

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Gary Hayzlett at 1:30 p.m. on February 10, 2011, in Room 783 of the Docking State Office Building.

All members were present: except

Representative Bob Grant - excused
Representative Jerry Henry - excused
Representative Eber Phelps - excused

Committee staff present:

Scott Wells, Office of the Revisor of Statutes
Daniel Yoza, Office of the Revisor of Statutes
Jill Shelley, Kansas Legislative Research Department
Betty Boaz, Committee Assistant

Conferees appearing before the Committee:

Representative Elaine Bowers
John Faber, representing ABATE of Kansas
Tim Farr, representing ABATE District 4
Tony McClelland, Galva, KS
Ty Dragoo, Director, United Transportation Union of KS
Ray Thomas

Others attending.

See attached list.

Chairman Hayzlett opened the meeting. He opened the hearing on **HB 2058**.

HB 2058 – Establish conditions when motorcyclists may proceed through red traffic signals

Chairman Hayzlett recognized John Faber, representing ABATE, as the first conferee. According to Mr. Faber (Attachment #1) **HB 2058** would allow the driver of a motorcycle to proceed through a steady red signal, subject to other traffic rules governing right of way, if the red light has failed to change to green within a reasonable period of time because the signal has malfunctioned or has failed to detect the motorcycle. He said passage of this bill is the cheapest fix to this problem. He said this simply makes it possible for a motorcyclist to use the stop light as a stop sign and proceed with caution when it is safe to do so.

The Chairman recognized Tim Farr, also representing ABATE. (Attachment #2) Mr. Farr explained the problem motorcyclists have when they stop at a red light. Mr. Farr said that late at night or during a lull in traffic, they sit and wait for vehicles to pull in behind them to trip the sensor – or they have to run the red light. He said it would be much safer if a motorcycle was allowed the authority to proceed after stopping whether the light changes or not. Mr. Farr also said weather affects the light system.

CONTINUATION SHEET

The next conferee recognized was Tony McClelland. (Attachment #3) Mr. McClelland said he was asking for support of this bill which is aimed at addressing a very common and frustrating issue that plagues motorcyclists throughout the state, that being the traffic control lights that do not detect motorcycles.

The Chairman drew the committee's attention to written testimony submitted in support of **HB 2058**, from Lynn Auernheimer (Attachment #4), Richard Goering (Attachment #5), and Arthur Barnett (Attachment #6).

Chairman Hayzlett asked committee members if they had questions of the proponents. When all questions were answered, the Chairman recognized Ty Dragoo, Director, United Transportation Union, whose testimony was listed as Neutral. (Attachment #7) Mr. Dragoo said his concern is with motorcyclists going through a "Flashing light lowered gate" protection device. He said he was concerned with some of the wording in the bill and proposed language that would clear his concern.

The Chairman opened for questions, when all questions were answered, he drew the committee's attention to written testimony submitted in opposition to **HB 2058** from Ed Klumpp, representing the KS Association of Chiefs of Police, and KS Peace Officers Association. (Attachment #8)

Chairman Hayzlett closed the hearing on **HB 2058**.

The Chairman then allowed an informational presentation on **HB 2199**.

HB 2199 – Right-of-way violations; increased penalties.

After all presenters had a chance to speak, the Chairman thanked them for coming.

Chairman Hayzlett then opened the hearing on **HB 2003**.

HB 2003 – Designating part of K-18 as Medal of Honor Donald K. Ross memorial highway

Chairman Hayzlett recognized Representative Elaine Bowers. (Attachment #9) According to Representative Bowers, **HB 2003** would designate the portion of U.S. Highway 81 and K-18 Highway then west on K-18 Highway to the western boundary of Lincoln County as the Medal of Honor recipient Donald K. Ross Memorial Highway. Representative Bowers explained how prestigious the Medal of Honor Award is and briefed the committee on the actions which caused the Medal of Honor Award to be bestowed on Donald K. Ross. She said a destroyer, the USS Ross, is still in service honoring his name. Mr. Ross died on May 27, 1992.

