

HOUSE BILL No. 2351

By Committee on Transportation

2-14

1 AN ACT regulating traffic; concerning oversize and overweight utility
2 vehicles; allowing oversize and overweight utility vehicles to respond
3 to emergency utility outages at all times in inclement weather;
4 amending K.S.A. 2018 Supp. 8-1911 and repealing the existing section.
5

6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 2018 Supp. 8-1911 is hereby amended to read as
8 follows: 8-1911. (a) The secretary of transportation with respect to
9 highways under the secretary's jurisdiction and local authorities with
10 respect to highways under their jurisdiction, in their discretion, upon
11 application, may issue a special permit, which term shall include an
12 authorization number, to the owner or operator of an oversize or
13 overweight vehicle. The special permit shall authorize the special permit
14 holder to operate or move a vehicle or combination of vehicles which
15 exceed the limitations of this act, on a route, or routes, designated in the
16 special permit and in accordance with the terms and conditions of the
17 special permit.

18 (b) The application for the permit shall describe the vehicle, or
19 combination of vehicles and all loads or cargo for which the special permit
20 is requested, the route or routes on which operation is sought and whether
21 a single trip or annual operation is requested. One special permit may be
22 issued for a vehicle or combination of vehicles, that are both oversize and
23 overweight. A special permit under this section may be for a single trip or
24 for annual operation. The special permit shall designate the route or routes
25 that may be used and any other terms, conditions or restrictions deemed
26 necessary. The secretary of transportation shall charge a fee for each
27 permit or authorization number issued as provided for in subsection (f). No
28 permit shall be required to authorize the moving or operating upon any
29 highway, by an implement dealer, as defined in K.S.A. 2018 Supp. 8-1918,
30 and amendments thereto, or employee thereof who possesses an annual
31 permit and following all conditions set forth in K.S.A. 2018 Supp. 8-1918,
32 and amendments thereto, of farm tractors, combines, fertilizer dispensing
33 equipment or other farm machinery, or machinery being transported to be
34 used for terracing or soil or water conservation work upon farms. No
35 permit shall be required to authorize the moving or operating upon any
36 highway of farm tractors, combines, fertilizer dispensing equipment or

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

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

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

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

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

- 33 (1) Twenty dollars for each single-trip permit;
- 34 (2) thirty dollars for each single-trip permit for a large structure, as
35 defined by rules and regulations;
- 36 (3) fifty dollars for each single-trip permit for a superload, as defined
37 by rules and regulations;
- 38 (4) twenty-five dollars for a five-year permit for vehicles authorized
39 to move bales of hay under subsection (j) on noninterstate highways;
- 40 (5) one hundred and fifty dollars for each annual 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 $\frac{1}{2}$ 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 $1\frac{1}{5}$
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~~ *that* 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)~~ (A) During
8 the time period between 30 minutes after sunset to 30 minutes before
9 sunrise, unless specifically authorized under another statute or regulation;
10 ~~(ii)~~ (B) under conditions where visibility is less than 1/2 mile; or ~~(iii)~~ (C)
11 when highway surfaces have ice or snow pack or drifting snow. *The*
12 *provisions of this subsection shall not apply to vehicles that are*
13 *responding to a utility outage or other utility issue that causes or threatens*
14 *to cause an emergency that has caused or may cause physical harm or*
15 *injury to persons or substantial damage to property, and such vehicles*
16 *may operate 24-hour days in all weather and road conditions so long as*
17 *such vehicles use the most direct route that is reasonable and safe from*
18 *their beginning point to the emergency and then back to their place of*
19 *origin, place of business or place of storage.*

20 (2) Vehicles operating under the provisions of a permit issued under
21 subsection (a), which exceed the weight limitations of K.S.A. 8-1908 or 8-
22 1909, and amendments thereto, but do not exceed the width limitations
23 prescribed by K.S.A. 8-1902, and amendments thereto, or the length
24 provisions in K.S.A. 8-1904, and amendments thereto, may operate 24-
25 hour days, except that such vehicles shall not operate when highway
26 surfaces have ice or snow pack or drifting snow. *The provisions of this*
27 *subsection shall not apply to vehicles that are responding to a utility*
28 *outage or other utility issue that causes or threatens to cause an*
29 *emergency that has caused or may cause physical harm or injury to*
30 *persons or substantial damage to property, and such vehicles may operate*
31 *in all weather and road conditions so long as such vehicles use the most*
32 *direct route that is reasonable and safe from their beginning point to the*
33 *emergency and then back to their place of origin, place of business or*
34 *place of storage.*

35 Sec. 2. K.S.A. 2018 Supp. 8-1911 is hereby repealed.

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