

Approved: 3/18/93  
Date

## MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES

The meeting was called to order by Chairperson Ben Vidrickson at 9:00 a.m. on March 17, 1993, 1993 in Room 254-E of the Capitol.

All members were present except:

Senator Vidricksen - Excused  
Senator Emert - Excused

Committee staff present: Hank Avila, Legislative Research Department  
Ben Barrett, Legislative Research Department  
Bruce Kinzie, Revisor of Statutes  
Martha Ozias, Committee Secretary

Conferees appearing before the committee:

Betty McBride, Director, Division of Vehicles  
Orville Johnson, Automobile Business, Topeka  
Mike Lacky, Department of Transportation  
Mary Turkington, Kansas Motor Carriers Association  
Mike Rees, Department of Transportation

Others attending: See attached list

The meeting was called to order by Senator Lillian Papay, Vice-Chairperson.

The committee heard **HB 2089** relating to the financial responsibilities of vehicle dealers. Betty McBride spoke in support of this and read amendments to several statutes. (See Attachment A)

Orville Johnson addressed the committee representing himself and his interest in auto brokerage and voiced a need for a comprehensive law for auto dealers.

Mike Lacky spoke in support of **HB 2174** relating to wide-base single tires specified as 14 inches or more. This bill would regulate the use of these tires which cause accelerated wear of asphalt concrete pavements. He explained the restrictions of this bill as presented in the written testimony. (See Attachment B)

Mary Turkington spoke in support of this bill as wanting to cooperate with KDOT in developing a workable solution to the concerns about accelerated wear on the Kansas road and highway system. (See Attachment C)

The committee then heard from Mike Rees who spoke in support of **HB 2176** relating to the temporary closing of highways. This bill would add language specifying a penalty for violation of the existing statute which prescribes the procedure for highway closure. (Attachment D)

There being no other bills to discuss at this time, the meeting was adjourned by Senator Papay.

## GUEST LIST

## SENATE TRANSPORTATION COMMITTEE

DATE: March 17, 1992

[illegible]

STATE OF KANSAS



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Department of Revenue  
*Division of Vehicles*

To: Honorable Ben Vidricksen, Chairman  
Members of the Senate Committee on Utilities and  
Transportation

From: Betty McBride, Director, Division of Vehicles  
Kansas Department of Revenue

Date: March 17, 1993

Mr. Chairman, Members of the Committee,

My name is Betty McBride. I am the Director of Vehicles, and I appear before you on behalf of the Kansas Department of Revenue in support of House Bill 2089. This bill amends several statutes within the Vehicle Dealers and Manufacturers Licensing Act.

The proposed amendment to K.S.A. 8-2401 is intended to change the language of *salesman* to *salesperson*. Due to increasing number of women working in vehicle sales, the Division feels that a gender neutral term such as salesperson is more appropriate. We are requesting to change the language wherever salesman appears in this statute.

The amendments to K.S.A. 8-2404 (i) are to simplify the process of handling claims made on dealer license bonds, and to clarify that bonding companies are not entitled to have administrative hearings on bond matters before the Director of Vehicles. Also in this subsection, where the court has found that the insurance company has failed to pay, the Division is asking that the court be granted the authority to award reasonable attorney fees to encourage prompt payment.

The amendment proposed to K.S.A. 8-2404 (j) removes letters of credit as a bonding option, and reduces the time period a bond substitute must remain on deposit with the Secretary of State's office to two (2) years from five (5) years. A letter of credit was a less desirable form of bonding and did not protect the consumer after one (1) year. It is the opinion of the Department that the Legislature mandated that vehicle dealers have bonds or acceptable substitutes, and that for the Department to knowingly release the bond substitute required by law may expose the agency to further litigation.

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The Department also proposes to amend K.S.A. 8-2433 sec. 5, to limit to one per twelve month period the number of temporary salesperson licenses which may be issued by the Dealer Licensing Bureau to any one individual. Temporary licenses are issued to allow a person to begin working as a vehicle salesperson, under the supervision of a licensed dealer, for a period not to exceed forty five (45) days or until the applicant can be approved or denied by the Director. By changing employment and applying for another temporary license before a background check can be completed by the KBI, a person with a criminal history can work for an unlimited time as a vehicle salesperson. This amendment would grant a measure of control on the number of temporary salesperson licenses the bureau could issue to any one individual, and thus allow time for a background check to determine a person's fitness for working as a vehicle salesperson.

Finally, the Department is requesting that K.S.A. 8-2410 (a) (29) be amended to make violations of the Retail Sales Act (K.S.A. 79-3601), and the Withholding Tax Act (K.S.A. 79-3294) violation of the Dealers and Manufacturers Licensing Act.

Thank you for the opportunity to appear before you today.

I would stand for your questions at this time.

