

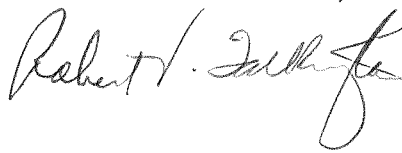
MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES

The meeting was called to order by SENATOR ROBERT V. TALKINGTON at
Chairperson

9:00 a.m./p.m. on Friday, February 4, 1983 in room 254-E of the Capitol.

All members were present except:

Senators Norvell, Hein and Rehorn



Committee staff present:

Fred Carman
Hank Avila
Rosalie Black

Conferees appearing before the committee:

SB 108: Mary Turkington, Kansas Motor Carriers Association
Jerry Taylor, Hillcrest Wrecker & Garage, Inc., Lawrence
Chairman, Auto Wrecker Div., KS Motor Carriers Assoc.
Bill Green, KCC
Steve Montgomery, Dept. of Revenue.

SENATE BILL No. 108

The meeting was called to order by Senator Talkington, Chairman, who asked Mary Turkington to introduce industry representatives present for the hearing on SB 108 including Jerry Taylor as speaker for the group.

Jerry Taylor explained that interest in this legislation originated because a number of people in the auto wrecker business requested the Kansas Motor Carriers Association's help in improving professional skills and services to the public. He noted that the act would allow KCC to issue local wrecker carrier permits to all applicants who file an application letter listing their charges for local wrecker service. In addition, local wrecker carriers are required to comply with requirements of law with their equipment, safety, insurance and liability which are applicable to common carriers. An initial fee of \$10 will be paid on application and an annual fee of \$10 for each wrecker operated under the permit.

Mr. Taylor also said that the Kansas Motor Car Dealers Association fully supports this legislation and the Kansas Highway Patrol requested Section 7 to provide a specific penalty section for violations. (See Attachment 1.)

Bill Green indicated that KCC has no position on the bill which would require the Commission to regulate four types of local wreckers which are

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES,
room 254-E, Statehouse, at 9:00 a.m./p.m. on February 4, 1983.

SENATE BILL No. 108 (continued)

currently exempt from the Commission's jurisdiction. (See Attachment 2.)

He pointed out that wreckers currently are required to receive approval of the Superintendent of the Kansas Highway Patrol prior to issuance of a permit for flashing lights and sirens and certain cities demand owners of wreckers to pay from \$20 - \$135 annually.

Senator Thiessen asked if fees would cover the cost of KCC regulation and, etc. Mr. Green answered that as much as \$16,000 could be received by the Commission in fees to cover costs unless complaints by consumers might be numerous enough that additional legal staff would have to be retained.

In answer to a question from Senator Johnston, Mr. Green said the Commission would have no authority to regulate charges filed by wrecker companies with the Commission except they would have to abide by those rates until they filed a letter listing new rates.

Senator Meyers asked what the bill would do for consumers if they were overcharged or if a car was damaged while being towed. Mr. Green indicated that the consumer could request a hearing and a possible decision would be made for suspension of permit.

Steve Montgomery noted that there would be no fiscal impact from SB 108 for the Department of Revenue involving motor carrier inspectors who write citations on used car dealers involving tow trucks. He explained that the title violation citations are not punitive and expenses can be absorbed by the Department.

The meeting adjourned at 9:58 a.m.

Please PRINT Name, Address, the organization you represent, and the Number of the Bill in which you are interested. Thank you.

2-4-83

| NAME | ADDRESS | ORGANIZATION | BILL NO. |
|---------------------|--------------|----------------------------|----------|
| Mary Turkington | Topeka | Kansas Motor Carriers Assn | 108 |
| Jimmy Taylor | Lawrence | Kansas Motor Carriers Assn | 108 |
| Tom Whicker | Topeka | Ks Motor Carriers Assn | 108 |
| Capt. (Tom) Wheeler | Topeka | KHP | 108 |
| Edward R. De Soigne | Topeka | KDOT | 108 |
| Robert Nankinell | Pittsburg Ks | Kansas Motor Carriers Assn | 108 |
| Alice Nankinell | Pittsburg | Kansas Motor Carriers Assn | 108 |
| Mable Hill | Topeka | Ks. Good Roads Assn | |
| RON BLACKLEY | O.P. Ks. | Ks. MOTOR CARRIERS ASSN | 108 |
| STEVE WIECHMAN | TOPEKA | KANSAS AUTO WRECKERS ASSN | 108 |
| GARY R BROWN | Topeka | KANSAS Motor CARRIERS ASSN | 108 |
| William B Barker | Topeka | Kansas Motor Carriers Assn | 108 |

STATEMENT

By The

AUTO WRECKER CARRIER DIVISION

KANSAS MOTOR CARRIERS ASSOCIATION

In support of Senate Bill 108 which
defines wrecker or tow truck vehicles
and provides for identification of such
wrecker operators in the public interest.

