

MINUTES OF THE SENATE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Les Donovan at 8:30 A.M. on January 25 in Room 527-S of the Capitol.

All members were present except:
Anthony Hensley- excused

Committee staff present:
Michele Alishahi, Kansas Legislative Research Department
Bruce Kinzie, Revisors of Statutes
Maggie Breen, Committee Secretary

Conferees appearing before the committee:
Senator Laura Kelly
Ken Gudenkauf, Kansas Department of Transportation
Senator Janis Lee
Larry Baer, League of Kansas Municipalities

Others attending:
See attached list.

Chairman Donovan opened the hearing on **SB 411** - Traffic regulations, duty of driver approaching highway construction vehicles.

Senator Laura Kelly, said that **SB 411** is a simple bill but one that really is a matter of life and death. The bill requires vehicles to move over when they approach a highway truck at the side of the road that has flashing lights on. Last June 1st one of her constituents, a 24 year old, was killed on Highway 75 while he was picking up litter along the highway. (Attachment 1)

Chairman Donovan and Senator Palmer said that similar tragedies have occurred in their districts.

Ken Gudenkauf, Legislative Liaison, KDOT, said that, in addition to the loss on June 1st, there was also a death on August 1st near Neosho Rapids on K- 130. They have also been experienced cases of workers being seriously injured while performing their work duties. KDOT workers put their lives on the line every day when they perform their work. It is very important legislation to his department for the safety of their people. He asked for favorable consideration of the bill. (Attachment 2)

Lt. John Eickhorn, Kansas Highway Patrol, said was at the scene of the June 1st accident referred to by Senator Kelly. He said he believed the female drive most likely saw the vehicle ahead of time but was looking down when the tragedy took place. If she had seen the truck and knew the law said for her to move, he thinks maybe she might have been in a position to do so and the tragedy wouldn't have happened. (No handout)

Chairman Donovan closed the hearing on **SB 411** and opened the hearing on **SB 412** - Motorized toy vehicles, regulation thereof.

Senator Janis Lee, included an article *More Than A Toy* with her testimony. She wanted to distinguish between these and what she deals with in **SB 412**. The bill addresses toy motorized vehicles, that currently are not legal on streets or sidewalks as they're excluded from the definition of what is legal. She has a couple of business people who bought the small motorized scooters to drive the 4 or 5 block to work and back and found that they cannot do so as they are illegal. Their local government has no ability to make them legal. She has also had cases where parents have bought these for their children and then have had no place to legally drive them except on the grass in their back yards. **SB 412** includes the definition of a "motorized toy vehicle" and gives communities local authority to determine if these are legal on their streets and sidewalks or not. She asked that the last 3 lines of the third paragraph of her testimony be crossed out as it contained an error. (Attachment 3)

Carmen Alldritt, Director, Division of Motor Vehicles, DOR, said she applauded Senator Lee for taking up this banner. As Senator Gilstrap, Senator Wilson, and herself she know, it a hot topic and has been for at

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least the last two years. Currently, no one has any authority. This bill gives the locals the authority to make the decision as to whether they want to allow them or not. (No handout)

Lt. John Eickhorn, Kansas Highway Patrol said they do receive, through the Division of Motor Vehicles, a lot of calls. This bill helps better define the issue because law enforcement itself is very confused as to what is legal and what isn't. (No handout)

Chairman Donovan closed the hearing on **SB 412** and opened the bill on **SB 413 - Regulating traffic, allowing certain golf carts**.

Senator Janis Lee, said **SB 413** is also a local option bill. It deals with properly equipped golf carts being driven on city streets. It came about as a result of a couple of her constituents, who are familiar to laws in Arizona, want to know why Kansas can't have a law allowing golf carts on city streets. Section 1 and 2 of the bill are new. They contain the definition of a golf cart and describes the equipment required as well as where it's potentially legal to drive. It provides for local determination as to whether the use of golf carts on roads with a posted speed of less than 30 M.P.H. within that city is permitted. Unless the city takes action, they aren't allowed. (Attachment 4)

Senator Petersen said he would like to see them have Slow Moving Vehicle signs on them. Chairman Donovan said he might want to offer such an amendment when the bill was worked.

Larry Baer, Assistant General Counsel, League of Kansas Municipalities, apologized for not being on the official list to testify. He said they don't have an official position on the bill as they have cities on both sides of the issue. He said Senator Lee's constituents have contacted his office as well as hers. And she doesn't have the only cities with the new young trooper that says they can't do this even though they've done it all of their lives. Their position is one of seeking clarity. Their concern is that if its going to be operated as a motor vehicle, it should be required to carry liability insurance. (No handout)

John M. Gaffney, Albright & Gaffney, Chartered - Written Only (Attachment 5)

Carmen Alldritt, Director, Division of Motor Vehicles, DOR, again applauded Senator Lee for introducing this legislation. They have received lots and lots of questions pertaining to the issue. (No handout)

Chairman Donovan closed the hearing on **SB 413** and asked the committee what their pleasure was on the bills heard today.

Senator Schmidt made a motion to pass out SB 411 favorably. Senator Journey seconded the motion. The motion carried. Chairman Donovan said he would ask Senator Kelly to carry the bill.

Senator Journey made a motion to amendment SB 412 requiring the vehicle to have at least a 60 inch visibility flag. Senator Schmidt Seconded the motion. The motion carried.

Senator Journey made a motion to pass SB 412 favorably as amended. Senator Schmidt seconded the motion. The motion carried. Senator Lee will carry the bill.

The meeting adjourned at 9:29 a.m.

The date of the next meeting will be determined later.