

Approved: 3/16/94  
Date

## MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES

The meeting was called to order by Chairperson Ben Vidricksen at 9:00 a.m. on March 15, 1994 in Room 254-E of the Capitol.

All members were present except:

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:

Representative Barbara Ballard - 44th District  
Brent Garner - Lawrence  
Lt. Col. Terry Scott - Kansas Highway Patrol  
Tom Whitaker - Kansas Motor Carriers Association  
Pam Somerville - Kansas Automobile Dealers Association  
Bob Alderson - Legislative Counsel for the Motorcycle Industry Council

Others attending: See attached list

### **HB 2850 - Concerning certain lighting equipment requirements on trailers**

Representative Barbara Ballard introduced this bill at the request of a constituent whose family had received serious injuries as a result of hitting a flatbed trailer. (Attachment 1)

Brent Garner described to the Committee the circumstances of an accident involving his family when their car stuck a flatbed trailer which had no side lights or reflectors and was protruding into the side on the highway on which they were travelling late at night. As a result of his family's misfortune he was asking for a requirement that all trailers, regardless of size to be equipped with at least reflectors or a reflective paint scheme that would make them visible at night. (Attachment 2)

Lt. Col. Scott requested an amendment to this bill that would clarify that wide base single tires are permitted on dual hub assemblies and that certain triple axle combinations utilizing single tires on dual hub assemblies would be permitted. (Attachment 3)

Tom Whitaker stated that he strongly supported the amendment proposed by the Highway Patrol to clarify the lawful operation of a vehicle with a single tire on hubs configured for a dual tire assembly. (Attachment 4)

### **HB 2974 - Amending the vehicle dealers and manufacturers licensing act**

Pam Somerville requested amendments to this bill to incorporate two provisions of SB 750. (Attachment 5)

Bob Alderson expressed opposition to this bill which would add motorcycle dealerships to the law restricting establishment or relocation of a dealership. Originally motorcycle dealers were exemption but **HB 2974** would remove that exemption. He believes legislation which restricts the establishment of dealership is anti-competitive and adversely affects competition in the sale and servicing of new vehicles. (Attachment 6)

## CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES, Room 254E-Statehouse, at 9:00 a.m. on March 15, 1994.

### **HB 2781 - Concerning road construction zones**

The staff reviewed the amendments and answered questions from the Committee. (Attachment 2)

After some discussion a motion was made by Senator Rock to accept the amendments. This was seconded by Senator Papay. Motion carried.

A motion was then made by Senator Burke to recommend **SB 2781** favorably for passage as amended. A second was made by Senator Papay. Motion carried.

### **SB 688 - Relating to emergency telephone services.**

The staff briefed the Committee on the compromised amendments for this bill. There was considerable discussion and staff and conferees answered questions. Senator Tiahrt made a motion to move this bill to an interim study. The motion died for lack of a second.

A motion was made by Senator Tiahrt to approve the minutes of the March 14 minutes. A seconded was made by Senator Papay and the motion carried.

The meeting was then adjourned by the Chairman.

The next meeting is scheduled for March 16, 1994.

# GUEST LIST

## SENATE TRANSPORTATION COMMITTEE

DATE: MARCH 15, 1994

NAME (PLEASE PRINT)	ADDRESS	COMPANY/ORGANIZATION
TERRY J Scott	TOPEKA	KDOT
J.C. LONG	Topeka	UtiliCorp.
JOHN GAGLIARDO	GIRARD, KS	CRAWFORD Co 9-1-1
JOHN WORKMAN	GREAT BEND, KS.	BRT. CO 9-1-1
Craig D. Culp	Harvey County, KS.	
H. Martin	Manhattan	Shelgworth Co
GERRY RAY	Overland Park	Overland Park, KS Johnson County
MARY MOORE	KC Mo	Ford Motor Co
Shauna Garner	Lawrence, KS	
Brent Garner	"	
Tim Daily	Great Bend, KS.	Sheriff's Office
Ron C. Hoff	Newton, KS	HARVEY County 9-1-1
Mr. Gerald E. Lumsden	Manhattan, KS	Police, Dist. Wash. Wash, Johnson County
John Somerville	TOPEKA	KS Auto Dealers Assn
Mark Magley	TOPEKA	KANSAS AUTO DEALERS ASSN.
RICK SCHEIBE	TOPEKA	KDOR
Betty McBride	Topeka	KDOR
ED SCHAUB	"	WESTERN RESOURCES
John Foster	OLAHATHE, KS.	Johnson Co. SHERIFF
STEVE KEARNEY	TOPEKA	KANSAS CELLULAR
Whitney Dameron	Topeka	McGill Assoc. / SBSMS
Tom Whitaker	Topeka	KS Motor Carriers
Selen Stephens		KPOA

GUEST LIST (continued)

DATE: MARCH 15, 1924

[illegible]

BARBARA W. BALLARD  
REPRESENTATIVE, FORTY-FOURTH DISTRICT  
DOUGLAS COUNTY  
1532 ALVAMAR DRIVE  
LAWRENCE, KANSAS 66047  
(913) 841-0063



TOPEKA

HOUSE OF  
REPRESENTATIVES

COMMITTEE ASSIGNMENTS  
MEMBER: EDUCATION  
GOVERNMENTAL ORGANIZATION  
AND ELECTIONS  
LOCAL GOVERNMENT  
STATE CAPITOL ROOM 272-W  
TOPEKA, KANSAS 66612-1504  
(913) 296-7650  
LEGISLATIVE HOTLINE  
1-800-432-3924

TESTIMONY

Barbara W. Ballard  
Before the Senate Committee on Transportation  
on House Bill 2850  
March 15, 1994

Thank you, Mr. Chairman and Members of the Committee.

