

As Amended by House Committee

Session of 2019

HOUSE BILL No. 2371

By Committee on Taxation

2-18

1 AN ACT regulating traffic; relating to oversize or overweight vehicles;
2 permit fees; **escort vehicle service, registration**; amending K.S.A.
3 2018 Supp. 8-1911 and repealing the existing section.
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2018 Supp. 8-1911 is hereby amended to read as
7 follows: 8-1911. (a) The secretary of transportation with respect to
8 highways under the secretary's jurisdiction and local authorities with
9 respect to highways under their jurisdiction, in their discretion, upon
10 application, may issue a special permit, ~~which~~ *such* term shall include an
11 authorization number, to the owner or operator of an oversize or
12 overweight vehicle. The special permit shall authorize the special permit
13 holder to operate or move a vehicle or combination of vehicles ~~which~~ *that*
14 exceed the limitations of this act, on a route, or routes, designated in the
15 special permit and in accordance with the terms and conditions of the
16 special permit.

17 (b) The application for the permit shall describe the vehicle, or
18 combination of vehicles and all loads or cargo for which the special permit
19 is requested, the route or routes on which operation is sought and whether
20 a single trip or annual operation is requested. One special permit may be
21 issued for a vehicle or combination of vehicles, that are both oversize and
22 overweight. A special permit under this section may be for a single trip or
23 for annual operation. The special permit shall designate the route or routes
24 that may be used and any other terms, conditions or restrictions deemed
25 necessary. The secretary of transportation shall charge a fee for each
26 permit or authorization number issued as provided for in subsection (f). No
27 permit shall be required to authorize the moving or operating upon any
28 highway, by an implement dealer, as defined in K.S.A. 2018 Supp. 8-1918,
29 and amendments thereto, or employee thereof who possesses an annual
30 permit and following all conditions set forth in K.S.A. 2018 Supp. 8-1918,
31 and amendments thereto, of farm tractors, combines, fertilizer dispensing
32 equipment or other farm machinery, or machinery being transported to be
33 used for terracing or soil or water conservation work upon farms. No
34 permit shall be required to authorize the moving or operating upon any
35 highway of farm tractors, combines, fertilizer dispensing equipment or
36 other farm machinery, or machinery being transported to be used for

1 terracing or soil or water conservation work upon farms, or vehicles
2 owned by counties, cities and other political subdivisions of the state,
3 except that this sentence shall not: (1) Exempt trucks owned by counties,
4 cities and other political subdivisions specifically designed and equipped
5 and used exclusively for garbage, refuse or solid waste disposal operations
6 from the maximum gross weight limitations contained in the table in
7 K.S.A. 8-1909, and amendments thereto; or (2) authorize travel on
8 interstate highways.

9 (c) A permit shall be valid only when the registration on the power
10 unit is equal to or exceeds the total gross weight of the vehicle. When the
11 gross weight of the vehicle exceeds the upper limit of the available
12 registration, the maximum amount of registration must be purchased. The
13 provisions of this subsection shall not apply to a wrecker or tow truck, as
14 defined in K.S.A. 66-1329, and amendments thereto, and registered in
15 accordance with the provisions of K.S.A. 8-143, and amendments thereto.

16 (d) The secretary or local authority may issue or withhold the permit
17 at the secretary's or local authority's discretion or may limit the number of
18 trips, or establish seasonal or other time limitations within which the
19 vehicles described may be operated on the highways, or may otherwise
20 limit or prescribe conditions of operations of such vehicle or combination
21 of vehicles, when necessary to assure against undue damage to the road.
22 The secretary or local authority may require such undertaking or other
23 security as may be deemed necessary to compensate for any injury to any
24 roadway or road structure.

25 (e) Every permit shall be carried in the vehicle or combination of
26 vehicles to which it refers and shall be open to inspection by any police
27 officer or authorized agent of any authority granting the permit. It shall be
28 unlawful for any person to violate any of the terms or conditions of the
29 special permit.

30 (f) The secretary of transportation shall charge and collect fees as
31 follows:

32 (1) *Prior to January 1, 2020:*

33 (A) Twenty dollars for each single-trip permit;

34 ~~(2)~~(B) thirty dollars for each single-trip permit for a large structure, as
35 defined by rules and regulations;

36 ~~(3)~~(C) fifty dollars for each single-trip permit for a superload, as
37 defined by rules and regulations;

38 ~~(4)~~(D) twenty-five dollars for a five-year permit for vehicles
39 authorized to move bales of hay under subsection (j) on noninterstate
40 highways;

41 ~~(5)~~(E) one hundred and fifty dollars for each annual permit; or

42 ~~(6)~~(F) two thousand dollars per year for each qualified carrier
43 company for special vehicle combination permits authorized under K.S.A.