Presented to the Senate Transportation & Utilities
Committee, Senator Robert Talkington, Chairman;
Statehouse, Topeka, Friday, February 4, 1983.

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

My name is Jerry Taylor and I am the owner and operator of Hillcrest Wrecker and Garage, Inc., of Lawrence, Kansas. I also currently am the chairman of the Auto Wrecker Division of the Kansas Motor Carriers Association. I appear here today on behalf of our auto wrecker carriers and the Association to support the passage of Senate Bill 108.

I want to thank this Committee for the introduction of this bill so that we might address issues we feel are important to the people of our state and to those who provide auto wrecker services.

I might briefly explain why we asked for this legislation to be considered. A number of us in the auto wrecker business wanted to get our wrecker operators together to improve our professional skills and our service to the public. We asked the Kansas Motor Carriers Association to give us help in organizing meetings where the wrecker people all could come together and resolve some of our common problems.

The Association willingly gave us that help and we began meeting together in June last year. We soon discovered that our first problem was that Kansas statutes did not define a "wrecker or tow truck" nor did the statutes have any definition of "wrecker or towing service." If we were to address problems of our particular industry we at least had to know who and what we are.

From June through the summer and fall months of this year, we held a number of meetings to develop the proposal which is before you today. After we had a workable draft of the proposal, we then organized a series of 8 local area meetings for which we issued invitations to all owners and operators of auto wrecker equipment to attend. Meetings were held in Pittsburg, Overland Park, Topeka, Wichita, Salina, Emporia, Garden City and Hays. We enjoyed a good attendance at those meetings and we had good input and support from those participating.

From the beginning, we also have worked closely with the Kansas Motor Car Dealers Association to be certain our proposal was workable from the dealers' standpoint. We have reviewed this proposal with the Kansas Highway Patrol and we had the opportunity to meet at some length with Mr. Bill Green, the Administrator of the Transportation Division of the Kansas Corporation Commission, earlier this week.

The intent of this bill is to assure the public -- you and your constituents -- that all auto wrecker operators are identified and that proper insurance is in force. Further, it is important that prudent safety practices be exercised.

Automobiles and trucks are expensive vehicles. If your car required the services of a tow truck or wrecker vehicle, and for some reason, the operator of that wrecker damaged your car in some way, you are entitled to know who that wrecker operator is, where you can reach him and what insurance coverage he has available.

Mr. Under the provisions of this bill, procedures would be implemented to permit KCC you to turn to one place to find that important information. All auto wreckers -- whether operating locally or providing service for a larger geographic area -- would be identified and would be required to have proper insurance in force.

The first section of Senate Bill 108 does provide for statutory definitions as they appear before you in the bill.

In addition to the definition for a "wrecker or tow truck" and the definition for "wrecker or towing service," we have provided a definition for a "local wrecker carrier."

The local wrecker operators are those who operate wholly within the corporate limits of a city or three miles thereof.

1000 → The bill does not provide that "local wrecker carriers" be regulated by the Kansas Corporation Commission. The bill does provide that such carriers make a simplified application to the Commission, pay a \$10 filing fee, and upon receipt of such application, the Commission must issue the applicant a local wrecker carrier permit. Such a permit simply identifies who these local wrecker carriers are.

They may continue lawfully to operate their local wrecker business as they are today but must comply with prescribed insurance, safety and identification requirements. ←

Those who currently hold private carrier authority to transport vehicles owned by the operator of the wrecker equipment would continue to do so but the definition section makes it abundantly clear that such vehicles must be owned to be transported under the "private wrecker or towing service" definition. Salvage yard operators, for example, who presently have private carrier authority to transport the vehicles they own, would continue to operate as they now do without any further requirements -- unless they elected to expand their operations to a for-hire situation.

Under this bill, as provided in section 2, a motor common carrier or a contract carrier with certificate or permit authority to provide wrecker or towing service, would not be required to obtain any additional permit or authority so long as such services are performed with a vehicle properly registered with the Corporation Commission by the carrier.

The bill further clarifies the ambiguity that presently exists in K.S.A. 8-136 with respect to operation of a wrecker vehicle by vehicle dealers.

The registration section of the statute (chapter 8) does not authorize for-hire operation of such wrecker vehicles by dealers. However, interpretation of this section has been such that it has become a major grey area of Kansas law.

dealers Senate Bill 108 deletes any reference to the retrieving or towing of disabled vehicles by a dealer and simply clearly states that a dealer's license plate cannot be used on a wrecker or tow truck as defined by section 1 of this act. The language that deals with a lawful exemption for dealers has been revised and now is properly placed in K.S.A. 66-1,109, the exemption section of Chapter 66.

This exemption specifically provides that a new vehicle dealer, as defined by K.S.A. 8-2401, is not subject to regulation "when transporting property to or from the place of business of such dealer."