In May of 1993, I received a telephone call and a letter from Brent Garner. He shared with me the details of an automobile accident involving his wife, their baby daughter and himself. This accident occurred on March 21, 1993.

Mr. Garner hit a flatbed, combine trailer on its side. The trailer was sticking out onto the road and had no lights or reflectors. K.S.A. 8-1710 states that trailers, 80 inches or more, are required to have side lights and reflectors.

HB 2850 would amend the statute, beginning at Line 42 on the first page of the bill, to require trailers and semitrailers under 80 inches to have reflectors.

Thank you for your consideration.

A handwritten signature in cursive script that reads "Barbara W. Ballard".



## Testimony on HB2850

Transportation Committee

HB 2850

Mar 15, 1994 9:00 A.M.

254 East

Dear Chairman Vidricksen and members of the Transportation and Utilities Committee:

First, I would like to thank you, Chairman Vidricksen, and the members of the Transportation and Utilities Committee for this opportunity to testify.

I come before you today to present evidence in support of HB 2850. Now, I know that my testimony may effect only a small part of this bill. However, after you have heard my testimony, it is my sincere and honest hope that changes in the interest of public safety will be made.

Before I begin the main part of my testimony, I want to make clear to you, Chairman Vidricksen, and also the members of your committee, that my testimony is largely drawn from what others have told me. The reason for this will soon be very evident.

On March 21, 1993, my wife, infant daughter, and I were returning from visiting some friends in Iola, KS. At roughly 12:15 A.M. we collided with the back corner of a flat bed trailer--the kind used for transporting combines. Here are the circumstances.

Three trucks owned and operated by Azcot, Inc. of Hobart, OK were traveling from Hobart to Des Moines to pick up some combines. Each truck and trailer combination measured 53 feet in length. As this convoy approached Ottawa, KS they decided to stop for the night. Being unfamiliar with the traffic interchange there, they mistakenly took the first exit which forced them south on Highway 59. This was not the direction they wanted to go, since their intentions were to turn north and stop at a motel in Ottawa. Needless to say, one does not turn around a 53 foot long rig in the middle of the road. Therefore, these three truckers were looking for some place to turn around.

Just south of where I-35 crosses Highway 59 you will find Todd's RV. It has a small parking lot. These three truckers decided to turn around using Todd's RV's parking lot. Trucks 1 and 2 turned into the lot and began the process of back and forward motions in order to turn around their long rigs. Truck 3, meanwhile, was still sitting facing south in the southbound lane of Highway 59. Truck 3's driver estimated that he had enough room to pull in and at least get off the highway. Unfortunately, he was wrong and, unknown to him, the last ten feet of his trailer protruded into the

northbound lane of Highway 59. The trailer was painted black and was not equipped with side lights or reflectors.

Meanwhile, we were northbound. According to my wife, this trailer became visible only 8 to 10 feet in front of us. We hit the back corner of that trailer between 45 and 55 mph. My baby girl suffered injuries as follows: a skull fracture, which caused a week of seizures and a prolonged hospital stay; damage to her spleen resulting in the removal of one-third of her spleen; a collapsed lung; and a broken upper right arm. My wife suffered a broken right hip; a shattered left hip requiring 12 screws and a plate; permanent nerve damage in her left leg; and what has now been diagnosed as post traumatic stress syndrome. My injuries were somewhat less. I broke my heel, my foot forward of the ankle, and required numerous stitches to repair 5 to 6 areas of my head where the scalp was peeled back to the skull; and a very serious concussion which has blotted out my memory of the crash and caused permanent short term memory loss due to injuries to my brain. All of this could have been averted had the trailer been equipped with reflectors, reflective paint, or side lights. Yet, according to the Franklin County District Attorney, the trailer was legal because, he said, only trailers over 8 and 1/2 feet in width are required to have sidelights and reflectors. This trailer was only 8 feet wide.

Chairman Vidricksen, and members of this committee, we were lucky! Although injured and impaired for life, we are alive. The next person may not be so fortunate. Requiring all trailers, regardless of size to be equipped with at least reflectors or a reflective paint scheme will not impose any large financial burden on anyone. Yet, this small investment could save lives and prevent injury to many.

This is my testimony. If you have any questions, I would be happy to answer them.

