

MINUTES OF THE HOUSE COMMITTEE ON TRANSPORTATION.

The meeting was called to order by Chairman Rex Crowell at 1:30 p.m. on February 15, 1993 in Room 519-S of the Capitol.

All members were present except: Rep. Marvin Smith, Excused  
Rep. Walker Hendrix, Excused  
Rep. Steve Lloyd, Excused

Committee staff present: Tom Severn, Legislative Research Department  
Hank Avila, Legislative Research Department  
Bruce Kinzie, Revisor of Statutes  
Donna Luttjohann, Committee Secretary

Conferees appearing before the committee: Rep. Doug Mays  
Rep. Elaine Wells  
Rep. Al Lane  
Rep. Carol Sader  
Neale R. Peterson, Mayor of Fairway  
Jim Coder, State Fire Marshal's Office  
Harry Herington, League of Kansas Municipalities  
Tom Whitaker, KMCA

Others attending: See attached list

Chairman Crowell recognized Rep. Doug Mays who requested a committee bill in regard to accessing information from the Division of Vehicles files. Rep. Shore made the motion to introduce the legislation. It was seconded by Rep. King. The motion carried.

The Chairman recognized Rep. Elaine Wells who requested legislation regarding ATV's. See Attachment 1 for her written request. Rep. King made the motion to introduce the legislation. It was seconded by Rep. Shore. The motion carried.

Rep. Gene Shore made the motion to introduce legislation to provide for a tax credit for the investment in qualified clean-burning motor fuel property. It was seconded by Rep. Haulmark. The motion carried.

The hearing for HB 2250 regarding the anatomical gift symbol was opened by Chairman Crowell. Rep. Al Lane was recognized by the Chairman to testify as a proponent of the bill. See Attachment 2.

Rep. Carol Sader was recognized by the Chairman as a proponent of the bill.

Chairman Crowell recognized Neale R. Peterson, Mayor of Fairway, as a proponent of the bill. See Attachment 3.

Written testimony from Carman Koch, Manager of Corporate and Community Education Development with the Midwest Organ Bank, Inc. was distributed to the committee. She was unable to appear to testify. See her written testimony. Attachment 4.

The Chairman then closed the hearing on HB 2250.

Chairman Crowell then opened the hearing on HB 2415 regarding the certification of emergency vehicles.

Hank Avila, Legislative Research Department, summarized the bill for the committee.

The Chairman then recognized Jim Coder representing the State Fire Marshal's Office as a proponent of the bill. See Attachment 5 for his written testimony.

Chairman Crowell recognized Harry Herington representing the Kansas League of Municipalities as the next proponent of the bill. See Attachment 6 for his written testimony.

Tom Whitaker of the KMCA was recognized by the Chairman and offered comments suggesting that an amendment regarding tow trucks should be made to the bill. See Attachment 7.

Tuck Duncan, MEDEVAC, requested to testify. He requested the bill be amended. See his written testimony for further explanation. Attachment 8.

Chairman Crowell closed the hearing on HB 2415. He then called the committee's attention to the minutes of January 13, 1993, which had previously been approved. Written testimony from the Kansans for Highway Safety Organization had been omitted from the minutes. Rep. King made the motion to add the changes to the minutes of January 13, 1993. Rep. Pauls seconded the motion. The motion carried. The minutes from January 13, 1993, stand approved as corrected.

Chairman Crowell adjourned the meeting at 2:18 p.m. with the next meeting to be held on February 16, 1993, at 1:30 p.m. in Room 519-S of the Capitol.

**PROPOSED KANSAS ATV LEGISLATION****Chapter 1 Definitions**

Section 101 Definitions. As used in this Act:

- a) "All-Terrain Vehicle" or "ATV" means a motorized off highway vehicle 50 inches (1271mm) or less in width, having a dry weight of 600 pounds (273 kg) or less, traveling on 3 or 4 low pressure tires, designed for operator use only with no passengers, having a seat or saddle designed to be straddled by the operator, and handlebars for steering control, and is not eligible for registration for highway use under the motor vehicle laws.
- (b) "Commissioner" means the commissioner of \_\_\_\_\_.
- (c) "Department" means the Department of \_\_\_\_\_.
- (d) "Owner" means any person, other than a person with a security interest, having a property interest or title to an all-terrain vehicle and entitled to the use and possession of the vehicle.
- (e) "Person" means every natural person, firm, co-partnership, association, or corporation.
- (f) "Public street, "Road," or "highway" [the state can define these terms to correspond to other legislation and its road system, but it is not intended that this definition cover such public thoroughfares as logging roads or woodlands trails.]

