

To: Chairman Petersen, Senate Transportation

From: Deborah Barnes, Staff Attorney

Date: February 2, 2021

RE: SB67 NEUTRAL

We want to thank Chairman Petersen and the Committee members for giving the League of Kansas Municipalities the opportunity to present neutral testimony on SB 67.

SB 67 makes some technical adjustments to K.S.A. 8-126 and changes the definition for “All-terrain vehicle” (ATV), increasing the dimensions for these motorized nonhighway vehicles and specifying how measurements to arrive at the width should be taken. The ATV weight remains unchanged at 1,500 pounds dry weight or less. SB 67 also increases the width for a “recreational off-highway vehicle” (ROV), specifies how the width measurement should be taken, and increases the weight for these motor vehicles. Previously 64 inches was the upper width limit, SB 67 increases that to 75 inches. The maximum weight increases from 2,000 to 3,500 pounds.

It is our understanding that the adjustments to these definitions reflect the increased dimensions of commercially available vehicles that come under the ATV and ROV definitions.

The changes are of interest to our cities since many of them have ordinances setting out the conditions under which such vehicles can be operated within city limits. Under K.S.A. 8-15, 100, it is unlawful to operate ATVs within the corporate limits of a city unless the city specifically authorizes operation of ATVs. Cities can use their police powers to regulate the operation of other nonhighway vehicles¹, including ROVs. Before this update, cities that wanted to be able to allow residents to use vehicles larger than the presently existing definitions had no way of allowing such vehicles, because they fit into no state acknowledged category.

Not all cities will choose to allow the use of these types of vehicles. As ATVs and ROVs become larger they present both opportunities and concerns for cities. Opportunities for citizens to be able

¹ A nonhighway vehicle is a motor vehicle which cannot be registered because it is not manufactured, nor properly equipped for using Kansas highways (although there are some exceptions for agricultural and noxious weed related operations of ATVs). K.S.A. 8-128, 8-197.

to enjoy operating “fun” non-traditional vehicles on cities’ public streets, roads and alleys , but also concerns for safety and wear and tear. The maximum weight for an ROV is now the same as for a modest sedan, and the length, which is not included in the statutory definition, can be up to 94 inches.

Thanks for the opportunity to speak to the significance of this legislation for our cities.