Sincerely,

Brent Garner

Kansas Highway Patrol  
Request for Amendment  
1994 House Bill 2850  
before the  
Senate Transportation & Utilities Committee  
March 14, 1994

Good morning Mr. Chairman and members of the Committee, My name is Terry Scott and I am the assistant Superintendent of the Kansas Highway Patrol.

I respectfully request an amendment to K.S.A. 8-1742. The amendment would clarify that Wide Base Single tires are permitted on dual hub assemblies and that certain triple axle combinations utilizing single tires on dual hub assemblies would be permitted.

Currently, K.S.A. 8-1742 prohibits placing a single tire on an axle configured for a dual hub assembly. The requirement does not apply to trucks registered for 20,000 pounds or less or in times of emergency.

The proposed amendment will:

- \* Permit operation of a vehicle or combination of vehicles with wide base single tires, as defined in K.S.A. 8-1742b, on an axle configured for a dual hub assembly.
- \* Permit operation of a vehicle or combination of vehicles with a single tire on an axle configured for a dual hub assembly provided, the weight on such axle does not exceed 9,000 pounds and the axle is part of a triple axle combination.

We have contacted the Kansas Department of Transportation and the Kansas Motor Carriers Association and all are in agreement that the amendment would be beneficial for industry and law enforcement while protecting the integrity of our highway system.



STATEMENT

By The

KANSAS MOTOR CARRIERS ASSOCIATION

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In support of amendment to H.B. 2850  
to clarify lawful operation of a single  
tire on hubs configured for a dual tire  
assembly.

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Presented to the Senate Transportation &  
Utilities Committee, Senator Ben Vidricksen,  
Chairman; Statehouse, Topeka, Tuesday, March  
15, 1994.

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MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I am Tom Whitaker, Governmental Relations Director for the  
Kansas Motor Carriers Association with offices in Topeka. I appear  
here this morning on behalf of our members and the highway transpor-  
tation industry.

We strongly support the amendment offered by the Kansas High-  
way Patrol to clarify the lawful operation of a vehicle with a  
single tire on hubs configured for a dual tire assembly.

Legislation initially was adopted in 1993 to define a "wide-base  
single tire" as any tire having a section width, as specified by the  
manufacturer, of 14 inches or more.

Further, legislation was adopted which made it unlawful for any  
person to operate a vehicle with a single tire on any hubs configured  
for a dual tire assembly except on those vehicles registered for  
20,000 lbs. or less or in cases of emergency.

ATTACHMENT 4

SEN. TRANS. 3/15/94

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The purpose of the legislation was to define a "wide-base single tire" and to prohibit a vehicle operator from using a single tire (other than a wide-base tire), on dual hub wheel assemblies. Proper weight distribution was the principal factor in such legislation.

It was never intended that the "single tire" limitation prohibit the operation of the wide-base tires defined and authorized in the same legislation.

Enforcement experience demonstrates that clarification is needed to meet actual industry practices.

1. Vehicle operators purchase trailer equipment with dual hub axle assemblies for operation of wide-base tires. Different mounting technics are used for the wide-base tires as opposed to the regular dual wheel assemblies -- but the axles actually are equipped with such dual hub assemblies. Vehicle operators using the wide-base tires mount regular dual tires on such trailer equipment when the trailer equipment is to be traded or sold as market demand still is much stronger for the normal dual tire operation as opposed to the wide-base single tires. Therefore, the Highway Patrol wishes to make clear that such wide-base single tires can be operated on axles with hubs configured for a dual tire assembly. The proposed amendment allows such operation.

2. Triple-axle configurations also include dual tires on axles one and two -- with a single tire on axle three that will not exceed 9,000 lbs. Triple-axle limits range from 42,000 to 42,500 lbs. The first two axles are designed to carry 33,000 plus pounds and the third axle (with a single tire on each wheel) cannot exceed 9,000 lbs. The amendment also allows this operation to continue.



We believe the language in the proposed amendment is necessary to clarify for all concerned what is lawful in the operation of such equipment. We understand that the Kansas Department of Transportation which was the principal supporter of the "wide-base tire" limitations adopted in 1993, agrees with the language in the amendment.

If there are any questions I might answer, I will be pleased to do so. We ask that you adopt the proposed amendment to House Bill 2850.

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# **kansas automobile dealers association**

800 Jackson, Suite 1110 • Topeka, Kansas 66612-1216 • (913) 233-6456 • FAX (913) 233-1462

**March 15, 1994**

**To: The Honorable Ben Vidricksen**

**From: Pam Somerville,**  
**Director of Government Affairs**

**Re: Amendments to HB 2974**

Good morning Mr. Chairman and members of the Committee. I am Pam Somerville, Director of Government Affairs for the Kansas Automobile Dealers Association with a membership statewide of over 300 franchised car dealers.

Thank you for the opportunity to appear before you this morning to request amendments to HB 2974 which would incorporate two provisions of SB 750. Senate Bill 750 was amended and passed this committee on February 25th; however, because of a controversial issue contained in the bill, no floor debate occurred.

A balloon of HB 2974 has been distributed, and I will briefly summarize the provisions which include the warranty audit language and supplemental location definitions and requirements.