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Michael L. Johnston  
Secretary of Transportation

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Joan Finney  
Governor of Kansas

**TESTIMONY BEFORE  
SENATE TRANSPORTATION AND UTILITIES COMMITTEE  
REGARDING H.B. 2174:  
PROVIDING CERTAIN PROHIBITIONS RELATING  
TO THE USE OF WIDE-BASED TIRES  
MARCH 17, 1993**

Mr. Chairman and Committee Members:

The Kansas Department of Transportation has proposed H.B. 2174 in an effort to regulate the use of wide-based single tires. Wide-based single tires as used in H.B. 2174 means all tires having a section width, as specified by the manufacturer, of 14 inches or more. United States Department of Transportation regulations require that the section width of each tire be provided on the sidewall of the tire. This information will make it easy to identify those tires covered by this proposed legislation.

Approximately five percent of all truck tires sold in the U. S. are wide-based single tires. The threat posed by unregulated use of such tires is accelerated wear of asphalt concrete pavements. It has been clearly demonstrated that wide-based single tires cause up to 400 percent more damage to asphalt concrete pavements than do equally loaded conventional dual tire configurations unless certain restrictions are observed. The accelerated wear will result in premature cracking and rutting of asphalt pavements.

All states have established maximum legal axle load restrictions, and 30 states have established maximum tire load restrictions in terms of pounds per inch of tire section width. Kansas does not regulate tire loads. House Bill 2174 proposes to establish maximum tire load requirements and maximum tire pressure requirements for wide-based single tires.

The first restriction of H.B. 2174 would establish a maximum tire load limit of 600 pounds per inch of tire section width for wide-based single tires on steering axles and a maximum tire load limit of 575 pounds per inch of tire section width for wide-based single tires on any other axle. These load limits will, in effect, limit the wear or damage caused to an asphalt pavement by an axle equipped with wide-based single tires to approximately the same amount of wear imposed on the pavement by a conventional steering axle equipped with typical 11-inch-wide tires. The net effect of these requirements on operators of vehicles equipped with wide-based single tires will be to require a reduction in total load carried by the tire and/or to require the operator to equip the vehicle with wider tires.

Additionally, House Bill 2174 contains provisions to make it unlawful to exceed the tire manufacturer's designated maximum load capacity and maximum tire pressure for wide-based single tires. Adherence to these requirements would protect asphalt concrete pavements from accelerated rates of wear and enhance the safety of the roadway user.

A provision to exempt wide-based single tires purchased on or before July 1, 1993, from the restrictions contained in H.B. 2174 is provided. This would allow for the use of existing wide-based tire inventories without restriction.

Lastly, H. B. 2174 establishes penalties for violation of the restrictions set forth. A violation is considered to be a non-moving violation and the fine is set at \$20 per violation.

Enforcement of the restrictions of H. B. 2174 can easily be made by law enforcement agencies in conjunction with their activities to enforce the existing axle load limit restrictions. The only measurements necessary would be determining the weight on a tire and the tire pressure. The other required information necessary to determine compliance is shown on the sidewall of the tire.

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STATEMENT

By The

KANSAS MOTOR CARRIERS ASSOCIATION

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Concerning H.B. 2174 limiting the  
load-carrying capacity of wide-base  
single tires.

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Presented to the Senate Transportation &  
Utilities Committee, Sen. Ben Vidricksen,  
Chairman; Statehouse, Topeka, Wednesday,  
March 17, 1993.

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MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I am Mary E. Turkington, Executive Director of the Kansas Motor Carriers Association with offices in Topeka. I appear here today along with Tom Whitaker, our Governmental Relations Director, representing our 1,550 member-firms and the highway transportation industry.

We are here in support of H.B. 2174 as amended by the House Transportation Committee. The Kansas Department of Transportation proposed the amendment which appears in line 22. Adoption of this legislation will be breaking new ground for load limitations in this state.

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Currently, Kansas size and weight laws comply with the limits now available under applicable federal limitations. For example:

A single axle cannot exceed 20,000 lbs.

A tandem axle cannot exceed 34,000 lbs.

Statutory provisions govern weights on triple and quad axles.

Gross weight is governed by axle configurations stipulated in a statutory "bridge formula" identified as "Formula B".

Kansas limits the maximum gross weight on the interstate system to 80,000 lbs.

The Kansas gross weight limit on all other roads and highways is a maximum of 85,500 lbs.

Weight is transmitted to highway surfaces through axle loads. Therefore the distance between axles or groups of axles is a factor in the design of roads and bridges. The limitations in Formula B have been adopted to safeguard the 20-year design life incorporated in highway construction programs.

House Bill 2174 departs somewhat from these statutory limits for the operation of any vehicle or combination of vehicles using wide-base single tires.

A wide-base single tire is defined as "all tires having a section width, as specified by the manufacturer, of 14 inches or more."

