

1 **As Amended by House Committee**

2 *Session of 2003*

3  
4 **HOUSE BILL No. 2244**

5  
6 By Committee on Transportation

7  
8 2-7

9  
10 AN ACT relating to the state corporation commission; concerning motor  
11 carriers and railroads; amending K.S.A. 8-142, 8-2107, 32-1009, 44-  
12 503c, 60-305a, 65-1626, 65-4101, 65-4116, 65-7004, 66-1,105, 66-  
13 1,108, 66-1,109, 66-1,111, 66-1,112, 66-1,112h, 66-1,114, 66-1,114b,  
14 66-1,115, 66-1,115a, 66-1,116, 66-1,119, 66-1,126, 66-1,128, 66-1,129,  
15 66-1,129a, 66-1,130, 66-1,139, 66-1,140, 66-1313a, 79-6a01, 79-6a02  
16 and 79-6a03 and K.S.A. 2002 Supp. 8-2,127 and repealing the existing  
17 sections; also repealing K.S.A. 66-1,112a, 66-1,112b, 66-1,112c, 66-  
18 1,112d, 66-1,112e and 66-1,112f.

19  
20 *Be it enacted by the Legislature of the State of Kansas:*

21 New Section 1. Contract motor carriers transporting household  
22 goods or passengers holding permits issued by the commission under the  
23 former authority of K.S.A. 66-1,112a, 66-1,112b or 66-1,112c, and amend-  
24 ments thereto, shall now be considered as holding certificates of conven-  
25 ience and necessity to transport such household goods and passengers as  
26 originally granted to that motor carrier by the commission. Contract mo-  
27 tor carriers transporting property other than household goods or trans-  
28 porting passengers and holding permits issued by the commission under  
29 the former authority of K.S.A. 66-1,112a, 66-1,112b or 66-1,112c, and  
30 amendments thereto, shall now be considered as holding certificates of  
31 public service to transport such property other than household goods or  
32 transporting passengers as originally granted to that motor carrier by the  
33 commission. Contract motor carriers with rates and tariffs on file with the  
34 commission under the authority of K.S.A. 66-1,112 and 66-1,112f, and  
35 amendments thereto, shall be considered public motor carriers with the  
36 same rates and tariffs on file with the commission.

37 New Sec. 2. The state corporation commission is hereby authorized,  
38 **in cooperation with the secretary of transportation,** to adopt and  
39 enforce such rules and regulations as may be necessary ~~for the regulation~~  
40 ~~of the safety of railroad transportation in the state of Kansas, to the extent~~  
41 ~~not preempted by federal law~~ **to regulate the safety of railroad grade**  
42 **crossings on Kansas city, county, township and state roads.**

43 Sec. 3. K.S.A. 8-142 is hereby amended to read as follows: 8-142. It

1 shall be unlawful for any person to commit any of the following acts and  
2 except as otherwise provided, violation is subject to penalties provided in  
3 K.S.A. 8-149, and amendments thereto:

4 *First:* To operate, or for the owner thereof knowingly to permit the  
5 operation, upon a highway of any vehicle, as defined in K.S.A. 8-126, and  
6 amendments thereto, which is not registered, or for which a certificate  
7 of title has not been issued or which does not have attached thereto and  
8 displayed thereon the license plate or plates assigned thereto by the di-  
9 vision for the current registration year, including any registration decal  
10 required to be affixed to any such license plate pursuant to K.S.A. 8-134,  
11 and amendments thereto, subject to the exemptions allowed in K.S.A. 8-  
12 135, 8-198 and 8-1751a, and amendments thereto.

13 *Second:* To display or cause or permit to be displayed, or to have in  
14 possession, any registration receipt, certificate of title, registration license  
15 plate, registration decal, accessible parking placard or accessible parking  
16 identification card knowing the same to be fictitious or to have been  
17 canceled, revoked, suspended or altered. A violation of this part *Second*  
18 shall constitute an unclassified misdemeanor punishable by a fine of not  
19 less than \$100 and forfeiture of the item. A mandatory court appearance  
20 shall be required of any person violating this part *Second*. This part *Sec-*  
21 *ond* shall not apply to the possession of: (a) Model year license plates  
22 displayed on antique vehicles as allowed under K.S.A. 8-172, and amend-  
23 ments thereto; or (b) distinctive license plates allowed under K.S.A. 8-  
24 1,147, and amendments thereto.

25 *Third:* To lend to or knowingly permit the use by one not entitled  
26 thereto any registration receipt, certificate of title, registration license  
27 plate or registration decal issued to the person so lending or permitting  
28 the use thereof.

29 *Fourth:* To fail or refuse to surrender to the division, upon demand,  
30 any registration receipt, certificate of title, registration license plate or  
31 registration decal which has been suspended, canceled or revoked.

