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BUDGET

January 28, 2021

## Proponent Testimony SB18

Chairman Peterson, Vice Chair Claeys, and Committee Members:

I am testifying in favor of SB18 with largely the same testimony I gave last year on HB2420.

I initially became involved in this issue two and a half years ago when a constituent raised the question of not being able to register and title a military surplus vehicle. I had noticed that these types of vehicles were being driven on Kansas roads by our Ft. Riley personnel and it did not seem fair to me, if the vehicles were road worthy, that they were then not allowed to be titled and driven once they had become surplus property and were purchased by private citizens.

I subsequently became aware that there was a label on "Humvee" type vehicles that said "intended for off-road usage". Following that up, I called the KHP and talked with one of the officers who did inspections. He said that a vehicle with the label "off-road usage" and a SF97 title goes to the Department of Revenue for registration. With that restriction and our current statutes, KDOR will not register the vehicle.

Below is a summary of the work of Legislative Research on our laws in 2018:

"Information received from the Division of Vehicles and the Kansas Highway Patrol confirm the vehicle currently cannot be registered in Kansas. As noted below, the "off-road" label on the vehicle's federal government title equivalent means only an off-road title may be issued. According to the Patrol, the officer should have recommended a nonhighway title. KSA 2017 Supp. 8-116a authorizes the Patrol to inspect vehicles to ensure no parts are stolen, and a Patrol spokesperson says that part of the inspection should have been performed. (Kansas required periodic vehicle safety inspections only from 1974 into 1983; the Patrol remains authorized to stop and inspect vehicles for safety reasons [KSA 8-1759, 8-1759a]. Emissions inspections are not required in Kansas.) No statute appears to authorize a non-highway vehicle to be reclassified as a highway vehicle. (Statutes do authorize cities to authorize use of all-terrain vehicles and golf carts on certain streets and under certain circumstances; the cities may impose additional requirements on operation.)"

Legislative Research also looked at several other states and how they handled military surplus vehicles. Here is an overall summary of what other states are doing:

“As you can see, I could find few states that specifically authorize operation on highways. Idaho seems to have the most wide-open model. Iowa and Kentucky explicitly require inspection to determine whether the vehicle is road-worthy; North Carolina requires a sworn affidavit that the vehicle complies with federal safety standards. Safety equipment, emissions, and insurance appear to be among the topics for policy decisions. I believe one of the issues is that these vehicles are not equipped with air bags, and their top speeds are below those of regular vehicles (70 mph was listed in a couple of places).”

A few states have passed laws allowing the operation of MSV. Below is that summary:

Laws of Kentucky, Idaho, North Carolina, and Virginia have been designed to allow operation of such vehicles on highways. Copies are attached.

Kentucky defines a “military surplus vehicle” and requires the vehicle be insured, the vehicle pass safety inspection, and proof the vehicle was originally manufactured to meet the requirements of 49 CFR 571.7 (the Federal Motor Vehicle Safety Standards [FMVSS]). The Kentucky regulation also is included.

An Idaho bill signed in March exempts “a vehicle built for the United States armed forces” from other laws and allows them to be registered and operated on public highways. <https://legislature.idaho.gov/sessioninfo/2018/legislation/h0506/>

North Carolina in 2017 added a section to allow a high-mobility multipurpose wheeled vehicle (HMMWV) to be titled and registered. (<https://www.ncleg.net/Sessions/2017/Bills/Senate/HTML/S326v5.html>)

Virginia defines a “military surplus motor vehicle” and authorizes license plates for them. The 2018 law prohibits use for “general transportation purposes” and requires safety equipment. (<https://lis.virginia.gov/cgi-bin/legp604.exe?181+sum+HB1323>)

I also checked with the **Kansas Forest Service** to see how they handled the registration of the military surplus vehicles that they refurbished and provided to rural fire departments around the state. Here was their report:

Senator Hawk – Thanks for your engagement! I’ll try to summarize our conversation below. To start with, in terms of Humvees, we are authorized through both programs to get them for our use, or fire department use. Currently we have chosen not to for multiple reasons, and to focus our efforts on other vehicles that would be more unique or useful to fire departments. That doesn’t mean we never would get those, though, if something were to change in the future.

