Approved	2-5-86	
	Dote	

MINUTES OF THESENATE_ COMMITTEE OF	N TRANSPORTATION AND UTILITIES
The meeting was called to order bySen.	Bill Morris at
9:00 a.m./www.onFebruary 4	
All members were present except:	

Committee staff present:

Fred Carman, Revisor Ben Barrett, Legislative Research Department Hank Avila, Legislative Research Department Louise Cunningham, Secretary

Conferees appearing before the committee:

Sen. Alicia Salisbury
Ray Petty, Advisory Committee for Employment of the Handicapped
Tom Whitaker, Motor Carriers' Association
Ed DeSoignie, Department of Transportation
Bill Green, Kansas Corporation Commission
Dennis Green, Kansas Department of Health and Environment

HEARING ON S.B. 446 - Concerning hazardous waste; rules and regulations.

Sen. Salisbury appeared before the committee and said this was just a minor amendment to provide proper regulatory reference to the State Corporation Commission instead of to the Department of Transportation. She said the Kansas Motor Carriers were also offering an amendment and there was no objection to it. These are only technical changes.

Tom Whitaker, Motor Carriers' Association, asked the committee to amend the bill to remove the language in section (o) in line 103 that allows the K.C.C. to regulate motor carrier equipment. This is already regulated and uniformity is necessary in traveling from state to state. K.C.C. has the authority to make inspections. This amendment would just bring the statute up to date.

<u>Bill Green, K.C.C.</u>, said the new language would clearly identify agency responsibility and they support S.B. 446.

Ed DeSoignie, D.O.T., said equipment standards already have to conform with standards of the United States and the Corporation Commission and they support S.B. 446. A copy of his statement is attached. ($\underline{\text{Att. 1}}$).

Dennis Murphy said the Department of Health and Environment also endorses this bill. They also support the changes proposed by Tom Whitaker.

A conceptual motion was made by Sen. Doyen and was seconded by Sen. Francisco to remove the words"and equipment" in line 93 and beginning in line 103 "and the motor vehicle equipment used for the containment of hazardous waste" and by striking "both" in line 104. Motion carried. A motion was made by Sen. Hayden and was seconded by Sen. Thiessen to recommend S.B. 446, as amended, favorably for passage. Motion carried.

The committee discussed the fines for violations and it was noted that some trucks are dumping at the Furley site and are not properly marked. They were told that this is a violation and all trucks dumping hazardous material should be marked. This is a federal regulation.

The Chairman distributed copies of 5 RS 2022 (Att. 2) dealing with glass and window glazing material on motor vehicles. He said the bill had been requested by the people who apply the material. A motion was made by Sen. Hayden and was seconded by Sen. Martin to introduce the bill as a committee bill. Motion carried.

CONTINUATION SHEET

MINUTES OF THESENATE	COMMITTEE ON .	TRANSPORTATION	AND	UTILITIES	
room <u>254-E</u> , Statehouse, at <u>9:00</u>					, _{19_} 86

CONSIDERATION OF S.B. 429 - Handicapped Parking

The Chairman said he had asked Ray Petty to consider all the changes that had been requested in this committee at the hearing. Mr. Petty was asked to comment on the changes. The Chairman said he wanted to protect those using handicapped parking without making the provisions complicated and unworkable.

Mr. Petty submitted a copy of his report to Senator Morris dated February 4, 1986 outlining the changes and his recommendations. A copy of this report is attached. (Att. 3). He also had a balloon copy of S.B. 429 with the proposed changes incorporated. (Att. 4). He reviewed these changes for the

The committee felt that putting the definition ", or without great difficulty or discomfort" would open it so that every physician in the state could write any number of permits.

The committee felt the language in Section (e) was too strong to be put into this bill and a motion was made by Sen. Frey and was seconded by Sen. Norvell to delete the section. Motion carried.

The committee discussed the \$250 fine and felt that this should be a Class (c) misdemeanor and each city could set out their own schedule of fines.