32 *Fifth:* To use a false or fictitious name or address in any application for  
33 a certificate of title, the registration of any vehicle or for any renewal or  
34 duplicate thereof, or knowingly to make a false statement or knowingly  
35 to conceal a material fact or otherwise commit a fraud in any such  
36 application.

37 *Sixth:* For the owner of a motor vehicle to file application for the reg-  
38 istration thereof, in any county other than the county in which the owner  
39 of the vehicle resides or has a bona fide place of business, which place is  
40 not an office or facility established or maintained solely for the purpose  
41 of obtaining registration.

42 *Seventh:* To operate on the highways of this state a vehicle or combi-  
43 nation of vehicles whose weight with cargo is in excess of the gross weight

1 for which the truck or truck tractor propelling the same is registered,  
2 except as provided by K.S.A. 8-143, and amendments thereto, and sub-  
3 sections (a) to (f), inclusive, of K.S.A. 8-1911, and amendments thereto.  
4 Such gross weight shall not be required to be in excess of the limitations  
5 described by K.S.A. 8-1908 and 8-1909, and amendments thereto, for  
6 such vehicle or combination of vehicles of which it is a part. Any person  
7 or owner who operates a vehicle in this state with a registration in violation  
8 of subsection (2) of K.S.A. 8-143, and amendments thereto, shall be re-  
9 quired to pay the additional fee equal to the fee required by the applicable  
10 registration fee schedule, less the amount of the fee required for the gross  
11 weight for which the vehicle is registered to obtain the proper registration  
12 therewith. A fine of \$75 shall be assessed for all such gross weight reg-  
13 istration violations.

14 *Eighth:* To operate a local truck or truck tractor which is registered for  
15 a gross weight of more than 12,000 pounds as a common ~~or contract~~  
16 carrier outside a radius of three miles beyond the corporate limits of the  
17 city in which such vehicle was based when registered and licensed or to  
18 operate any other local truck or truck tractor licensed for a gross weight  
19 of more than 12,000 pounds outside a radius of 25 miles beyond the  
20 corporate limits of the city in which such vehicle was based when regis-  
21 tered and licensed, except as provided in subsection (2) of K.S.A. 8-143  
22 or 8-143i, and amendments thereto.

23 *Ninth:* To operate on the highways of this state a farm truck or farm  
24 trailer other than to transport: (a) Agricultural products produced by such  
25 owner; (b) commodities purchased by the owner for use on the farm  
26 owned or rented by the owner of such vehicles; (c) commodities for re-  
27 ligious or educational institutions being transported by the owner of such  
28 vehicles for charity and without compensation of any kind, except as pro-  
29 vided in subsection (c) of K.S.A. 66-1,109, and amendments thereto; or  
30 (d) sand, gravel, slag stone, limestone, crushed stone, cinders, black top,  
31 dirt or fill material to a township road maintenance or construction site  
32 of the township in which the owner of such truck resides.

33 *Tenth:* To operate a farm truck or truck tractor used in combination  
34 with a trailer or semitrailer for a gross weight which does not include the  
35 empty weight of the truck or truck tractor or of the combination of any  
36 truck or truck tractor and any type of trailer or semitrailer, plus the max-  
37 imum weight of cargo which will be transported on or with the same; and  
38 such farm truck or farm truck tractor used to transport a gross weight of  
39 more than 54,000 pounds shall have durably lettered on the side of the  
40 motor vehicle the words “farm vehicle—not for hire.”

41 *Eleventh:* To operate on the highways of this state any truck or truck  
42 tractor without the current quarter of license fees being paid thereon.

43 *Twelfth:* To operate on the highways of this state a truck or truck tractor

1 without carrying in the cab a copy of the registration receipt for such  
2 vehicle or without having painted or otherwise durably marked on said  
3 vehicle on both sides thereof, the gross weight for which said vehicle is  
4 licensed and the name and address of the owner thereof, except as pro-  
5 vided in K.S.A. 8-143e, and amendments thereto.

6 *Thirteenth:* To operate on the highways of this state a farm trailer car-  
7 rying more than 6,000 pounds without being registered and the registra-  
8 tion fees paid thereon.

9 *Fourteenth:* To operate more than 6,000 miles in any calendar year any  
10 truck or truck tractor which has been registered and licensed to operate  
11 not more than 6,000 miles in such calendar year, as provided in subsection  
12 (2) of K.S.A. 8-143, and amendments thereto, unless the additional fee  
13 required by said subsection (2) has been paid.

14 *Fifteenth:* For any owner who has registered a truck or truck tractor  
15 on the basis of operating not more than 6,000 miles to fail to keep the  
16 records required by the director of vehicles, or to fail to comply with rules  
17 and regulations of the secretary of revenue relating to such registration.