**Chapter 2 Equipment**

Section 201 Equipment Requirements.

The following requirements apply when an all-terrain vehicle is operated on public land.

- (a) Every all-terrain vehicle operated during hours of darkness shall display a lighted headlamp and tail lamp. These lights must be in operation during the period of from one-half hour after sunset to one-half hour before sunrise and at any time when visibility is reduced to insufficient light or unfavorable atmospheric conditions, unless use of lights is prohibited by other applicable state laws such as prohibition on use of lamps when hunting at night.
- (b) Every all-terrain vehicle must be equipped with a brake system maintained in good operating condition.
- (c) Every all-terrain vehicle must be equipped with an effective muffler system in good working condition.
- (d) All-terrain vehicles participating in certain competitive events may be exempted from section 201 at the discretion of the Commissioner.

## Chapter 3 Prohibited Acts.

### Section 301 Prohibited Acts by Owner and Operator.

The following acts are prohibited when an all-terrain vehicle is operated on public land.

- (a) No person shall operate an all-terrain vehicle in a careless or reckless manner so as to endanger or to cause injury or damage to any person or property.
- (b) An all-terrain vehicle shall not be driven or operated on any public street, road, or highway of this state except for purposes of crossing if:
  - (1) the crossing is made at an angle of approximately 90 degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing;
  - (2) the vehicle is brought to a complete stop before crossing the shoulder or main traveled way of the highway;
  - (3) the operator yields the right of way to all oncoming traffic that constitutes an immediate potential hazard;
  - (4) if equipped, both the headlight and tail light are on when the crossing is made.
- (c) The crossing of any interstate or limited access highway is not permitted.
- (d) No person 17 years old, or younger shall operate or ride an all-terrain vehicle unless the person wears eye protection and a DOT approved safety helmet.
- (e) No operator of an all-terrain vehicle shall carry a passenger.
- (f) No person shall operate an all-terrain vehicle while under the influence of alcohol or any controlled substance, or under the influence of a prescription or non-prescription drug that impairs vision or motor coordination.
- (g) No person shall operate an all-terrain vehicle in manner inconsistent with the equipment requirements of section 201.
- (h) No owner shall authorize an all-terrain vehicle to be operated contrary to this ACT.

## Chapter 4 Miscellaneous Provisions

### Section 401 Powers of the Commissioner

The commissioner may promulgate rules and regulations as may be deemed necessary to carry out and enforce the provisions of the Act.

### Section 402 Penalties.

Any person who violates any of the provisions in Chapter 3 of this Act shall be subject to a fine of not less than \$50 or more than \$100. However, for offenses committed with intent to defraud or mislead, or for second and subsequent offenses, a fine of not less than \$500 or more than \$1000 shall be imposed.

### Section 403 Effective Date.

This Act shall take effect on \_\_\_\_\_.

STATE OF KANSAS

ALFRED J. LANE  
REPRESENTATIVE, TWENTY-FIFTH DISTRICT  
JOHNSON COUNTY  
6529 SAGAMORE ROAD  
MISSION HILLS, KANSAS 66208  
(913) 362-7824



TOPEKA

HOUSE OF  
REPRESENTATIVES

COMMITTEE ASSIGNMENTS  
VICE-CHAIRMAN: LABOR & INDUSTRY  
MEMBER: EDUCATION  
FEDERAL AND STATE AFFAIRS

**Testimony on HB 2250**

Thank you Mr. Chairman and Committee members for permitting me to appear before you in support of HB 2250. My interest in this bill stems from a situation that occurred to Mayor Peterson's son-in-law. I'll reserve my comments so as to permit Neale to elaborate on the subject.

With that Mr. Chairman, I'll conclude my remarks. Thank you for holding hearings on HB 2250.

