

SESSION OF 2009

SUPPLEMENTAL NOTE ON SENATE BILL NO. 152

As Amended by Senate Committee of the Whole

Brief*

SB 152 would require covers to prevent loads from spilling or strapping for loads above the sidewalls of a truck or trailer for vehicles carrying tools, property, or materials used for repair, building, or construction work – those covered by the “tools of the trade” exemption from the Kansas Corporation Commission’s (KCC) safety rules and regulations for commercial vehicles. Those rules apply to vehicles with gross weight ratings of no more than 26,000 pounds.

The bill also would remove an exemption from the KCC’s safety rules and regulations for commercial vehicles, the exemption for operation of vehicles used for servicing, repairing, or transporting vehicles used exclusively for agricultural operations (“implements of husbandry” as defined in KSA 8-1427). Under current law, the exemption applies if the person operating the vehicle is actively engaged in the business of buying, selling, or exchanging implements of husbandry; if the operation of the vehicle is within 100 miles of the person’s established place of business; and unless the implement of husbandry is transported on a commercial motor vehicle. This applies primarily to vehicles transporting anhydrous ammonia.

Background

The bill was requested by the KCC. The original bill would have removed the “tools of the trade” exemption, an exemption from the KCC’s safety rules and regulations for commercial vehicles with gross vehicle weight ratings of 10,001 to 26,000

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

pounds when carrying tools, property, or material belonging to the owner of the vehicle and used in repair, building or construction work, or transporting tools and property to be sold within 25 miles.

Testifying in support of the bill were Mike Hoeme, KCC Director of Transportation; Tom Whitaker, Kansas Motor Carriers Association; and Senior Patrolmen Gary Donnell and Craig Lundgren, Olathe Police Department. Presenting testimony opposing the bill were Eric Stafford, Associated General Contractors of Kansas, Inc., and Bill Miller, American Subcontractors Association and Building Erection Services Co. Martha Neu Smith, Kansas Manufactured Housing Association, and Phil Perry, Home Builders Association of Greater Kansas City, submitted written testimony opposing the bill.

Mr. Hoeme testified that eliminating the provision regarding implements of husbandry will more clearly delineate the regulatory jurisdictions of the KCC and the Department of Agriculture regarding the safe transportation of anhydrous ammonia nurse tanks.

The Senate Committee on Transportation amended the bill to retain the "tools of the trade" exemption. The Committee also amended the bill to add the rule and regulation requirements for vehicles hauling gravel and vehicles with loads above the sidewalls of the truck bed or trailer. Current law exempts transport of livestock from these rules and regulations.

The Senate Committee of the Whole amended the bill to remove the rule and regulation requirements noted above and to add load containment requirements for vehicles covered under the tools of the trade exemption.

According to the fiscal note prepared by the Division of the Budget, the KCC indicates the bill would have no fiscal effect on agency operations.