



Since 1894

To: House Committee on Transportation
Representative Richard Proehl, Chair

From: Tucker Stewart, Associate Counsel, Kansas Livestock Association

Re: **HB 2736 requiring probable cause to conduct spot checks of motor carriers.**

Date: February 15, 2016

The Kansas Livestock Association (KLA), formed in 1894, is a trade association representing nearly 5,200 members on legislative and regulatory issues. KLA members are involved in many aspects of the livestock industry, including seed stock, cow-calf and stocker production, cattle feeding, dairy production, grazing land management and diversified farming operations.

The Kansas Livestock Association (KLA) supports HB 2736. Many KLA members have a keen interest in trucking regulations, how they are interpreted, and how they apply to different segments of the industry. Accordingly, KLA stands astride an industry for which producing, preparing, and delivering products to market are preeminently important.

There have been instances in the past where farmers and ranchers were targeted for random spot checks. This includes not only semi-tractors but also pickup trucks and goose neck trailers. During harvest or when ranchers are pulling cattle off grass, unnecessary spot checks can be time consuming and dangerous, especially in inclement weather. It would be remiss of me if I did not commend the Kansas Highway Patrol for working with KLA to address the issue of pulling over trucks in extreme hot and cold weather as this poses an animal welfare concern. However, requiring probable cause could limit the number of stops when there is no apparent violation. This isolates much of the citations to those bad actors who are breaking the law.

While I understand opposition will cite concerns, perhaps there is some middle ground to be found. Like current law in Kansas, Minnesota law also gives law enforcement officers the authority to conduct random, roadside spot checks. However, in Minnesota, if a vehicle is stopped and determined to be a "covered farm vehicle" that is not carrying hazardous materials of a type or quantity that requires the vehicle to be placarded in accordance with 49 C.F.R. sec. 172.504, then the covered farm vehicle is exempt from further inspection. If probable cause exists to believe the vehicle or its equipment is unsafe or illegal activity is suspected, enforcement action may be initiated. This means that farm trucks are no longer subject to roadside inspections once they are determined to be covered farm vehicles. The only remaining authority the officer has at that point is rooted in probable cause - if the officer has probable

cause to believe the vehicle or its equipment is unsafe, or illegal activity is suspected, enforcement action may be initiated. But otherwise, there can be no further inspection of the vehicle. [Source: Minn. Stat. sec. 169.771 subdivision 2(c)]

Kansas law could be amended to save farmers and ranchers from unnecessary spot checks if they passed something similar to Minnesota. On a side bar, it is also important to note, North Dakota, South Dakota, and Nebraska all allow greater weights on additional axles. This gives our northern brothers a competitive advantage with regard to livestock production. As feeding cattle moves north, many states in the cattle corridor have increased maximum weights on additional axles to accommodate the needs of the industry. Increasing the maximum gross load is key to keeping the livestock industry competitive with surrounding states. KLA is working with other industry stakeholders to come up with a solution like greater weights on additional axles and encourages the legislature to keep this issue in mind for future legislation. Considering HB 2644 is not likely to advance this session perhaps HB 2736 is a good alternative.

KLA asks that this committee pass HB 2736 favorably. Thank you for opportunity to provide testimony.