There were no questions from the committee. The Chairman drew the committee's attention to written testimony submitted in support of **HB 2003** from Joe Cassell, Salina, KS. (Attachment #10)

There were no opponents so Chairman Hayzlett closed the hearing on **HB 2003**.

CONTINUATION SHEET

It was the Chairman's desire for discussion and action on **HB 2093**.

Representative Swanson moved **HB 2093** favorable for passage, the motion was seconded by Representative Grange. Representative Swanson moved an amendment to **HB 2093** (Attachment #11), which would increase the hourly and minimum fee to \$20, seconded by Representative Wolf, and the motion to amend carried. Following discussion Representative Fawcett moved to pass **HB 2093, as amended**, favorable for passage. The motion was seconded by Representative Arpke and the motion carried.

There being no further business before the committee, the meeting was adjourned.

HOUSE TRANSPORTATION COMMITTEE GUEST LIST

DATE: 2-10-11

NAME	REPRESENTING
Tom Whitaker	KMCA
Lee Holmes	KDOT
Mike Remyer	Self
Steve Seifert	Self
Nebra Stewart	self
Cassie Beichu	
Larry R Bozen	LKW
John Faber	ABATE
Kelly Belton	KDDR
MARCY Balda	KDOR
Vickie M Boose	ABATE of Kansas Inc
Don Boose Sr.	ABATE of Kansas Inc
RAY THOMAS	ABATE OF KANSAS
TyE Dragan	UTV
Brian R. Thompson	ABATE
Tony McClelland	ABATE of Kansas
RONALD VAWTER	ABATE of KANSAS
Michelle Blasdel	ABATE
Quint / Fan	ABATE

HOUSE TRANSPORTATION COMMITTEE GUEST LIST

DATE: 2-10-11

[illegible]

Testimony
John Faber
House Transportation
HB2058
ABATE of Kansas

Thank you Chairman Hayzlett, Vice-chair Prescott, Ranking Member Wetta and members of the committee. I am John Faber here today to represent ABATE of Kansas.

We have attempted to address what we refer to as a "dead red" light in HB 2058. Its by far the cheapest fix to the problem of motorcycles not tripping an automatic green light, leaving the motorcyclist to seek another way to get around this problem. It would take many hundreds of thousands of dollars to ask KDOT and each individual city to repair the problem. This simply makes it possible for a motorcyclist to use the stop light as a stop sign and proceed with caution when it is safe to do so.

Its a common sense fix to a problem that we think is reasonable and in fact has been done in other states without causing any problems.

Mr. Chairman, and member of the committee, thank you for your time and I will stand for questions at this time.

House Transportation
Date: 2-10-11
Attachment # 1

Before the
House Transportation Committee
February 10, 2011

H.B. 2058
'Dead Red' Bill

Testimony of Tim Farr

Good afternoon. My name is Tim Farr. I am the ABATE of Kansas District 4 Representative. I represent Osage, Shawnee, Jefferson and Brown counties of Kansas.

When an automobile comes to a stop in a left-turn lane, it stops and the light turns green for it at the appropriate time, allowing it to proceed. However, on a motorcycle, you enter the left-turn lane and hope it works as it is designed to do. In many cases, you enter the left-turn lane and wait for a number cycles for the light to turn green, and if it doesn't, you wait.

You try the old trick of revving your motor, hoping the vibrations will trip the sensors. Many think you are just making noise for no reason. You can also roll your motorcycle back forth two or three times in the lane or turn off and restart your motorcycle, hoping to trip the sensor while sitting directly on it. Sometimes these tricks work. In most cases, they don't. You end up waiting for a car or larger vehicle to pull in behind you and trip the sensor.

Late at night or during a lull in traffic, you sit and wait for vehicles to pull in behind you to trip the sensor. The other choice is to run the red light. This law will allow a motorcycle to proceed in a safe and timely manner.

I can only speak about the intersections I use, but it is a problem across the state. Weather, rain, cold, size and weight of vehicles all affect the light system. Some lights will fail one day and work perfectly the next.

I thank you for the time here today to speak on this subject and I hope you share the concerns of the motorcyclist and ABATE for their safety and welfare.

