

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Gary Hayzlett at 1:30 p.m. on March 17, 2009, in Room 783 of the Docking State Office Building.

All members were present except:

Representative Ballard - Excused
Representative Henry - Excused

Committee staff present:

Bruce Kinzie, Office of the Revisor of Statutes
Jill Shelley, Kansas Legislative Research Department
Betty Boaz, Committee Assistant

Conferees appearing before the Committee:

Mike Hoeme, Director of Transportation, KCC
Eric Stafford, Associated General Contractors of Kansas, Inc.
Chris Wilson, Executive Director of KS Building Industry Association

Others attending:

See attached list.

Chairman Hayzlett called the meeting to order. He opened the hearing on **SB 152**.

SB 152 - Regulation of certain motor carriers by the corporation commission.

The Chairman recognized Mike Hoeme, Director of Transportation, KCC. (Attachment #1) According to Mr. Hoeme, **SB 152** amends KCC transportation safety statutes which obligate the KCC to adopt rules and regulations which relate to motor carrier safety. He said the purpose of this bill is to amend two existing exemptions which are commonly referred to as the "tools of trade" exemptions. He said recently law enforcement officials and motor carrier inspectors have become aware of a growing problem arising from unsecured loads carried by commercial motor vehicles covered under the "tools of trade" exemptions. Mr. Hoeme said the passing of **SB 152** will aid their efforts in preventing hazards by requiring all commercial drivers currently exempted under the "tools of trade" exemptions to adhere to the Protection Against Shifting and Falling Cargo regulations found in Title 49 C.F.R. Part 393. He said, in its current form, this law does not apply to those carriers who fall within the "tools of trade" exemptions.

Mr. Hoeme also said when they initially presented this bill to the Senate, it was their intention, for clarification purposes only, to strike section (c)(9) of this statute. However, at this time, due to recent questions about the applicability of this exemption, they have agreed to work with the Dealers Association to verify the usefulness of this exemption, so he asked to leave section (c)(9) intact.

There were no other proponents and no opponents were signed up for this bill. The Chairman noted there were several neutral conferees.

Chairman Hayzlett recognized Eric Stafford, Associated General Contractors of Kansas. (Attachment #2) According to Mr. Stafford **SB 152** would remove the "tools of the trade" exemptions for vehicles under 26,000 pounds transporting equipment to or from a jobsite. He said under current law, if a construction company is hauling equipment that has not been sold or not being transported for the purpose of sale within state lines to or from a jobsite, that truck is exempt from following the Federal Motor Carrier Safety Regulations and if it crosses state lines, it is then required to comply with Federal safety guidelines. He said the way **SB 152** reads now, for vehicles over 10,000 pounds, each load will need to be "properly covered" to prevent the load from falling or becoming a hazard to other vehicles. Mr. Stafford said they feel this language should be changed for clarification and if safety is the real goal then all vehicles should properly secure their loads, not just those over 10,001 pounds.

The Chairman recognized the next neutral conferee, Leslie Kaufman, Executive Director, Kansas Cooperative Council. (Attachment #3) According to Ms. Kaufman, their concern is only with the portion of **SB 152** which

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removes a specific exemption for vehicles servicing, repairing or transporting implements of husbandry. She said the Kansas Cooperative Council agrees that continuing current law rather than making this deletion is prudent. She said it will allow stakeholders to continue discussions with KCC on how to address concerns that may be connected with this provision.

The Chairman recognized Chris Wilson, Executive Director of Kansas Building Industry Association (KBIA). (Attachment #4) According to Ms. Wilson, KBIA did not support this bill as introduced because it appeared that removing the exemption would address the issue raised concerning loads that were not properly secured. She said the examples of improperly secured loads did not include homebuilders, yet all their members would have had to comply with additional regulations. Therefore they supported the amendment of the bill to retain the exemption and directly address the load securement issue.

Chairman Hayzlett drew the Committee's attention to a letter from Martha Neu Smith, Executive Director, KS Manufactured Housing who provided written comments expressing their neutral position on **SB 152**. (Attachment #5)

After all questions were answered the Chairman closed the hearing on **SB 152** and opened the hearing on **SB 153**.

SB 153 - Regulation of certain motor vehicles and motor carriers by the corporation commission.

The Chairman recognized Mike Hoeme. (Attachment #6) According to Mr. Hoeme, **SB 153** is a clean-up bill that will amend two KCC Transportation statutes. The proposed amendment will provide consistency by changing the terms "Motor Vehicle" and "Commercial Vehicle" to "Commercial Motor Vehicle" (CMV). He said this minor change will exempt those motor vehicles not meeting the definition of a CMV from the Commission's economic regulation.

Chairman Hayzlett recognized Leslie Kaufman, Executive Director of the Kansas Cooperative Council. (Attachment #7) According to Ms. Kaufman, approximately half of their members are agricultural co-ops, including cotton cooperatives. She said since the advent of cotton production in Kansas they have encountered several issues where Kansas' traffic and motor carrier regulations were not positioned to deal with the unique attributes of cotton production and transport. Ms. Kaufman said **SB 153** will provide additional clarity regarding cotton modules by exempting these units from requirements to obtain a certificate, license or permits or file rates, tariffs, and annual reports with the Kansas Corporation Commission.

There were no other proponents. The Chairman called for opponents to **SB 153**. The Chairman recognized Doug Lawrence on behalf of Midwest Crane and Rigging. (Attachment #8) According to Mr. Lawrence, because **SB 153** makes significant changes in definitions in section 1, and expands the use of the term "Commercial Motor Vehicle" in many definitions, they wanted to renew a request made in 2006 that the Committee include a statutory definition of "Commercial Motor Vehicle". The definition becomes even more important with the passage of **SB 153**.

After all questions were answered Chairman Hayzlett closed the hearing on **SB 153**.

The Chairman opened **SB 60** to the Committee for discussions, questions and motions. Representative Proehl made a motion to favorably pass SB 60, seconded by Representative Menghini. Representative Proehl made a substitute motion to add an amendment to specify that the exemption would apply only to the redevelopment district in Labette County, seconded by Representative Menghini, motion to amend this bill carried. Representative Proehl made a motion to favorably pass SB 60, as amended, seconded by Representative Swanson, and the motion carried..

There being no further business before the Committee, the meeting adjourned at 2:30 p.m. The next meeting will be on March 19, 2009.

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