18 *Sixteenth:* To operate a vehicle or combination of vehicles on the na-  
19 tional system of interstate and defense highways with a gross weight  
20 greater than permitted by the laws of the United States Congress.

21 Sec. 4. K.S.A. 2002 Supp. 8-2,127 is hereby amended to read as fol-  
22 lows: 8-2,127. Vehicles that are exempt from this act include:

23 (a) Farm vehicles, defined as follows:

24 (1) Registered as a farm truck or truck tractor under K.S.A. 8-143,  
25 and amendments thereto;

26 (2) used to transport either agricultural products, farm machinery,  
27 farm supplies, or both, to or from a farm;

28 (3) not used in the operations of a common ~~or contract~~ motor carrier;  
29 and

30 (4) used within 150 air miles of any farm or farms owned or leased  
31 by the registered owner of such farm vehicle;

32 (b) vehicles operated by firefighters and other persons which are nec-  
33 essary to the preservation of life or property or the execution of emer-  
34 gency governmental functions, are equipped with audible and visual sig-  
35 nals and are not subject to normal traffic regulation. These vehicles  
36 include fire trucks, hook and ladder trucks, foam or water transport  
37 trucks, police SWAT team vehicles, ambulances or other vehicles that are  
38 used in response to emergencies;

39 (c) military vehicles which are operated by military personnel in pur-  
40 suit of military purposes and all noncivilian operators of equipment owned  
41 or operated by the United States department of defense. This applies to  
42 any active duty military personnel and members of the reserves and na-  
43 tional guard on active duty, including personnel on full-time national

1 guard duty, personnel on part-time training and national guard military  
2 technicians, civilians who are required to wear military uniforms and are  
3 subject to the code of military justice; and

4 (d) motor vehicles, which would otherwise be considered commercial  
5 motor vehicles, if such vehicles are used solely and exclusively for private  
6 noncommercial use and any operator of such vehicles.

7 Sec. 5. K.S.A. 8-2107 is hereby amended to read as follows: 8-2107.

8 (a) (1) Notwithstanding any other provisions of the uniform act regulating  
9 traffic on highways, when a person is stopped by a police officer for any  
10 of the offenses described in subsection (d) and such person is not im-  
11 mediately taken before a judge of the district court, the police officer may  
12 require the person stopped, subject to the provisions of subsection (c), to  
13 deposit with the officer a valid Kansas driver's license in exchange for a  
14 receipt therefor issued by such police officer, the form of which shall be  
15 approved by the division of vehicles. Such receipt shall be recognized as  
16 a valid temporary Kansas driver's license authorizing the operation of a  
17 motor vehicle by the person stopped until the date of the hearing stated  
18 on the receipt. The driver's license and a written copy of the notice to  
19 appear shall be delivered by the police officer to the court having juris-  
20 diction of the offense charged as soon as reasonably possible. If the hear-  
21 ing on such charge is continued for any reason, the judge may note on  
22 the receipt the date to which such hearing has been continued and such  
23 receipt shall be recognized as a valid temporary Kansas driver's license  
24 until such date, but in no event shall such receipt be recognized as a valid  
25 Kansas driver's license for a period longer than 30 days from the date set  
26 for the original hearing. Any person who has deposited a driver's license  
27 with a police officer under this subsection (a) shall have such license  
28 returned upon final determination of the charge against such person.

29 (2) In the event the person stopped deposits a valid Kansas driver's  
30 license with the police officer and fails to appear in the district court on  
31 the date set for appearance, or any continuance thereof, and in any event  
32 within 30 days from the date set for the original hearing, the court shall  
33 forward such person's driver's license to the division of vehicles with an  
34 appropriate explanation attached thereto. Upon receipt of such person's  
35 driver's license, the division shall suspend such person's privilege to op-  
36 erate a motor vehicle in this state until such person appears before the  
37 court having jurisdiction of the offense charged, the court makes a final  
38 disposition thereof and notice of such disposition is given by the court to  
39 the division. No new or replacement license shall be issued to any such  
40 person until such notice of disposition has been received by the division.  
41 The provisions of K.S.A. 8-256, and amendments thereto, limiting the  
42 suspension of a license to one year, shall not apply to suspensions for  
43 failure to appear as provided in this subsection (a).

1 (b) No person shall apply for a replacement or new driver's license  
2 prior to the return of such person's original license which has been de-  
3 posited in lieu of bond under this section. Violation of this subsection (b)  
4 is a class C misdemeanor. The division may suspend such person's driver's  
5 license for a period of not to exceed one year from the date the division  
6 receives notice of the disposition of the person's charge as provided in  
7 subsection (a).

