

MINUTES OF THE HOUSE COMMITTEE ON TRANSPORTATION.

The meeting was called to order by Chairperson Rep. Gary Hayzlett at 1:40 p.m. on February 16, 2000 in Room 519-S of the Capitol.

All members were present except:
Representative Jerry Aday, excused

Committee staff present:
Bruce Kinzie, Revisor of Statutes
Hank Avila, Research Department
Ellie Luthye, Committee Secretary

Conferees appearing before the committee:
Senator Jim Barone
Tom Whitaker, Kansas Motor Carriers Association
Woody Moses, Kansas Aggregate Producers' Association
Ken Gudenkauf, Chief, Bureau Traffic Engineering, Kansas Department of Transportation
Tom Tunnell, Kansas Grain and Feed
Leslie Kaufman, Kansas Farm Bureau

Others attending:
See attached list

HB 2809 - wrecker and towing services, liens

Chairman Hayzlett opened hearings on **HB 2809** and called on Tom Whitaker, Kansas Motor Carriers Association, as the first opponent. He explained the current law and then listed some proposed changes that he felt would ease the burden on the towing industry and at the same time protect the vehicle owner and lienholder. He asked for favorable consideration of **HB 2809**. ([Attachment 1](#))

There were no opponents. Following discussion the Chair closed hearings on **HB 2809**.

SB 346 - traffic regulation, liability for overweight trucks

Chairman Hayzlett opened hearings on **SB 346**.

Senator Barone stated that after showing a video dealing with overweight vehicles to several interested organizations they all agreed that overweight vehicles are a concern. He listed two solutions that gained consensus: 1) shipper liability in addition to driver liability for an overweight vehicle and 2) uniform enforcement of the laws. ([Attachment 2](#))

Tom Whitaker, representing Kansas Motor Carriers Association, spoke in support of **SB 346**. He said the bill mandates joint responsibility of the truck driver and the shipper of the freight for excessively overloading trucks. He continued operators of overloaded trucks create a competitive disadvantage for those who operate within the limits of the weight laws and shippers who allow a vehicle to be overloaded should share in the consequences for such violations. ([Attachment 3](#))

Edward Moses, Kansas Aggregate Producers Association and Kansas Ready Mix Concrete Association, spoke in support of **SB 346**. He told the committee in order to remain competitive and contribute to the economic well being of our state their business depend upon functional and well-maintained roads and that overloaded trucks are a threat to the condition of the highways and negatively affect all who use them. He concluded that any measure that positively deals with the problem of intentionally overloading trucks should be seriously considered. ([Attachment 4](#))

Ken Gudenkauf, Assistant Bureau Chief of Traffic Engineering, said that subjecting the person loading the vehicle to the same penalties as the vehicle operator should reduce the number of overweight vehicles operating on Kansas highways and this reduction would lessen the damage to the highway infrastructure and enhance overall safety of the vehicles operating in Kansas. ([Attachment 5](#))

CONTINUATION SHEET

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE, Room 519-S Statehouse, at 1:40 p.m.
on February 16, 2000.

The President of the Kansas Grain and Feed Association, Tom Tunnell, said the leadership of his association has reviewed the issue of over weight trucks and believe the 10,000 pound gross vehicle weight tolerance before penalties apply to shippers is both reasonable and adequate, however, he said their support was conditional on several points which he listed. (Attachment 6)

Leslie Kaufman, Kansas Farm Bureau, said many farm products, both grain and livestock, are loaded at sites where scales are not available. While they do not condone overloading of trucks, it is imperative that penalties not be levied against those agriculture producers who unintentionally overload by only a few hundred pounds. She stated they support **SB 346** since the concept of the bill is targeted at protecting the state's highway infrastructure while still providing a margin of error for those loading at sites such as fields and pastures where scales are not available. (Attachment 7)

HB 2745 - highway advertising control act, definitions

Chairman Hayzlett called for discussion and final action on **HB 2745**. Following discussion and concerns from some of the committee as to how this bill would impact their districts, Representative Long made a motion to defer final action on HB 2745 until the Unified Government meeting on Thursday. There was no second to this motion, however, Chairman Hayzlett granted the request to delay final action and give members time to further study the bill.

HB 2883 - crimes, not paying for motor fuels, penalties

Chairman Hayzlett called for discussion and final action on **HB 2883**. Following discussion Representative Pauls made a motion to amend HB 2883, page 1, following line 24 by inserting "(b) failure to replace or reattach the nozzle and hose of the pump used for dispensing of motor fuels or intentionally placing such nozzle and hose on the ground shall be prima facie evidence of the intent to defraud under the provisions of subsection (a)" and relettering the remaining subsections. This was seconded by Representative Larkin and the motion carried. Representative Pauls made a motion to pass HB 2883 favorably, as amended, seconded by Representative Ray and the motion carried.

HB 2768 - motor carriers, state corporation commission

Chairman Hayzlett called for discussion and final action on **HB 2768**. The committee referred to a balloon which they had received earlier which clarified the amendments which were offered. Following discussion, Representative Huff made a motion to adopt the amendments, seconded by Representative Ray and the motion carried. Representative Thimesch made a motion to table HB 2768, seconded by Representative Ballou and the motion carried on a vote of 8 ayes to 6 nays.

HB 2809 - wrecker and towing services, liens

Chairman Hayzlett called for discussion and final action on **HB 2809**. Following discussion, Representative Ballou made a motion to pass HB 2809 favorably and place on the Consent Calendar, seconded by Representative Powers and the motion carried.

Chairman Hayzlett adjourned the meeting at 2:30 p.m.

The next meeting of the House Transportation Committee is scheduled for Thursday, February 17, 2000 in Room 423-S.