

## HOUSE BILL No. 2521

By Committee on Transportation

1-25

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1 AN ACT regulating traffic; relating to size, weight and load of vehicles;  
2 annual emergency response permits; amending K.S.A. 2015 Supp. 8-  
3 1911 and repealing the existing section.  
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5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2015 Supp. 8-1911 is hereby amended to read as  
7 follows: 8-1911. (a) The secretary of transportation with respect to  
8 highways under the secretary's jurisdiction and local authorities with  
9 respect to highways under their jurisdiction, in their discretion, upon  
10 application, may issue a special permit, which term shall include an  
11 authorization number, to the owner or operator of an oversize or  
12 overweight vehicle. The special permit shall authorize the special permit  
13 holder to operate or move a vehicle or combination of vehicles which  
14 exceed the limitations of this act, on a route, or routes, designated in the  
15 special permit and in accordance with the terms and conditions of the  
16 special permit.

17 (b) The application for the permit shall describe the vehicle, or  
18 combination of vehicles and all loads or cargo for which the special permit  
19 is requested, the route or routes on which operation is sought and whether  
20 a single trip or annual operation is requested. One special permit may be  
21 issued for a vehicle or combination of vehicles, that are both oversize and  
22 overweight. A special permit under this section may be for a single trip or  
23 for annual operation. The special permit shall designate the route or routes  
24 that may be used and any other terms, conditions or restrictions deemed  
25 necessary. The secretary of transportation shall charge a fee for each  
26 permit or authorization number issued as provided for in subsection (f). No  
27 permit shall be required to authorize the moving or operating upon any  
28 highway, by an implement dealer, as defined in K.S.A. 2015 Supp. 8-1918,  
29 and amendments thereto, or employee thereof who possesses an annual  
30 permit and following all conditions set forth in K.S.A. 2015 Supp. 8-1918,  
31 and amendments thereto, of farm tractors, combines, fertilizer dispensing  
32 equipment or other farm machinery, or machinery being transported to be  
33 used for terracing or soil or water conservation work upon farms. No  
34 permit shall be required to authorize the moving or operating upon any  
35 highway of farm tractors, combines, fertilizer dispensing equipment or  
36 other farm machinery, or machinery being transported to be used for

1 terracing or soil or water conservation work upon farms, or vehicles  
2 owned by counties, cities and other political subdivisions of the state,  
3 except that this sentence shall not: (1) Exempt trucks owned by counties,  
4 cities and other political subdivisions specifically designed and equipped  
5 and used exclusively for garbage, refuse or solid waste disposal operations  
6 from the maximum gross weight limitations contained in the table in  
7 K.S.A. 8-1909, and amendments thereto; or (2) authorize travel on  
8 interstate highways.

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

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

25 (e) Every permit shall be carried in the vehicle or combination of  
26 vehicles to which it refers and shall be open to inspection by any police  
27 officer or authorized agent of any authority granting the permit. It shall be  
28 unlawful for any person to violate any of the terms or conditions of the  
29 special permit.

30 (f) The secretary of transportation shall charge and collect fees as  
31 follows:

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

1 under such annual permit.

2 No fees shall be charged for permits issued for vehicles owned by  
3 counties, cities and other political subdivisions of the state. All permit fees  
4 received under this section shall be remitted to the state treasurer in  
5 accordance with the provisions of K.S.A. 75-4215, and amendments  
6 thereto. Upon receipt of each such remittance, the state treasurer shall  
7 deposit the entire amount in the state treasury to the credit of the state  
8 highway fund. The secretary may adopt rules and regulations for payment  
9 and collection of all fees. The secretary may adopt rules and regulations  
10 implementing the provisions of this section to prescribe standards for any  
11 permit program to enhance highway safety.

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

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

26 (1) The width of such house trailer, manufactured home or mobile  
27 home does not exceed 16<sup>1</sup>/<sub>2</sub> feet;

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

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

35 For the purposes of this subsection, the terms "manufactured home"  
36 and "mobile home" shall have the meanings ascribed to them by K.S.A.  
37 58-4202, and amendments thereto.