Mr. Chairman and members of the Committee:

I am asking for your support in the passage of HB2058. This Bill is aimed at addressing a very common and frustrating issue that plagues motorcyclists throughout our state, i.e., the traffic control lights that do not detect motorcycles.

There are a lot of traffic lights that are controlled by weight sensors or magnets, both being located under the road surface. Most of today's motorcycles are made with fiberglass and or plastic chassis and aluminum engine blocks which often render them undetectable by these types of sensors. If you are in the left lane or the left turn lane you now face a legal issue. You can see the signal cycling through for cross traffic even when there is none and other times the lights just won't do anything until a vehicle shows up behind you or from the opposite direction. If you are in the left turn lane this still may not help. But by law, you cannot proceed safely without the risk of receiving a ticket for disobeying a red light.

In my opinion it would be financially unreasonable to have these lights repaired to detect "All" motor vehicles. This problem has become all too common and I believe that HB2058 addresses this issue in a fair and financially reasonable fashion on the governments side. I also believe that this measure would not be abused by the people.

In closing, I again ask for your support of HB2058 and also I want to thank you for your time and consideration on this issue.

Tony McClelland
318 S. Main
Galva, Ks. 67443

House Transportation
Date: 2-10-11
Attachment # 3

Before the
House Transportation Committee
February 10, 2011

H.B. 2058
'Dead Red' Bill

Testimony of Lynn Auernheimer

I believe this bill is a safety factor for motorcyclists as well as automobiles, as it will keep people from becoming angry and frustrated at traffic signals.

Thank you.

House Transportation
Date: 2-10-11
Attachment # 4

Before the
House Transportation Committee
February 10, 2011

H.B. 2058
'Dead Red' Bill

Testimony of Richard Goering

I want to express my support for H.B. 2058. As I understand the issue, this would provide the opportunity for motorcycle operators to proceed through a red light, providing they have waited one full cycle to determine that the sensors in the roadway have failed to detect them. This, to me, seems to be a good, common-sense procedure to eliminate those instances where the motorcycle has failed to trip the light for whatever reason. It certainly seems to be the most cost-effective option rather than the expensive upgrading of traffic control systems.

I, for one, am uneasy sitting at an extended red light due to the danger of possibly being struck from behind because of an inattentive driver, given our reduced visibility. Also, many motorcycles are air-cooled and extended idling during the summer can be detrimental to a motorcycle's engine.

I believe there is little chance of this being abused because our lack of crash protection forces us to be extra vigilant of our surroundings and decisions. An improper choice by us regarding right-of-way or risk can certainly have dire consequences, which is why I am confident this bill could provide many upsides, with few, if any, negative consequences.

Thank you for your time and attention to this matter.

House Transportation
Date: 2-10-11
Attachment # 5

Before the
House Transportation Committee
February 10, 2011

H.B. 2058
'Dead Red' Bill

Testimony of Arthur Barnett

I would like to encourage your support of the "dead red" bill. I have encountered several traffic signals that will not pick up motorcycles because of size or weight. Safely proceeding after a reasonable time through a red light that won't change is no more unsafe than what is done at a stop sign or flashing red light. Please encourage passage of this bill.

Thank you.

House Transportation
Date: 2-10-11
Attachment # 6

united transportation union

TY E. DRAGOO
DIRECTOR/CHAIRMAN

KANSAS STATE LEGISLATIVE BOARD

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WEBSITE kansas.utu.org

February 10, 2011

The Honorable Gary Hayzlett
Chairman of Subcommittee on Transportation
Distinguished Members of the Committee
Kansas State Legislature House
State Capitol, Room 274-W
Topeka, KS 66612

Re: **HB 2058**--Establishing conditions when motorcyclists may proceed through red traffic signals.

Dear Rep. Hayzlett and Members of the Committee:

The United Transportation Union (UTU) is neutral (with concern) on HB 2058.

While the number of railroad grade crossing fatalities, injuries, and crashes are small in comparison to others, these incidents have the potential of catastrophic consequences.

