



Kansas Grain & Feed Association (KGFA)
Kansas Cooperative Council (KCC)
Kansas Agribusiness Retailers Association (KARA)
816 SW Tyler, Topeka, Kansas 66612

March 17, 2016

To: House Committee on Transportation
From: Randy Stookey, Vice President and General Counsel
Kansas Grain and Feed Association / Kansas Agribusiness Retailers Association

Leslie Kaufman, President/CEO, Kansas Cooperative Council

RE: Written Testimony in Support of HB 2736, requiring probable cause to conduct spot checks of motor carriers

Chairman Proehl and members of the House Committee on Transportation. Thank you for the opportunity to comment today in support of HB 2736. This testimony is being jointly submitted on behalf of the Kansas Grain and Feed Association, the Kansas Cooperative Council, and the Kansas Agribusiness Retailers Association.

KGFA is a voluntary state association with a membership encompassing the entire spectrum of the grain receiving, storage, processing and shipping industry in the state of Kansas. KGFA's membership includes over 950 Kansas business locations and represents 97% of the commercially licensed grain storage in the state. The KCC's membership includes farm marketing and agricultural supply cooperatives, rural electric and telecommunications companies, insurance and risk management operations, credit unions and Farm Credit system members. KARA is a voluntary trade association whose membership includes over 700 agribusiness firms that are primarily retail facilities supplying fertilizers, crop protection chemicals, and seed to Kansas farmers.

Kansas grain elevators store millions of bushels of wheat, corn, milo, soybeans and other agricultural commodities across the state. After purchasing grain from local farmers, it is stored and then marketed to buyers both locally and around the world. In order to move this grain to market, it must be transported to either a local buyer or shipped across the state or country. Many Kansas grain elevators are not located near a servicing rail line, and a significant portion of our membership must rely on truck transport for moving grain.

K.S.A. 2015 Supp. 66-1324 provides that the highway patrol may stop and check motor carriers, trucks or truck tractors as necessary to ensure the carriers are complying with relevant state laws.

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As drafted, HB 2736 would amend the statute such that stop and checks by the state highway patrol would be authorized only upon probable cause that such spot checks are necessary to insure compliance with state law.

Our commercial carriers are professional, trained, licensed, and insured. It is reasonable and prudent that under our collective understanding of the right of due process, that a commercially-licensed professional carrier in the state of Kansas should be able to lawfully drive on our roads without fear of being stopped by law enforcement except where probable cause exists that the driver has committed an unlawful activity or is otherwise not in compliance with state law regulating motor carriers. In furtherance of the public policy of fairness and equal treatment under the law, and to ensure the reasonable enforcement of the law and regulations of our state, we would support the intent and passage of HB 2736.

In order to ensure the actual intent of the bill is carried out, we might suggest the following amendment to the current language in paragraph (c) of the bill:

(c) is in current compliance with the motor fuel tax laws prescribed by article 34 of chapter 79 of Kansas Statutes Annotated, *and amendments thereto*.
Nothing in this section shall be construed as prohibiting the superintendent of the highway patrol or any member of the state highway patrol from stopping ~~any or all~~ a motor carriers, trucks or truck tractors ~~for the purpose of conducting upon probable cause to believe that the motor carrier, truck, or truck tractor is being operated in a manner in violation of any provision of such spot checks are necessary to insure compliance with any state law relating to~~ the regulation of motor carriers, trucks or truck tractors. Any person violating any of the provisions of this section, upon conviction thereof, shall pay a fine in accordance with K.S.A. 8-2118, and amendments thereto.

As HB 2736 clarifies the rights of commercial carriers to only be stopped and checked by law enforcement under probable cause of noncompliance with the law, and furthers the public policy of ensuring fairness and upholding the rights of due process, we support HB 2736 and feel this legislation is appropriate and beneficial for Kansas transportation policy. We would respectfully request that the committee pass this bill out favorably, with the suggested amendment.

Thank you for allowing us the opportunity to testify in support of HB 2736.

Randy E. Stookey
785.234.0461

Leslie Kaufman
785.233.4085