

STATE OF KANSAS

TOM HAWK  
STATE SENATOR, 22ND DISTRICT  
2600 WOODHAVEN CT.  
MANHATTAN, KANSAS 66502  
(785) 537-8000  
tom@tomhawk.com

STATE CAPITOL 135-E  
300 S.W. 10TH AVENUE  
TOPEKA, KANSAS 66612  
(785) 296-7360  
tom.hawk@senate.ks.gov



SENATE CHAMBER

COMMITTEE ASSIGNMENTS

WAYS & MEANS (RANKING MINORITY MEMBER)  
UTILITIES  
TRANSPORTATION  
JOINT COMMITTEE ON STATE BUILDING  
CONSTRUCTION  
JOINT COMMITTEE ON LEGISLATIVE BUDGET

March 12, 2020

**Proponent Testimony HB2420**

Chairman Peterson, Vice Chair Goddard, Ranking Member Pettey and Committee Members:

I am testifying in favor of HB2420 and will be suggesting a possible revision at the end of my testimony.

I initially became involved in this issue two 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, so it did not seem fair to me, if the vehicles were road worthy, that they were 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 if a vehicle has the label "off-road usage" and a SF97 title, the Department of Revenue will not register the vehicle.

**A SUMMARY OF KANSAS LAWS IN 2018 DONE BY LEGISLATIVE RESEARCH**

"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.)"

## A SUMMARY OF LAWS OF OTHER STATES DONE BY LEGISLATIVE RESEARCH

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

"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.

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>)

## KANSAS FOREST SERVICE

I also checked with the Kansas Forest Service about how they handle the registration of the military surplus vehicles which they refurbish and provide to rural fire departments around the state. Here is 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 can't 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”

I have had additional discussions with Representative Kristey Williams and her contact with a local business that refurbishes military surplus vehicles, Senator Rick Billinger who has a constituent wishing to purchase a vehicle of this type, and House Veterans Affairs Chair Lonnie Clark. It appears that 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, HB2420, had a very generous definition of military surplus vehicles and no weight or size limitations.

#### **ORIGINAL HOUSE BILL 2420 WORDING**

*"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.*

#### **THE AMENDMENT MADE TO THE ORIGINAL HOUSE BILL**

An amendment was made to HB2420 to limit the size and weight of MSVs 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 defined MSVs as follows: "*Military surplus vehicle means a four-wheel vehicle, ....less than 35 years old, 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 that we consider whether to require a road worthy inspection as some other states have done.

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