Fred Carman said there was some technical problem with Section 11 of the bill. This section does not have anything to do with the policy of this bill and should come out.

The Chairman requested Mr. Petty and Mr. Carman to incorporate the suggested changes into the bill and bring it back to the committee.

A motion was made by Sen. Walker and was seconded by Sen. Francisco to approve the Minutes of January 29, 1986. Motion carried.

Meeting was adjourned at 10:00 a.m.

SENATE TRANSPORTATION AND UTILITIES COMMITTEE

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GUEST LIST

NAME	ADDRESS	ORGANIZAT'ION
Dennis Murghen	Topelia	KDHE
Lea Enho	Topks	Life I the
Joan Watson	Topeka	SRS-Rehal SVC
Dy D Shenkel	Shaware	17. C.P. C
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KANSAS DEPARTMENT OF TRANSPORTATION

STATE OFFICE BUILDING-TOPEKA, KANSAS 66612-1568

JOHN B. KEMP, Secretary of Transportation

JOHN CARLIN, Governor



February 4, 1986

MEMORANDUM TO:

THE HONORABLE BILL MORRIS, CHAIRMAN

SENATE TRANSPORTATION AND UTILITIES COMMITTEE

FROM:

EDWARD R. DeSOIGNIE

POLICY COORDINATOR

REGARDING:

SENATE BILL 446

Senate Bill 446 requires the Secretary of Health and Environment to adopt rules and regulations establishing standards for and equipment used for transporting hazardous waste within the State. The bill requires such rules and regulations to be adopted with the concurrence of the Kansas Corporation Commission. Equipment standards are to conform with those standards of the United States and the Kansas Corporation Commission. Under present provisions in K.S.A. 65-3431, the Kansas Department of Transportation provides such consultation and standards to the Secretary of Health and Environment.

The bill codifies the Corporation Commission's role in the area of hazardous waste transportation. The legislature vested in the Corporation Commission principle authority for regulation of hazardous materials transportation. This bill is seen as an extension of that role.

Senate Bill 446 does not impact the operations of the Department. The bill has no effect on either the Fiscal Year 1986 or the proposed Fiscal Year 1987 budget.

The Department requests favorable consideration of Senate Bill 446.

Thank you.

SENATE BILL NO.

By Committee on Transportation and Utilities

AN ACT concerning motor vehicles; windows, glass and glazing materials and applications thereto; amending K.S.A. 8-1741 and repealing the existing section; also repealing K.S.A. 1985 Supp. 8-1749a.

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

Section 1. K.S.A. 8-1741 is hereby amended to read as follows: 8-1741. (a) No-person-shall--drive--any--motor--vehicle with--any--sign,-poster-or-other-nontransparent-material-upon-the front-windshield,-side-wings-or-side--or--rear--windows--of--such vehicle--which--materially--obstructs,--obscures--or--impairs-the driver's-clear-view-of-the-highway-or-any--intersecting--highway.

- (b) The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle.
- (c) (b) Every windshield wiper upon a motor vehicle shall be maintained in good working order.

New Sec. 2. (a) As used in this section:

- (1) "Glass coating material" means a material that is designed to be used in conjunction with approved safety glazing materials for reducing the effects of the sun.
- (2) "Light transmission" means the ratio of the amount of total light to pass through a material, including any glazing material, to the amount of total light falling on the material and the glazing.
- (3) "Luminous reflectance" means the ratio of the amount of total light that is reflected outward by a material to the amount of total light falling on the material.
 - (4) "Manufacturer" means a person who:

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- (A) Engages in the manufacture or assembly of a glass coating material; or
- (B) fabricates, laminates or tempers a safety glazing material, incorporating, during the manufacturing process, the capacity to reflect or reduce the transmission of light.
- (b) Except as provided by subsection (d), a person may not operate a motor vehicle with any object or material placed on or affixed to the windshield or to a side or rear window of the vehicle so as to obstruct or reduce the driver's clear view through the windshield or side or rear window.
- (c) Except as provided by subsection (d), a person may not place on or affix to the windshield or to a side or rear window of a motor vehicle any transparent material if the material alters the color or reduces the light transmission of the windshield or side or rear window.
 - (d) This section does not apply to:
- (1) A front or rear side window that has a glass coating material, in conjunction with safety glazing material that has a light transmission of 35% plus or minus 3% and a luminous reflectance of 35% plus or minus 3%;
- (2) a rear window if the motor vehicle is equipped with outside mirrors on both the left and right sides of the vehicle that are located so as to reflect to the driver a view of the highway through each mirror a distance of at least 200 feet to the rear of the vehicle;
- (3) a transparent material, not red or amber in color, affixed to the topmost portion of the windshield, the bottom edge of which is at least 29 inches from the top of the driver's seat, measured:
 - (A) To a point five inches in front of the backrest;
- (B) when the seat is undepressed and in its lowermost and rearmost position; and
 - (C) when the vehicle is on a level surface;
 - (4) a rearview mirror;
 - (5) an adjustable nontransparent sun visor mounted forward

of the side windows and not attached to the glass;

- (6) a direction, destination or termination sign on a passenger common carrier motor vehicle, if the sign does not interfere with the driver's clear view of approaching traffic;
 - (7) a rear window wiper motor; and
 - (8) a rear trunk lid handle or hinge.
- (e) A manufacturer shall certify to the secretary of revenue that the material it manufactures or assembles complies with the luminous reflectance and light transmission specifications excepted in subsection (d).
- (f) A person who sells or installs an object or material included in a requirement of this section shall state on the object or material, in a conspicuous manner, that the installation of the object or material on the side windows may be illegal in some states.
- (g) On application from a person required for medical reasons to be shielded from the direct rays of the sun, supported by written attestation of that fact from a licensed physician, the secretary of revenue may issue an exemption from the requirements of this section for a motor vehicle belonging to the person or in which the person is an habitual passenger.
- (h) This section does not apply to the use or placement on any window of a federal, state or local certificate required by law.
- Sec. 3. K.S.A. 8-1741 and K.S.A. 1985 Supp. 8-1749a are hereby repealed.
- Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.

ADVISORY COMMITTEE ON EMPLOYMENT OF THE HANDICAPPED

1430 S.W. Topeka Avenue, Topeka, Kansas 66612-1877 913-232-7828 (V/TDD) 567-0828 KANS-A-N

John Carlin, Governor

Larry E. Wolgast, Secretary

Senator Bill Morris, Chairman, Transportation and

Utilities Committee

Ray Petty, Legislative Liaison, KACEH

Senate Bill 429 Re: Date: February 4, 1986

Enclosed find a ballooned version of Senate Bill 429 which attends to a number of recommended changes in the handicapped parking law in Kansas. Per your request, I have commented on certain recommendations which I feel unduly complicate the bill as well as others which seem reasonable and helpful. have also taken the liberty to briefly address comments and concerns expressed by committee members during your hearings on January 29, 1986.

First, let me point out the two changes KACEH recommended:

- adding ", or without great difficulty or discomfort" in line 30, and
- striking "one" in line 35.

Justification for those two changes was included in my testimony last week.

With regard to Mr. Burke's list (using his numbers):

- see lines 35-38 for recommended wording to clarify how the placard is to be displayed.
- Revenue can establish rules and regulations with regard to "over the counter" vs. mailed later. If there is reason to withhold issuance, Revenue can now do so.
 - already provided for in lines 57-60.
- 4. Should a family member falsely utilize handicapped parking privileges, they would be in violation of New Section 7 - which is punishable by a fine of up to \$250 (see lines The Department of Revenue also will have the authority to revoke devices (in lines 73-78). The length of time allowed for a device to be returned could be specified in the bill at line 86 by adding language to that effect (either "30 days" or "immediately"). Establishing a time period for return of devices is within the rule-making authority of the Secretary of Revenue.