HOUSE TRANSPORTATION  
Attachment 2  
2/15/93

# CITY OF FAIRWAY

NEALE R. PETERSON, MAYOR

5252 BELINDER ROAD  
FAIRWAY, KANSAS 66205  
(913) 262-0350

## STATEMENT TO THE HOUSE TRANSPORTATION COMMITTEE

by

NEALE R. PETERSON, MAYOR OF FAIRWAY, KANSAS

MONDAY, FEBRUARY 15, 1993  
(Reading time--2 Minutes)

I'm Neale Peterson, Mayor of Fairway in the 25th District. Fairway is a small community nestled alongside of Representative Lane's hometown of Mission Hills.

While that serves as an introduction, I do NOT appear before you today in that role. Rather, I do so as the father of a grieved daughter and a frustrated grandfather.

Let me do that by simply sharing with you the tragic experience she, along with her 7 year old daughter and 5 year old son had to endure....

....It was nearly Friday the 13th in November of 1981 when a police officer and a chaplain appeared at the front door of their home in Topeka saying her husband and the children's father had been killed instantly when he rolled his car on a curve in a north central Kansas county, as he was returning home that night after traveling the State for his employer during the week.

I'll not impose upon you the details of the accident, since they are NOT germane to our family's distress, which is embodied in it's aftermath. This secondary experience occurred when I talked with the County law enforcement official who had investigated the accident. In the discussion, I asked how disposition of the organs had been handled. His response was, and I quote--"What do you mean about organs?"--startled me. A couple more questions revealed the officer did not even know--let alone look at--the back of the driver's license, which, after deliberate discussion, my daughter and son-in-law had decided to make their organs available to those in need of a transplant. And, in doing so they relied upon the back of the driver's license just in the event such an occasion should arise. But, alas, the system totally failed them!

Subsequently, we suffered continuing frustration as I tried to get the organ bank people in Kansas City and the State bureaucracy to consider my suggestion that a different colored license could be issued to those who asked for them in lieu of the apparent deficiency in the current system. Failing there, I turned to my long-time friend, and past Mayor of Mission Hills, for help. He, too, was thwarted at every turn for two years. So, he has resorted to placing our mutual hope in HB-2250.

Before closing, let me add a personal, poignant note that on today, February 15th, my deceased son-in-law would have celebrated his 42nd birthday.

My grandson, Ken Bryant--who I'll ask to now stand up and join me in thanking you for listening to our appeal for your help in providing more effective organ transplant programs and some assistance to all our law enforcement officers, who are inundated with a myriad of details in the handling of fatal accidents such as this, by favoring the Bill before you.

HOUSE TRANSPORTATION  
Attachment 3-2  
2/15/93





# Midwest Organ Bank, Inc.

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Medical Laboratories • Histocompatibility • Organ and Tissue Procurement • Education

February 15, 1993

Representative Crowell  
Transportation Subcommittee  
State of Kansas

Representative Crowell and Members of the Committee:

I am the Manager of Corporate and Community Education for the Midwest Organ Bank in Westwood, Kansas. The Midwest Organ Bank is a non-profit organ and tissue procurement agency serving the state of Kansas and the western two-thirds of Missouri.

One of the responsibilities of the education department is to inform the public about the need for organ and tissue donation. Currently at this time, the need for organs grows at a constant rate. Today, there are close to 29,500 patients on the United Network for Organ Sharing (UNOS) waiting list. The individual needs include: 22,447 waiting for a kidney transplant, 2,327 waiting for a liver transplant, 126 waiting for a pancreata transplant, 781 waiting for a kidney-pancreata transplant, 2,693 waiting for a heart transplant, 181 waiting for a heart-lung transplant, and 964 waiting for a lung transplant. Every day 20 people are placed on the waiting list for an organ transplant; and, every day 6 people die while awaiting.

Additionally, thousands of patients are awaiting a life-enhancing tissue transplant. These tissues include corneas, skin and bone.

At the close of the public educational programs, the participants are asked to discuss the option of organ and tissue donation with their next of kin, and if their decision is to donate, let the donor card or the back of the driver's license indicate their wish. This two-step method, along with the present Kansas Required Request law, will help ensure that their wish is attended to at the time of their death. Seven years ago, I had the opportunity to give testimony for the Kansas Required Request Bill which designated hospital personnel to approach families and offer the option of donation. The Midwest Organ Bank felt that this bill would help families remember the discussion they had regarding donation. Required Request has been in effect now for seven years and it has helped make a difference in the donation process. Families appreciate having the opportunity to remember a family discussion they had regarding donation.