Thank you again for the opportunity to appear. We respectfully ask the committee to adopt the amendments to the bill and report the bill favorably.

ATTACHMENT 5

SEN. TRANS. 3/15/94

5



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OF COUNSEL

DANIEL B. BAILEY

MEMORANDUM

TO: Senate Committee on Transportation and Utilities

FROM: Bob Alderson, Legislative Counsel for Motorcycle Industry Council

DATE: March 15, 1994

RE: House Bill No. 2974 -- Establishment or Relocation of Motorcycle Dealerships

The Motorcycle Industry Council is a national trade association which represents four of the major manufacturers and distributors of motorcycles (Honda, Kawasaki, Suzuki and Yamaha) and over 100 other companies involved in allied trades. The Council wishes to express its opposition to HB 2974, which would add motorcycle dealerships to the law restricting establishment or relocation of a dealership.

This law was enacted in 1991 by the passage of Senate Bill No. 267, which was introduced by this Committee. As introduced, the bill applied to all motor vehicle dealers. However, the Council expressed its concerns at that time to this Committee regarding the bill's potentially adverse effects on motorcycle dealerships, and this Committee addressed those concerns by amending the bill to exempt motorcycle dealers. HB 2974 would remove that exemption.

ATTACHMENT 6

SEN. TRANS. 3/15/94

6-1

We believe legislation which restricts the establishment of dealerships is anti-competitive and adversely affects competition in the sale and servicing of new vehicles. It unnecessarily insulates established dealers from intra-brand competition and results in higher prices to the consumer for motor vehicles, parts and service.

This type of law gives certain existing dealers the right to delay the establishment of a new dealership of the same line-make simply by filing a protest. This automatically delays any opening or relocation until a hearing has been held and a decision rendered.

In addition to concerns in general with this type of legislation, we feel it is especially unwarranted in the case of motorcycle franchises. Motorcycle dealerships are typically much smaller in size than car dealerships in terms of service facilities and personnel. Yet, depending on population, dealers located within either a 15 mile or 10 mile radius of a proposed location may protest dealership establishment. This constitutes either a 706 or 314 square mile area in which existing dealers are allowed to impede and attempt to lock out competition. One motorcycle dealer with a small facility cannot provide adequate and convenient sales and service to the public in an area of 706 square miles.

The protest and hearing process permits existing dealers to delay the opening of a new dealership, leaving the prospective dealer with a large amount of capital unprofitably invested in the new venture (or, in the case of a relocating dealer, keeps that dealer for a longer period in a less desirable location). In the case of a motorcycle dealership where the facility is well suited to many types of businesses, the prospective dealership site may not still be available by the time the protest is resolved. The protest process also causes the potential dealer or manufacturer to incur high legal fees during the proceedings.

The ability of an existing business to delay the operation of a competitor constitutes very strong economic power. We are aware of no other type of business which enjoys such power.

The change in the law contemplated by HB 2974 with respect to motorcycle dealerships also could serve to distort competition. It may encourage circumventive tactics by hopeful new motorcycle dealers wishing to avoid the costs and delays inherent in the procedure. For example, a new motorcycle dealer might select a proposed location just beyond the perimeter of the specified area to avoid a protest, while passing up a location that might better serve the public. Worse, passage of the law could drive businesses out of the

state completely to states with no such restrictions on competition.

The statute amended by HB 2974 not only restricts manufacturers and distributors in opening or relocating dealerships, the law also adversely affects the entrepreneur, typically a small businessperson, who is risking his or her own capital in a new business venture. Under these provisions, this prospective motorcycle dealer's opportunities to compete and profit are subordinated to those of the dealer or dealers who started their ventures earlier. Any decision to insulate the first arrivals from competition from later entrants raises fundamental questions of fairness and equality of opportunity. While established dealers can now voice their views on the merits of the bill, the persons wishing to become members of the Kansas motorcycle dealer community in the future cannot be heard now. Their position would undoubtedly favor the freedom of open competition in selecting locations.

At the hearing on HB 2974 before the House Committee on Transportation, a question was posed as to the number of motorcycle dealers who hold multiple franchises. While a response was provided to that question by one of the conferees, it was made without benefit of any statistics.



Accordingly, I requested the staff of the Motorcycle Industry Council to provide me as current figures on this issue as possible, and have attached to this statement a copy of the Council's memorandum on this issue dated July 30, 1993.

You will note that the survey reflected in the attached memorandum included not only the members of the Council, it also included dealers for BMW and Harley-Davidson. The survey showed that 36.5% of their franchised dealers have two or more franchises from these six major manufacturers.

What the survey does not show is how many of these dealers also have franchises to sell motorcycles manufactured by someone other than the six manufacturers covered by the survey.

This law protects a specific class of businesses from competition at the expense of others -- the consumers, the potential new motor vehicle dealers and the motor vehicle manufacturers. Its provisions shelter established dealers from direct competition, and restrictive legislation such as this can only adversely affect the public by discouraging competition, preserving higher prices and generating protracted and costly protest proceedings whose costs ultimately are passed on to consumers.

