending K.S.A. 2013 Supp. 8-1911 and repealing the  
3 existing section.

4  
5 *Be it enacted by the Legislature of the State of Kansas:*

6 New Section 1. (a) An implement dealer who obtains an annual  
7 permit pursuant to K.S.A. 8-1911, and amendments thereto, shall be  
8 allowed to move or transport farm tractors, implements of husbandry,  
9 combines, fertilizer dispensing equipment or other farm machinery on  
10 highways under the jurisdiction of the secretary of transportation.

11 (b) Such annual permit shall allow an implement dealer to move such  
12 equipment or machinery subject to the following conditions:

13 (1) Except as provided in subsection (e), loads being moved or  
14 transported shall not exceed a width of 17 feet, nine inches;

15 (2) except as provided in subsection (e), movement of loads  
16 exceeding a width of 14 feet shall use escort vehicles as required by the  
17 rules and regulations of the Kansas department of transportation;

18 (3) moves shall not be made within  $\frac{1}{2}$  hour after sunset and  $\frac{1}{2}$  hour  
19 before sunrise; and

20 (4) loads cannot be moved on any highway that is part of the national  
21 systems of interstate and defense highways.

22 (c) An implement dealer, or employee thereof, moving farm  
23 equipment or machinery on highways under the jurisdiction of the  
24 secretary of transportation that exceed the weight limits established by  
25 K.S.A. 8-1908 or 8-1909, and amendments thereto, or the height and  
26 length limits established by K.S.A. 8-1904, and amendments thereto, shall  
27 obtain an appropriate permit under K.S.A. 8-1911, and amendments  
28 thereto, and the rules and regulations promulgated by the Kansas  
29 department of transportation.

30 (d) Except as provided in subsection (e), the provisions of this section  
31 shall apply whether the implement dealer, or employees thereof, moves the  
32 equipment or machinery either:

33 (1) On a trailer or semi-trailer;

34 (2) pinning the equipment or machinery onto a truck or truck tractor  
35 with the item traveling on the item's wheels; or

36 (3) under the machinery or equipment's own power.

1 (e) An implement dealer, or employees thereof, may move farm  
2 machinery when towing such machinery behind a farm tractor within a  
3 100 mile radius of any of the implement dealer's places of business when  
4 such farm tractor and equipment or machinery are equipped with flashing  
5 lights on both the front and rear and towed in accordance with subsections  
6 (b)(3), (b)(4) and (c).

7 (f) As used in this section, "implement dealer" shall mean a person,  
8 firm, organization or business that buys, sells and services farm tractors,  
9 implements of husbandry, combines, fertilizer dispensing equipment or  
10 other farm machinery in the regular course of business.

11 Sec. 2. K.S.A. 2013 Supp. 8-1911 is hereby amended to read as  
12 follows: 8-1911. (a) The secretary of transportation with respect to  
13 highways under the secretary's jurisdiction and local authorities with  
14 respect to highways under their jurisdiction, in their discretion, upon  
15 application, may issue a special permit, which term shall include an  
16 authorization number, to the owner or operator of an oversize or  
17 overweight vehicle. The special permit shall authorize the special permit  
18 holder to operate or move a vehicle or combination of vehicles which  
19 exceed the limitations of this act, on a route, or routes, designated in the  
20 special permit and in accordance with the terms and conditions of the  
21 special permit.

22 (b) The application for the permit shall describe the vehicle, or  
23 combination of vehicles and all loads or cargo for which the special permit  
24 is requested, the route or routes on which operation is sought and whether  
25 a single trip or annual operation is requested. One special permit may be  
26 issued for a vehicle or combination of vehicles, that are both oversize and  
27 overweight. A special permit under this section may be for a single trip or  
28 for annual operation. The special permit shall designate the route or routes  
29 that may be used and any other terms, conditions or restrictions deemed  
30 necessary. The secretary of transportation shall charge a fee for each  
31 permit or authorization number issued as provided for in subsection (f). No  
32 permit shall be required to authorize the moving or operating upon any  
33 highway, *by a farmer or the farmer's family or employee or an implement*  
34 *dealer, as defined in section 1, and amendments thereto, or employee*  
35 *thereof who possesses an annual permit and following all conditions set*  
36 *forth in section 1, and amendments thereto,* of farm tractors, combines,  
37 fertilizer dispensing equipment or other farm machinery, or machinery  
38 being transported to be used for terracing or soil or water conservation  
39 work upon farms, ~~or~~. *No permit shall be required to authorize the moving*  
40 *or operating upon any highway of vehicles owned by counties, cities and*  
41 *other political subdivisions of the state, except that this sentence shall not:*  
42 (1) Exempt trucks owned by counties, cities and other political  
43 subdivisions specifically designed and equipped and used exclusively for

1 garbage, refuse or solid waste disposal operations from the maximum  
2 gross weight limitations contained in the table in K.S.A. 8-1909, and  
3 amendments thereto; or (2) authorize travel on interstate highways.

4 (c) A permit shall be valid only when the registration on the power  
5 unit is equal to or exceeds the total gross weight of the vehicle. When the  
6 gross weight of the vehicle exceeds the upper limit of the available  
7 registration, the maximum amount of registration must be purchased. The  
8 provisions of this subsection shall not apply to a wrecker or tow truck, as  
9 defined in K.S.A. 66-1329, and amendments thereto, and registered in  
10 accordance with the provisions of K.S.A. 8-143, and amendments thereto.