HOUSE TRANSPORTATION  
Attachment 4-1

Transportation Subcommittee  
Page 2

This past Saturday, I presented to 70 school teachers who were attending a Death and Dying course in Fairway, Kansas. After my presentation, one teacher approached me and asked why Kansas didn't have a sticker on the front of her driver's license indicating her wish to become a donor. She said, "They have this in California?" I indicated that presently there was legislative consideration being given to this matter and that the committee was hearing testimony today. She asked me to share with you her endorsement of House Bill 2250.

The Midwest Organ Bank also strongly supports House Bill 2250 and the concept of the Kansas driver's licenses containing the donor card, as well as a stamp symbolizing that a person wishes to make an anatomical gift at the time of their death. In addition to this symbol, the informational card sent to the applicant with the license renewal will help increase the awareness for the need of organs and tissues. The Midwest Organ Bank will make a commitment to work with the Department of Motor Vehicles in developing this informational card.

One request I hear frequently from the hospital personnel is the need for increased public education. They added that if the public knew more about donation, it would make their job of approaching the family much easier because the public may have had the opportunity to discuss the option of donation. This may have been noted on the driver's license found on the person at the time he/she is admitted into the hospital. Statistics have shown that if the family has had no previous knowledge of their loved ones' wishes, they are inclined to say no to donation.

When evaluating this bill, I would encourage the committee to remember the thousands of Kansans who may wish to make an anatomical gift at the time of their death in hopes of helping the hundreds of Kansans who are awaiting a transplant. House Bill 2250 helps increase their awareness of their option.

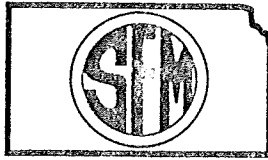
Thank you for your time and careful consideration of this bill.

Sincerely,

A handwritten signature in blue ink, appearing to read "Carman Koch", with a stylized flourish at the end.

M. Carman Koch RN, BSN  
Manager of Corporate and Community Education Development  
Midwest Organ Bank, Inc.

MCK:bp



*"Where Fire Safety Is A Way Of Life"*

Kansas State Fire Marshal Department  
700 Jackson, Suite 600  
Topeka, Kansas 66603-3714  
Phone (913) 296-3401  
FAX (913) 296-0151

Joan Finney  
Governor

Edward C. Redmon  
Fire Marshal

TESTIMONY OF JIM CODER  
ASSISTANT ATTORNEY GENERAL  
STATE FIRE MARSHAL DEPARTMENT  
HOUSE BILL 2415  
HOUSE TRANSPORTATION COMMITTEE  
FEBRUARY 15, 1993

I am appearing in support of House Bill 2415 for two separate and distinct reasons.

First, I want to speak in support of this legislation on behalf of numerous fire chiefs and fire departments who have complained about the current law. Given the questions about the changes last year, two attorney general opinions were issued (92-142, 92-143). These opinions concluded that although it was an probably an unintentional result of drafting the clear language of the statute required publicly owned emergency vehicles to be designated as emergency vehicles. Many fire chiefs and departments found this to be absurd and a nuisance. There was also a question of whether these fire departments that run ambulances had to obtain a permit from each county they passed through when transporting patients from their county to a larger hospital in another county. This amendment would solve their problems simply by allowing publicly-owned emergency vehicles to operate as emergency vehicles without having to get a permit.

The second reason I'm appealing in support of this bill is on behalf of the arson investigation division of the fire marshal's office. We are in the process of outfitting our arson investigators cars with Kojak lights and sirens. We didn't know which of the 14 or 15 counties in each investigators territory we should obtain a permit from. Again the situation seemed absurd. We are a statewide law enforcement agency having to go to a county commission to obtain approval to use equipment which is utilized in the carrying out of our statutory law enforcement duties.

Once again on behalf of the State Fire Marshal, I would urge you to support House Bill 2415.