Please do not add to the hardship by including motorcycle dealerships in the law.

**MOTORCYCLE INDUSTRY COUNCIL, INC.**

2 Jenner Street, Suite 150, Irvine, CA 92718 • (714) 727-4211 • FAX (714) 727-4217

**TITLE: 1993 MOTORCYCLE  
RETAIL OUTLET AUDIT**

**DATE: July 30, 1993  
FILE SUBJECT: Dealer Surveys  
FILE NUMBER: RRF 93-002**

### Methodology

*The twelfth annual audit of the number of U.S. motorcycle retail outlets, including both franchised motorcycle outlets and stores specializing in motorcycle parts, accessories, riding apparel and service, has been completed by the MIC for legislative and statistical purposes. Outlets selling ATVs, scooters, and related products and services are included in this study. This study was completed in June.*

*Six motorcycle distributors (BMW, Harley-Davidson, Honda, Kawasaki, Suzuki, and Yamaha) and two trade publications (Motorcycle Dealernews and Motorcycle Product News) contributed dealer information which specified the owner or manager, the dealership name, address, and phone number. According to the agreement made with the contributing companies, the individual company dealer information will be kept confidential and no reference will be made to brand names.*

*Through computer and manual processing, duplications for the same dealer location have been eliminated. We have also eliminated those retail outlets which could be identified as those selling mopeds, bicycles, auto parts, marine products, and lawn and garden equipment if they did not also sell motorcycles, scooters, ATVs or other related products and service. OEM and aftermarket manufacturers and distributors, sporting goods stores, general discount auto parts and clothing stores, gasoline service stations, rental outlets, and racing facilities have also been eliminated when possible.*

*The results of the 1993 Motorcycle Retail Outlet Audit are summarized on the following pages.*

The report indicates that almost two-thirds (63.5%) of the 3,289 franchised motorcycle retail outlets carry only one brand of motorcycles, scooters or ATVs. One-fourth (25.8%) are dual-line franchised outlets, and only 10.7% carry three to five motorcycle, scooter, and ATV brands. The number of single-line franchised outlets decreased 4.4%, while the number of multiple-line franchised outlets increased 1.3% in 1993 compared to 1992. This audit includes Harley-Davidson, Honda, Suzuki, Yamaha, Kawasaki, and BMW franchises only, which account for over 98% of 1993 U.S. motorcycle, scooter, and ATV retail unit sales. Some outlets reported as single line may also carry brands other than the top six brands included in this audit. The actual number of single line outlets may, therefore, be somewhat lower.

<u>Number Of Franchised Retail Outlets</u>				
<u>Franchises Per Retail Outlet</u>	<u>1993</u>		<u>1992</u>	
	<u>Number</u>	<u>% of Total</u>	<u>Number</u>	<u>% of Total</u>
One Franchise	2,087	63.5%	2,184	64.8%
Two Franchises	850	25.8%	859	25.5%
Three Franchises	283	8.6%	262	7.8%
Four Franchises	57	1.7%	53	1.6%
Five Franchises	12	0.4%	12	0.3%
<b>Total Franchised Outlets</b>	<b>3,289</b>	<b>100.0%</b>	<b>3,370</b>	<b>100.0%</b>

The 1993 audit indicates that 4,924 franchises are represented by the 3,289 franchised motorcycle, scooter, and ATV retail outlets. This compares with 4,960 franchises in 1992, a decline of 0.7%.

	<u>1993</u>	<u>1992</u>
<b>Total Franchises Carried By Motorcycle Retail Outlets</b>	<b>4,924*</b>	<b>4,960*</b>

\* Includes Harley-Davidson, Honda, Suzuki, Yamaha, Kawasaki, and BMW franchises only.



HOUSE BILL No. 2781

By Committee on Transportation

1-28

11 AN ACT regulating traffic; concerning road construction zones; im-  
12 posing certain penalties; amending K.S.A. 8-2004 and K.S.A. 1993  
13 Supp. 8-1486 and 8-2118 and repealing the existing sections.

8-1531,

and 68-2104

14  
15 *Be it enacted by the Legislature of the State of Kansas*

16 New Section. 1. "Road construction zone" means the portions of  
17 a highway which is identified by posted or moving signs as being  
18 ~~(under construction)~~ The zone starts ~~(upon meeting)~~ the first sign  
19 identifying the zone and continues until a posted or moving sign  
20 indicates that the ~~(construction zone has ended)~~

a construction or maintenance work area

at  
road

21 Sec (2) K.S.A. 1993 Supp. 8-1486 is hereby amended to read as  
22 follows: 8-1486. K.S.A. 8-1414a, 8-1459a, 8-1475a, and amendments  
23 thereto, and K.S.A. 1993 Supp. 8-1439c, and amendments thereto,  
24 and new section 1 shall be a part of, and supplemental to, the uniform  
25 act regulating traffic on highways.

