

SESSION OF 2015

**CONFERENCE COMMITTEE REPORT BRIEF  
HOUSE BILL NO. 2044**

As Agreed to March 30, 2015

**Brief\***

HB 2044 would establish the definition and requirements for “autocycles” and would create the Omega Psi Phi distinctive license plate.

***Autocycles***

The bill would establish the definition for “autocycle” as a three-wheel motorcycle that has a steering wheel and seating that does not require the operator to straddle or sit astride it. The bill would exempt persons under the age of 18 years from requirements otherwise applicable to motorcycle use to wear a helmet and eye-protective devices while riding in or operating an autocycle. Class M motor vehicles would not include autocycles for driver’s license purposes.

The bill would require each occupant age 14 years and older of an autocycle manufactured with seat belts to have a seat belt properly fastened around the person’s body when the vehicle is in motion. The bill also would require a child younger than 14 years to be properly restrained within an autocycle as the child would be in a passenger car. Failure to properly restrain a child in an autocycle as required would be a violation of the Child Passenger Safety Act.

This portion of the bill would be in effect upon publication in the *Kansas Register*.

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\*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at <http://www.kslegislature.org/kldr>

### ***Omega Psi Phi License Plate***

The bill would authorize the Omega Psi Phi distinctive license plate. The bill would allow any owner or lessee of one or more passenger vehicles or trucks registered for a gross weight of 20,000 pounds or less to apply for the new plate on and after January 1, 2016, after paying annual vehicle registration fees and a logo use royalty fee between \$25 and \$100 to Omega Psi Phi. The bill would require Omega Psi Phi to design and pay the initial cost of silk-screening for the license plates. Payments from the Omega Psi Phi royalty fund would be made on a monthly basis to the appropriate designee of Omega Psi Phi.

### **Conference Committee Action**

The Conference Committee agreed to HB 2044 as amended by the Senate Committee of the Whole and also agreed to add the contents of HB 2013 as amended by the Senate Committee on Transportation, relating to the Omega Psi Phi distinctive license plate.

### **Background**

#### ***HB 2044, Autocycles***

The bill was requested by Representative Couture-Lovelady, who also testified in support of the bill in the House Committee on Transportation. He stated, currently, a motorcycle license is required to drive an autocycle in Kansas and the bill would remove that requirement. Also testifying as a proponent was a representative of Polaris Industries, who requested an amendment to strike the word “enclosed” in the definition of the vehicle. Both provided illustrations of and specifications for vehicles that would fit the definition. Written proponent testimony was provided by the vice president of governmental affairs for Elio Motors and a private citizen. There was no other testimony.

The representative of Polaris Industries provided additional written information regarding autocycle operation and safety features to House Committee members in response to questions.

The House Committee amended the bill to remove “enclosed” from the vehicle definitions. One definition would appear in the Uniform Act Regulating Traffic and the other in registration and titling statutes.

Representative Couture-Lovelady and representatives of Elio Motors and Polaris Industries provided proponent testimony to the Senate Committee on Transportation; there was no other testimony. Illustrations of the vehicles were provided, and their safety features, including seat belts, were discussed.

The Senate Committee amended the bill to require occupants of autocycles age 14 years and older to wear seat belts.

The Senate Committee of the Whole amended the bill to require child safety restraint and include failure to restrain a child in an autocycle as required as a violation of the Child Passenger Safety Act.

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Kansas Department of Revenue (KDOR) indicates the bill would have no fiscal effect.

### ***HB 2013, Omega Psi Phi License Plate***

Representative Finney requested the bill and testified as a proponent of it in the House Committee on Transportation. A member of the Omega Psi Phi district executive leadership body submitted written testimony in support of the bill. Testimony included information on the fraternity’s membership, principles, and service to the community and

stated proceeds from the sale of the license plates would be used for scholarships. There was no other testimony. The House Committee recommended the bill be placed on the Consent Calendar.

Representative Finney and a member of the Omega Psi Phi district executive leadership body provided proponent testimony to the Senate Committee on Transportation. There was no other testimony. The Senate Committee adopted a technical amendment.

Provisions of KSA 2014 Supp. 8-1,141 would apply to this license plate. The statute subjects such a plate to the personalized license plate fee, requires a guarantee of an initial issuance of at least 500 such license plates, and requires the sponsoring organization to submit a nonrefundable amount not to exceed \$20,000 to defray the Division of Vehicles' cost for developing such a plate.

According to the fiscal note prepared by the Division of the Budget on HB 2013, as introduced, KDOR estimates the bill would increase revenue to the Distinctive License Plate Fund by \$20,000, the nonrefundable fee required of the sponsor to pay the costs of developing the plate. The provisions also would require anyone who wanted the plate to pay the \$40 personalized license plate fee, which would increase revenue to the State Highway Fund by \$20,000. KDOR also estimates expenditures from the Division of Vehicles Operating Fund of \$17,605 for shipping the plates to county treasurers' offices and computer system changes. Any fiscal effect associated with the bill is not reflected in *The FY 2016 Governor's Budget Report*.

motor vehicles; autocycles; safety belts; distinctive license plates

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