

As Amended by House Committee

Session of 2014

SENATE BILL No. 344

By Committee on Transportation

2-3

1 AN ACT regulating traffic; concerning **motor carriers**, special permits;  
2 relating to oversized loads; **transporting hay or feed stuffs**; amending  
3 K.S.A. 2013 Supp. 8-1911 and **66-1344** and repealing the existing  
4 section sections.

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

7 Section 1. K.S.A. 2013 Supp. 8-1911 is hereby amended to read as  
8 follows: 8-1911. (a) The secretary of transportation with respect to  
9 highways under the secretary's jurisdiction and local authorities with  
10 respect to highways under their jurisdiction, in their discretion, upon  
11 application, may issue a special permit, which term shall include an  
12 authorization number, to the owner or operator of an oversize or  
13 overweight vehicle. The special permit shall authorize the special permit  
14 holder to operate or move a vehicle or combination of vehicles which  
15 exceed the limitations of this act, on a route, or routes, designated in the  
16 special permit and in accordance with the terms and conditions of the  
17 special permit.

18 (b) The application for the permit shall describe the vehicle, or  
19 combination of vehicles and all loads or cargo for which the special permit  
20 is requested, the route or routes on which operation is sought and whether  
21 a single trip or annual operation is requested. One special permit may be  
22 issued for a vehicle or combination of vehicles, that are both oversize and  
23 overweight. A special permit under this section may be for a single trip or  
24 for annual operation. The special permit shall designate the route or routes  
25 that may be used and any other terms, conditions or restrictions deemed  
26 necessary. The secretary of transportation shall charge a fee for each  
27 permit or authorization number issued as provided for in subsection (f). No  
28 permit shall be required to authorize the moving or operating upon any  
29 highway of farm tractors, combines, fertilizer dispensing equipment or  
30 other farm machinery, or machinery being transported to be used for  
31 terracing or soil or water conservation work upon farms, or vehicles  
32 owned by counties, cities and other political subdivisions of the state,  
33 except that this sentence shall not: (1) Exempt trucks owned by counties,  
34 cities and other political subdivisions specifically designed and equipped  
35 and used exclusively for garbage, refuse or solid waste disposal operations  
36 from the maximum gross weight limitations contained in the table in

1 K.S.A. 8-1909, and amendments thereto; or (2) authorize travel on  
2 interstate highways.

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

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

19 (e) Every permit shall be carried in the vehicle or combination of  
20 vehicles to which it refers and shall be open to inspection by any police  
21 officer or authorized agent of any authority granting the permit. It shall be  
22 unlawful for any person to violate any of the terms or conditions of *the*  
23 special permit.

24 (f) The secretary of transportation shall charge and collect fees as  
25 follows:

26 (1) Twenty dollars for each single-trip permit;

27 (2) thirty dollars for each single-trip permit for a large structure, as  
28 defined by rules and regulations;

29 (3) fifty dollars for each single-trip permit for a superload, as defined  
30 by rules and regulations;

31 (4) twenty-five dollars for a five-year permit for vehicles authorized  
32 to move bales of hay under subsection (j) on noninterstate highways;

33 (5) one hundred and fifty dollars for each annual permit; or

34 (6) two thousand dollars per year for each qualified carrier company  
35 for special vehicle combination permits authorized under K.S.A. 8-1915,  
36 and amendments thereto, plus \$50 per year for each power unit operating  
37 under such annual permit.

38 No fees shall be charged for permits issued for vehicles owned by  
39 counties, cities and other political subdivisions of the state. All permit fees  
40 received under this section shall be remitted to the state treasurer in  
41 accordance with the provisions of K.S.A. 75-4215, and amendments  
42 thereto. Upon receipt of each such remittance, the state treasurer shall  
43 deposit the entire amount in the state treasury to the credit of the state

1 highway fund. The secretary may adopt rules and regulations for payment  
2 and collection of all fees. The secretary may adopt rules and regulations  
3 implementing the provisions of this section to prescribe standards for any  
4 permit program to enhance highway safety.