26 Sec (3) K.S.A. 8-2004 is hereby amended to read as follows: 8-  
27 2004. (a) The secretary of transportation shall place and maintain  
28 such traffic-control devices, conforming to the manual and specifi-  
29 cations adopted under K.S.A. 8-2003, and amendments thereto, upon  
30 all state highways as the secretary shall deem necessary to indicate  
31 and to carry out the provisions of this act or to regulate, warn or  
32 guide traffic.

33 (b) No local authority shall place or maintain any traffic-control  
34 device upon any highway under the jurisdiction of the secretary of  
35 transportation, except by the latter's permission.

36 (c) The secretary of transportation shall post signs informing  
37 motorists that conviction of a traffic infraction, which is defined as  
38 a moving violation in accordance with rules and regulations adopted  
39 pursuant to K.S.A. 8-249, and amendments thereto, committed  
40 within a road construction zone, as defined in section 1, shall result  
41 in a fine which is double the fine listed in the uniform fine schedule  
in K.S.A. 8-2118, and amendments thereto; or a fine of \$100,  
whichever is less.

New Sec. 2. It shall be unlawful for any  
person to fail, neglect or refuse to comply  
with restrictions or traffic regulations in a  
road construction zone or fail to comply with  
traffic orders or traffic directions by a  
flagman in a road construction zone.

3.

Insert Sections 4 through 8

9.

Sec. 4. K.S.A. 8-1337 is hereby amended to read as follows:  
8-1337.(a) Whenever the secretary of transportation shall determine upon the basis of an engineering and traffic investigation that any maximum speed ~~hereinbefore-set-forth~~ is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of the state highway system, the secretary may determine and declare a reasonable and safe maximum limit thereat, which shall be effective when appropriate signs giving notice thereof are erected; Provided, except that the secretary shall not establish a maximum speed limit in excess of the speed limit established by or pursuant to subsection (a)(3) of K.S.A. 8-1336, and amendments thereto. Any such maximum speed limit may be declared to be effective at all times or at such times as are indicated upon ~~said~~ such signs; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective when posted upon appropriate fixed or variable signs.

(b) The secretary of transportation may establish the speed limit within a road construction zone, as defined in section 1, upon any highway under the jurisdiction of the secretary, and the speed limit shall be effective when appropriate signs giving notice thereof are erected.

Sec. 5. K.S.A. 8-1338 is hereby amended to read as follows:  
8-1338. (a) Whenever local authorities in their respective jurisdictions determine on the basis of an engineering and traffic investigation that any maximum speed permitted under this act is greater or less than is reasonable and safe under the conditions found to exist upon a highway or part of a highway, the local authority may determine and declare a reasonable and safe maximum limit thereon which:

- (1) Decreases the limit at intersections; ~~or~~
- (2) increases the limit within an urban district but not to exceed the maximum speed limit established by or pursuant to subsection (a)(3) of K.S.A. 8-1336, and amendments thereto; ~~or~~
- (3) decreases the limit outside an urban district, but not

to less than 20 miles per hour, except as authorized in K.S.A. 8-1338a, and amendments thereto; or

(4) decreases the limit within an urban district in a school zone to not less than 20 miles per hour, except that any such decreased limit shall apply only during the hours in which students are normally en route to or from school. Such zones and hours to be determined by ordinance or resolution of such local authority.

(b) Local authorities in their respective jurisdictions shall determine by an engineering and traffic investigation the proper maximum speed for all arterial streets and shall declare a reasonable and safe maximum limit thereon which may be greater or less than the maximum speed permitted under this act for the urban district or other location in which the arterial street is situated, except that in no event shall any local authority establish any such maximum limit in excess of the maximum limit established by or pursuant to subsection (a)(3) of K.S.A. 8-1336, and amendments thereto.

(c) Except as otherwise provided in paragraph (4) of subsection (a), any altered limit established pursuant to this section shall be effective at all times or during hours of darkness or at other times as may be determined when appropriate signs giving notice thereof are erected upon such street or highway.

(d) Any alteration of maximum limits on city connecting links shall not be effective until such alteration has been approved by the secretary of transportation.

(e) Local authorities in their respective jurisdictions may establish the speed limit within a road construction zone, as defined in section 1, upon any highway under the jurisdiction of such local authorities.

~~(e)~~ (f) As used in this act, the term "local authorities" means the Kansas turnpike authority and every city, county and other local board or body having authority to adopt ordinances or regulations relating to vehicular traffic under the constitution and laws of this state.

Sec. 6. K.S.A. 8-1531 is hereby amended to read as follows:

8-1531.(a) The driver of a vehicle shall yield the right-of-way to any authorized vehicle or pedestrian actually engaged in work upon a highway within any ~~highway--construction--or--maintenance area~~ road construction zone, as defined in section 1 indicated by official traffic-control devices.

(b) The driver of a vehicle shall yield the right-of-way to any authorized vehicle obviously and actually engaged in work upon a highway whenever such vehicle displays flashing lights meeting the requirements of K.S.A. 8-1731, and amendments thereto.