8 (c) (1) In lieu of depositing a valid Kansas driver's license with the  
9 stopping police officer as provided in subsection (a), the person stopped  
10 may elect to give bond in the amount specified in subsection (d) for the  
11 offense for which the person was stopped. When such person does not  
12 have a valid Kansas driver's license, such person shall give such bond.  
13 Such bond shall be subject to forfeiture if the person stopped does not  
14 appear at the court and at the time specified in the written notice pro-  
15 vided for in K.S.A. 8-2106, and amendments thereto.

16 (2) Such bond may be a cash bond, a bank card draft from any valid  
17 and unexpired credit card approved by the division of vehicles or super-  
18 intendent of the Kansas highway patrol or a guaranteed arrest bond cer-  
19 tificate issued by either a surety company authorized to transact such  
20 business in this state or an automobile club authorized to transact business  
21 in this state by the commissioner of insurance. If any of the approved  
22 bank card issuers redeem the bank card draft at a discounted rate, such  
23 discount shall be charged against the amount designated as the fine for  
24 the offense. If such bond is not forfeited, the amount of the bond less  
25 the discount rate shall be reimbursed to the person providing the bond  
26 by the use of a bank card draft. Any such guaranteed arrest bond certifi-  
27 cate shall be signed by the person to whom it is issued and shall contain  
28 a printed statement that such surety company or automobile club guar-  
29 antees the appearance of such person and will, in the event of failure of  
30 such person to appear in court at the time of trial, pay any fine or forfei-  
31 ture imposed on such person not to exceed an amount to be stated on  
32 such certificate.

33 (3) Such cash bond shall be taken in the following manner: The police  
34 officer shall furnish the person stopped a stamped envelope addressed to  
35 the judge or clerk of the court named in the written notice to appear and  
36 the person shall place in such envelope the amount of the bond, and in  
37 the presence of the police officer shall deposit the same in the United  
38 States mail. After such cash payment, the person stopped need not sign  
39 the written notice to appear, but the police officer shall note the amount  
40 of the bond mailed on the notice to appear form and shall give a copy of  
41 such form to the person. If the person stopped furnishes the police officer  
42 with a guaranteed arrest bond certificate or bank card draft, the police  
43 officer shall give such person a receipt therefor and shall note the amount

1 of the bond on the notice to appear form and give a copy of such form  
 2 to the person stopped. Such person need not sign the written notice to  
 3 appear, and the police officer shall present the notice to appear and the  
 4 guaranteed arrest bond certificate or bank card draft to the court having  
 5 jurisdiction of the offense charged as soon as reasonably possible.

6 (d) The offenses for which appearance bonds may be required as  
 7 provided in subsection (c) and the amounts thereof shall be as follows:

8 On and after July 1, 1996:

9 Reckless driving.....	\$82
10 Driving when privilege is canceled, suspended or revoked.....	82
11 Failure to comply with lawful order of officer.....	57
12 Registration violation (registered for 12,000 pounds or less).....	52
13 Registration violation (registered for more than 12,000 pounds).....	92
14 No driver's license for the class of vehicle operated or violation of	
15 restrictions.....	52
16 Spilling load on highway.....	52
17 Overload:	
18 Gross weight of vehicle or	
19 combination of vehicles .....	an amount equal to the fine
20	plus docket fee
21	to be imposed if convicted
22 Gross weight upon any axle or	
23 tandem, triple or quad axles .....	an amount equal to the fine
24	plus docket fee
25	to be imposed if convicted
26 Failure to obtain proper registration, clearance or to have current certi-	
27 fication as required by K.S.A. 66-1324, and amendments thereto ....	272
28 Insufficient liability insurance for motor carriers pursuant to K.S.A. 66-	
29 1,128 or 66-1314, and amendments thereto.....	122
30 Failure to obtain interstate motor fuel tax authorization pursuant to K.S.A.	
31 79-34,122, and amendments thereto.....	122
32 Improper equipment (glass or fire extinguishers).....	52
33 No authority as private, <del>contract</del> or common carrier .....	122
34 No current driver's daily log.....	52
35 Invalid or no physical examination card .....	52
36 Transporting open container of alcoholic liquor or cereal malt beverage	
37 accessible while vehicle in motion .....	223

38 (e) In the event of forfeiture of any bond under this section, \$54 of  
 39 the amount forfeited shall be regarded as a docket fee in any court having  
 40 jurisdiction over the violation of state law.

41 (f) None of the provisions of this section shall be construed to conflict  
 42 with the provisions of the nonresident violator compact.