→ It further is our understanding that the Kansas Motor Car Dealers Association fully supports this amendment.

The committee should clearly understand that the exemption applies only to new vehicle dealers. It is our understanding that some used vehicle dealers do operate wrecker vehicles. Many of them have private carrier authority if they also are involved with salvage yard operations. Some of the used car dealers also have certificates -- as do many of the new car dealers who operate such vehicles for-hire.

The act would require used vehicle dealers who wish to operate a for-hire wrecker or towing service either to secure a permit for the local operations authorized by this act, or apply for a certificate from the Corporation Commission if they presently do not have such authority.

The application fee for a local permit, as indicated earlier, is only \$10. The application fee for a certificate is \$25. Neither application would be burdensome to comply with the law and the public would know where to obtain information about that wrecker operator.

Section 7 was requested by the Kansas Highway Patrol to provide a specific penalty section for violations of this act.

We sincerely believe that this bill provides necessary statutory definitions applicable to the wrecker industry.

The bill is workable to identify who are the operators of auto wrecker equipment.

It is enforceable; the grey areas have been eliminated.

We believe Senate Bill 108 is in the public interest.

Thank you for permitting us to appear before your committee today. We will be pleased to respond to any questions you may have.

#####



JOHN CARLIN
RICHARD C. (PETE) LOUX
JANE T. ROY
PHILLIP R. DICK
CAROL J. LARSON
BRIAN J. MOLINE

Governor
Chairman
Commissioner
Commissioner
Executive Secretary
General Counsel

Attachment 2
State Corporation Commission

Fourth Floor, State Office Bldg.
Ph. 913/296-3355
TOPEKA, KANSAS 66612-1571

STATEMENT PRESENTED TO THE SENATE TRANSPORTATION AND UTILITIES
COMMITTEE BY THE STATE CORPORATION COMMISSION OF KANSAS
ON SENATE BILL NO. 108 ON FEBRUARY 4, 1983

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE, I AM BILL GREEN, ADMINISTRATOR OF THE TRANSPORTATION DIVISION OF THE STATE CORPORATION COMMISSION. I APPEAR HERE TODAY REPRESENTING THE COMMISSION ON SENATE BILL 108. THE STATE CORPORATION COMMISSION HAS NO POSITION ON THIS BILL.

THIS BILL AUTHORIZES THE STATE CORPORATION COMMISSION TO REGULATE LOCAL WRECKERS WHICH ARE CURRENTLY EXEMPT FROM THE COMMISSION'S JURISDICTION. THE FOUR TYPES OF EXEMPT WRECKER SERVICES WHICH WOULD BE REGULATED ARE: 1.) WRECKERS CURRENTLY EXEMPT UP TO 3 MILES OUTSIDE OF A CITY'S CORPORATE LIMITS; 2.) LOCAL WRECKERS WHO CURRENTLY THROUGH INTERPRETATION BY THE KANSAS HIGHWAY PATROL AND THE COMMISSION ARE CONSIDERED TO BE EXEMPT PRIVATE CARRIERS; 3.) LOCAL WRECKERS WHO CURRENTLY OPERATE WHOLLY WITHIN THE CORPORATE LIMITS OF ANY CITY IN THE STATE OF KANSAS; AND 4.) LOCAL WRECKERS WHO CURRENTLY OPERATE BETWEEN CONTIGUOUS CITIES OR WHO OPERATE IN OR BETWEEN OTHER STATES. THE COST FOR FILING A LOCAL WRECKER APPLICATION WOULD BE \$10 WITH A \$10 PER VEHICLE REGISTRATION ANNUALLY. APPLICATION WOULD BE PROCESSED

Atch. 2

WITHOUT A HEARING AFTER INFORMATION ON INSURANCE, FINANCIAL STATEMENT AND A CURRENT STATEMENT OF CHARGES HAVE BEEN FILED WITH THE COMMISSION.

I WOULD ALSO LIKE TO POINT OUT TO THE MEMBERS OF THE COMMITTEE THAT THE TYPE OF WRECKERS PROPOSED TO BE REGULATED BY THE COMMISSION CURRENTLY HAVE VARIOUS OTHER FORMS OF REGULATIONS BY BOTH STATE AND CITY GOVERNMENT. THESE VARIOUS FORMS CONSISTS OF:

1. EMERGENCY VEHICLES IN KANSAS INCLUDING WRECKERS OF ALL TYPES ARE CURRENTLY REQUIRED TO GET APPROVAL OF THE SUPERINTENDENT OF THE KANSAS HIGHWAY PATROL PRIOR TO ISSUANCE OF A SPECIAL PERMIT FOR THE INSTALLATION OF FLASHING LIGHTS AND SIRENS. THIS PERMIT IS ISSUED BY THE KANSAS DEPARTMENT OF TRANSPORTATION AT NO COST. (SEE ATTACHMENT A).
2. SEVERAL CITY GOVERNMENTS IN JOHNSON AND WYANDOTTE COUNTY REQUIRE BUSINESS, INCLUDING SERVICE STATIONS WITH TOWING SERVICES, TO PAY FROM \$20 TO \$135 ANNUALLY IN ORDER TO DO BUSINESS IN THE CITY. (SEE ATTACHMENT B).
3. SEVERAL CITY GOVERNMENTS IN KANSAS REQUIRE THAT WRECKERS PROVIDE PROOF OF INSURANCE FOR WRECKERS WISHING TO DO BUSINESS IN THEIR COMMUNITY. (SEE ATTACHMENT B).

SHOULD YOU HAVE ANY QUESTIONS REGARDING ANY OF THE SUBJECTS DISCUSSED IN THIS TESTIMONY, I WILL BE GLAD TO ANSWER ANY QUESTIONS YOU MAY HAVE.

minutes for each movement on US numbered routes, and one (1) hour on K numbered routes, but not to exceed five (5) miles on US numbered routes and ten (10) miles on K numbered routes.

Zone 2 limits structures over sixteen feet six inches (16'6") in width to one (1) hour on US numbered routes, two (2) hours on K numbered routes, but not to exceed ten (10) miles on US numbered routes and twenty (20) miles on K numbered routes.

An additional five (5) miles will be allowed on both US and K routes, in either zone, that have an annual average daily traffic count of not more than eight hundred (800) vehicles. If the move requires more than the above maximum time or distance, the building shall be reduced in size or disassembled.

All requirements contained in K.S.A. 17-1914 through 17-1918 inclusive, shall be followed to the extent such provisions are required by each governmental agency.

Railroad officials shall be notified by the mover before crossing any railroad. Permits shall not be issued to use any portion of the interstate highway system. (Authorized by K.S.A. 8-1911; effective May 1, 1979.)

Article 2.—VEHICLES CARRYING EMERGENCY EQUIPMENT

36-2-3. Application for designation of emergency vehicle. (a) An application for the designation of a vehicle as an emergency vehicle shall be on department of transportation form No. 1502.1 to be furnished by the department of transportation and shall be completed and signed by the applicant, if an individual, and if a partnership the same shall be signed by a member of the partnership or an authorized agent, or if a corporation or municipality, the same shall be signed by an officer or authorized agent of the corporation or municipality and shall be submitted to the safety department, department of transportation.

(b) When considering the application for issuance of authorized emergency vehicle designation, the secretary of transportation or an authorized representative shall require department of transportation form No. 1502.1 to be filled out, signed, and submitted as stated in these regulations. (Authorized by K.S.A. 8-1404, 8-2010, 75-5004; implementing K.S.A. 8-1404, 8-2010; effective

Jan. 1, 1972; amended May 1, 1976; amended May 1, 1981.)

36-2-4. Same; approvals required. An application for the designation of a vehicle as an emergency vehicle shall have the following approvals endorsed upon the application (D.O.T. form No. 1502.1):

(a) Wreckers shall have the approval of the superintendent of the state highway patrol or authorized representative.

(b) Civil defense vehicles shall have the approval of the state director of civil defense.

(c) Emergency vehicles operated by public utilities shall have the approval of the sheriff of the county in which they ordinarily operate.

(d) Volunteer or other firemen using their personal vehicles in answering emergency calls shall have the approval of the chief of the fire department, the chief of police or the city marshal of the city maintaining the fire department and the sheriff of the county in which the city is located; provided, however, the application of chief of the fire department shall have the approval of the chief of police or city marshal and the sheriff; and that a fireman belonging to or employed by a township, district or volunteer fire department need only have the approval of the chief of the department and the sheriff of the county in which the township or district or volunteer fire department is located and the chief of the township, district or volunteer fire department need only have the approval of the sheriff of the county.

(e) Privately operated ambulances shall be licensed in Kansas and shall have the approval of the chief of police or city marshal of the city in which the ambulance is housed and the sheriff of the county in which the city is located and an ambulance housed outside of the corporate limits of a city need only the approval of the sheriff of the county in which the ambulance is housed.

(f) The application of police officers for the designation of their privately owned automobiles as emergency vehicles shall have the approval of the chief of police of the police department in which they are employed.

(g) The application of a deputy or assistant city marshal shall be approved by the

city marshal of the city in which he or she is employed.

(h) The application of the chief of police or city marshal shall have the approval of the mayor of the city by which he or she is employed.

(i) The application of the undersheriff and deputy sheriffs shall be approved by the sheriff appointing them.

(j) The application of a sheriff to have his or her privately owned vehicles designated as emergency vehicles need only be signed by the sheriff and need not be approved by any other county or city official.

