

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Gary Hayzlett at 1:30 P.M. on February 1, 2007 in Room 519-S of the Capitol.

All members were present except:

Representative Pat George- excused  
Representative Jene Vickrey- excused

Committee staff present:

Hank Avila, Kansas Legislative Research  
Bruce Kinzie, Revisor of Statutes Office  
Betty Boaz, Committee Assistant

Conferees appearing before the committee:

Doug Lawrence, representing Midwest Crane and Rigging  
Bill Miller, Owner, Midwest Crane and Rigging  
Representative Rob Olson  
Captain Dan Meyer, Kansas Highway Patrol  
Jason Gray, Kansas Corporation Commission  
Carmen Alldritt, Director, Motor Vehicle Div., Dept. Of Revenue

Others attending:

See attached list.

The Chairman opened the meeting by asking for bill introductions. Chairman Hayzlett recognized Brad Smoot, representing Explore Information Services, LLC. He asked the Committee to introduce a bill amending KSA 74-2012, which would allow employers to monitor certain driver records available through the division of motor vehicles. Representative Peck made a motion to accept this bill, seconded by Representative Swanson and the motion carried.

Chairman Hayzlett recognized Steve Kearney, representing The Kansas County Treasurer's Association. Mr. Kearney asked the Committee to introduce a bill pertaining to trailer weights. Representative Humerickhouse made a motion to accept this bill, seconded by Representative Henry and the motion carried.

Steve Kearney asked to introduce a second bill pertaining to technical language cleanup. The wording would change to "will collect" instead of the current language of "shall charge." Representative Humerickhouse made a motion to accept this bill, seconded by Representative Long and the motion carried.

The Chairman then recognized Whitney Damron representing the Kansas Automobile Dealers Association who came forward to introduce a bill relating to motor vehicle liens. He reminded the Committee of a similar bill introduced last week by KADA President Don McNeely. Due to concerns over the language of that bill they worked with the Kansas Bankers Association to draft a revised bill that would effectively limit the placement of a lien with the Department of Revenue on a motor vehicle to one lien. Representative Swanson made a motion to accept this bill, seconded by Representative Wetta and the motion carried.

The Chairman reminded the Committee about **HB 2042** (Expiration of drivers' licenses for people under 21 years of age) that he had asked both sides to get together and come back with a resolution. Since he had not heard back the Chairman appointed a sub-committee to come up with a solution. Chairman Hayzlett appointed Representative Humerickhouse as Chairman of the sub-committee to work with Representative Swanson and Representative Treaster.

The Chairman opened hearings on **HB 2164**.

**HB 2164 - Motor carriers, self-propelled cranes**

Chairman Hayzlett introduced Representative Rob Olson as the first proponent. Representative Olson spoke in support of **HB 2164** (Attachment #1) and urged the Committee to favorably pass it out.

The next proponent was Doug Lawrence, representing Belger Cartage Inc. And Midwest Crane and Rigging.

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According to Mr. Lawrence (Attachment #2) **HB 2614** is a clarification of last year's **SB 374** which related to the exemption of self-propelled cranes from the motor vehicle registration and tag requirements. He said originally **SB 374** was introduced as legislation that would have required all wheeled vehicles with lifting booms to be registered for highway use. He reminded the Committee that the bill was amended to make it clear that certain vehicles with wheels and a boom would not be subject to the registration requirements because those vehicles did not meet the requirements of commercial motor vehicles because they are incapable of carrying property due to design or weight limitations. Mr. Lawrence said that rather than being a question of highway safety the new dispute is whether federal motor carrier requirements will be applied to construction equipment and operators when that equipment is sitting on a job site. He concluded that they believe that the vehicles defined as self-propelled cranes in Kansas Statutes are consistently excluded from the motor carrier requirements.