HOUSE TRANSPORTATION  
Attachment 5  
2/15/93



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612-1597

ROBERT T. STEPHAN  
ATTORNEY GENERAL

November 10, 1992

MAIN PHONE: (913) 296-2215  
CONSUMER PROTECTION: 296-3751  
TELECOPIER: 296-6296

ATTORNEY GENERAL OPINION NO. 92- 142

Mr. Rod Ludwig  
Mitchell County Attorney  
112 E. Court  
Beloit, Kansas 67420

Re:           Automobiles and Other Vehicles--Uniform Act  
              Regulating Traffic; Powers of State and Local  
              Authorities--Designation of Authorized Emergency  
              Vehicles; Authorization by One or Multiple Counties

Synopsis:    K.S.A. 8-2010, as amended by L. 1992, ch. 141  
              requires designation of each emergency vehicle by  
              only the county with primary jurisdiction over the  
              vehicle. Cited herein: K.S.A. 8-2010, as amended  
              by L. 1992, ch. 141, § 4; L. 1992, ch. 141, § 2.

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Dear Mr. Ludwig:

You request our opinion regarding 1992 House Bill No. 3157 (L. 1992, ch. 141) as it amends K.S.A. 8-2010. Specifically, you inquire whether the designation of emergency vehicles required by this bill must be made by all counties in which the vehicle is operated or only that county in which the vehicle is located.

New section 2 of house bill 3157 provides that no motor vehicle with a red light, siren or both may be operated in this state unless it has been properly designated as an authorized emergency vehicle pursuant to K.S.A. 8-2010, as amended. K.S.A. 8-2010 is amended by the bill to read as follows:

HOUSE TRANSPORTATION  
Attachment 5-2  
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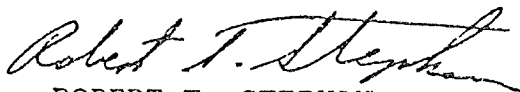
"(a) Any particular vehicle shall be designated, by the board of county commissioners in which such vehicle is located, as an authorized emergency vehicle upon the filing of an application pursuant to section 1 and a finding that designation of such vehicle is necessary to the preservation of life or property or to the execution of emergency governmental functions. The designation shall be in writing and the written designation shall be carried in the vehicle at all times, but failure to carry the written designation shall not affect the status of the vehicle as an authorized emergency vehicle.

"(b) Any vehicle designated as an authorized emergency vehicle prior to the effective date of this act, may continue to operate as an authorized emergency vehicle, as long as: (1) The ownership of such vehicle remains unchanged; and (2) the use of such vehicle for purposes of which such vehicle was designated remains unchanged, except that all future operation of such vehicle as an authorized emergency vehicle shall be in accordance with this section and such other applicable provisions of law." (Emphasis added.)

The committee minutes of the hearings on house bill 3157 reveal that the purpose of the bill was to "transfer the authority of issuing emergency vehicle designations [from the secretary of transportation] to the county commissioners so the activity can be properly monitored and enforced under one local jurisdiction." Minutes, Senate Committee on Transportation and Utilities, March 25, 1992, (emphasis added). See also, Minutes, House Committee on Transportation, March 2, 1992, attachment 1. The above-emphasized language of K.S.A. 8-2010, as amended, remained unchanged from the time the bill was introduced until the time it was passed. See 1992 Senate and House Actions Report, p. 156 (Final Report, Friday, May 29, 1992). It does not appear that the legislature intended to further complicate designation of emergency vehicles by requiring multiple authorizations. We therefore believe the legislature intended to require only one

county to designate each emergency vehicle, that county being the one with the greatest control over the vehicle because of the use to which it is put or because it is garaged or kept in that county when not in use.

Very truly yours,

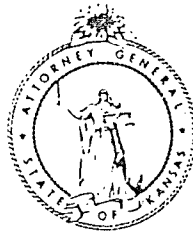


ROBERT T. STEPHAN  
Attorney General of Kansas



Julene L. Miller  
Deputy Attorney General

RTS:JLM:jm



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612-1597

ROBERT T. STEPHAN  
ATTORNEY GENERAL

November 10, 1992

MAIN PHONE: (913) 296-2215  
CONSUMER PROTECTION 296-3751  
TELECOPIER: 296-6296

ATTORNEY GENERAL OPINION NO. 92- 143

Stephen B. Plummer  
Sedgwick County Counselor  
Sedgwick County Courthouse  
525 North Main Street, Suite 359  
Wichita, Kansas 67203-3790

Re:           Automobiles and Other Vehicles--Uniform Act  
              Regulating Traffic; Powers of State and Local  
              Authorities--Designation of Authorized Emergency  
              Vehicles; Authority to Designate Certain  
              Privately-Owned Vehicles; Need to Designate  
              Publicly-Owned Vehicles

