

SESSION OF 2009

**CONFERENCE COMMITTEE REPORT BRIEF
HOUSE BILL NO. 2152**

As Agreed to April 1, 2009

Brief*

HB 2152 would define and regulate the operation of golf carts, regulate the operation of work-site utility vehicles, amend the definition of "all-terrain vehicle" and "micro utility truck," amend current law concerning liens on vehicles, and amend state law regarding carriers required to obtain a certificate, license, or permit from or file certain types of information with the Kansas Corporation Commission (KCC).

Golf Carts, Work-Site Utility Vehicles, and All-Terrain Vehicles

The bill would provide for the regulation of golf carts and work-site utility vehicles and would amend the definition of "all-terrain vehicle."

- Definitions.
 - The bill would define "golf cart" as a motor vehicle that has not less than three wheels in contact with the ground, has an unladen weight of not more than 1,800 pounds, is designed to be operated at not more than 25 miles per hour, and is designed to carry not more than four persons, including the driver.
 - The bill would amend the definition of "all-terrain vehicle" to mean a motorized nonhighway vehicle 50 (rather than 48 as in current law) inches maximum width, having a dry weight of 1,500 (rather than 1,000) pounds, traveling on three or more nonhighway (rather than low-pressure) tires that have a maximum rim diameter of 14 (rather than 12) inches.

*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at

- The bill would amend the definition of “micro utility truck” to mean certain vehicles with a maximum length of no more than 160 (rather than 144) inches.
- Operation Restrictions.
The bill would make it unlawful to operate a golf cart on:
 - Any public highway or street, except as authorized and regulated under the powers granted to local authorities under current law (KSA 8-2002);
 - An interstate highway, U.S. highway, or state highway;
 - Any street or highway with a posted speed limit of greater than 30 miles per hour; and
 - A golf cart could be operated only during daylight hours.

The bill would make it unlawful to operate a work-site utility vehicle under these circumstances:

- On any interstate, federal or state highway or within any city unless authorized by that city; and
- Between sunset and sunrise unless the vehicle is equipped with lights as required by law for motorcycles.

The bill also would:

- Allow a golf cart to cross a federal or state highway that has a posted speed limit greater than 30 miles per hour;
- Set the fine at \$60 for the unlawful operation of a golf cart or for unlawful operation of a work-site utility vehicle; and
- Exempt golf carts and work-site utility vehicles from registration.

Liens on Vehicles

The bill would amend current law concerning liens on vehicles by allowing a person providing a wrecker or towing service a first and prior lien on a vehicle for which such service has been provided under a city ordinance or county resolution. Current law allows such a lien if the service has been provided

at the direction of a law enforcement officer or the owner. The bill would require that a city ordinance or county resolution authorizing such towing include three types of provisions:

- The maximum rate that may be charged for such wrecker or towing service;
- That the vehicle's owner must have access to personal property in that vehicle within 48 hours after the vehicle is towed; and
- That the wrecker or towing service report the vehicle's location to local law enforcement within two hours of such tow.

Motor Carrier Economic Regulation

The bill would amend state law regarding carriers required to obtain a certificate, license, or permit from or file certain types of information with the KCC (KCC motor carrier "economic regulation"). The bill would amend definitions of "private motor carrier," "public motor carrier of household goods," "public motor carrier of passengers" and "public motor carrier of property" to change "motor vehicle" to "commercial motor vehicle." This change would exempt those motor vehicles not meeting the definition of commercial motor vehicle from the KCC's economic regulation requirements.

The bill would make the following changes in those exempted from the KCC's economic regulation requirements:

- It would remove redundant language referring to motor carriers of passengers;
- It would remove reference to transporting property when no common carrier is available; deregulation in the mid-1990s allows common carriers to operate anywhere in the state;
- It would add an exemption for motor vehicles owned by Section 501(c) nonprofit organizations when transporting property or materials belonging to the owner of the vehicle;

- It would remove the requirement that certain construction mixtures being transported are used for paving; and
- It would add exemptions for transporting cotton modules from field to gin and for commercial motor vehicles used in the custom harvesting of silage.

Conference Committee Action

The Conference Committee agreed to the following changes to HB 2152:

- It accepted technical amendments to the vehicle lien portion of the bill.
- It agreed to add the contents of SB 37, the provisions dealing with golf carts and other small vehicles, as approved by the House Committee on Transportation.
- It agreed to add the contents of SB 153, the provisions dealing with motor carrier economic regulation, as amended by the Senate Committee of the Whole, with a further amendment requested by the KCC. That amendment added the exemption for vehicles belonging to Section 501(c) nonprofit organizations.

Background

The Executive Director of the Kansas Motor Carriers Association testified in support of the original HB 2152. He noted that the bill expands the circumstances by which a lien is created when towing and recovery service is provided. He further noted that there are times when tow companies are called upon to tow an abandoned vehicle off of private property. He said that existing law places a burden on local law enforcement to respond to requests for towing on private property rather than attending to other pressing issues. There was no other testimony on the bill.

The Senate Committee on Transportation amended HB 2152 to include the requirement that a city ordinance or county resolution authorizing such towing include the provisions listed above. It was noted that a city could have a more stringent ordinance, such as one requiring notification to local law enforcement within one hour.

The Senate and House Committees on Transportation received testimony supporting regulation of golf carts from Senator Janis Lee and a representative of the League of Kansas Municipalities. At the hearing of the House Transportation Committee, a representative of The State Farm Insurance Companies presented testimony opposing the bill, which he stated could raise the rates of homeowners' insurance for those owning golf carts in cities that approve their operation on city streets. No other testimony was presented.

The House Committee on Transportation amended the original golf cart bill (SB 37) to do the following:

- Remove requirements for certain types of safety equipment before a golf cart could be operated on any public street or highway. (Cities would have the authority to require such equipment.)
- Prohibit operation of a work-site utility vehicle on any interstate, federal, or state highway or within any city unless authorized by that city; and to prohibit operation of a work-site utility vehicle between sunset and sunrise unless the vehicle is equipped with lights as required by law for motorcycles;
- Amend the definitions of "all-terrain vehicle" and "micro utility truck" as noted above;
- Exclude work-site utility vehicles from vehicle registration; and
- Set a fine of \$60 (plus court costs) for unlawful operation of a work-site utility vehicle.

Work-site utility vehicles were authorized for use on certain roads in 2007, but the statute allowing their use on those roads and on city streets with city authorization was repealed in 2008.

The fiscal notes prepared by the Division of the Budget gave the following information on portions of the bill:

- On the vehicle lien portion of the bill, the League of Kansas Municipalities stated that any fiscal effect to cities would be negligible.
- On the original bill regulating golf carts, the League of Kansas Municipalities estimates the fiscal effect to cities would be negligible because the League states it is not possible to know how many, if any, cities would authorize the operation of golf carts upon city streets.
- The KCC indicated the passage of the provisions regarding changes to motor carrier “economic regulation” would have no fiscal effect on agency operations.

vehicles; liens; wrecker; golf cart; motor carrier; KCC