- As of December 2009, the United States had 136,041 public at-grade crossings. Of these crossings, approximately 42,301 have gates, 22,039 have flashing lights, and 1,196 have highway traffic signals, wigwags, and bells.
- In 2009, there were 1,896 incidents at public highway-rail crossings in the United States that resulted in 247 deaths, and 705 injuries.
- In 2009, 431 people were killed and 343 were injured while trespassing on railroad rights-of-way and property.

Our concern is with motorcyclists going through a "Flashing light lowered gate" protection device. There are 3 primary devices governing rail crossings in Kansas those are, Cross bucks, Flashing lights, and Flashing lights with lowered gates.

A cross buck is a type of YIELD sign: the driver should be prepared to stop at least 4.5 m (15 ft) before the near rail if necessary, unless and until the driver can make a reasonable decision that there are no trains in hazardous proximity to the crossing, and it is safe to cross.

Operating flashing lights have the same function as a STOP sign: a vehicle is required to stop completely at least 4.5 m (15 ft) short of the near rail. Then, even though the flashing lights may still be operating, the driver is allowed to proceed after stopping (subject to State or local laws), when safe to do so.

Flashing lights with lowered gates are equivalent to a red vehicular traffic signal indication: a vehicle is required to stop short of the gate and remain stopped until the gates go up.

Nearly all rail traffic in Kansas operates between 40mph 60mph.

Class of Track	Maximum Allowable Operating Speed For Freight Trains - Minimum Active Devices		Maximum Allowable Operating Speed For Passenger Trains - Minimum Active Devices	
Excepted track	10 mph	Flashers	N/A	N/A
Class 1 track	10 mph	Flashers	15 mph	Gates
Class 2 track	25 mph	Flashers	30 mph	Gates
Class 3 track	40 mph	Gates	60 mph	Gates
Class 4 track	60 mph	Gates	80 mph	Gates
Class 5 track	80 mph	Gates plus Supplemental Safety Devices	90 mph	Gates plus Supplemental Safety Devices
Class 6 track	110 mph	Gates plus Supplemental Safety Devices	110 mph	Gates plus Supplemental Safety Devices
Class 7 track	125 mph	Full Barrier Protection	125 mph	Full Barrier Protection
Class 8 track	160 mph	Grade Separation	160 mph	Grade Separation
Class 9 track	200 mph	Grade Separation	200 mph	Grade Separation

Source: U.S. DEPARTMENT OF TRANSPORTATION
 FEDERAL HIGHWAY ADMINISTRATION HIGHWAY/RAIL GRADE CROSSING TECHNICAL WORKING GROUP (TWG)

HB 2058 lines 33-38 currently state;

"The driver of a motorcycle facing any steady red signal, which fails to change to a green light within a reasonable period of time because of a signal malfunction or because the signal has failed to detect the arrival of the motorcycle because of its size or weight, shall have the right to proceed subject to the rules applicable after making a stop at a stop sign under K.S.A. 8-1528, and amendments thereto.

united transportation union

TY E. DRAGOO
DIRECTOR/CHAIRMAN

KANSAS STATE LEGISLATIVE BOARD

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We propose adding "with the exception of lowered gate railroad crossings" to then read;

*"The driver of a motorcycle facing any steady red signal, which fails to change to a green light within a reasonable period of time because of a signal malfunction or because the signal has failed to detect the arrival of the motorcycle because of its size or weight, **with the exception of lowered gate railroad crossings** shall have the right to proceed subject to the rules applicable after making a stop at a stop sign under K.S.A. 8-1528, and amendments thereto.*

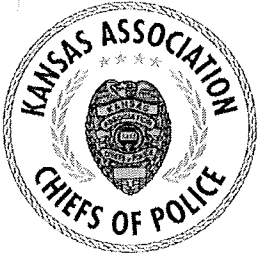
As always, we appreciate your continued leadership and concern for rail safety development in Kansas.

Thank you for your consideration.