Synopsis:    The appropriate board of county commissioners may  
              designate any public or privately-owned vehicle as  
              an emergency vehicle upon receipt of an application  
              and finding that such designation "is necessary to  
              the preservation of life or property or to the  
              execution of emergency governmental functions."  
              Publicly-owned vehicles not grandfathered in  
              pursuant to L. 1992, ch. 141, § 4(b) must be  
              designated as emergency vehicles before they may be  
              operated with red lights and/or siren. Cited  
              herein: K.S.A. 8-2010, as amended by L. 1992, ch.  
              141, § 4; K.S.A. 8-2010 (Furse 1991) L. 1992, ch.  
              141, §§ 1, 2; K.A.R. 32-2-3; 32-2-4.

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HOUSE TRANSPORTATION  
Attachment 5-5  
2/15/93

Dear Mr. Plummer:

You request our opinion regarding 1992 House Bill No. 3157 (L. 1992, ch. 141) which altered the method for designating emergency vehicles.

The purpose of this bill was to shift the responsibility for designating privately-owned vehicles as emergency vehicles from the secretary of transportation to local county commissions. Minutes, House Committee on Transportation, March 2, 1992; Minutes, Senate Committee on Utilities and Transportation, March 25, 1992. In implementing this purpose, however, the language used in the amendments and new sections has raised several new concerns. Attorney General Opinion No. 92-142 addresses one such concern. Your request focuses on two others: "First, is the Board of County Commissioners authorized, pursuant to Section 141 of the 1992 Session Laws to designate vehicles owned by private corporations and used as funeral escorts as emergency vehicles? [; s]econd, are publicly owned fire department vehicles, police vehicles and ambulances required to obtain designations as emergency vehicles from the Board of County Commissioners?"

You state that prior to enactment of house bill 3157, there were no statutory restrictions on the types of vehicles the secretary of transportation had authority to designate as emergency vehicles, other than that the secretary had to find the designation was necessary to preserve life or property or to execute emergency governmental functions. See K.S.A. 8-2010 (Furse 1991). The secretary adopted a regulation to serve as a guideline (K.A.R. 36-2-3), but retained authority to make exceptions to the guidelines [K.A.R. 36-2-4(1), (n)]. The legislature lifted the language of K.A.R. 36-2-3 and, with amendments not pertinent to this discussion, placed it in new section 1 of house bill 3157. That section provides in part:

"(b) The following vehicles, upon approval by the board of county commissioners, may be designated as emergency vehicles:

"(1) Wreckers;

"(2) civil defense vehicles;

"(3) emergency vehicles operated by public utilities;



"4) the privately owned vehicles of firemen or volunteer firemen;

"(5) privately operated ambulances; or

"(6) the privately owned vehicles of police officers." L. 1992, ch. 141, § 1.

The provisions of K.A.R. 36-2-4(1) and (m) were not included in house bill 3157, however, K.S.A. 8-2010, as amended by section 4 of the bill, provides in part:

"(d) Any particular vehicle shall be designated, by the board of county commissioners in which such vehicle is located, as an authorized emergency vehicle upon the filing of an application pursuant to section 1 and a finding that designation of such vehicle is necessary to the preservation of life or property or to the execution of emergency governmental functions." L. 1992, ch. 141, § 4 (emphasis added).

Section 1(b) says county commissioners may designate the vehicles listed therein as emergency vehicles; it does not say the commissioners may designate only those vehicles listed. We do not believe the legislature intended section 1(b) of the bill to limit the types of vehicles which may be designated as emergency vehicles. Construing section 1(b) as a limit would arguably prevent designation of publicly owned police vehicles, fire department vehicles and ambulances as emergency vehicles. This clearly would be contrary to legislative intent and would be far from the stated purpose of house bill 3157. It is therefore our opinion that the board of county commissioners may designate any publicly or privately-owned vehicle as an emergency vehicle upon finding that such designation "is necessary to the preservation of life or property or to the execution of emergency governmental functions" once an application is properly filed.

