



Since 1894

To: Senate Committee on Transportation
Sen. Mike Petersen, Chair

From: Aaron M. Popelka, V.P. of Legal and Governmental Affairs, Kansas Livestock Association

Re: **SB 267, AN ACT concerning traffic regulations; relating to the penalties for violation of size and weight laws; classifying violations of the secured loads statute as a traffic infraction.**

Date: February 10, 2020

The Kansas Livestock Association (KLA), formed in 1894, is a trade association representing nearly 5,500 members on legislative and regulatory issues. KLA members are involved in many aspects of the livestock industry, including seed stock, cow-calf, and stocker cattle production; cattle feeding; dairy production; swine production; grazing land management; and diversified farming operations.

Thank you, Chairman Petersen and members of the Committee for the opportunity to present KLA's views on SB 267. KLA is neutral on SB 267 because the bill only fixes part of the problem.

While KLA agrees that no farmer, rancher, or truck driver under contract with an agricultural producer should be guilty of a misdemeanor for not tarping a truck, KLA also believes that operators of trucks during harvest should not be subject to a citation and any accompanying fine. Agricultural commodities like grain or silage are light tiny objects that are unlikely to have an impact on other motorists should wind blow them out of a truck or trailer. In addition, trips from the field to storage areas or market are usually frequent, short hauls at lower speeds that make tarping or covering loads impractical. Particularly impractical is tarping trucks that haul silage, such as the one depicted in the photo attached to my testimony. These trucks are tall, and the entire backend pivots up to open, making traditional roll over tarps unfeasible.

As a result, KLA asks the Committee to amend SB 267 to exclude from the load securement requirements trucks hauling agricultural commodities from the farm to market or a place of storage. I have attached to my testimony for your review an amendment to SB 267 that would accomplish this goal. Anything short of an exemption from tarping for trucks hauling agricultural commodities will only create the need for another legislative fix next harvest season when an overly aggressive law enforcement officer starts ticketing these same farm trucks.

Thank you for the opportunity to submit KLA's views to the Committee. KLA asks the Committee to amend the SB 267 to make clear that trucks hauling agricultural commodities from the field are not subject to a citation or a misdemeanor if the trucks do not contain a cover.



KLA Proposed Amendment to SB 267

(New language in *italic font*.)

8-1906. Securing loads on vehicles; requirements for hauling livestock.

(a) No vehicle shall be driven or moved on any highway unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom, except that:

(1) This section shall not prohibit the necessary spreading of any substance in highway maintenance or construction operations; and

(2) subsections (a) and (c) shall not apply to:

(i) trailers or semitrailers when hauling livestock if such trailers or semitrailers are properly equipped with a cleanout trap and such trap is operated in a closed position unless material is intentionally spilled when the trap is in a closed position, *or*

(ii) trucks, trailers, or semitrailers when hauling agricultural commodities intrastate from the place of production to a market or a place of storage. Paragraph (2) shall not apply to trailers or semitrailers used for hauling livestock when livestock are not being hauled in such trailers or semitrailers.

(b) All trailers or semitrailers used for hauling livestock shall be cleaned out periodically.

(c) No person shall operate on any highway any vehicle with any load unless such load and any covering thereon is securely fastened so as to prevent the covering or load from becoming loose, detached or in any manner a hazard to other users of the highway.