(k) An application of an officer or employee of the state shall have the approval of the head of the department or agency that has law enforcement authority in which he or she is employed.

(l) An application for the designation of any other vehicle as an emergency vehicle shall have the approval of the chief of police or city marshal, and the sheriff of the county in which the applicant resides or maintains an office or place of business, or is employed, but if the applicant resides outside the corporate limits of a city in this state, and does not maintain an office or place of business within the corporate limits of any city in this state, and is not employed within the corporate limits of a city in this state, the application need only be approved by the sheriff of the county in which he or she resides, maintains an office or place of business or is employed.

(m) The engineer of safety may waive any approval that is not obtainable if there is no valid reason for refusing the approval. (Authorized by K.S.A. 8-1404, 8-2010, 75-5004; implementing K.S.A. 8-1404, 8-2010; effective Jan. 1, 1972; amended May 1, 1976; amended May 1, 1981.)

36-2-5. Issuance of card designating vehicle as an emergency vehicle. The safety department of the department of transportation shall process all applications submitted on D.O.T. form 1502.1 that are properly completed and signed as required by these regulations for the designation of a vehicle as an emergency vehicle. If it finds that the designation of the particular vehicle is necessary for the preservation of life or property or the execution of emergency governmental functions, it shall issue a written designation on department of transportation form

No. 1502.3 signed by the engineer of safety designating the particular vehicle as emergency vehicle. The designation shall be carried in the designated vehicle at all times (Authorized by K.S.A. 8-1404, 8-1720(a), 8-1738(d), 8-2010, 75-5004; implementing K.S.A. 8-1404, 8-1720(a), 8-1738(d), 8-2010; effective Jan. 1, 1972; amended, E-74-1, Feb. 23, 1974; amended May 1, 1976; amended May 1, 1976; amended May 1, 1981.)

36-2-6. Refusal of approval, hearing notice. (a) Any applicant for the designation of a vehicle as an emergency vehicle who is unable to obtain the specified approval may request in writing a hearing upon the application before the secretary of transportation.

(b) The applicant, and the official refusing to give the approval specified, shall be given not less than ten (10) days written notice by the department or its authorized agent, via mail addressed to the applicant at the address shown on the application and to the official at the official's address, of the time and place of the hearing.

(c) The applicant and the official must each appear at the hearing, in person, or in the case of a corporation by an officer or agent or by an attorney duly authorized to practice law in the state of Kansas, and present their reasons for and against the granting of the application.

(d) The secretary shall at the conclusion of the hearing, direct the engineer of safety to either grant or deny the application; provided, however, the secretary, may at the conclusion of the hearing take the matter under advisement and rule upon the same within ten (10) days. (Authorized by K.S.A. 8-1404, 8-2010, 75-5004; implementing K.S.A. 8-1404, 8-2010; effective Jan. 1, 1972; amended May 1, 1976; amended May 1, 1981.)

36-2-7. Red lights or light and siren, whistle or bell. Every authorized emergency vehicle shall be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, and which shall be capable of displaying to the front two (2) alternately flashing red lights located at the same level and to the rear two (2) alternately flashing red lights located at the same level or in lieu thereof, any such authorized emergency vehicle shall be equipped with at

least one (1) rotating or oscillating light, which shall be mounted as high as practicable on such vehicle and which shall display to the front and rear of such vehicle a flashing red light or alternate flashes of red and white lights in combination, and these lights shall have sufficient intensity to be visible five hundred (500) feet in normal sunlight and a siren, whistle, or bell capable of emitting sound audible under normal conditions from a distance of not less than five hundred (500) feet and of a type approved by the secretary, but such siren, whistle or bell shall not be used except when such vehicle is operated in response to an emergency call or in immediate pursuit of an actual or suspected violator of the law, in which said latter events, the driver of such vehicle shall sound said siren, whistle or bell when reasonably necessary to warn pedestrians and other drivers of the approach thereof. (Authorized by K.S.A. 8-1404, 8-1720(a), 8-1738(d), 8-2010, 75-5004; implementing K.S.A. 8-1404, 8-1720(a), 8-1738(d), 8-2010; effective Jan. 1, 1972; amended, E-74-66, Feb. 23, 1974; amended May 1, 1975; amended May 1, 1976; amended May 1, 1981.)