William Miller, president and owner of Midwest Crane and Rigging was introduced as the next proponent. Mr. Miller spoke in favor of **HB 2164** (Attachment #3) and said this bill serves to clarify the definition of a motor crane to continue to allow these off-road machines to be exempt from registration and licensing and to continue to use dyed fuel that is used only in exempt equipment. Mr. Miller said that this bill would clarify that motor cranes are not used to transport passengers or property and therefore should not be required to have Dept. of Transportation numbers and that the equipment operators should not be considered to be truck drivers under common carrier or private carrier regulations. Mr. Miller concluded by asking the Committee to once again clarify this statute to confirm that motor cranes are off-road construction equipment and not subject to motor carrier regulations.

The Chairman drew the Committee's attention to written testimony submitted by Art Griffin, Vice President, Belger Cartage Service, Wichita, Kansas. Mr. Griffin's testimony was in support of **HB 2164**.

There being no other proponents of this bill, the Chairman called for the opponents to **HB 2164**.

Chairman Hayzlett recognized Captain Dan Meyer as the first opponent to this bill. According to Captain Meyer (Attachment #4) the current definition of a motor carrier includes the self-propelled crane and support equipment. He said this issue was clearly defined in the Federal Motor Carrier Safety Regulations. Captain Meyer referenced a letter from Teri Graham, Division Administrator for the Federal Motor Carrier Safety Administration which said in part that adoption of language regarding the exclusion of self-propelled cranes or support equipment from the current definition of Motor Carrier will cause the State of Kansas to be incompatible with the FMCSRs and the incompatibility will place Kansas out of compliance and would jeopardize the Motor Carrier Safety Assistance Program funding and additional grants. Captain Meyer said this language, if extended to include CDL could place Federal Highway monies at risk through non-compliance of Commercial Driver's Licensing requirements and could result in an additional loss of funding. Captain Meyer concluded by saying that the passage of this language would directly result in the loss of the state's MCSAP program and potentially have an impact upon the safety of the citizens of Kansas.

The next opponent to **HB 2164** was Jason Gray, Assistant General Counsel for the Kansas Corporation Commission. According to Mr. Gray (Attachment #5) enacting **HB 2164** into law will negatively impact the safety and welfare of Kansas motorists and will make the state ineligible for millions of dollars of federal funding currently received from federal incentive programs. Mr. Gray said that on February 17, 2006, the Commission issued an Order to Show Cause, against Midwest Crane and Rigging based on a complaint from the Kansas Highway Patrol. The Order charged Midwest Crane with failing to submit to a compliance review. He said Midwest Crane objected to the Commission's assertion of jurisdiction in an administrative proceeding. Mr. Gray concluded by saying the primary reason for his opposition to **HB 2164** involves the safety risk to the public that would occur if these vehicles were exempt from safety regulations.

Chairman Hayzlett recognized the last opponent, Carmen Alldritt, Director of the Motor Vehicle Division. According to Director Alldritt (Attachment #6) if **HB 2164** were to pass, their federal grant funding of \$1,076,420 would be denied as well as their eligibility to apply for an additional \$2 million in grant funds. She concluded by urging the Committee to not pass this bill.

The Chairman drew the Committee's attention to a letter of opposition from the Kansas Department of Transportation.

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There being no other proponents or opponents to **HB 2164**, the Chairman closed the hearings.

Chairman Hayzlett appointed a sub-committee to review this bill and come back with recommendations to the Committee. He appointed Vice Chairman Virgil Peck to head the sub-committee and Representatives Margaret Long and Jeff King as members. The Chairman said he did not want to jeopardize the highway funds but would like for the interested parties to get together and provide input to the sub-committee so a resolution could be reached.

The Chairman asked the Committee to review the Minutes of the January 23, 2007 meeting. Representative Sloan made a motion to approve the Minutes, seconded by Representative Ballard and the motion carried.

Representative Huntington asked the Committee to introduce a bill regarding educational requirements for motorcycle licensure. Representative Treaster seconded the motion and the motion carried.

There being no further business before the Committee the Chairman adjourned the meeting. The next meeting will be on February 6, 2007 at 1:30 p.m. in Room 519-S.