

HOUSE BILL No. 2608

By Representative Ballou

11-30

AN ACT relating to motor carriers; providing for certain exemptions; amending K.S.A. 2001 Supp. 66-1,129 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 2001 Supp. 66-1,129 is hereby amended to read as follows: 66-1,129. (a) The commission shall adopt rules and regulations necessary to carry out the provisions of this act. No public motor carrier of property, household goods or passengers, contract motor carrier of property or passengers or private motor carrier of property shall operate or allow the operation of any motor vehicle on any public highway in this state except within the provisions of the rules and regulations adopted by the commission. Rules and regulations adopted by the commission shall include:

(1) Every vehicle unit shall be maintained in a safe and sanitary condition at all times.

(2) Every driver of a public motor carrier, operating as a carrier of intrastate commerce within this state, shall be at least 18 years of age. Every driver of a contract motor carrier or private motor carrier, operating as a carrier of intrastate commerce within this state, shall be at least 16 years of age. All such drivers shall be competent to operate the motor vehicle under such driver's charge.

(3) Minimum age requirements for every driver of a motor carrier, operating as a carrier of interstate commerce, shall be consistent with federal motor carrier regulations.

(4) Hours of service for operators of all motor carriers to which this act applies shall be fixed by the commission.

(5) Accidents arising from or in connection with the operation of motor carriers shall be reported to the commission within the time, in the detail and in the manner as the commission requires.

(6) Every motor carrier shall have attached to each unit or vehicle distinctive marking adopted by the commission.

(7) Motor carrier transportation requirements that are consistent with continuation of the federal motor carrier safety assistance program and other federal requirements concerning transportation of hazardous

1 materials.

2 (b) No rules and regulations adopted by the commission pursuant to
3 this section shall require the operator of any motor vehicle having a gross
4 vehicle weight rating or gross combination weight rating of not more than
5 10,000 pounds to submit to a physical examination, unless required by
6 federal laws or regulations.

7 (c) Any rules and regulations of the commission, adopted pursuant
8 to this section, shall not apply to the following, while engaged in the
9 carriage of intrastate commerce in this state:

10 (1) The owner of livestock or producer of farm products transporting
11 livestock of such owner or farm products of such producer to market in
12 a motor vehicle of such owner or producer, or the motor vehicle of a
13 neighbor on the basis of barter or exchange for service or employment,
14 or to such owner or producer transporting supplies for the use of such
15 owner or producer in or producer, or in the motor vehicle of a neighbor
16 on the basis of barter or exchange for service or employment.

17 (2) The transportation of children to and from school, or to motor
18 vehicles owned by schools, colleges, and universities, religious or chari-
19 table organizations and institutions, or governmental agencies, when used
20 to convey students, inmates, employees, athletic teams, orchestras, bands
21 or other similar activities.

22 (3) *Except vehicles transporting hazardous materials*, motor vehicles,
23 with a gross vehicle weight rating, as defined in subsection (s) of K.S.A.
24 66-1,109, and amendments thereto, of 26,000 pounds or less, carrying:
25 (A) Tools, property or material belonging to the owner of the vehicle; and
26 used in repair, building or construction work, ~~not having been sold or~~
27 ~~being transported for the purpose of sale, except vehicles transporting~~
28 ~~hazardous materials which require placards; or (B) property or material~~
29 *to be used by the owner of the vehicle in repair, building or construction*
30 *work.*

31 (4) Persons operating motor vehicles which have an ad valorem tax
32 situs in and are registered in the state of Kansas, and used only to trans-
33 port grain from the producer to an elevator or other place for storage or
34 sale for a distance of not to exceed 50 miles.

35 (5) The operation of hearses, funeral coaches, funeral cars or am-
36 bulances by motor carriers.

37 (6) Motor vehicles owned and operated by the United States, the
38 District of Columbia, any state, any municipality or any other political
39 subdivisions of this state.

40 (7) Any motor vehicle with a normal seating capacity of not more
41 than the driver and 15 passengers while used for vanpooling or otherwise
42 not for profit in transporting persons who, as a joint undertaking, bear or
43 agree to bear all the costs of such operations, or motor vehicles with a

1 normal seating capacity not more than the driver and 15 passengers for
2 not-for-profit transportation by one or more employers of employees to
3 and from the factories, plants, offices, institutions, construction sites or
4 other places of like nature where such persons are employed or accus-
5 tomed to work.

6 (8) Motor vehicles used to transport water for domestic purposes or
7 livestock consumption.

8 (9) The operation of vehicles used for servicing, repairing or trans-
9 porting of implements of husbandry, as defined in K.S.A. 8-1427, and
10 amendments thereto, by a person actively engaged in the business of
11 buying, selling or exchanging implements of husbandry, if such operation
12 is within 100 miles of such person's established place of business in this
13 state.

14 Sec. 2. K.S.A. 2001 Supp. 66-1,129 is hereby repealed.

15 Sec. 3. This act shall take effect and be in force from and after its
16 publication in the statute book.

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