5 (g) If any local authority does not desire to exercise the powers  
6 conferred on it by this section to issue or deny permits then such a permit  
7 from the local authority shall not be required to operate any such vehicle  
8 or combination of vehicles on highways under the jurisdiction of such  
9 local authority, but in no event shall the jurisdiction of the local authority  
10 be construed as extending to any portion of any state highway, any city  
11 street designated by the secretary as a connecting link in the state highway  
12 system or any highway within the national system of interstate and defense  
13 highways, which highways and streets, for the purpose of this section,  
14 shall be under the jurisdiction of the secretary.

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

19 (1) The width of such house trailer, manufactured home or mobile  
20 home does not exceed 16½ feet;

21 (2) the driver of the vehicle pulling the house trailer, manufactured  
22 home or mobile home has a valid driver's license; and

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

28 For the purposes of this subsection, the terms "manufactured home"  
29 and "mobile home" shall have the meanings ascribed to them by K.S.A.  
30 58-4202, and amendments thereto.

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

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

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

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

1 (j) Except as provided in paragraph (2) of subsection (d) of K.S.A. 8-  
2 1902, and amendments thereto, a vehicle loaded with bales of hay which  
3 exceeds the width as provided in subsection (a) of K.S.A. 8-1902, and  
4 amendments thereto, may be moved on any highway designated as a part  
5 of the national network of highways by obtaining a permit as provided by  
6 this section, if:

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

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

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

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

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

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

21 (l) *(1) Vehicles operating under the provisions of a permit issued*  
22 *under subsection (a), which exceed the width limitations prescribed by*  
23 *K.S.A. 8-1902, and amendments thereto, or the length provisions in K.S.A.*  
24 *8-1904, and amendments thereto, shall have a sign attached which states*  
25 *"OVERSIZE LOAD" and the dimensions of the sign shall be a minimum of*  
26 *seven feet long and 18 inches high. Letters shall be a minimum of 10*  
27 *inches high with a brush stroke of not less than 1 2/5 inches. The sign shall*  
28 *be readily visible from a distance of 500 feet and shall be removed when*  
29 *the vehicle or load no longer exceeds the legal width dimensions*  
30 *prescribed by K.S.A. 8-1902, and amendments thereto, or the length*  
31 *provisions in K.S.A. 8-1904, and amendments thereto. Each such vehicle*  
32 *shall be equipped with red flags on all four corners of the oversize load.*

33 (2) *Vehicles operating under the provision of a permit issued under*  
34 *subsection (a), which exceed the weight limitations of K.S.A. 8-1908 or 8-*  
35 *1909, and amendments thereto, but do not exceed the width limitations*  
36 *prescribed by K.S.A. 8-1902, and amendments thereto, or the length*  
37 *provisions in K.S.A. 8-1904, and amendments thereto, shall not have a*  
38 *sign attached which states "OVERSIZE LOAD."*

39 (m) *(1) Vehicles operating under the provisions of a permit issued*  
40 *under subsection (a), which exceed the width limitations prescribed by*  
41 *K.S.A. 8-1902, and amendments thereto, or the length provisions in K.S.A.*  
42 *8-1904, and amendments thereto, shall not operate: (i) During the time*  
43 *period between 30 minutes after sunset to 30 minutes before sunrise,*

1 *unless specifically authorized under another statute or regulation; (ii)*  
2 *under conditions where visibility is less than 1/2 mile; or (iii) when*  
3 *highway surfaces have ice or snow pack or drifting snow.*

4 (2) *Vehicles operating under the provisions of a permit issued under*  
5 *subsection (a), which exceed the weight limitations of K.S.A. 8-1908 or 8-*  
6 *1909, and amendments thereto, but do not exceed the width limitations*  
7 *prescribed by K.S.A. 8-1902, and amendments thereto, or the length*  
8 *provisions in K.S.A. 8-1904, and amendments thereto, may operate 24*  
9 *hour days, except that such vehicles shall not operate when highway*  
10 *surfaces have ice or snow pack or drifting snow.*