Our vehicles come through two similar, but different programs.

Federal Excess Personal Property (FEPP) was the backbone of our program for years. It started in the 1960s, and in the FEPP program, we can obtain vehicles and other property from any US Government agency. We can get anything that would support the “state fire program” (us), or that a fire department could use for fire suppression, with limited authorization for other emergency use. Mostly we get military vehicles, but we have gotten items from numerous other agencies as well. Through FEPP, I requisition online on a screening website, essentially as an agent of the US Forest Service, via our cooperative agreements with them. The vehicle transfers to USFS, who retains ownership throughout its

life. We administer the program on their behalf, fix the vehicle up mechanically to ensure it is safe and roadworthy, and issue it to a fire department. The fire department must paint, equip, house, and insure the vehicle. Whenever they no longer need the vehicle, or it cannot be kept in service, it is returned to us, and I process it for disposal. Ultimately, it can then go on a GSA auction for public purchase. Neither we nor the receiving fire department ever get title to the vehicle, and under current Kansas law, a fire department does not have to put a license tag on their vehicles.

The newer program, created after 9/11, is the DOD Firefighter Property (FFP) program. It is a joint program between DOD and USFS, which again we administer on behalf of USFS, with their oversight. In this program, I screen on a DOD-specific website, and can only obtain DOD assets. It is somewhat broader in authorizations, as it can be used for fire or emergency service use – broader than just fire suppression. Also, it can go to a fire department, fire management, or emergency services agency or organization, so we can issue to an EMS department, or we have issued to prescribed burn associations or NGOs with fire management responsibilities. In this program, there are a few vehicles that are deemed “sensitive” that remain DOD property in perpetuity and must be returned when they are done. Most, however, we will get a form SF97, certificate to obtain title. We file that, get a title, and after about a year, that title is signed over to the receiving fire department and the property becomes theirs.

I hope this information helps, but if I omitted anything you were looking for, please let me know and I’ll fill in any blanks. Eric Ward, Asst. Fire Management Officer, Kansas Forest Service

In my additional discussions with Rep. Kristi Williams and her contact with a local business that refurbishes military surplus vehicles, with Senator Rick Billinger who has a constituent wishing to purchase a vehicle of this type, and House Veterans Affairs Chair Lonnie Clark, there is a broad interest in adjusting our laws in order to allow safe military surplus vehicles to be registered and driven on our Kansas roads. The original House Bill, HB240, had a very generous definition of military surplus vehicles and no weight or size limitations:

*"Military surplus vehicle" means a vehicle, regardless of the vehicle's weight or size, that is less than 35 years old and was manufactured for use in the United States military forces and subsequently authorized for sale to civilians, except that a military surplus vehicle does not include a fully tracked vehicle.*

An amendment was made to HB2420 to limit the size and weight of MSV with the following wording: “...as one that meets size and weight limits in continuing law”....

In discussing this bill with some Senate colleagues, I did hear a concern about having some of the very large military surplus vehicles on our roads and how that could impact public safety. In the companion bill I introduced, SB330, I made a limit to **four-wheel vehicle** in the definition: *as “Military surplus vehicle” means a four-wheel vehicle, .... less than 35 years old and was manufactured for use by the United States military forces and subsequently authorized for sale by civilians.* I would suggest our Transportation Committee discuss whether that restriction might be a good start in allowing these vehicles on Kansas Highways. I would also suggest we consider whether to require a road worthy inspection as some other states have done.

Thank you for your time in considering this issue which I believe is fundamentally one of fairness to our constituents, those who do wish to purchase this type of military surplus vehicle.