

SESSION OF 2019

**CONFERENCE COMMITTEE REPORT BRIEF  
SENATE SUBSTITUTE FOR HOUSE BILL NO. 2225**

As Agreed to April 2, 2019

**Brief\***

Senate Sub. for HB 2225 would increase fees for certain permits authorizing oversize or overweight vehicles to operate on designated routes and would require registration of escort vehicle companies.

***Permit Fees***

The bill would increase these permit fees as of January 1, 2020:

- For each single-trip permit, from \$20 to \$40;
- For each single-trip permit for a large structure, from \$30 to \$200;
- For each single-trip permit for a superload, from \$50 to \$200; and
- For each annual permit, from \$150 to \$200.

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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>

### ***Escort Vehicles***

The bill would require, on and after January 1, 2020, each company that operates an escort service in the state to register annually with the Secretary of Transportation (Secretary) in accordance with rules and regulations adopted by the Secretary.

The bill would require each application for registration be accompanied by the name and address of the agent for service of process; proof of insurance, self-insurance, or other financial security for each vehicle operated; proof that each driver of an escort vehicle has a valid operator's license issued by a U.S. State or territory; proof each driver has successfully completed an escort vehicle training course approved by the Secretary; and other information the Secretary may require.

The bill would authorize the Secretary to revoke, suspend, or refuse to issue a registration for violation of these provisions.

The bill would make technical changes.

### **Conference Committee Action**

The Conference Committee agreed to the provisions of Senate Sub. for HB 2225, as passed by the Senate, with the following changes to fees for permits for oversize or overweight vehicles:

- Increase the permit fee for a large structure from \$60 to \$200;
- Increase the permit fee for a superload from \$100 to \$200; and
- Reduce the fee for an annual permit from \$250 to \$200.

## **Background**

Senate Sub. for HB 2225 contains the contents of SB 187, as amended by the Senate Committee on Transportation. Contents of HB 2225, as introduced, for which the Senate Committee held a hearing, requiring drivers to stop when on-track equipment is nearby, were added to SB 63 by the House Committee on Transportation and are included in the Conference Committee report for SB 63.

With the exception of the amounts of certain permit fees, the provisions of Senate Sub. for HB 2225 were identical to those of HB 2371, as passed by the House. Background information for HB 2371 is provided below.

### ***SB 187 (Special Permit Fees)***

SB 187 was introduced by the Senate Committee on Ways and Means at the request of Senator McGinn. It addresses a recommendation of the Joint Legislative Transportation Vision Task Force (Task Force), which met during the 2018 Legislative Interim, that the Legislature review potential sources of additional funding for transportation, including increasing fees for oversize vehicles. (The Task Force did not recommend fee amounts.)

At the Senate Committee on Transportation hearing, neutral testimony was provided by the Deputy Secretary of Transportation. Written-only proponent testimony was provided by representatives of the American Council of Engineering Companies of Kansas, Ash Grove Cement Company, and Economic Lifelines, who expressed support for increased funding for transportation.

Opponent testimony was provided by a representative of the Kansas Motor Carriers Association (KMCA), who

reviewed the types of loads to which each permit applies and offered amendments to the proposed fee increases. A representative of the Kansas Manufactured Housing Association provided written-only opponent testimony, which included support for the annual permit fee change proposed by the KMCA representative.

The Senate Committee amended the bill to change the effective date for the changes in permit fees from July 1, 2020, to January 1, 2020; change certain of the proposed permit fees; and add provisions regarding escort vehicle companies. The Senate Committee amendments were incorporated into Senate Sub. for HB 2225. [Note: The Conference Committee retained these amendments, with the noted modifications.]

Kansas Department of Transportation (KDOT) rules and regulations specific to special permits and oversize or overweight loads are KAR 36-1-35, 36-1-36, 36-1-37, and 36-1-38. "Large structure" is defined in KAR 36-1-35 as any load that exceeds 16.5 feet in width or 18 feet in height. "Superload" is defined in KAR 36-1-35 as a vehicle transporting a nondivisible load that exceeds 150,000 pounds gross weight or a vehicle transporting a nondivisible load in which any group or groups of axles exceed limitations provided in rules and regulations. Current requirements for operations of escort vehicles are included in KAR 36-1-36 and KAR 36-1-38.

The bill as introduced would have doubled permit fee amounts in current law:

- For each single-trip permit, from \$20 to \$40;
- For each single-trip permit for a large structure, from \$30 to \$60 [Note: The Conference Committee changed this amount to \$200.];

- For each single-trip permit for a superload, from \$50 to \$100 [*Note:* The Conference Committee changed this amount to \$200.];
- For each five-year permit for vehicles authorized to move bales of hay on noninterstate highways, from \$25 to \$50 (this fee would not be increased in the bill as amended, in the substitute bill, or in the Conference Committee report);
- For each annual permit, from \$150 to \$300 (the fee would be increased to \$250 by the bill as amended and in the substitute bill) [*Note:* The Conference Committee changed this amount to \$200.];
- For each qualified carrier company for special vehicle combination permits, from \$2,000 to \$4,000 (this fee would not be increased in the bill as amended, in the substitute bill, or in the Conference Committee report); and
- For each power unit operating under an annual permit for each qualified carrier company for special vehicle combinations, from \$50 to \$100 (this fee would not be increased in the bill as amended, in the substitute bill, or in the Conference Committee report).

According to the fiscal note prepared by the Division of the Budget on SB 187, as introduced, KDOT estimates the bill would increase revenues to the State Highway Fund by approximately \$2.7 million annually. KDOT indicates the bill would require additional expenditures to update the agency's Kansas Truck Routing and Intelligent Permitting System but such expenditures could be handled within existing resources. Any fiscal effect associated with enactment of SB 187 is not reflected in *The FY 2020 Governor's Budget Report*. No fiscal note reflecting the amended amounts was available when the Senate Committee recommended the amended contents of SB 187 in the substitute bill.

### ***HB 2371 (Special Permit Fees)***

HB 2371 was introduced by the House Committee on Taxation on February 13, 2019, at the request of Representative Proehl on behalf of the Task Force.

In the House Committee hearing on March 14, 2019, Representative Proehl testified as a proponent. Written-only proponent testimony was provided by representatives of the American Council of Engineering, Ash Gove Cement Company, and Economic Lifelines. Neutral testimony was provided by representatives of KDOT and Kansas Grain and Feed Association. Opponent testimony was provided by the KMCA. Written-only opponent testimony was provided by the Kansas Manufactured Housing Association.

On March 21, 2019, the House Committee amended the bill to change the date the new oversize and overweight permit fees become effective to January 1, 2020. The House Committee also amended the bill to include provisions relating to registration of escort vehicles in Kansas. Finally, the House Committee amended the bill by changing certain oversize and overweight permit fees. The original opponents of the bill (the KMCA and the Kansas Manufactured Housing Association) changed to proponents of the bill with the adopted amendments. [Note: The permit fees in HB 2371, as amended, were \$250 for a single-trip permit for a large structure, \$250 for a superload, and \$200 for an annual permit. The Conference Committee changed the fee for a single-trip permit for a large structure and for a superload to \$200 and retained a fee of \$200 for an annual permit.]

The House Committee recommended the bill, as amended, favorably for passage.

A fiscal note on HB 2371, as amended, was not available at the time the House Committee took action on the bill.

permit; vehicle; fee; superload; KDOT; escort vehicle

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