36-2-9. Operation of non-designated vehicle with red light or light, siren, whistle or bell prohibited; notification to county attorney. No person, partnership, association, corporation, municipality, or public official, shall operate or cause to be operated upon a public highway, road or street within this state, a motor vehicle with a red light, siren, or red light and siren thereon, except fire department vehicles, police vehicles and ambulances that are publicly owned as provided in K.S.A. 1980 Supp. 8-1404, which has not been designated as an emergency vehicle by the department of transportation, and whenever the engineer of safety shall have information that a motor vehicle is being operated upon the public highways, roads or streets, in violation of this regulation, the person, partnership, association, corporation, municipality shall be notified by registered or certified mail, that the operation is in violation of the statutes of Kansas and of these regulations, and direct that the operation be discontinued immediately and if no application be made for the designation of the vehicle as an emergency vehicle, within ten (10) days from the date of

the mailing of the notice and request, the engineer of safety shall investigate as to whether the operation has been discontinued, and if it has not been discontinued, all information of the violation, including the names and addresses of possible witnesses shall be transferred to the county attorney of the county in which the violation is taking place with a request that the county attorney institute proper civil proceedings to abate the violation, and such criminal proceedings as may be appropriate. (Authorized by K.S.A. 8-1404, 8-1738(d), 8-2010, 75-5004; implementing K.S.A. 8-1404, 8-1738(d), 8-2010; effective Jan. 1, 1972; amended May 1, 1976; amended May 1, 1981.)

36-2-10. Violations, warning, cancellation of designation as emergency vehicle. Whenever the engineer of safety shall receive information that a vehicle that has been designated as an emergency vehicle is being operated in violation of the statutes pertaining to emergency vehicles or these regulations, if it be the first such violation by the owner or operator of the vehicle reported to the engineer of safety, within a twenty-four (24) month period, a warning notice shall be sent by registered or certified mail, return receipt requested, advising the owner of the violations complained of, and admonishing the owner, that any further violation shall result in a cancellation of the designation of the vehicle as an emergency vehicle. Upon receipt of information of a second or additional violation of the statutes or these regulations pertaining to the operation of the vehicle or any other designated emergency vehicle owned or operated by the party, as an emergency vehicle, within a twenty-four (24) month period, the engineer of safety shall notify the owner of the vehicle of the purported violations, by registered or certified mail, and shall give the owner twenty-one (21) days from the date of the mailing of the notice in which to respond, and if the owner shall fail to respond within twenty-one (21) days, or within an extension which may be granted by the engineer of safety, or if the response is insufficient, or if the engineer of safety finds that the response is untrue, an order canceling the designation of the vehicle as an emergency vehicle, shall be mailed to the owner of the vehicle by registered or certified mail, return receipt requested.

The term "owner" as used in this regulation shall include any public official operating or causing to be operated a designated emergency vehicle. (Authorized by K.S.A. 8-1404, 8-1738(d), 75-5004; implementing K.S.A. 8-1404, 8-1738(d); effective Jan. 1, 1972, amended May 1, 1976; amended May 1, 1981.)

36-2-11. Same; request for hearing before the secretary of transportation. (a) The owner of any vehicle which has a designation as an emergency vehicle which has been cancelled as provided in the preceding section, may within fifteen (15) days after the mailing of a copy of the order of cancellation to the owner as provided in the preceding section, file a written request for a hearing before the secretary of transportation upon the question of the cancellation of designation. The filing of the request shall suspend the operation of the order of cancellation.

(b) The owner of the vehicle and any person who has made a complaint as to the operation of the vehicle shall be given not less than ten (10) days written notice by the secretary or the secretary's authorized agent, via registered or certified mail, return receipt requested, addressed to the persons at their last known address as shown by the files of the engineer of safety, of the time and place of the hearing.

(c) The owner of the vehicle, and other interested parties, may appear at the hearing in person, or in the case of a corporation or municipality, by an officer or agent, or by an attorney duly authorized to practice law in Kansas, and present their reasons for, and in opposition to, the cancellation of the designation.

(d) The secretary shall at the conclusion of the hearing, either affirm or vacate the order of the engineer of safety cancelling the designation, and if the secretary vacates the order he or she shall order the engineer of safety to reinstate the designation of the vehicle as an emergency vehicle; provided, however, the secretary may at the conclusion of the hearing take the matter under advisement and rule upon the same within ten (10) days. (Authorized by K.S.A. 8-1404, 8-1738(d), 8-2010, 75-5004; implementing K.S.A. 8-1404, 8-1738(d), 8-2010; effective Jan. 1, 1972; amended May 1, 1976; amended May 1, 1981.)

36-2-12. Use of red light or lights only, or red light and siren, whistle or bell after designation denied or cancelled. The engineer of safety upon receipt of information that a person, partnership, association, corporation, municipality or public official is operating, or causing to be operated, a motor vehicle with a red light or lights, or siren, whistle or bell, or a red light or lights and siren, whistle or bell attached thereto, for which an application for designation as an emergency vehicle was denied, or which designation has been cancelled, shall investigate the same, and if it is found that there is reasonable cause to believe that the information is true, all information pertaining to the operation of the vehicle, with a copy of the order denying or cancelling the designation as an emergency vehicle, and the names and addresses of possible witnesses shall be transmitted to the county attorney of the county where the vehicle is being operated with a request that the county attorney institute such civil proceedings as is deemed proper to stop the operation of the vehicle with the light or lights, siren, whistle, or bell, or red light or lights and siren, whistle or bell thereon, and such criminal proceedings as is deemed appropriate. (Authorized by K.S.A. 8-1404, 8-1720(a), 8-1738(d), 8-2010, 74-5004; implementing K.S.A. 8-1404, 8-1720(a), 8-1738(d), 8-2010; effective Jan. 1, 1972; amended May 1, 1976; amended May 1, 1981.)