K.S.A. 8-142 describes the unlawful acts associated with display of fictitious, canceled, revoked, suspended or altered registration devices. K.S.A. 132(a) and 161 are "part and supplemental to K.S.A. 8-126 et.seq. and amendments thereto." Therefore K.S.A. 8-149, which provides a misdemeanor charge and a fine of up to \$500 for "violation of any provisions of this act, unless a different penalty is by this act otherwise prescribed", may also be applied to the handicapped parking sections.

The issue of seizure might be addressed in an addition under K.S.A. 8-142, adding coverage specifically for handicapped parking devices. I have provided the committee a copy of the California Access Laws with regard to handicapped parking. Section 4460 on page 18 deals with seizure of documents, plates, and placards. We would not support changing the law in this regard should that change jeopardize the passage of this bill. Were that change viewed as merely a clean-up situation, we certainly could support it.]

- 5. see 4 above; for changing expiration date (falsification) see comments at 12 and 13 below.
 - 6. see balloons at lines 31, 152, 167-168.
- 7. An out-of-state person may use his/her placard when visiting Kansas and it might likely be in conjunction with a Kansas plate. How would law enforcement officers have any knowledge of this situation? Abuse of an out-of-state device by a resident of Kansas is surely a rare event and could be dealt with by Revenue should a duly sworn statement be received describing the violation.
- 8.I contacted Vital Statistics and it appears that this information can be obtained informally (in small batches). If a criminal investigation is involved, information most certainly will be provided. When Revenue gets all handicapped parking device users stored in its computer in 1988, and as Vital Statistics upgrades its database, crosschecking for deceased users will be easier. Revenue can certainly check with the doctor signing the application.
 - 9. already contained in S. 429.
- 10. Fraudulent use is punishable by fines of up to \$250. Should the department determine that a person was selling placards, they would presumably be subject to that fine. I have included suggested wording for an insertion which would deal with such a situation (see 12-13 below).

- 11. Line 41 requires that the individual identification card "must be carried by the handicapped person." Should an officer be suspicious that a person was illegally using the privilege, a ticket could be issued the lack of an ID card reasonably contributing to the suspicion. (Surely a judge would throw out the ticket if the person demonstrated that they had an ID card, but for some reason were not carrying it).
- 12 and 13. With regard to "Look-A-Like" devices, stolen devices, etc. we suggest adding the following under New Section 7 (and moving the current (b) to (c)):
- (b) Any person who forges, counterfeits, or falsifies any special license plate, placard, or individual identification card or any comparable device relating to handicapped parking privileges; or who acquires, possesses, sells, or offers for sale a genuine or counterfeit device; or who, with fraudulent intent, displays or causes or permits to be displayed any forged, counterfeit, false, or stolen device shall be guilty of an unclassified misdemeanor punishable by a fine of not more than \$250. (This is a modified version of language used in the California law.)

We also feel that the reference to revocation in lines 73-78 should include a reference to Section 7.

14. It is clearly stated in lines 91-96 that vehicles with official handicapped parking devices may be parked in any designated handicapped parking space (except those assigned to a particular person), whether on public of private property.

In oral testimony, Mr. Burke mentioned that parking enforcement personnel as well as police officers should be able to issue sworn statements with regard to improper use. This makes sense to us. The question is - are parking officers not law enforcement officers? If not, then "parking control officer" or "parking enforcement specialist", which have been used in other state laws, might need to be inserted at line 75.

Comments

In response to questions and comments from committee members, I would try to clarify the following points:

- 1. Senator Francisco questioned the situation of having two definitions for persons receiving disabled veteran plates as opposed to the other handicapped parking devices; both programs providing similar parking privileges.
- K.S.A. 8-160 defines eligibility for the disabled veteran plates as entitlement to compensation for a 100% disability under laws administered by the Veteran's Administration or entitlement to compensation for the loss, or permanent loss of use, of one or both feet or one or both hands, or permanent visual impairment of both eyes to a prescribed degree.