Sincerely,



Ty Dragoo
United Transportation Union
Kansas State Legislative Board
Director/Chairman



Kansas Association of Chiefs of Police

PO Box 780603, Wichita, KS 67278 (316)733-7301

Kansas Peace Officers Association

PO Box 2592, Wichita, KS 67201 (316)722-8433



Testimony to the House Transportation Committee In Opposition to HB2058 Motorcycles at Red Lights February 10, 2011

The Kansas Association of Chiefs of Police and the Kansas Peace Officers Association oppose HB2058. This amendment to the red light statute is unnecessary. These matters are easily and properly handled with officer discretion. Officers currently have the latitude to not initiate formal enforcement action under the circumstances described. Absent a dangerous movement by the motorcycle in such a case it would be extremely rare for an officer to issue a citation if the light was clearly malfunctioning or had not detected the motorcycle. If such a citation were to be issued, the prosecutor would have the ability to dismiss it.

Adding this provision to the red light statute will create a debate in court when a citation is issued on a stop then go red light violation, even when ultimately the signal cycles as designed. What is a reasonable time period will be debatable as well. These circumstances are becoming even more rare as signals are transitioned to the video detection systems.

We believe this bill is unnecessary and will only create more challenges in the prosecution of legitimate cases of red light violations where the signals are functioning properly and detects the motorcycle when the cyclist fails to wait a sufficient time for the light to cycle.

There are many issues in traffic enforcement requiring officer discretion and the consideration of unusual circumstances. We should not attempt to codify all of these deviations.

We strongly urge you to not move this bill forward.

Ed Klumpp
Ks Association of Chiefs of Police - Legislative Committee Chair
Ks Peace Officers Association – Legislative Liaison
eklumpp@cox.net
Phone: (785)640-1102

House Transportation
Date: 2-10-11
Attachment # 8

STATE OF KANSAS
HOUSE OF REPRESENTATIVES

ELAINE S. BOWERS
REPRESENTATIVE 107TH DISTRICT
CLOUD, LINCOLN, OTTAWA
AND NW DICKINSON COUNTY
1326 N 150TH RD
CONCORDIA, KANSAS 66901
785-243-4256



ELAINE S. BOWERS
107TH DISTRICT

COMMITTEE ASSIGNMENTS

VICE CHAIR: SOCIAL SERVICE
BUDGET
MEMBER: FEDERAL AND STATE AFFAIRS
AGRICULTURE AND NATURAL
RESOURCES

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elaine.bowers@house.ks.gov

February 8, 2011

Thank you for allowing me to testify today on behalf of Joe Cassell and Jack Meili from Lincoln County. They were unable to travel due to the weather – again as this was postponed from last week. These two gentlemen started the process of honoring their friend, Captain Donald K. Ross, earlier in the year by working with KDOT to place “Home of” signs at his childhood home at Beverly in Lincoln County. They then learned that in order to rename a portion of Highway 18 that they must have special legislation. We have been working on this project since the summer with Lee Holmes, State Traffic Signing Engineer, KDOT. Reviser Bruce Kinzie drafted the bill renaming Donald K. Ross Memorial Highway for us and pre-filed the bill in December 2010.

As I researched the Medal of Honor Award – I learned just how prestigious this award is. The Medal of Honor bill was introduced as United States Senate #82 on December 9, 1861 by Iowa Senator James Grimes and signed into law by President Lincoln on December 21st, 1861. It authorized 200 medals to be produced “which shall be bestowed upon such petty officers, seamen, landsmen and marines as shall distinguish themselves by their gallantry in action and other seamanlike qualities during the present war (Civil War).” The Medal of Honor is the highest military decoration awarded by the United States government. It is bestowed by the United States Congress on members of the United States Armed Forces who distinguish themselves through “conspicuous gallantry and intrepidity at the risk of his or her life above and beyond the call of duty while engaged in an action against an enemy of the United States.” Members of all branches of the armed forces are eligible to receive the medal, and there are three versions (one for the Army, one for the Air Force, and one for the Navy, Marine Corps and Coast Guard). The Medal of Honor is bestowed upon an individual by the passing of a Joint Resolution in the Congress; and is then personally presented to the recipient or, in the case of posthumous awards, to next of kin, by the President of the United States, on behalf of the Congress, representing and recognizing the gratitude of the American people as a whole.