43 (g) When a person is stopped by a police officer for any traffic in-

1 fraction and the person is a resident of a state which is not a member of  
2 the nonresident violator compact, K.S.A. 8-1219 *et seq.*, and amendments  
3 thereto, or the person is licensed to drive under the laws of a foreign  
4 country, the police officer may require a bond as provided for under  
5 subsection (c). The bond shall be in the amount specified in the uniform  
6 fine schedule in subsection (c) of K.S.A. 8-2118, and amendments  
7 thereto, plus \$54 which shall be regarded as a docket fee in any court  
8 having jurisdiction over the violation of state law.

9 (h) When a person is stopped by a police officer for failure to provide  
10 proof of financial security pursuant to K.S.A. 40-3104, and amendments  
11 thereto, and the person is a resident of another state or the person is  
12 licensed to drive under the laws of a foreign country, the police officer  
13 may require a bond as provided for under subsection (c). The bond shall  
14 be in the amount of \$54, plus \$54 which shall be regarded as a docket  
15 fee in any court having jurisdiction over the violation of state law.

16 Sec. 6. K.S.A. 32-1009 is hereby amended to read as follows: 32-  
17 1009. Except as provided in rules and regulations adopted pursuant to  
18 K.S.A. 32-963, *and amendments thereto*, it shall be unlawful for any per-  
19 son to take, possess, transport, export, process, sell or offer for sale or  
20 ship nongame species deemed by the secretary to be in need of conser-  
21 vation pursuant to K.S.A. 32-959, *and amendments thereto*. Subject to  
22 the same exception, it shall further be unlawful for any common ~~or con-~~  
23 ~~tract~~ carrier knowingly to transport or receive for shipment nongame  
24 species deemed by the secretary to be in need of conservation pursuant  
25 to K.S.A. 32-959, *and amendments thereto*.

26 Sec. 7. K.S.A. 44-503c is hereby amended to read as follows: 44-  
27 503c. (a) (1) Any individual who is an owner-operator and the exclusive  
28 driver of a motor vehicle that is leased or contracted to a licensed motor  
29 carrier shall not be considered to be a contractor or an employee of the  
30 licensed motor carrier within the meaning of K.S.A. 44-503, and amend-  
31 ments thereto, or an employee of the licensed motor carrier within the  
32 meaning of subsection (b) of K.S.A. 44-508, and amendments thereto,  
33 and the licensed motor carrier shall not be considered to be a principal  
34 within the meaning of K.S.A. 44-503, and amendments thereto, or an  
35 employer of the owner-operator within the meaning of subsection (a) of  
36 K.S.A. 44-508, and amendments thereto, if the owner-operator is covered  
37 by an occupational accident insurance policy and is not treated under the  
38 terms of the lease agreement or contract with the licensed motor carrier  
39 as an employee for purposes of the federal insurance contribution act, 26  
40 U.S.C. § 3101 *et seq.*, the federal social security act, 42 U.S.C. § 301 *et*  
41 *seq.*, the federal unemployment tax act, 26 U.S.C. § 3301 *et seq.*, and the  
42 federal statutes prescribing income tax withholding at the source, 26  
43 U.S.C. § 3401 *et seq.*



1 (2) As used in this subsection:

2 (A) “Motor vehicle” means any automobile, truck-trailer, semitrailer,  
3 tractor, motor bus or any other self-propelled or motor-driven vehicle  
4 used upon any of the public highways of Kansas for the purpose of trans-  
5 porting persons or property;

6 (B) “licensed motor carrier” means any person, firm, corporation or  
7 other business entity that holds a certificate of convenience and necessity,  
8 a certificate of public service, ~~a contract carrier permit,~~ or an interstate  
9 license as a common, ~~contract~~ or exempt carrier from the state corpora-  
10 tion commission or is required to register motor carrier equipment pur-  
11 suant to 49 U.S.C. § 11506; and

12 (C) “owner-operator” means an individual who is the owner of a sin-  
13 gle motor vehicle that is driven exclusively by the owner under a lease  
14 agreement or contract with a licensed motor carrier.

15 (b) Notwithstanding any other provision of this act, a licensed motor  
16 carrier may by lease agreement or contract secure workers compensation  
17 insurance for an owner-operator, otherwise subject to the act by statute  
18 or election, and may charge-back to the owner-operator the premium for  
19 such workers compensation insurance, and by doing so does not create  
20 an employer-employee relationship between the licensed motor carrier  
21 and the owner-operator, or subject the licensed motor carrier to liability  
22 under subsection (d)(1) of K.S.A. 44-5,120 and amendments thereto.