38 (i) Upon proper application stating the description and registration of  
39 each power unit, the secretary of transportation shall issue permits for a  
40 period, from May 1 to November 15, for custom combine operators to tow  
41 custom-combine equipment on a trailer within legal dimensions or a trailer  
42 especially designed for the transportation of combines or combine  
43 equipment at the rate of \$10 per power unit. Each application shall be

1 accompanied by information as required by the secretary. The permit shall  
2 allow custom combine operators to haul two combine headers on  
3 designated interstate highways provided:

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

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

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

8 (j) Except as provided in ~~paragraph (2) of subsection (d) of K.S.A. 8-~~  
9 ~~1902(d)(2)~~, and amendments thereto, a vehicle loaded with bales of hay  
10 which exceeds the width as provided in ~~subsection (a) of K.S.A. 8-~~  
11 ~~1902(a)~~, and amendments thereto, may be moved on any highway  
12 designated as a part of the national network of highways by obtaining a  
13 permit as provided by this section, if:

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

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

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

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

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

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

28 (l) (1) Vehicles operating under the provisions of a permit issued  
29 under subsection (a), which exceed the width limitations prescribed by  
30 K.S.A. 8-1902, and amendments thereto, or the length provisions in  
31 K.S.A. 8-1904, and amendments thereto, shall have a sign attached which  
32 states "OVERSIZE LOAD" and the dimensions of the sign shall be a  
33 minimum of seven feet long and 18 inches high. Letters shall be a  
34 minimum of 10 inches high with a brush stroke [stroke] of not less than  $1\frac{2}{5}$   
35 inches. The sign shall be readily visible from a distance of 500 feet and  
36 shall be removed when the vehicle or load no longer exceeds the legal  
37 width dimensions prescribed by K.S.A. 8-1902, and amendments thereto,  
38 or the length provisions in K.S.A. 8-1904, and amendments thereto. Each  
39 such vehicle shall be equipped with red flags on all four corners of the  
40 oversize load.

41 (2) Vehicles operating under the provision of a permit issued under  
42 subsection (a), which exceed the weight limitations of K.S.A. 8-1908 or 8-  
43 1909, and amendments thereto, but do not exceed the width limitations

1 prescribed by K.S.A. 8-1902, and amendments thereto, or the length  
2 provisions in K.S.A. 8-1904, and amendments thereto, shall not have a  
3 sign attached which states "OVERSIZE LOAD."

4 (m) (1) Vehicles operating under the provisions of a permit issued  
5 under subsection (a), which exceed the width limitations prescribed by  
6 K.S.A. 8-1902, and amendments thereto, or the length provisions in  
7 K.S.A. 8-1904, and amendments thereto, shall not operate: (i) During the  
8 time period between 30 minutes after sunset to 30 minutes before sunrise,  
9 unless specifically authorized under another statute or regulation; (ii)  
10 under conditions where visibility is less than  $\frac{1}{2}$  mile; or (iii) when  
11 highway surfaces have ice or snow pack or drifting snow.

12 (2) Vehicles operating under the provisions of a permit issued under  
13 subsection (a), which exceed the weight limitations of K.S.A. 8-1908 or 8-  
14 1909, and amendments thereto, but do not exceed the width limitations  
15 prescribed by K.S.A. 8-1902, and amendments thereto, or the length  
16 provisions in K.S.A. 8-1904, and amendments thereto, may operate 24-  
17 hour days, except that such vehicles shall not operate when highway  
18 surfaces have ice or snow pack or drifting snow.

19 (n) *Notwithstanding any provision of this section or any other law to*  
20 *the contrary, the secretary shall issue an annual emergency response*  
21 *permit for the transportation of structures and materials needed for repair*  
22 *work immediately following a disaster where utility service or*  
23 *transportation infrastructure has been disrupted or damaged. Vehicles*  
24 *used to assist with utility service or transportation infrastructure repairs*  
25 *that have been granted special permits under this section may be operated*  
26 *and transported on state maintained roads and highways at any time, on*  
27 *any day while responding to an emergency and to return to their base of*  
28 *operation following such an emergency. As used in this subsection, the*  
29 *term "structures and materials" shall include, but not be limited to, utility*  
30 *wires, cables, crushed rock and equipment, and the term "transportation*  
31 *infrastructure" shall include roads, railroads and bridges. The secretary*  
32 *may adopt rules and regulations implementing the provisions of this*  
33 *subsection.*

34 Sec. 2. K.S.A. 2015 Supp. 8-1911 is hereby repealed.

35 Sec. 3. This act shall take effect and be in force from and after its  
36 publication in the statute book.