36-2-13. Notice of the right of hearing before the secretary of transportation. (a) Whenever the engineer of safety shall deny an application for the designation of a vehicle as an emergency vehicle or in any case in which the applicant is unable to get the necessary approvals and the same are not waived by the engineer of safety, the engineer of safety shall, via mail addressed to the applicant at the address shown upon the application, advise the applicant of his or her right to a hearing before the secretary of transportation by filing a written request with the engineer of safety or with the secretary of transportation as provided in K.A.R. 36-2-6, subsection (a) and of the applicant's right to be represented by counsel of the applicant's own choosing at the hearing.

(b) Whenever the engineer of safety shall cancel the designation of a vehicle as an

emergency vehicle as provided in K.A.R. 36-2-10, the owner of the vehicle shall be notified of the cancellation, and advised that he or she may, within fifteen (15) days from the date of the mailing of a copy of the order of cancellation to the owner, file a written report with the engineer of safety requesting a hearing before the secretary of transportation upon the question(s) of the cancellation of the designation of the vehicle as an emergency vehicle and of the right to be represented by counsel of his or her choosing at the hearing. (Authorized by K.S.A. 8-1404, 8-2010, 74-5004; implementing K.S.A. 8-1404, 8-2010; effective Jan. 1, 1972; amended May 1, 1976; amended May 1, 1981.)

36-2-14. Scope of regulations. This article shall apply to sirens required on authorized emergency vehicles in accordance with K.S.A. 8-1738. (a) A siren is defined as a device which produces the readily recognizable sound of an electro-mechanical siren authorized for use on, and identified with, emergency vehicles in Kansas.

(b) All sirens to be sold in Kansas for use of vehicles traveling the public highways shall be tested and approved by the American association of motor vehicle administrators (AAMVA). (Authorized by K.S.A. 8-1702, 8-1738; implementing K.S.A. 8-1702, 8-1738; effective May 1, 1976; amended May 1, 1981.)

Article 4.—SADDLEMOUNTS; TRANSPORTATION OF EMPTY TRUCKS

36-4-1 to 36-4-7. (Authorized by K.S.A. 8-5,118; effective Jan. 1, 1966; revoked May 1, 1981.)

36-4-8. Saddlemounts; transportation of empty trucks. All rules and safety regulations promulgated by the U.S. department of transportation, as of December 31, 1980, found at 49 C.F.R. part 393.71 and in effect on October 11, 1972, are hereby adopted by reference as the safety rules and regulations by the secretary of transportation. Copies of 49 C.F.R. part 393.71 shall be made available to the public at the safety department, Kansas department of transportation, tenth floor, state office building, Topeka, Kansas 66612. (Authorized by and implementing K.S.A. 1980 Supp. 8-1907; effective May 1, 1981.)

Article 5.—APPROVAL OF BRAKE FLUID

36-5-1 to 36-5-3. (Authorized by K.S.A. 8-1737; effective Jan. 1, 1966; amended May 1, 1976; revoked, L. 1979, ch. 261, May 1, 1979.)

36-5-4. (Authorized by K.S.A. 8-1737, 74-2004; effective Jan. 1, 1966; amended May 1, 1976; revoked, L. 1979, ch. 261, May 1, 1979.)

36-5-5. (Authorized by K.S.A. 8-1737; effective Jan. 1, 1966; amended May 1, 1976; revoked, L. 1979, ch. 261, May 1, 1979.)

Article 6.—MINIMUM STANDARDS; ANTI-FREEZE COMPOUNDS

36-6-1, 36-6-2. (Authorized by K.S.A. 8-901, 8-903, 8-906; effective Jan. 1, 1966; amended Jan. 1, 1971; amended Jan. 1, 1973; revoked, L. 1979, ch. 260, May 1, 1979.)

36-6-3, 36-6-4. (Authorized by K.S.A. 8-901, 8-903, 8-906; effective Jan. 1, 1973; revoked, L. 1979, ch. 260, May 1, 1979.)

Article 8.—APPROVAL OF LIGHTING DEVICES

36-8-1. (Authorized by K.S.A. 8-599; effective Jan. 1, 1966; revoked, L. 1979, ch. 261, May 1, 1979.)

Article 9.—APPROVAL OF SAFETY GLASS

36-9-1. (Authorized by K.S.A. 8-5,107; effective Jan. 1, 1966; revoked, L. 1979, ch. 261, May 1, 1979.)