23 (c) For purposes of subsection (b) of this section only, “owner-op-  
24 erator” means a person, firm, corporation or other business entity that is  
25 the owner of one or more motor vehicles that are driven exclusively by  
26 the owner or the owner’s employees or agents under a lease agreement  
27 or contract with a licensed motor carrier; provided that neither the owner-  
28 operator nor the owner’s employees are treated under the term of the  
29 lease agreement or contract with the licensed motor carrier as an em-  
30 ployee for purposes of the federal insurance contribution act, 26 U.S.C.  
31 § 3101 *et seq.*, the federal social security act, 42 U.S.C. § 301 *et seq.*, the  
32 federal unemployment tax act, 26 U.S.C. § 3301 *et seq.*, and the federal  
33 statutes prescribing income tax withholding at the source, 26 U.S.C. §  
34 3401 *et seq.*

35 Sec. 8. K.S.A. 60-305a is hereby amended to read as follows: 60-  
36 305a. Every individual, partnership, association or corporation engaged  
37 in the business of transportation as a common carrier ~~or contract carrier,~~  
38 which is subject to regulation by the state corporation commission, doing  
39 business in this state shall designate some person residing in this state on  
40 whom all process and notices issued by any court of record may be served.  
41 In every case such individual, partnership, company or corporation shall  
42 file a certificate of the appointment and designation of such person in the  
43 office of the state corporation commission or as required pursuant to 49

1 U.S.C. 11506. The service of the process upon the person so designated,  
2 in any civil action, shall be deemed and held to be as effectual and com-  
3 plete as if service of such process were made upon the president or other  
4 chief officer of such individual, partnership, company or corporation. Any  
5 individual, partnership, company or corporation may revoke the appoint-  
6 ment and designation of such person upon whom process may be served,  
7 by appointing any other person qualified as above specified and filing a  
8 certificate of such appointment. Every second or subsequent appoint-  
9 ment shall also designate the person whose place is filled by such ap-  
10 pointment. If any such individual, partnership, company or corporation  
11 fails to designate and appoint such person, as required by this section,  
12 such process may be served in any county as provided by provisions of  
13 article 3 of chapter 60 of Kansas Statutes Annotated, and amendments  
14 thereto.

15 Sec. 9. K.S.A. 65-1626 is hereby amended to read as follows: 65-  
16 1626. For the purposes of this act:

17 (a) “Administer” means the direct application of a drug, whether by  
18 injection, inhalation, ingestion or any other means, to the body of a patient  
19 or research subject by:

20 (1) A practitioner or pursuant to the lawful direction of a practitioner;

21 (2) the patient or research subject at the direction and in the presence  
22 of the practitioner; or

23 (3) a pharmacist as authorized in K.S.A. 65-1635a and amendments  
24 thereto.

25 (b) “Agent” means an authorized person who acts on behalf of or at  
26 the direction of a manufacturer, distributor or dispenser but shall not  
27 include a common ~~or contract~~ carrier, public warehouseman or employee  
28 of the carrier or warehouseman when acting in the usual and lawful course  
29 of the carrier’s or warehouseman’s business.

30 (c) “Board” means the state board of pharmacy created by K.S.A. 74-  
31 1603 and amendments thereto.

32 (d) “Brand exchange” means the dispensing of a different drug prod-  
33 uct of the same dosage form and strength and of the same generic name  
34 than the brand name drug product prescribed.

35 (e) “Brand name” means the registered trademark name given to a  
36 drug product by its manufacturer, labeler or distributor.

37 (f) “Deliver” or “delivery” means the actual, constructive or at-  
38 tempted transfer from one person to another of any drug whether or not  
39 an agency relationship exists.

40 (g) “Direct supervision” means the process by which the responsible  
41 pharmacist shall observe and direct the activities of a pharmacy student  
42 or pharmacy technician to a sufficient degree to assure that all such ac-  
43 tivities are performed accurately, safely and without risk or harm to pa-

1 tients, and complete the final check before dispensing.

2 (h) “Dispense” means to deliver prescription medication to the ulti-  
3 mate user or research subject by or pursuant to the lawful order of a  
4 practitioner or pursuant to the prescription of a mid-level practitioner.

5 (i) “Dispenser” means a practitioner or pharmacist who dispenses  
6 prescription medication.

7 (j) “Distribute” means to deliver, other than by administering or dis-  
8 pensing, any drug.

9 (k) “Distributor” means a person who distributes a drug.

10 (l) “Drug” means: (1) Articles recognized in the official United States  
11 pharmacopoeia, or other such official compendiums of the United States,  
12 or official national formulary, or any supplement of any of them; (2) ar-  
13 ticles intended for use in the diagnosis, cure, mitigation, treatment or  
14 prevention of disease in man or other animals; (3) articles, other than  
15 food, intended to affect the structure or any function of the body of man  
16 or other animals; and (4) articles intended for use as a component of any  
17 articles specified in clause (1), (2) or (3) of this subsection; but does not  
18 include devices or their components, parts or accessories, except that the  
19 term “drug” shall not include amygdalin (laetrile) or any livestock remedy,  
20 if such livestock remedy had been registered in accordance with the pro-  
21 visions of article 5 of chapter 47 of the Kansas Statutes Annotated prior  
22 to its repeal.

