



# Kansas Motor Carriers Association

Trucking Solutions Since 1936

## LEGISLATIVE TESTIMONY

BY THE

**KANSAS MOTOR CARRIERS ASSOCIATION**

**Comments on House Bill No. 2202**

**Presented to the House Agriculture & Natural Resources Committee**

**Representative Sharon Schwartz, Chairman**

**Monday, February 11, 2013**

### **MADAM CHAIRMAN AND MEMBERS OF THE HOUSE AGRICULTURE AND NATURAL RESOURCES COMMITTEE:**

**Jane Westerman**  
DeClue Transport  
President

**Larry Graves**  
Farmers Oil, Inc.  
Chairman of the Board

**Louis Thompson**  
Beaver Express Service, LLC  
First Vice President

**Karl Cushey**  
Con-way Freight, Inc.  
Second Vice President

**Kimberly Bonhart**  
United Parcel Service, Inc.  
Treasurer

**Larry "Doc" Criqui**  
Kansas Van & Storage  
Criqui Corp.  
Corporate Secretary

**Ken Leicht**  
Miller Trucking LTD/Frito Lay  
ATA State Vice President

**Mike Miller**  
Miller Trucking, LTD  
ATA Alternate State VP

**Jason Hammes**  
Frito Lay Service &  
Distribution  
Public Relations Chairman

**Calvin Koehn**  
Circle K Transport  
ProTruck PAC Chairman

**Jeff Robertson**  
TT & T Salvage & Towing, Inc  
Foundation Chairman

**Mike Harp**  
Corporate Safety Compliance,  
Inc  
Allied Industries Chairman

**Tom Whitaker**  
Executive Director

I am Tom Whitaker, executive director of the Kansas Motor Carriers Association. I appear before you this afternoon presenting our 1,000 member companies and the Kansas trucking industry to provide comments on House Bill No. 2202.

HB 2202 appears to place in Kansas statutes the exact language currently contained in the Governor's Executive Orders concerning transportation by motor carriers during a declaration of emergency. We have attached a copy of Executive Order 12-11 for illustration purposes. In addition, the Governor has additional authority to provide relief from most motor carrier safety regulations for a period of 30-days should an emergency arise as was the case when Executive Order 12-05 (see attached) was issued. This authority is contained in 49 CFR 390.5 of the Federal Motor Carriers Administration's safety regulations and was adopted by the Kansas Corporation Commission in K.A.R. 82-4-3f (see attached).

KMCA believes the authority for the Governor to issue a declaration of emergency will not be affected whether HB 2202 is approved or not approved. Should the Committee decide to work HB 2202, we have two amendments to offer for the Committee's consideration. The first amendment on Page 1, line 24, would remove the words "or rain." The language in HB 2202 already prohibits transportation during moderate or heavy rain. Removal of this language ascertains transportation can continue when the pavement is merely wet.

The second amendment would eliminate the words, "or an interstate license as an interstate exempt carrier," found on page 1, line 36, and continuing on page 2, line 1. The KCC no longer issues an interstate license.

We thank you for the opportunity to appear before the Committee today. I would be pleased to respond to any questions you may have.

PO Box 1673 • Topeka, KS 66601-1673 • 2900 SW Topeka Blvd. • Tr  
(785) 267-1641 • Fax: (785) 266-6551 • www.kmca.org

House Agriculture & Natural  
Resources Committee  
Date 2-13-2013  
Attachment # 4