

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Gary Hayzlett at 1:30 P.M. on February 7, 2006 in Room 519-S of the Capitol.

All members were present except:

Representative Ed O'Malley- excused

Committee staff present:

Hank Avila, Kansas Legislative Research

Bruce Kinzie, Revisor of Statutes Office

Betty Boaz, Committee Secretary

Conferees appearing before the committee:

John Federico, Recreational Vehicle Industry Association

Ken Gudenkauf, Legislative Liaison for KDOT

Representative Bonnie Huy

Don McNeeley, KS Automobile Dealers Association

Vaughn Fox, Citizen, Wichita, KS

Tom Whitaker, KS Motor Carriers Association

Carmen Alldritt, Director, Div. Of Motor Vehicles

Bill Sneed, Legislative Counsel, State Farm Insurance Companies

Others attending:

See attached list.

Chairman Hayzlett opened the committee meeting by asking for bill introductions there being none the Chairman opened the hearing on **SB 372**.

**SB 372 - Regulating traffic, concerning width of motor homes or travel trailers**

The first proponent was John Federico of Federico Consulting representing Recreation Vehicle Industry Association. According to Mr. Federico, current Kansas law restricts the width of a vehicle to 102 inches. A motor home or travel trailer is allowed to exceed the 102 inch restriction if the excess width is attributable to an appurtenance that does not extend more than six inches from the body of the vehicle. (Attachment #1) Mr. Federico said that several years ago the law was changed to accommodate an awning, no wider than six inches. Now the industry wants a change in the law to allow RV's with factory or dealer installed awnings on both sides of the vehicle.

The next proponent was Ken Gudenkauf, Legislative Liaison for KDOT. (Attachment #2) Mr. Gudenkauf said this bill had been amended to limit the maximum width of the appurtenances so that they may not extend beyond the rearview mirrors with the mirrors mounted in such a way to provide the required field of view before the appurtenances are attached. Mr. Gudenkauf said with this limitation in place, KDOT's public safety concern is addressed and this limitation would be consistent with laws found in neighboring states.

Chairman Hayzlett drew the Committee's attention to the written testimony submitted by the Kansas Highway Patrol (Attachment 3).

There were no other proponents and no opponents so after the Committee's questions were answered, the Chairman closed the hearing on **SB 372**.

**HB 2645 - Vehicle title service agents, licensing**

Chairman Hayzlett recognized Representative Bonnie Huy as the first proponent. According to Representative Huy, in December 2004 their truck was stolen and it appears that the duplicate title for her truck was obtained prior to the theft. (Attachment 4) The application for the duplicate was processed in Topeka, forging her husband's name the same day that the truck was stolen that night. She said that **HB 2645** addresses the licensing and regulation of businesses that process title work for profit, and measures that are critical to closing existing loopholes that benefit criminals.

## CONTINUATION SHEET

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The next proponent was Don McNeely, President of the Kansas Automobile Dealers Association. (Attachment #5) Mr. McNeely said they support licensing those persons or businesses which perform the variety of services commonly associated with a title service agency in order to provide some sort of financial accountability to those they serve. Mr. McNeely requested two amendments to the bill, one in Section 2 and another amendment in Section 4.

The next proponent was Vaughn Fox, a used car dealer in Wichita. He explained to the Committee the problem he had when he sold a vehicle his company owned. The purchaser made one payment then went delinquent. When Mr. Fox tried to repossess the vehicle after it had been sold to someone else, he wound up with a lot of legal fees. According to Mr. Fox they incurred additional costs of repossession fees, recondition expense, storage fees and the balance left on the original note and other costs. He appeared in support of **HB 2645**. (Attachment #6)

There were no other proponents and no opponents. Chairman Hayzlett recognized Tom Whitaker as appearing as a neutral on this bill. According to Mr. Whitaker, the KS Motor Carriers Association has acted as a licensing agent for the owners of truck tractors, straight trucks and semi-trailers since 1985. (Attachment #7) Mr. Whitaker said **HB 2645** would require KMCA to register with the Division of Vehicles, pay a \$75 registration fee and post a \$25,000 bond. Mr. Whitaker said they understand the bill is "consumer protection" legislation designed to protect owners of light-weight vehicles from theft and fraud. He asked that the bill be amended to apply only to those vehicles for which an odometer statement is required as provided in KSA 50-652.

Carmen Alldritt was the next conferee who spoke as a neutral to **HB 2645**. (Attachment #8) According to Director Alldritt, they are in agreement with the amendments for Motor Carriers, Dealers and Financial Institutions, as this is a part of their business and they are considered a party to the transactions. She said this bill would require the title service to keep records of identification of their customers in case there would ever be any question regarding a transaction.

After all the Committee's questions were answered, the Chairman closed the hearing on **HB 2645**.

### **HB 2646 - Certificates of title, execution of title, execution of title before a notary public**

Representative Huy combined her testimony on **HB 2645** and **HB 2646** (Attachment #5). She said that this bill (**HB 2646**) would reinstate the notary process on title work. She said it was the view of law enforcement that much of this type of activity would be drastically curtailed simply by the reinstatement of the notary requirement. She concluded by saying that licensing of title service agents, reinstatement of a notarized signature on title work and linking to NCIC will be beneficial to citizens and law enforcement when conducting criminal investigations.

Vaughn Fox was listed as a proponent for **HB 2646** too. His testimony on **HB 2645** and **HB 2646** was also combined (Attachment #6). He concluded his testimony with a list of what he considered defects in the present system.

The first opponent to testify was Carmen Alldritt, Director of the Division of Motor Vehicles. According to Director Alldritt, (Attachment #9) Kansas no longer required a notary stamp and signature on the Kansas title as of July 2002. She said Kansas has approximately one million titles with no space for a notary and stock for one million more titles had already been ordered. She said adding the notary would cause customer complaints and confusion for other jurisdictions.

The next opponent was William Sneed, Legislative Counsel with State Farm Insurance Companies. He said **HB 2646** would require paper titles issued prior to January 1, 2003, which have a lien showing to require a notary to the owner's signature on the back of the title. (Attachment #10) Mr. Sneed said State Farm agents handle thousands of losses throughout Kansas and in many areas where a notary is not readily available and it would cause additional hardship on their customers. He urged the Committee to not act upon **HB 2646**.

There being no additional proponents or opponents, the Chairman closed the hearing on **HB 2646**.

CONTINUATION SHEET

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It was the Chairman desire to work **SB 372** so he opened it up to the Committee for motions, discussions or comments. Representative Olson made a motion to pass this bill favorably from the Committee, Representative Ruiz seconded the motion and the motion carried.

There being no additional business before the Committee the Chairman adjourned the meeting. The next Committee meeting will be on February 8, 2006 at 1:30 p.m. in Room 519-S.