Section 2 of house bill 3157 provides as follows:

"A person, partnership, association, corporation municipality or public official shall not operate, or cause to be operated upon a public highway, road or street within this state, a motor vehicle

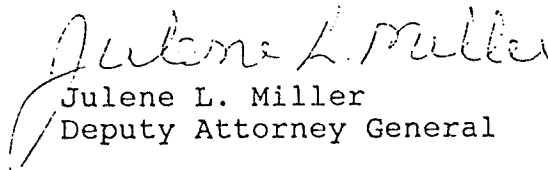
with a red light, siren or both unless the vehicle has been designated as an authorized emergency vehicle pursuant to K.S.A. 8-2010, and amendments thereto." L. 1992, ch. 141, § 2.

While sections 1 and 4 of house bill 3157 are susceptible to more than one construction, section 2 is not. We cannot use extrinsic evidence of legislative intent to overcome clear statutory provisions. See Farmers Co-op v. Kansas Bd. of Tax Appeals, 236 Kan. 632, 635 (1985); Brabander v. Western Co-op Elec., 248 Kan 914, 917 (1991). Thus, in our opinion section 2 requires designation of publicly-owned police vehicles, fire department vehicles and ambulances as well as privately owned vehicles used for emergency purposes. Vehicles in operation as emergency vehicles prior to July 1, 1992 were grandfathered in pursuant to L. 1992, ch. 141, § 4(b).

Very truly yours,



ROBERT T. STEPHAN  
Attorney General of Kansas



Julene L. Miller  
Deputy Attorney General

RTS:JLM:jm



## **League of Kansas Municipalities**

PUBLISHERS OF KANSAS GOVERNMENT JOURNAL/112 WEST SEVENTH ST., TOPEKA, KANSAS 66603/AREA 913-354-9565

TO: House Committee on Transportation  
FROM: Harry Herington, League Attorney  
RE: Testimony Supporting HB 2415  
DATE: February 15, 1993

### **Legislative Testimony**

**League Position.** The League of Kansas Municipalities supports the passage of HB 2415 to exclude cities from having to acquire authorization from the county commission before the city may designate a city owned vehicle as an emergency vehicle. It is the League's understanding that the original intent of K.S.A. 8-2010, as amended last year, and K.S.A. 8-2010a was to transfer the authority of designating volunteer and public utility emergency vehicles from the secretary of transportation to the county commission where the vehicles would operate. Unfortunately the language is overly broad and appears to require cities to gain county approval before they can replace city police, fire and ambulance vehicles.

The League feels it is only logical that the city would be in a better position to determine if a city owned vehicle should be used as an emergency vehicle. Cities and counties should not have to go through the hassle and red tape of getting county approval before designating city emergency vehicles.

STATEMENT

By The

KANSAS MOTOR CARRIERS ASSOCIATION

- - - - -

Concerning House Bill No. 2415 relating  
to designation of emergency vehicles.

- - - - -

Presented to the House Transportation  
Committee, Rep. Rex Crowell, Chairman;  
Statehouse, Topeka, Monday, February 15,  
1993.

- - - - -

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I am Tom Whitaker, Governmental Relations Director of the  
Kansas Motor Carriers Association with offices in Topeka. I  
am here today along with Mary Turkington, the Association's  
Executive Director, representing our member firms and the Towing  
and Recovery Division of our Association.

We are here today to ask you to amend House Bill No. 2415  
to clarify that a wrecker or tow truck, which is designated an  
emergency vehicle in the county where located, can operate in  
all counties in the state on that home county designation. The  
revisor has prepared an appropriate amendment to simplify this  
requirement.

We respectfully ask you to adopt this revised language. We  
will be pleased to respond to any questions.

# # # # #

HOUSE TRANSPORTATION  
Attachment 7  
2/15/93

**Medevac Medical Services, Inc.  
401 Jackson Street  
Topeka, Kansas 66603**

**To: House Transportation Committee**

**From: R.E. "Tuck" Duncan  
General Counsel  
Medevac Medical Services**

**RE: House Bill 2415**

**Date: February 15, 1993**

**Please consider the following amendment to H.B. 2415. At line 33 after ambulances insert "certified by the emergency medical services board" and delete the language "which are publicly owned."**

**This revision will allow the approximately 550 ambulances already certified for use in Kansas to avoid duplicate approval at state and local levels, and it will clear up any confusion about which county in which to secure approval. Ambulances service multiple counties.**

**Your kind attention to this matter is greatly appreciated.**

HOUSE TRANSPORTATION  
Attachment 8  
2/15/93