With the exception of loss of, or loss of use of, one or both hands - this should track fairly well with the definition is K.S.A. 132(a). We would offer no recommendation with regard to changing this definition and do not consider the difference as a problem at this time.

- 2. A question was also raised about the availability of handicapped parking in short-term lots at municipal airports.
- K.S.A. 58-1311 provides that after January 1, 1979, every building or facility open to the public and constructed in whole or part by any political subdivision shall have at least one parking space, easily accessible to such building, which is clearly marked as being reserved for handicapped parking. It is unclear whether that space should be in the short-term parking, but it certainly could be. Ramped walkways from the parking area to the terminal would be helpful to everybody and would allow most wheelchair users and other disabled persons to access the facility from many parking spaces in the closer lots.

SENATE BILL No. 429

By Special Committee on Transportation

Re Proposal No. 62

12-17

onia AN ACT concerning motor vehicles; relating to handicapped parking; amending K.S.A. 8-161 and K.S.A. 1985 Supp. 8-2118 and repealing the existing sections; also repealing K.S.A. 1985 Supp. 8-132a.

0022 Be it enacted by the Legislature of the State of Kansas:

New Section 1. As used in this act "handicapped person" means any individual with a severe visual or physical impairment including partial paralysis, lower limb amputation, chronic heart condition, emphysema, arthritis, rheumatism or other debilitating condition which limits such person's walking ability and results in an inability to travel, unassisted more than 200 feet, without the use of a wheelchair, crutch, walker, prosthetic, orthotic or other assistive device.

New Sec. 2. (a) Any person who submits satisfactory proof to the director of vehicles, on a form provided by the director, that such person is a handicapped person or is responsible for the transportation of a handicapped person shall be issued a special license plate for any one motor vehicle owned by such person or a temporary or permanent placard to be suspended from the rear view mirror of any motor vehicle used for the transportation of a handicapped person by the director of vehicles. In addition to the special license plate or permanent placard, the director of vehicles shall issue to the handicapped person an individual identification eard, which must be carried by the handicapped person when the motor vehicle being operated by or used for the transportation of such handicapped person is parked in accordance with the provisions of section 3. The special license plates and placards shall display the international symbol of access to

, or without great difficulty or discomfort

Kansas resident

Such placard shall

immediately below

so as to be maximally visible from outside the vehicle

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.... the physically handicapped.

- (b) Special license plates issued pursuant to this section shall be issued for the same period of time as other license plates are issued or for the remainder of such period if an existing license plate is to be exchanged for the special license plate. There shall be no fee for such special license plates in addition to the regular registration fee.
- (c) Placards and individual identification cards issued pursuant to this section shall be issued for such period of time as the person to whom issued continues to be a handicapped person or a person responsible for the transportation of a handicapped person, except that the secretary of revenue shall make a determination of continued eligibility for a special license plate or placard at least every three years from the original date of issuance of such license plate and placard. The secretary of revenue may adopt rules and regulations prescribing a fee for placards and individual identification cards issued pursuant to this section, however, such fee shall not exceed the actual cost of the secretary of issuance thereof.
 - (d) Beginning in the year in which new license plates are issued pursuant to subsection (b) of K.S.A. 8-132, and amendments thereto, a person submitting satisfactory proof that the disability, condition or impairment referred to in section 1 is permanent in nature, and upon such person's request and payment of the fees referred to in subsections (b) and (c), such person shall be issued a special license plate and a permanent placard and individual identification card.
 - (e) The secretary of revenue may revoke any special license plate or placard and individual identification card upon receipt of a sworn statement from a law enforcement officer that the handicapped person or the person responsible for the transportation of a handicapped person has improperly used the parking privileges in section 3.
 - (f) Permanent placards and individual identification cards shall be returned to the department of revenue upon the death of the handicapped person. Temporary placards shall be returned to the department of revenue upon the expiration of the placard

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or violated any of the provisions of Section 7

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handicapped, shall conform to section 4.6.3 of ANSI 117.1-1980, 0121 a published standard for specifications for making buildings and 0122 facilities accessible to and usable by physically handicapped 0123 people, which is available from the American national standards 0124 institute, 1430 Broadway, New York, N.Y. 10018.