Sec. 7. K.S.A. 8-1559 is hereby amended to read as follows:  
8-1559.(a) Whenever the secretary of transportation shall determine upon the basis of an engineering and traffic investigation that any maximum speed ~~hereinbefore--set--forth~~ is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of the state highway system, or upon any city street which is a state highway connecting link, the secretary may determine and declare a reasonable and safe maximum limit thereat, which shall be effective when appropriate signs giving notice thereof are erected. Any such maximum speed limit may be declared to be effective at all times or at such times as are indicated upon said signs; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective when posted upon appropriate fixed or variable signs.

(b) The secretary of transportation may establish the speed limit within a road construction zone, as defined in section 1, upon any highway under the jurisdiction of the secretary, and the speed limit shall be effective when appropriate signs giving notice thereof are erected.

Sec. 8. K.S.A. 8-1560 is hereby amended to read as follows:  
8-1560.(a) Whenever local authorities in their respective jurisdictions determine on the basis of an engineering and traffic investigation that the maximum speed permitted ~~under-this article~~ is greater or less than is reasonable and safe under the



conditions found to exist upon a highway or part of a highway, the local authority may determine and declare a reasonable and safe maximum limit thereon which:

(1) Decreases the limit at intersections; or

(2) increases the limit within an urban district but not to exceed the maximum speed limit established by or pursuant to subsection (a)(3) of K.S.A. 8-1336, and amendments thereto; or

(3) decreases the limit outside an urban district, but not to less than ~~twenty-(20)~~ 20 miles per hour; or

(4) decreases the limit within an urban district in a school zone to not less than ~~twenty-(20)~~ 20 miles per hour, except that any such decreased limit shall apply only during the hours in which students are normally en route to or from school, such zones and hours to be determined by ordinance or resolution of such local authority.

(b) Local authorities in their respective jurisdictions shall determine by an engineering and traffic investigation the proper maximum speed for all arterial streets and shall declare a reasonable and safe maximum limit thereon which may be greater or less than the maximum speed permitted under this act for an urban district.

(c) Except as otherwise provided in paragraph (4) of subsection (a), any altered limit established as ~~hereinabove~~ authorized shall be effective at all times or during hours of darkness or at other times as may be determined when appropriate signs giving notice thereof are erected upon such street or highway.

(d) Any alteration of maximum limits on city connecting links shall not be effective until such alteration has been approved by the secretary of transportation.

(e) Local authorities in their respective jurisdictions may establish the speed limit within a road construction zone, as defined in section 1, upon any highway under the jurisdiction of such local authorities.

~~(e)~~ (f) The provisions of subsection (e) of K.S.A. 8-1558, and amendments thereto, shall apply to the limitations on speed limits provided by subsection (a) of this section.

Sec. [4.] K.S.A. 1993 Supp. 8-2118 is hereby amended to read as follows: 8-2118 (a) A person charged with a traffic infraction shall, except as provided in subsection (b), appear at the place and time specified in the notice to appear. If the person enters an appearance, waives right to trial, pleads guilty or no contest, the fine shall be no greater than that specified in the uniform fine schedule in subsection (c) and court costs shall be taxed as provided by law.

(b) Prior to the time specified in the notice to appear, a person charged with a traffic infraction may enter a written appearance, waive right to trial, plead guilty or no contest and pay the fine for the violation as specified in the uniform fine schedule in subsection (c) and court costs provided by law. Payment may be made by mail or in person and may be by personal check. The traffic citation shall not have been complied with if a check is not honored for any reason, or if the fine and court costs are not paid in full. When a person charged with a traffic infraction makes payment without executing a written waiver of right to trial and plea of guilty or no contest, the payment shall be deemed such an appearance, waiver of right to trial and plea of no contest.

(c) The following uniform fine schedule shall apply uniformly throughout the state but shall not limit the fine which may be imposed following a court appearance, except an appearance made for the purpose of pleading and payment as permitted by subsection (a). The description of offense contained in the following uniform fine schedule is for reference only and is not a legal definition.

Description of Offense	Statute	Fine
Refusal to submit to a preliminary breath test	8-1012	\$30
Unsafe speed for prevailing conditions	8-1335	\$20
	or	
	8-1557	
Exceeding maximum speed limit; or speeding in zone posted by the state department of transportation; or speeding in locally posted zone	8-1336	1-10 mph over the limit, \$10;
	to	
	8-1338	
	or	11-20 mph over the limit, \$10
	8-1558	plus \$2 per mph over 10 mph
	to	over the limit;
	8-1560	
		21-30 mph over the limit, \$30
		plus \$3 per mph over 20 mph
		over the limit;

