

Before the House Standing Committee on Transportation

Tuesday March 10, 2015

Proponent Testimony  
On Senate Bill 21  
Room 582 N

Submitted by Mike Hoeme, Director, Transportation Division  
On Behalf of the Kansas Corporation Commission

Chair Proehl, Vice Chair Ryckman, Sr., Ranking Minority Member Lusker, and members of the Committee, thank you for the opportunity to appear before your committee today on behalf of the Kansas Corporation Commission (Commission). We also want to thank the task force committee for working diligently with us and providing feedback during the process of developing this proposed legislation.

During the 2014 legislative session two of the KCC Transportation statutes were amended through House Sub for SB273. The statutes were our economic or operating authority statute, K.S.A. 66-1,109, and our safety statute, K.S.A. 66-1,129. The 2014 amendments allowed all ("medium class") commercial motor vehicles (CMVs) with a gross vehicle weight, gross vehicle weight rating, gross combination weight, or gross combination weight rating of 26,000 pounds or less operating in intrastate commerce to operate without obtaining any certificate, license, or permit from the KCC. Such vehicles are also exempt from our intrastate CMV safety regulations, except for load securement and the periodic inspection regulations.

However, House Sub for SB273 has raised several concerns. First, due to the sunset provision, the 2014 amendments expire on July 1, 2015. Second, the 2014 amendments reflected uncertainty regarding allowable variances from the FMCSA's regulations, about which we have subsequently received clarification. Finally, there has been concern that an exemption for carriers transporting the public's property endangers proper consumer protections. To address these concerns, the legislature asked the KCC Transportation Division to form a task force to explore ways the motor carrier statutes could be amended to best serve the interests of all Kansans. SB 21 is a result of the task force team's recommendations.

SB 21 thus amends our economic or operating authority statute, K.S.A. 66-1,109, limiting its provisions to medium class private motor carriers, and our safety statute, K.S.A. 66-1,129, also limiting its provisions to medium class private motor carriers. A definition of "domicile" is added to K.S.A. 66-1,109, subsections (b), (p) and (x), as well as to K.S.A. 66-1,129(c)(3). In order to avoid confusion, K.S.A. 66-1,129(c) was amended to clarify the safety exemptions. Three of the KCC's safety regulations remain in place: load securement, annual inspections and coupling devices. The task force team added coupling device requirements based on actual incidents of trucks and trailers becoming detached and leading to a multi-fatality accident in at least one case.

These provisions do not apply to CMVs, regardless of weight, which are designed or used to transport 16 or more passengers, including the driver, or to intrastate public (for-hire) motor carriers of property or passengers, or to any motor vehicles which are used in the transportation of hazardous materials and required to be placarded pursuant to 49 C.F.R. part 172, subpart F.

Thank you for the opportunity to appear before you today in support of Senate Bill 21 and I will gladly stand for questions at the appropriate time.