The first award of the Medal of Honor was made March 25, 1863 and the last November 16, 2010 to Salvatore Giunta. To date, there have been 3,454 recipients of the Medal of Honor and today there are 85 living recipients.

Donald K. Ross was born in Beverly, Kansas in 1910. He was awarded the Medal of Honor for his actions on December 7th, 1941 at Pearl Harbor serving on the USS Nevada. He was presented the Medal of Honor by Admiral Chester Nimitz on April 18, 1942. He also participated in the landings at Normandy and Southern France. He retired in July 1956 after 27 years of service and was promoted to Captain on the basis of his combat awards. In 1997, the guided-missile destroyer USS Ross was commissioned in 1997 and is still in service honoring his name. As he spoke at the 50th anniversary of Pearl Harbor he said that the battle was “*not a story about a defeat. It’s a story about a job well done.*” He died on May 27, 1992.

Two signs, one east and one west bound, west from US Highway 81 to the Russell County line through Ottawa and Lincoln Counties (a stretch of 43 miles) will be designated **Donald K. Ross Medal of Honor Recipient Memorial Highway** by House bill #2003. The total cost of both signs – upfront payment due – of \$2160.00 will be paid for by local donations. The “Home of” signs are already up and paid for in full. A ceremony and unveiling is being planned in late spring with Captain Ross’s family and other guests attending.

A quote by his daughter sums up this Kansas WWII hero: *My father inspired a lot of people to apply their best efforts and work hard in achieving goals that would strengthen our nation. He pulled together teams of sailors who could accomplish amazing things.*

Thank you for your time - Rep. Elaine Bowers

A handwritten signature in dark ink that reads "Elaine Bowers". The signature is fluid and cursive, with the first name "Elaine" being more prominent.

House Transportation
Date: 2-10-11
Attachment # 9

ROSS, DONALD KIRBY

Rank: Machinist

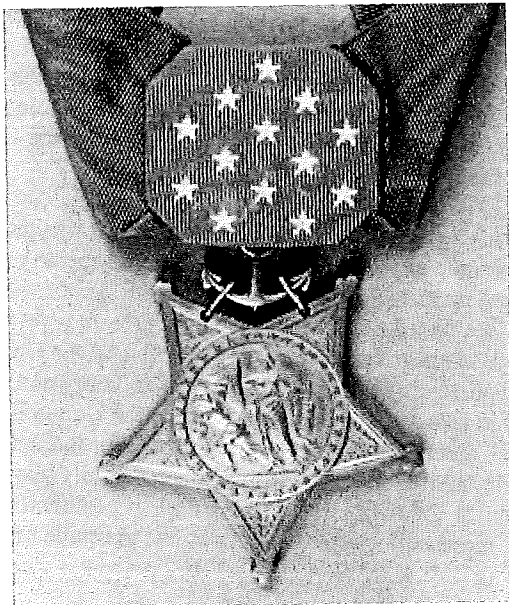
Organization: U.S. Navy

Born: 8 December 1910, Beverly, Kans.

Departed: Yes

Entered Service At: Denver, Colo.

Place / Date: Pearl Harbor, Territory of Hawaii, 7 December 1941



Citation

For distinguished conduct in the line of his profession, extraordinary courage and disregard of his own life during the attack on the Fleet in Pearl Harbor, Territory of Hawaii, by Japanese forces on 7 December 1941. When his station in the forward dynamo room of the U.S.S. Nevada became almost untenable due to smoke, steam, and heat, Machinist Ross forced his men to leave that station and performed all the duties himself until blinded and unconscious. Upon being rescued and resuscitated, he returned and secured the forward dynamo room and proceeded to the after dynamo room where he was later again rendered unconscious by exhaustion. Again recovering consciousness he returned to his station where he remained until directed to abandon it.

I am Joe Cassell from Salina, Ks. (formerly from Beverly) and this is Jack Meili who was born in Beverly and has lived there his entire life. We are here today to tell you about a home town hero and ask that you consider dedicating a portion of K-18 highway through Lincoln county to honor him and the many veterans who have been the forgotten heroes.