1 8-1915, and amendments thereto, plus \$50 per year for each power unit
2 operating under such annual permit.

3 (2) *On and after ~~July~~ January 1, 2020:*

4 (A) *Forty dollars for each single-trip permit;*

5 (B) *~~sixtytwo~~ **sixtytwo hundred fifty** dollars for each single-trip permit for a
6 large structure, as defined by rules and regulations;*

7 (C) *~~one hundredtwo~~ **one hundredtwo hundred fifty** dollars for each single-trip
8 permit for a superload, as defined by rules and regulations;*

9 (D) *~~fiftytwenty-five~~ **fiftytwo** dollars for a five-year permit for vehicles
10 authorized to move bales of hay under subsection (j) on noninterstate
11 highways;*

12 (E) *~~threetwo~~ **three** hundred dollars for each annual permit; or*

13 (F) *~~fourtwo~~ **four** thousand dollars per year for each qualified carrier
14 company for special vehicle combination permits authorized under K.S.A.
15 8-1915, and amendments thereto, plus ~~\$100~~ **\$50** per year for each power
16 unit operating under such annual permit.*

17 No fees shall be charged for permits issued for vehicles owned by
18 counties, cities and other political subdivisions of the state. All permit fees
19 received under this section shall be remitted to the state treasurer in
20 accordance with the provisions of K.S.A. 75-4215, and amendments
21 thereto. Upon receipt of each such remittance, the state treasurer shall
22 deposit the entire amount in the state treasury to the credit of the state
23 highway fund. The secretary may adopt rules and regulations for payment
24 and collection of all fees. The secretary may adopt rules and regulations
25 implementing the provisions of this section to prescribe standards for any
26 permit program to enhance highway safety.

27 (g) If any local authority does not desire to exercise the powers
28 conferred on it by this section to issue or deny permits then such a permit
29 from the local authority shall not be required to operate any such vehicle
30 or combination of vehicles on highways under the jurisdiction of such
31 local authority, but in no event shall the jurisdiction of the local authority
32 be construed as extending to any portion of any state highway, any city
33 street designated by the secretary as a connecting link in the state highway
34 system or any highway within the national system of interstate and defense
35 highways, which highways and streets, for the purpose of this section,
36 shall be under the jurisdiction of the secretary.

37 (h) A house trailer, manufactured home or mobile home ~~which that~~
38 exceeds the width as provided in ~~subsection (a) of~~ K.S.A. 8-1902(a), and
39 amendments thereto, may be moved on the highways of this state by
40 obtaining a permit as provided in this section, if:

41 (1) The width of such house trailer, manufactured home or mobile
42 home does not exceed 16¹/₂ feet;

43 (2) the driver of the vehicle pulling the house trailer, manufactured

1 home or mobile home has a valid driver's license; and

2 (3) the driver carries evidence that the house trailer, manufactured
3 home or mobile home, and the vehicle pulling it, are covered by motor
4 vehicle liability insurance with limits of not less than \$100,000 for injury
5 to any one person, and \$300,000 for injury to persons in any one accident,
6 and \$25,000 for injury to property.

7 For the purposes of this subsection, the terms "manufactured home"
8 and "mobile home" shall have the meanings ascribed to them by K.S.A.
9 58-4202, and amendments thereto.

10 (i) Upon proper application stating the description and registration of
11 each power unit, the secretary of transportation shall issue permits for a
12 period, from May 1 to November 15, for custom combine operators to tow
13 custom-combine equipment on a trailer within legal dimensions or a trailer
14 especially designed for the transportation of combines or combine
15 equipment at the rate of \$10 per power unit. Each application shall be
16 accompanied by information as required by the secretary. The permit shall
17 allow custom combine operators to haul two combine headers on
18 designated interstate highways provided:

19 (1) The vehicle plus the load do not exceed 14 feet in width;

20 (2) the move is completed during the period beginning 30 minutes
21 before sunrise and ending 30 minutes after sunset; and

22 (3) the vehicle plus the load are not overweight.