Under the provisions of H.B. 2174, vehicles using such wide-base single tires would be limited to the maximum load of 600 pounds per inch of tire section width on a steering axle, and 575 pounds per inch of tire section width on any other axle.

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Utilization of wide-base single tires is a relatively new operation in the highway transportation industry. Those who utilize such equipment have substituted the wider-base single tires for the "dual wheels" which normally are utilized in such truck operations.

Carriers who use the wide-base tires honestly are convinced that such equipment puts less stress on highway pavements, fuel consumption is improved by a  $\frac{1}{2}$ -mile per gallon, and truck equipment operates with a "smoother ride" than the conventional dual tire wheel assemblies.

The professional staff of KDOT is concerned that operation of such equipment, without limitation, could put more wear on roads and bridges and therefore be more costly to the design life of the Kansas highway system.

I also honestly must tell you that there is not conclusive research to sustain either position. Ultimately such research may emerge to re-inforce sound public policy in this area.

We are supporting the provisions of H.B. 2174 because we wish to cooperate with KDOT in developing a workable solution to the concerns the Department has about any accelerated wear on the Kansas road and highway system.

We believe the Department has worked positively with our industry to develop the proposal before you today.

We are advised by industry users of wide-base single tires that most are utilizing 16 $\frac{1}{2}$ " tire section widths. By our calculations that would result in a single axle limit of 18,975 lbs. for load-carrying axles.

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While this is somewhat less than the 20,000 lbs. statutorily allowed on other single axles, the axle configurations utilized by the operators of wide-base single tires is such that the net payload still can be acceptable.

You should be aware that none of our surrounding states limit the operation of wide-base single tires. Oklahoma, Colorado, Nebraska nor Missouri have such limitations in effect. As I indicated earlier, adoption of this legislation will be "breaking new ground" for load limitations in Kansas.

I would call your attention to subsection (c) of Section 1, of the bill which provides a "grandfather clause" for existing tires:

"The provisions of paragraph (1) of subsection (b) shall apply to all wide-based single tires purchased after July 1, 1993". (emphasis supplied)

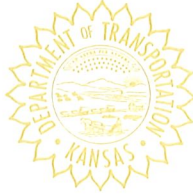
I also would point out that the major number of pages in the bill provide for the penalty for violation of the act. The revisor wisely included this provision in the bill to make certain a penalty does exist.

Our industry supports H.B. 2174, with the House Committee amendment. We strongly support the construction and maintenance of a sound highway system and will work in every appropriate way to properly use that system to meet the transportation needs of Kansas.

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Governor of Kansas

**TESTIMONY BEFORE  
TRANSPORTATION AND UTILITIES COMMITTEE  
REGARDING H.B. 2176:  
UNAUTHORIZED HIGHWAY CLOSINGS  
March 17, 1993**

Chairperson Vidricksen and Committee Members:

In an effort to prevent unauthorized highway closings and to provide a penalty to discourage such unauthorized closings, the Department of Transportation proposes H.B. 2176.

Currently, K.S.A. 68-406 confers upon the Secretary of Transportation the sole authority to temporarily close any part of the state highway system. Authorization is granted after a written request is received five days in advance of the proposed closing and after such considerations as proper signing, timing, and risk of injury to the traveling public have been evaluated. Oral authorization for temporary closings may be granted by the Secretary only in cases of emergency. County Commissioners may also authorize road closings in an emergency; however, the Commissioners are required to advise the Secretary and obtain the necessary authorization for continued closure.

While the law currently prohibits unauthorized closings, it does not provide for any penalty to deter such closings. Recently, an unauthorized closing occurred without proper signing to notify the traveling public of the closing. The Department was notified of the closing by an employee driving by the closed area after working hours. Department employees were called back to work to provide adequate signing and detouring throughout the night. While no accidents resulted from this closure, KDOT believes that it posed a very serious risk of harm to the traveling public. KDOT instituted legal proceedings for recovery of its expenses and although this action was successful, it is believed that it had little deterrent effect.

The proposed statutory revision adds language specifying a penalty for violation of the existing statute which prescribes the procedure for highway closure. Persons failing to secure

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authorization for state highway closures would be guilty of an unclassified misdemeanor. By law, unclassified misdemeanors bear the penalty of a class c misdemeanor. The classification would subject a wrongdoer, after conviction, to a fine not to exceed \$500, or imprisonment for a definite term in the county jail which shall be fixed by the court and shall not exceed one month, or both such fine and imprisonment.

The duty of enforcing these provisions would transfer from the Department to local law enforcement officials. It is believed that the penal sanction and risk of a criminal conviction lend credence to the serious nature of unauthorized closures. In addition, restitution could result which would obviate the need for KDOT to resort to litigation to recoup its expenses.

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