Don Ross was born in Beverly, Ks. in 1910 and joined the navy in 1928. He was at Pearl Harbor on the battleship Nevada when the Japanese attacked. He was responsible for firing up the boilers so the ship could be moved out of the harbor, even though he was blinded and passed out twice before the ship was underway--the only battleship to do so during the attack.

For this action he received the Congressional Medal of Honor, presented by Admiral Chester Nimitz. He was the first person to be presented this medal in World War II.

The portion of K-18 Highway to be dedicated would be from the junction of US81 west to the Lincoln and Russell county lines.

All funding for this project have been raised through private donations. This is approximately 46 miles.

We're ready to move if you approve.

Thank you



DONALD KIRBY ROSS

Donald Kirby Ross (December 8, 1910 – May 27, 1992) was an officer of the United States Navy who received the first Medal of Honor of World War II. This award was made for his actions during the Japanese attack on Pearl Harbor in 1941.

Donald Ross was born on December 8, 1910 in Beverly, KS. He enlisted in the U.S. Navy in Denver, CO on June 3, 1929 and graduated as company honorman from basic training, San Diego, CA.

During the December 7, 1941 Japanese air raid on Pearl Harbor, USS *Nevada* was badly damaged by bombs and torpedoes. Ross distinguished himself by assuming responsibility to furnish power to get the ship underway — the only battleship to do so during the Japanese attack.

"When his station in the forward dynamo room became almost untenable due to smoke, steam and heat," reads Ross' citation, "he forced his men to leave that station and performed all the duties himself until blinded and unconscious. Upon being rescued and resuscitated, he returned and secured the forward dynamo room and proceeded to the after dynamo room, where he was later again rendered unconscious by exhaustion. Upon recovering consciousness, he returned to his station, where he remained until directed to abandon it."

He was presented the Medal of Honor by Admiral Chester Nimitz on April 18, 1942, becoming the first World War II recipient of the Medal.

Upon his retirement from active duty in July 1956, after twenty-seven years' of service aboard every type of surface ship then afloat, he was promoted to Captain on the basis of his combat awards.

Making his home in Washington state after leaving the Navy, Captain Ross was active in farm life and community affairs, and in perpetuating the memory of the Pearl Harbor attack, which he described as "not a story about a defeat. It's a story about a job well done". He wrote a book about his fellow Medal of Honor recipients — *Men of Valor* — published in 1994.

Captain Donald K. Ross died at Bremerton, ^{WA}~~CA~~ on May 27, 1992. His ashes were scattered at sea over the USS *Nevada*.

In 1997, the guided-missile destroyer USS *Ross* (DDG-71) was named in honor of Captain Ross.

HOUSE BILL No. 2093

By Committee on Transportation

1-26

Proposed Amendment to HB 2093
for House Transportation Committee
by Scott Wells, Assistant Revisor.
Requested by Representative Swanson

House Transportation
Date: 2-10-11
Attachment # 11

1 AN ACT concerning motor vehicles; relating to vehicle identification
2 number inspection fees; amending K.S.A. 2010 Supp. 8-116a and
3 repealing the existing section.
4

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

6 Section 1. K.S.A. 2010 Supp. 8-116a is hereby amended to read as
7 follows: 8-116a. (a) Except as provided in K.S.A. 8-170, and amendments
8 thereto, when an application is made for a vehicle which has been
9 assembled, reconstructed, reconstituted or restored from one or more
10 vehicles, or the proper identification number of a vehicle is in doubt, the
11 procedure in this section shall be followed. The owner of the vehicle shall
12 request the Kansas highway patrol to check the vehicle and the highway
13 patrol shall within a reasonable period of time perform such vehicle
14 check. At the time of such check the owner shall supply the highway
15 patrol with information concerning the history of the various parts of the
16 vehicle. Such information shall be supplied by affidavit of the owner, if
17 so requested by the highway patrol. If the highway patrol is satisfied that
18 the vehicle contains no stolen parts, it shall assign an existing or new
19 identification number to the vehicle and direct the places and manner in
20 which the identification number is to be located and affixed or implanted.