23 (j) Except as provided in ~~paragraph (2) of subsection (d) of K.S.A. 8-~~
24 ~~1902(d)(2), and amendments thereto, a vehicle loaded with bales of hay~~
25 ~~which that exceeds the width as provided in subsection (a) of K.S.A. 8-~~
26 ~~1902(a), and amendments thereto, may be moved on any highway~~
27 ~~designated as a part of the national network of highways by obtaining a~~
28 ~~permit as provided by this section, if:~~

29 (1) The vehicle plus the bales of hay do not exceed 12 feet in width;

30 (2) the vehicle plus the bales of hay do not exceed the height
31 authorized under K.S.A. 8-1904, and amendments thereto;

32 (3) the move is completed during the period beginning 30 minutes
33 before sunrise and ending 30 minutes after sunset;

34 (4) the vehicle plus the load are not overweight; and

35 (5) the vehicle plus the load comply with the signing and marking
36 requirements of ~~paragraph (3) of subsection (d) of K.S.A. 8-1902(d)(3),~~
37 ~~and amendments thereto.~~

38 (k) If it is determined by the secretary of transportation that a person
39 has been granted a permit and has not complied with the applicable
40 provisions of this section and the rules and regulations of the secretary of
41 transportation relating thereto, the secretary may cancel the permit and
42 may refuse to grant future permits to the individual.

43 (l) (1) Vehicles operating under the provisions of a permit issued

1 under subsection (a), ~~which~~ *that* exceed the width limitations prescribed by
2 K.S.A. 8-1902, and amendments thereto, or the length provisions in
3 K.S.A. 8-1904, and amendments thereto, shall have a sign attached ~~which~~
4 *that* states "OVERSIZE LOAD" and the dimensions of the sign shall be a
5 minimum of seven feet long and 18 inches high. Letters shall be a
6 minimum of 10 inches high with a brush-stroke ~~stroke~~ of not less than $1\frac{2}{5}$
7 inches. The sign shall be readily visible from a distance of 500 feet and
8 shall be removed when the vehicle or load no longer exceeds the legal
9 width dimensions prescribed by K.S.A. 8-1902, and amendments thereto,
10 or the length provisions in K.S.A. 8-1904, and amendments thereto. Each
11 such vehicle shall be equipped with red flags on all four corners of the
12 oversize load.

13 (2) Vehicles operating under the provision of a permit issued under
14 subsection (a), which exceed the weight limitations of K.S.A. 8-1908 or 8-
15 1909, and amendments thereto, but do not exceed the width limitations
16 prescribed by K.S.A. 8-1902, and amendments thereto, or the length
17 provisions in K.S.A. 8-1904, and amendments thereto, shall not have a
18 sign attached which states "OVERSIZE LOAD."

19 (m) (1) Vehicles operating under the provisions of a permit issued
20 under subsection (a), ~~which~~ *that* exceed the width limitations prescribed by
21 K.S.A. 8-1902, and amendments thereto, or the length provisions in
22 K.S.A. 8-1904, and amendments thereto, shall not operate: (i) During the
23 time period between 30 minutes after sunset to 30 minutes before sunrise,
24 unless specifically authorized under another statute or regulation; (ii)
25 under conditions where visibility is less than $\frac{1}{2}$ mile; or (iii) when
26 highway surfaces have ice or snow pack or drifting snow.

27 (2) Vehicles operating under the provisions of a permit issued under
28 subsection (a), ~~which~~ *that* exceed the weight limitations of K.S.A. 8-1908
29 or 8-1909, and amendments thereto, but do not exceed the width
30 limitations prescribed by K.S.A. 8-1902, and amendments thereto, or the
31 length provisions in K.S.A. 8-1904, and amendments thereto, may operate
32 24-hour days, except that such vehicles shall not operate when highway
33 surfaces have ice or snow pack or drifting snow.

34 **New Sec. 2. (a) Commencing on and after January 1, 2020, each**
35 **company that operates an escort vehicle service in this state shall**
36 **register annually with the secretary of transportation in accordance**
37 **with rules and regulations adopted by the secretary.**

38 **(b) Each application for registration shall be accompanied by the**
39 **following:**

40 **(1) The name and address of the agent for service of process;**

41 **(2) proof that each vehicle operated in this state by the applicant**
42 **maintains the required insurance, self-insurance or other financial**
43 **security required pursuant to K.S.A. 40-3104, and amendments**

1 **thereto;**

2 **(3) proof that each driver of an escort vehicle has a valid**
3 **operator's license issued by a state or territory of the United States;**

4 **(4) proof that each driver has successfully completed an escort**
5 **vehicle training course approved by the secretary; and**

6 **(5) such other information as the secretary may require.**

7 **(c) The secretary may revoke, suspend or refuse to issue a**
8 **registration for any violation of this section.**

9 ~~Sec. 2: 3.~~ K.S.A. 2018 Supp. 8-1911 is hereby repealed.

10 ~~Sec. 3: 4.~~ This act shall take effect and be in force from and after its
11 publication in the statute book.