23 (m) “Electronic transmission” means transmission of information in  
24 electronic form or the transmission of the exact visual image of a docu-  
25 ment by way of electronic equipment.

26 (n) “Generic name” means the established chemical name or official  
27 name of a drug or drug product.

28 (o) (1) “Institutional drug room” means any location where prescrip-  
29 tion-only drugs are stored and from which prescription-only drugs are  
30 administered or dispensed and which is maintained or operated for the  
31 purpose of providing the drug needs of:

32 (A) Inmates of a jail or correctional institution or facility;

33 (B) residents of a juvenile detention facility, as defined by the Kansas  
34 code for care of children and the Kansas juvenile justice code;

35 (C) students of a public or private university or college, a community  
36 college or any other institution of higher learning which is located in  
37 Kansas;

38 (D) employees of a business or other employer; or

39 (E) persons receiving inpatient hospice services.

40 (2) “Institutional drug room” does not include:

41 (A) Any registered pharmacy;

42 (B) any office of a practitioner; or

43 (C) a location where no prescription-only drugs are dispensed and no

1 prescription-only drugs other than individual prescriptions are stored or  
2 administered.

3 (p) “Medical care facility” shall have the meaning provided in K.S.A.  
4 65-425 and amendments thereto, except that the term shall also include  
5 facilities licensed under the provisions of K.S.A. 75-3307b and amend-  
6 ments thereto except community mental health centers and facilities for  
7 the mentally retarded.

8 (q) “Manufacture” means the production, preparation, propagation,  
9 compounding, conversion or processing of a drug either directly or in-  
10 directly by extraction from substances of natural origin, independently by  
11 means of chemical synthesis or by a combination of extraction and chem-  
12 ical synthesis and includes any packaging or repackaging of the drug or  
13 labeling or relabeling of its container, except that this term shall not in-  
14 clude the preparation or compounding of a drug by an individual for the  
15 individual’s own use or the preparation, compounding, packaging or la-  
16 beling of a drug by: (1) A practitioner or a practitioner’s authorized agent  
17 incident to such practitioner’s administering or dispensing of a drug in  
18 the course of the practitioner’s professional practice; (2) a practitioner,  
19 by a practitioner’s authorized agent or under a practitioner’s supervision  
20 for the purpose of, or as an incident to, research, teaching or chemical  
21 analysis and not for sale; or (3) a pharmacist or the pharmacist’s author-  
22 ized agent acting under the direct supervision of the pharmacist for the  
23 purpose of, or incident to, the dispensing of a drug by the pharmacist.

24 (r) “Person” means individual, corporation, government, govern-  
25 mental subdivision or agency, partnership, association or any other legal  
26 entity.

27 (s) “Pharmacist” means any natural person licensed under this act to  
28 practice pharmacy.

29 (t) “Pharmacist in charge” means the pharmacist who is responsible  
30 to the board for a registered establishment’s compliance with the laws  
31 and regulations of this state pertaining to the practice of pharmacy, man-  
32 ufacturing of drugs and the distribution of drugs. The pharmacist in  
33 charge shall supervise such establishment on a full-time or a part-time  
34 basis and perform such other duties relating to supervision of a registered  
35 establishment as may be prescribed by the board by rules and regulations.  
36 Nothing in this definition shall relieve other pharmacists or persons from  
37 their responsibility to comply with state and federal laws and regulations.

38 (u) “Pharmacy,” “drug store” or “apothecary” means premises, lab-  
39 oratory, area or other place: (1) Where drugs are offered for sale where  
40 the profession of pharmacy is practiced and where prescriptions are com-  
41 pounded and dispensed; or (2) which has displayed upon it or within it  
42 the words “pharmacist,” “pharmaceutical chemist,” “pharmacy,” “apoth-  
43 ecary,” “drugstore,” “druggist,” “drugs,” “drug sundries” or any of these

1 words or combinations of these words or words of similar import either  
2 in English or any sign containing any of these words; or (3) where the  
3 characteristic symbols of pharmacy or the characteristic prescription sign  
4 “Rx” may be exhibited. As used in this subsection, premises refers only  
5 to the portion of any building or structure leased, used or controlled by  
6 the licensee in the conduct of the business registered by the board at the  
7 address for which the registration was issued.

8 (v) “Pharmacy student” means an individual, registered with the  
9 board of pharmacy, enrolled in an accredited school of pharmacy.

10 (w) “Pharmacy technician” means an individual who, under the direct  
11 supervision and control of a pharmacist, may perform packaging, manip-  
12 ulative, repetitive or other nondiscretionary tasks related to the processing  
13 of a prescription or medication order and who assists the pharmacist in  
14 the performance of pharmacy related duties, but who does not perform  
15 duties restricted to a pharmacist.