New Sec. 6. (a) Except when necessary to avoid conflict with other traffic, or in compliance with the law or the directions of a law enforcement officer or official traffic-control device, no per-0128 son shall stop, stand or park a vehicle in any parking space designated as handicapped parking without having a special license plate, permanent placard or disabled veteran license plate and an individual identification card, or a valid temporary placard.

0133 (b) The provisions of subsection (a) shall be enforced by law 0134 enforcement officers on public and private property.

New Sec. 7. (a) Any person who willfully and falsely repreor sents that such person has the qualifications to obtain a special license plate or permanent placard and individual identification or card or temporary placard pursuant to this act or who falsely utilizes any parking privilege provided in section 3, shall be guilty of an unclassified misdemeanor punishable by a fine of not more than \$250.

Any physician who willfully and falsely certifies that a 0143 person has the qualifications to obtain a special license plate or 0144 permarent placard and individual identification card or tempo-0145 rary placard pursuant to this act shall be guilty of an unclassified 0146 misdemeanor punishable by a fine of not more than \$250.

New Sec. 8. The secretary of revenue may adopt such rules and regulations necessary to carry out the provisions of this act. New Sec. 9. Sections 1 through 8, shall be part of and supplemental to K.S.A. 8-126 et seq., and amendments thereto.

Sec. 10. K.S.A. 8-161 is hereby amended to read as follows:

8-161. (a) Any disabled veteran who makes application to the
director of vehicles on a form furnished by the director for
registration of a motor vehicle that is a passenger vehicle or a
truck with a gross weight of not more than 12,000 pounds and is
owned and used by such veteran may have such motor vehicle

(b) Any person who forges, counterfeits, or falsifies any special license plate, placard, or individual identification card or any comparable device relating to handicapped parking privileges; or who acquires, possesses, sells, or offers for sale a genuine or counterfeit device; or who, with fraudulent intent, displays or causes or permits to be displayed any forged, counterfeit, false, or stolen device shall be guilty of an unclassified misdemeanor punishable by a fine of not more than \$250.

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one of such disabled veteran or used for the transportation of such disabled veteran is parked in a designated handicapped of of such disabled veteran is parked in a designated handicapped of such disabled veteran is parked in a designated handicapped operating space.

- (b) Any person who owns a motor vehicle and who is re168 sponsible for the transportation of a disabled veteran or any
 169 disabled veteran desiring a distinctive license plate for a vehicle
 160 other than a motor vehicle owned by the veteran may make
 161 application to the director of vehicles for such a license plate.
 161 Such license plate shall be issued for the same period of time as
 161 other license plates are issued. There shall be no fee for such
 162 license plates in addition to the regular registration fee.
- (c) The director of vehicles shall design a special license 0176 plate to be issued as provided in this act. No registration or 0177 license plates issued under this act shall be transferable to any 0178 other person. No registration under this act shall be made until 0179 the applicant has filed with the director acceptable proof that the 0180 applicant is a disabled veteran as defined by K.S.A. 8-160, or any 0181 and amendments thereto, or is responsible for the transportation 0182 of such a veteran. Motor vehicles displaying the distinctive 0183 license plates provided for in this act shall be permitted to park 0184 in any parking space on public or private property which is 0185 clearly marked as being reserved for the use of handicapped 0186 persons or persons responsible for the transportation of a handi-0187 capped person, except a parking space on private property which 0188 is clearly marked as being reserved for the use of a specified 0189 handicapped person, or park without charge in any metered zone 0190 and shall be exempt from any time limitation imposed on parking 0191 in any zone designated for parking, during the hours in which 0192 parking is permitted in any city.

Any person who willfully and falsely represents that such

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