

## MINUTES OF THE SENATE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Les Donovan at 8:30 A.M. on January 19 in Room 527-S of the Capitol.

All members were present except:  
Anthony Hensley- excused

Committee staff present:  
Michele Alishahi, Kansas Legislative Research Department  
Bruce Kinzie, Revisors of Statutes  
Maggie Breen, Committee Secretary

Conferees appearing before the committee:  
Marcy Ralston, Bureau Chief Driver Control, Division of Motor Vehicles  
John Federico, Recreational Vehicle Industry Association  
Tom Whitaker, Kansas Motor Carriers Association]  
Ken Gudenkauf, Kansas Department of Transportation  
Carmen Alldritt, Director, Kansas Motor Vehicles Division  
Captain Dan Meyer, Kansas Highway Patrol

Others attending:  
See attached list.

Chairman Donovan opened the floor for introduction of bills.

Senator Janis Lee requested two bills be introduced. The first bill deals with the would allow for the legal use of electric scooters (Became **SB 412**). The second would allow cities the option of permitting appropriately equipped golf carts to be used on city streets (Became **SB 413**).

Senator Wilson made a motion to introduce both bills. Senator Palmer seconded the motion. The motion carried.

Senator Donovan said Senator Laura Kelly made a request for a bill that would require drivers to move, when safety permits, to the other lane when coming up to highway patrol or KDOT vehicles with flashing lights, in order to allow them more space (Became **SB 411**).

Senator Donovan made a motion to introduce the bill. Senator Wilson seconded the motion. The motion carried.

Senator Donovan opened the hearing on **SB 371 - Commercial driver's licenses, providing penalties, notification.**

Marcy Ralston, Chief, Driver Control Bureau, Division of Vehicles, said **SB 371** will bring Kansas in compliance with the Federal Motor Carrier Safety Improvement Act, including notification of conviction and disqualification actions for commercially licensed drivers and offenses in commercial motor vehicles. (Attachment 1)

Senator Donovan closed the hearing on **SB 371** and opened the hearing on **SB 372 - Regulating traffic, concerning width of motor homes or travel.**

John Federico, representing the Recreational Vehicle Industry Association (RVIA), appeared in support of **SB 372**. The RVIA and the entire recreational vehicle industry respectively requests the support of the committee. It will help bring the Kansas statutes in closer uniformity with surrounding states and the majority of states in the country. With current law the width of a vehicle is restricted to 102". A motor home or travel trailer is allowed to exceed the 102" restriction if the excess width is attributable to an appurtenance. Basically, an appurtenance is something added, an accessory. The appurtenance cannot extend more than 6" from the body of the vehicle. The allowance of this 6" appurtenance was put into law several years ago to accommodate an awning. The law needs to be changed again to accommodate the changing needs of today's

CONTINUATION SHEET

MINUTES OF THE Senate Transportation Committee at 8:30 A.M. on January 19 in Room 527-S of the Capitol.

RV consumer. The bill will simply allow, in a restrictive manner, RV's with factory or dealer installed awnings on both sides of the vehicle to be driven on Kansas roads and be within the law. Mr. Federico said he had contacted the Highway Patrol and KDOT and they have come to a negotiated agreement with language that is agreeable to all. He has a balloon that reflects the agreement which states "No appurtenances may extend further than the rearview mirrors. Such mirrors may only extend the distance necessary to provide the required field of view before the appurtenances were attached." They are not asking that the width of the vehicle be any wider. They are simply asking that the measurement of the width of the vehicle exclude awnings. The awnings are about 10' or 12' high in the air and well inside the width of the side view mirrors. The insurance companies have chosen not to raise the rates for RV's with awnings that extend beyond 102," as they have not seen a rise in claims for damages. (Attachment 2)

Ken Gudenkauf, Legislative Liaison, KDOT, said the present law says we allow 102" for the standard vehicle and up to 108" to allow for appurtenances. **SB 372**, as written, eliminates any width limitations on appurtenances. KDOT was concerned about that so they worked with Mr. Federico and together they came up with the language in the balloon. KDOT opposes the bill as written but support the legislation if amended with the balloon submitted by Mr. Federico. (Attachment 3)

Lt. John Eickhorn, Kansas Highway Patrol, said having the balloon does in effect place restrictions.

Senator Donovan closed the hearing on **SB 372** and opened the hearing on **SB 373 - Apportioned registration of fleet vehicles, enforcement.**

Tom Whitaker, Executive Director, Kansas Motor Carriers Association (KMCA), said he was here with Calvin Koehn, Circle K Transportation, association president, and Gale Fischer, Golden Plains Trucking, Inc., association treasurer. They are here to support **SB 373**, which implements the Performance and Registration Information Systems Management (PRISM) program in Kansas. PRISM allows the state to tie interstate commercial motor vehicle identification numbers to a motor carrier's DOT number. It is a safety bill. PRISM tracks the vehicle identification numbers so it can tell when a bad carrier closes their door and turns around and starts a new company. Through the tracking, the safety people know what's going on with the carrier. If a carrier is not keeping up with its safety requirement, the Federal Motor Carrier Safety Administration will send a warning letter to the carrier saying they better get themselves back into shape or their vehicle registration will be suspended or revoked. This is supported by KMCA, KDOR, and the Federal Motor Carrier Safety Administration. He urged a favorable consideration of the bill. (Attachment 4)

Carmen Alldritt, Director of Vehicle, DOR, thanked Tom for stepping up to the plate on the legislation. It is needed and it was great he initiated the bill.

Chairman Donovan closed the hearing on **SB 373** and opened the hearing on **SB 374 - Registration of vehicles, self-propelled cranes.**

Carmen Alldritt, Director, Director of Vehicles, DOR, Kansas Motor Vehicles Division, **SB374** uses federal language to describe self-propelled cranes. This was an issue the Highway Patrol came to them with and she was happy to work with them on it. This change would bring consistency and assist the Highway Patrol with some enforcement issues. (Attachment 5)

Captain Dan Meyer, Kansas Highway Patrol, on behalf of Colonel William Seck, said he appreciates the opportunity to express the Patrol's position regarding **SB374**. The current definition of a self-propelled crane has created a potential loophole that could allow trucks or truck-tractors that merely have a crane mounted upon the truck avoid registration requirements. The changes proposed in the bill would simply more narrowly define what a self-propelled crane is and aid in the loss of revenue from unpaid registration and commercial vehicle taxes. Currently, some companies are operating flat bed trucks that have a boom lift mounted on the truck chassis and are failing to obtain Kansas registration. When Notice to Appear are written to drivers of these vehicles, some courts are using the current statute to dismiss the violation. He urged the support of the bill. (Attachment 6)

Chairman Donovan closed the hearing on **SB 374** and asked the committed if they desired any action on any

CONTINUATION SHEET

MINUTES OF THE Senate Transportation Committee at 8:30 A.M. on January 19 in Room 527-S of the Capitol.

of the bills heard today.

Senator Schmidt made a motion to pass **SB 371** out favorably Senator Palmer seconded the motion. The motion carried. Chairman Donovan said he would carry the bill.

Senator Wilson made a motion to pass **SB 373** out favorably and have it placed on the consent calendar. Senator O'Connor seconded the motion. The motion carried.

Senator O'Connor made a motion to amend **SB 372** with the balloon presented by Mr. Federico. Senator Wilson seconded the motion. The motion carried.

Senator O'Connor made a motion to pass **SB 372** out favorably as amended. Senator Wilson seconded the motion. The motion carried. Senator Peterson volunteered to carry the bill.

The meeting adjourned at 9:20 a.m.

The date of the next meeting is January 25, 2006.