11 (d) The secretary or local authority may issue or withhold the permit  
12 at the secretary's or local authority's discretion or may limit the number of  
13 trips, or establish seasonal or other time limitations within which the  
14 vehicles described may be operated on the highways, or may otherwise  
15 limit or prescribe conditions of operations of such vehicle or combination  
16 of vehicles, when necessary to assure against undue damage to the road.  
17 The secretary or local authority may require such undertaking or other  
18 security as may be deemed necessary to compensate for any injury to any  
19 roadway or road structure.

20 (e) Every permit shall be carried in the vehicle or combination of  
21 vehicles to which it refers and shall be open to inspection by any police  
22 officer or authorized agent of any authority granting the permit. It shall be  
23 unlawful for any person to violate any of the terms or conditions of [the]  
24 special permit.

25 (f) The secretary of transportation shall charge and collect fees as  
26 follows:

- 27 (1) Twenty dollars for each single-trip permit;
- 28 (2) thirty dollars for each single-trip permit for a large structure, as  
29 defined by rules and regulations;
- 30 (3) fifty dollars for each single-trip permit for a superload, as defined  
31 by rules and regulations;
- 32 (4) twenty-five dollars for a five-year permit for vehicles authorized  
33 to move bales of hay under subsection (j) on noninterstate highways;
- 34 (5) one hundred and fifty dollars for each annual permit; or
- 35 (6) two thousand dollars per year for each qualified carrier company  
36 for special vehicle combination permits authorized under K.S.A. 8-1915,  
37 and amendments thereto, plus \$50 per year for each power unit operating  
38 under such annual permit.

39 No fees shall be charged for permits issued for vehicles owned by  
40 counties, cities and other political subdivisions of the state. All permit fees  
41 received under this section shall be remitted to the state treasurer in  
42 accordance with the provisions of K.S.A. 75-4215, and amendments  
43 thereto. Upon receipt of each such remittance, the state treasurer shall

1 deposit the entire amount in the state treasury to the credit of the state  
2 highway fund. The secretary may adopt rules and regulations for payment  
3 and collection of all fees. The secretary may adopt rules and regulations  
4 implementing the provisions of this section to prescribe standards for any  
5 permit program to enhance highway safety.

6 (g) If any local authority does not desire to exercise the powers  
7 conferred on it by this section to issue or deny permits then such a permit  
8 from the local authority shall not be required to operate any such vehicle  
9 or combination of vehicles on highways under the jurisdiction of such  
10 local authority, but in no event shall the jurisdiction of the local authority  
11 be construed as extending to any portion of any state highway, any city  
12 street designated by the secretary as a connecting link in the state highway  
13 system or any highway within the national system of interstate and defense  
14 highways, which highways and streets, for the purpose of this section,  
15 shall be under the jurisdiction of the secretary.

16 (h) A house trailer, manufactured home or mobile home which  
17 exceeds the width as provided in subsection (a) of K.S.A. 8-1902, and  
18 amendments thereto, may be moved on the highways of this state by  
19 obtaining a permit as provided in this section, if:

20 (1) The width of such house trailer, manufactured home or mobile  
21 home does not exceed 16½ feet;

22 (2) the driver of the vehicle pulling the house trailer, manufactured  
23 home or mobile home has a valid driver's license; and

24 (3) the driver carries evidence that the house trailer, manufactured  
25 home or mobile home, and the vehicle pulling it, are covered by motor  
26 vehicle liability insurance with limits of not less than \$100,000 for injury  
27 to any one person, and \$300,000 for injury to persons in any one accident,  
28 and \$25,000 for injury to property.

29 For the purposes of this subsection, the terms "manufactured home"  
30 and "mobile home" shall have the meanings ascribed to them by K.S.A.  
31 58-4202, and amendments thereto.

32 (i) Upon proper application stating the description and registration of  
33 each power unit, the secretary of transportation shall issue permits for a  
34 period, from May 1 to November 15, for custom combine operators to tow  
35 custom-combine equipment on a trailer within legal dimensions or a trailer  
36 especially designed for the transportation of combines or combine  
37 equipment at the rate of \$10 per power unit. Each application shall be  
38 accompanied by information as required by the secretary. The permit shall  
39 allow custom combine operators to haul two combine headers on  
40 designated interstate highways provided:

41 (1) The vehicle plus the load do not exceed 14 feet in width;

42 (2) the move is completed during the period beginning 30 minutes  
43 before sunrise and ending 30 minutes after sunset; and

1       (3) the vehicle plus the load are not overweight.

2       (j) Except as provided in paragraph (2) of subsection (d) of K.S.A. 8-  
3 1902, and amendments thereto, a vehicle loaded with bales of hay which  
4 exceeds the width as provided in subsection (a) of K.S.A. 8-1902, and  
5 amendments thereto, may be moved on any highway designated as a part  
6 of the national network of highways by obtaining a permit as provided by  
7 this section, if:

8       (1) The vehicle plus the bales of hay do not exceed 12 feet in width;

9       (2) the vehicle plus the bales of hay do not exceed the height  
10 authorized under K.S.A. 8-1904, and amendments thereto;

11       (3) the move is completed during the period beginning 30 minutes  
12 before sunrise and ending 30 minutes after sunset;

13       (4) the vehicle plus the load are not overweight; and

14       (5) the vehicle plus the load comply with the signing and marking  
15 requirements of paragraph (3) of subsection (d) of K.S.A. 8-1902, and  
16 amendments thereto.

17       (k) If it is determined by the secretary of transportation that a person  
18 has been granted a permit and has not complied with the applicable  
19 provisions of this section and the rules and regulations of the secretary of  
20 transportation relating thereto, the secretary may cancel the permit and  
21 may refuse to grant future permits to the individual.

22       Sec. 3. K.S.A. 2013 Supp. 8-1911 is hereby repealed.

23       Sec. 4. This act shall take effect and be in force from and after its  
24 publication in the statute book.