Article 11.—PUBLIC AND PRIVATE UTILITIES ON HIGHWAY RIGHT-OF-WAY

36-11-1 to 36-11-5. (Authorized by K.S.A. 68-404; effective Jan. 1, 1966; revoked May 1, 1981.)

36-11-6. Utility accommodation policy. Public and private utilities, including pipelines, shall be constructed, reconstructed and maintained (including chemical brush control and tree trimming), under, on or over any state highway right-of-way, including

ATTACHMENT "B"

SUMMARY OF SELECTED KANSAS COMMUNITIES REQUIRED FEES AND INSURANCE REQUIREMENTS
FOR LOCAL WRECKERS AND K.C.C. REGULATED WRECKERS

| <u>CITY</u> | <u>REQUIREMENTS</u> | <u>RESPONSIBLE AGENCY</u> | <u>FEE</u> |
|-----------------|---|-------------------------------|---------------------------------------|
| OLATHE | NO PERMIT PROOF OF INSURANCE REQUIRED | CITY GOVERNMENT | - - - |
| OVERLAND PARK | OCCUPATION LICENSE PROOF OF INSURANCE REQUIRED | CITY GOVERNMENT | \$50 ANNUALLY |
| KANSAS CITY, KS | CITY LICENSE NO INSURANCE REQUIRED | CITY GOVERNMENT | \$20 PER VEHICLE, ANNUALLY |
| MARION | CITY PERMIT PROOF OF INSURANCE REQUIRED | CITY GOVERNMENT | - - - |
| PRAIRIE VILLAGE | CITY PERMIT OR NON-DOMICILED PERMIT NO INSURANCE REQUIRED | CITY GOVERNMENT | \$30 ANNUALLY, EACH |
| SHAWNEE | OCCUPATION LICENSE NO INSURANCE REQUIRED | CITY GOVERNMENT | \$35-60 (SERVICE STATION VS. HOME) |
| FAIRWAY | NO PERMIT NO INSURANCE REQUIRED | - - - | - - - |

| <u>CITY</u> | <u>REQUIREMENTS</u> | <u>RESPONSIBLE AGENCY</u> | <u>FEE</u> |
|-------------|---|-------------------------------|---|
| LEAWOOD | OCCUPATION LICENSE NO INSURANCE REQUIRED | CITY GOVERNMENT | \$125 IF DOMICILED IN CITY AND USED IN CONNECTION WITH SERVICE STATION IF NOT IN CONNEC- TION WITH SERVICE STATION BASED ON SQUARE FOOTAGE: 499 Sq. Ft. \$62.50 999 Sq. Ft. \$80.00 1,499 Sq.Ft. \$100 |
| LENEXA | OCCUPATION LICENSE NO INSURANCE REQUIRED | CITY GOVERNMENT | \$25 PER YEAR UNDER 5 VEHICLES; \$50 PER YEAR OVER 5 VEHICLES |
| MISSION | NO PERMIT NO INSURANCE REQUIRED | - - - | - - - |
| ROLAND PARK | OCCUPATION LICENSE NO INSURANCE REQUIRED | CITY GOVERNMENT | \$135 PER YEAR IF TOWING AND MAJOR REPAIRS AT A SERVICE STATION |
| LAWRENCE | NO PERMIT PROOF OF INSURANCE REQUIRED | CITY GOVERNMENT | - - - |
| TOPEKA | NO PERMIT NO INSURANCE REQUIRED | - - - | - - - |
| MANHATTAN | NO PERMIT NO INSURANCE REQUIRED | - - - | - - - |

| <u>CITY</u> | <u>REQUIREMENTS</u> | <u>RESPONSIBLE AGENCY</u> | <u>FEE</u> |
|---------------|--|--|---------------|
| JUNCTION CITY | NO PERMIT NO INSURANCE REQUIRED | - - - | - - - |
| SALINA | NO PERMIT NO INSURANCE REQUIRED | - - - | - - - |
| WICHITA | PERMIT REQUIRED TO BE ON POLICE ROTATION PROOF OF INSURANCE REQUIRED | CITY GOVERNMENT | \$25 ANNUALLY |
| GREAT BEND | NO PERMIT NO INSURANCE REQUIRED | - - - | - - - |
| GARDEN CITY | NO PERMIT NO INSURANCE REQUIRED | - - - | - - - |
| DODGE CITY | NO PERMIT PROOF OF INSURANCE REQUIRED | CITY GOVERNMENT (CONTRACT WITH 4 CARRIERS) | - - - |
| GOODLAND | NO PERMIT NO INSURANCE REQUIRED | - - - | - - - |
| COLBY | NO PERMIT NO INSURANCE REQUIRED | - - - | - - - |
| NORTON | NO PERMIT NO INSURANCE REQUIRED | - - - | - - - |