21 ~~As provided under subsection (g),~~ charge of \$10 ~~per hour~~
22 or part thereof, with a minimum charge of \$10 ~~per hour~~, shall be made to the
23 owner of a vehicle requesting check under this subsection, and such
24 charge shall be paid prior to the check under this section. When a check
25 has been made under subsection (b), not more than 60 days prior to a
26 check of the same vehicle identification number, requested by the owner
27 of the vehicle to obtain a regular certificate of title in lieu of a
28 nonhighway certificate of title or obtain a rebuilt salvage title in lieu of a
29 salvage title, no charge shall be made for such second check.

30 (b) Any person making application for any original Kansas title for a
31 used vehicle which, at the time of making application, is titled in another
32 jurisdiction, as a condition precedent to obtaining any Kansas title, shall
33 have such vehicle checked by the Kansas highway patrol for verification
34 that the vehicle identification number shown on the foreign title is
35 genuine and agrees with the identification number on the vehicle. Checks
36 under this section may include inspection for possible violation of K.S.A.

A

\$20

\$20

11-2

21-3757, and amendments thereto, or other evidence of possible fraud. The verification shall be made upon forms prescribed by the division of vehicles which shall contain such information as the secretary of revenue shall require by rules and regulations. ~~Except as provided under subsection (g),~~ a charge of \$10~~0~~⁵ per hour or part thereof, with a minimum charge of \$10~~0~~⁵, shall be made for checks under this subsection. When a vehicle is registered in another state, but is financed by a Kansas financial institution and is repossessed in another state and such vehicle will not be returned to Kansas, the check required by this subsection (b) shall not be required to obtain a valid Kansas title or registration.

A

\$20

\$20

(c) As used in this act, "identification number" or "vehicle identification number" means an identifying number, serial number, engine number, transmission number or other distinguishing number or mark, placed on a vehicle, engine, transmission or other essential part by its manufacturer or by authority of the division of vehicles or the Kansas highway patrol or in accordance with the laws of another state or country.

(d) The checks made under subsection (b) may be made by:

(1) A designee of the superintendent of the Kansas highway patrol; or

(2) an employee of a new vehicle dealer, as defined in subsection (b) of K.S.A. 8-2401, and amendments thereto, for the purposes provided for in subsection (f). For checks made by a designee *or new vehicle dealer*, \$10% of each charge shall be remitted to the Kansas highway patrol and the balance of such charges shall be retained by such designee *or new vehicle dealer*. When a check is made under either subsection (a) or (b) by personnel of the Kansas highway patrol ~~or when a check is made under subsection (b) by an employee of a new vehicle dealer~~, the entire amount of the charge therefor shall be paid to the highway patrol.

(e) There is hereby created the vehicle identification number fee fund. The Kansas highway patrol shall remit all moneys received by the Kansas highway patrol from fees collected under subsection (d) to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the vehicle identification number fee fund. All expenditures from the vehicle identification number fee fund shall be made in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the superintendent of the Kansas highway patrol or by a person or persons designated by the superintendent.

(f) An employee of a new vehicle dealer, who has received initial training and certification from the highway patrol, and has met continuing

1 certification requirements, in accordance with rules and regulations
2 adopted by the superintendent of the highway patrol, may provide the
3 checks under subsection (b), in accordance with rules and regulations
4 adopted by the superintendent of the highway patrol, on motor vehicles
5 repurchased or reacquired by a manufacturer, distributor or financing
6 subsidiary of such manufacturer and which are purchased by the new
7 vehicle dealer. At any time, after a hearing in accordance with the
8 provisions of the Kansas administrative procedure act, the superintendent
9 of the highway patrol may revoke, suspend, decline to renew or decline to
10 issue certification for failure to comply with the provisions of this
11 subsection, including any rules and regulations.

12 *(g) After July 1, 2012, the fees charged under subsections (a) and*
13 *(b) may be established by the superintendent of the Kansas highway*
14 *patrol by rules and regulations in an amount not to exceed \$20.*

15 Sec. 2. K.S.A. 2010 Supp. 8-116a is hereby repealed.

16 Sec. 3. This act shall take effect and be in force from and after its
17 publication in the statute book.
18