

SESSION OF 2013

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2202

As Amended by House Committee on
Agriculture and Natural Resources

Brief*

HB 2202 would provide that whenever the Governor or the U.S. Department of Agriculture declare all or any portion of the State is in a state of drought, certain conditions would apply to motor carriers transporting hay or related animal forage feedstuffs to the geographic area specified in the drought declaration. Those certain conditions would be as follows:

- Motor carrier registration and fuel tax permits would be temporarily suspended;
- Licensing, certification, and permitting rules and regulations of the State Corporation Commission would be temporarily suspended;
- These motor carriers could not operate during the period beginning 30 minutes after sunset and ending 30 minutes before sunrise and would be required to comply with flags, signs, and lighting requirements applicable to overwidth vehicles;
- Motor carriers could not operate during inclement weather;
- Oversize and overweight loads could not be transported when visibility is less than one-half mile or when conditions of moderate to heavy rain, sleet, snow, fog, or smoke exist, or when highway

*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>

surfaces are slippery due to ice or packed snow;
and

- Motor carriers could not transport a load of more than 12 feet in width and 14 feet, six inches, in height.

Background

At the House Committee hearing on the bill, proponents, including a spokesperson from the Kansas Department of Agriculture, stated the legislation would allow automatic exemptions for certain motor carriers when drought declarations have been made either by the Governor or by the U.S. Department of Agriculture. Other proponents included representatives from the Kansas Farm Bureau and the Kansas Livestock Association.

Providing neutral testimony was a spokesperson for the Kansas Motor Carriers Association. This conferee suggested amendments to the bill. One amendment suggested was the removal of one of the references to when roadways may be slippery because of "rain." The Committee was told removal of this language would allow transportation to continue when the pavement is wet. A second amendment was suggested to eliminate words referencing the issuance of interstate licenses as an interstate exempt carrier issued by the State Corporation Commission. The Commission no longer issues interstate licenses.

The House Committee amended the bill to delete the reference to "rain" so that transportation could continue even when roadways are wet. It also deleted the reference to the issuance of interstate licenses as an interstate carrier. In addition, the Committee amended the bill so that the provisions of the bill would apply when the U.S. Department of Agriculture has made a declaration of drought and not just the Governor. Other amendments were technical in nature.

The fiscal note on the original bill indicates the revenue loss to the State Highway Fund attributable to the passage of the bill would be negligible. In addition, the fiscal note states the bill would have no fiscal effect for the State Corporation Commission.