11 **Sec. 2. K.S.A. 2013 Supp. 66-1344 is hereby amended to read as**  
12 **follows: 66-1344. (a) Whenever the governor or the United States**  
13 **department of agriculture declares that all or any portion of the state**  
14 **is in a state of drought pursuant to subsection (c) of K.S.A. 48-924 et**  
15 **seq., and amendments thereto, the following conditions shall apply to**  
16 **any motor carrier transporting hay or related animal forage feedstuffs**  
17 **to the geographic area as specified in such declaration of drought:**

18 (1) **Motor carrier registration and fuel tax permits as enforced by**  
19 **the Kansas department of revenue shall be temporarily suspended;**

20 (2) **any licensing, certification and permitting rules and**  
21 **regulations as required by the state corporation commission shall be**  
22 **temporarily suspended;**

23 (3) **motor carriers shall not operate during the period beginning**  
24 **30 minutes after sunset and ending 30 minutes before sunrise, and**  
25 **shall comply with the flags, signs and lighting requirements applicable**  
26 **to overwidth vehicles as provided in K.S.A. 8-1902, and amendments**  
27 **thereto;**

28 ~~(4) motor carriers shall not operate during inclement weather~~  
29 ~~conditions;~~

30 ~~(5) oversize or overweight loads shall not be transported when~~  
31 ~~visibility is less than 1/2 mile, or when conditions of moderate to heavy~~  
32 ~~rain, sleet, snow, fog or smoke exist, or when highway surfaces are~~  
33 ~~slippery due to ice or packed snow; and~~

34 ~~(6)—(A) Vehicles which exceed the width limitations prescribed by~~  
35 ~~K.S.A. 8-1902, and amendments thereto, or the length provisions in K.S.A.~~  
36 ~~8-1904, and amendments thereto, shall not operate unless specifically~~  
37 ~~authorized under another statute or rule and regulation: (i) Under~~  
38 ~~conditions where visibility is less than 1/2 mile; or (ii) when highway~~  
39 ~~surfaces have ice or snow pack or drifting snow;~~

40 (B) *vehicles which exceed the weight limitations of K.S.A. 8-1908 or*  
41 *8-1909, and amendments thereto, but do not exceed the width limitations*  
42 *prescribed by K.S.A. 8-1902, and amendments thereto, or the length*  
43 *provisions in K.S.A. 8-1904, and amendments thereto, may operate 24-*

1 *hour days, except that such vehicles shall not operate when highway*  
2 *surfaces have ice or snow pack or drifting snow;*

3 **(5) motor carriers shall not transport a load of more than 12 feet**  
4 **in width and 14 feet, six inches, in height.**

5 **(b) The provisions of subsection (a) shall be effective immediately**  
6 **upon a declaration of a state of drought by the governor or the United**  
7 **States department of agriculture and shall continue in effect until such**  
8 **declaration has been terminated.**

9 **(c) As used in this section:**

10 **(1) "Commercial vehicle" has the same meaning as provided in**  
11 **K.S.A. 8-2,128, and amendments thereto; and**

12 **(2) "motor carrier" means any driver operating a commercial**  
13 **motor vehicle and any person that holds a certificate of convenience**  
14 **and necessity, a certificate of public service or a private carrier permit**  
15 **from the state corporation commission, or is required to register**  
16 **motor carrier equipment pursuant to 49 U.S.C. § 14504a.**

17 **Sec. ~~2~~ 3.** K.S.A. 2013 Supp. 8-1911 ~~is~~ **and 66-1344** are hereby  
18 repealed.

19 **Sec. ~~3~~ 4.** This act shall take effect and be in force from and after its  
20 publication in the Kansas register.