1			31 and more mph over the
2			limit, \$60 plus \$5 per mph
3			over 30 mph over the limit;
4	Disobeying traffic control device	8-1507	\$20
5	Violating traffic control signal	8-1508	\$20
6	Violating pedestrian control signal	8-1509	\$10
7	Violating flashing traffic signals	8-1510	\$20
8	Violating lane-control signal	8-1511	\$20
9	Unauthorized sign, signal, marking or de-	8-1512	\$10
10	vice		
11	Driving on left side of roadway	8-1514	\$20
12	Failure to keep right to pass oncoming	8-1515	\$20
13	vehicle		
14	Improper passing; increasing speed when	8-1516	\$20
15	passed		
16	Improper passing on right	8-1517	\$20
17	Passing on left with insufficient clearance	8-1518	\$20
18	Driving on left side where curve, grade,	8-1519	\$20
19	intersection railroad crossing, or ob-		
20	structed view		
21	Driving on left in no-passing zone	8-1520	\$20
22	Driving wrong direction on one-way road	8-1521	\$20
23	Improper driving on laned roadway	8-1522	\$20
24	Following too close	8-1523	\$20
25	Improper crossover on divided highway	8-1524	\$10
26	Failure to yield right of way at uncon-	8-1526	\$20
27	trolled intersection		
28	Failure to yield to approaching vehicle	8-1527	\$20
29	when turning left		
30	Failure to yield at stop or yield sign	8-1528	\$20
31	Failure to yield from private road or	8-1529	\$20
32	driveway		
33	Failure to yield to emergency vehicle	8-1530	\$30
34	Failure to yield to pedestrian or vehicle	8-1531	\$10
35	working on roadway		
36			
37	Disobeying pedestrian traffic control de-	8-1532	\$10
38	vice		
39	Failure to yield to pedestrian in cross-	8-1533	\$20
40	walk; pedestrian suddenly entering		
41	roadway; passing vehicle stopped for		
	pedestrian at crosswalk		
	Improper pedestrian crossing	8-1534	\$10

Failure to comply with restrictions in road section 2. \$10  
 construction zone.

1	Defective muffler	8-1739	\$10
2	Defective mirror	8-1740	\$10
3	Defective wipers; obstructed windshield	8-1741	\$10
4	or windows		
5	Improper tires	8-1742	\$10
6	Improper flares or warning devices	8-1744	\$10
7	Improper use of vehicular hazard warning	8-1745	\$10
8	lamps and devices		
9	Improper air-conditioning equipment	8-1747	\$10
10	TV screen visible to driver	8-1748	\$10
11	Improper safety belt or shoulder harness	8-1749	\$10
12	Improper wide-based single tires	8-1742b	\$20
13	Defective motorcycle headlamp	8-1801	\$10
14	Defective motorcycle tail lamp	8-1802	\$10
15	Defective motorcycle reflector	8-1803	\$10
16	Defective motorcycle stop lamps and turn	8-1804	\$10
17	signals		
18	Defective multiple-beam lighting	8-1805	\$10
19	Improper road-lighting equipment on	8-1806	\$10
20	motor driven cycles		
21	Defective motorcycle or motor driven cy-	8-1807	\$10
22	cle brakes		
23	Improper performance ability of brakes	8-1808	\$10
24	Operating motorcycle with disapproved	8-1809	\$10
25	braking system		
26	Defective horn, muffler, mirrors or tires	8-1810	\$10
27	Unlawful statehouse parking	75-4510a	\$ 5

(d) Traffic offenses classified as traffic infractions by this section shall be classified as ordinance traffic infractions by those cities adopting ordinances prohibiting the same offenses. A schedule of fines for all ordinance traffic infractions shall be established by the municipal judge in the manner prescribed by K.S.A. 12-4305 and amendments thereto. Such fines may vary from those contained in the uniform fine schedule contained in subsection (c).

(e) *Fines listed in the uniform fine schedule contained in subsection (c); shall be doubled or shall be set at \$100, whichever is less, if person is convicted of a traffic infraction, which is defined as a moving violation in accordance with rules and regulations adopted pursuant to K.S.A. 8-249, and amendments thereto, committed within any road construction zone as defined in section 1.*

Sec. (5) K.S.A. 8-2004 and K.S.A. 1993 Supp. 8-1486 and 8-2118 are hereby repealed.

a.

Sec. 11.

12.

8-1337, 8-1338, 8-1531, 8-1559, 8-1560 and

and 68-2104

Sec. 11. K.S.A. 68-2104 is hereby amended to read as follows: 68-2104. Any municipality or the secretary of transportation may permit public use of a highway, or portion thereof, under their respective jurisdictions, during the-making of-the-improvement construction or maintenance work in lieu of constructing or establishing a detour route, and such municipality or the secretary is authorized to regulate and control traffic thereon by speed-restrictions, traffic signals, traffic lights, warning lights, watchmen, flagmen, signs or devices, which shall be effective when-appropriate-signs-giving notice-of-such-speed-restrictions-or--other--traffic--regulations are--erected--at--any-intersection-or-other-place-or-part-of-such highway.--Any-person-failing,--neglecting--or--refusing--to--comply with--such--restrictions--or-traffic-regulations-when-appropriate signs-giving-notice-thereof-have-been-erected-as-herein-provided, or-shall-fail-to-comply-with-traffic-orders-or-traffic-directions by--a--watchman--or--flagman,--shall--be--deemed--guilty---of---a misdemeanor,--and-upon-conviction-thereof-shall-be-fined-in-a-sum of-not-less-than-ten-dollars-(\$10)--nor--more--than--one--hundred dollars---(\$100) at the first sign identifying the road construction zone as defined in section 1.