16 (x) “Practitioner” means a person licensed to practice medicine and  
17 surgery, dentist, podiatrist, veterinarian, optometrist licensed under the  
18 optometry law as a therapeutic licensee or diagnostic and therapeutic  
19 licensee, or scientific investigator or other person authorized by law to  
20 use a prescription-only drug in teaching or chemical analysis or to conduct  
21 research with respect to a prescription-only drug.

22 (y) “Preceptor” means a licensed pharmacist who possesses at least  
23 two years’ experience as a pharmacist and who supervises students ob-  
24 taining the pharmaceutical experience required by law as a condition to  
25 taking the examination for licensure as a pharmacist.

26 (z) “Prescription” means, according to the context, either a prescrip-  
27 tion order or a prescription medication.

28 (aa) “Prescription medication” means any drug, including label and  
29 container according to context, which is dispensed pursuant to a prescrip-  
30 tion order.

31 (bb) “Prescription-only drug” means any drug whether intended for  
32 use by man or animal, required by federal or state law (including 21  
33 United States Code section 353, as amended) to be dispensed only pur-  
34 suant to a written or oral prescription or order of a practitioner or is  
35 restricted to use by practitioners only.

36 (cc) “Prescription order” means: (1) An order to be filled by a phar-  
37 macist for prescription medication issued and signed by a practitioner or  
38 a mid-level practitioner in the authorized course of professional practice;  
39 or (2) an order transmitted to a pharmacist through word of mouth, note,  
40 telephone or other means of communication directed by such practitioner  
41 or mid-level practitioner.

42 (dd) “Probation” means the practice or operation under a temporary  
43 license, registration or permit or a conditional license, registration or per-

1 mit of a business or profession for which a license, registration or permit  
2 is granted by the board under the provisions of the pharmacy act of the  
3 state of Kansas requiring certain actions to be accomplished or certain  
4 actions not to occur before a regular license, registration or permit is  
5 issued.

6 (ee) “Professional incompetency” means:

7 (1) One or more instances involving failure to adhere to the appli-  
8 cable standard of pharmaceutical care to a degree which constitutes gross  
9 negligence, as determined by the board;

10 (2) repeated instances involving failure to adhere to the applicable  
11 standard of pharmaceutical care to a degree which constitutes ordinary  
12 negligence, as determined by the board; or

13 (3) a pattern of pharmacy practice or other behavior which demon-  
14 strates a manifest incapacity or incompetence to practice pharmacy.

15 (ff) “Retail dealer” means a person selling at retail nonprescription  
16 drugs which are prepackaged, fully prepared by the manufacturer or dis-  
17 tributor for use by the consumer and labeled in accordance with the  
18 requirements of the state and federal food, drug and cosmetic acts. Such  
19 nonprescription drugs shall not include: (1) A controlled substance; (2) a  
20 prescription-only drug; or (3) a drug intended for human use by hypo-  
21 dermic injection.

22 (gg) “Secretary” means the executive secretary of the board.

23 (hh) “Unprofessional conduct” means:

24 (1) Fraud in securing a registration or permit;

25 (2) intentional adulteration or mislabeling of any drug, medicine,  
26 chemical or poison;

27 (3) causing any drug, medicine, chemical or poison to be adulterated  
28 or mislabeled, knowing the same to be adulterated or mislabeled;

29 (4) intentionally falsifying or altering records or prescriptions;

30 (5) unlawful possession of drugs and unlawful diversion of drugs to  
31 others;

32 (6) willful betrayal of confidential information under K.S.A. 65-1654  
33 and amendments thereto;

34 (7) conduct likely to deceive, defraud or harm the public;

35 (8) making a false or misleading statement regarding the licensee’s  
36 professional practice or the efficacy or value of a drug;

37 (9) commission of any act of sexual abuse, misconduct or exploitation  
38 related to the licensee’s professional practice; or

39 (10) performing unnecessary tests, examinations or services which  
40 have no legitimate pharmaceutical purpose.

41 (ii) “Mid-level practitioner” means an advanced registered nurse  
42 practitioner issued a certificate of qualification pursuant to K.S.A. 65-1131  
43 and amendments thereto who has authority to prescribe drugs pursuant

1 to a written protocol with a responsible physician under K.S.A. 65-1130  
2 and amendments thereto or a physician assistant licensed pursuant to the  
3 physician assistant licensure act who has authority to prescribe drugs pur-  
4 suant to a written protocol with a responsible physician under K.S.A. 65-  
5 28a08 and amendments thereto.

6 (jj) “Vaccination protocol” means a written protocol, agreed to by a  
7 pharmacist and a person licensed to practice medicine and surgery by the  
8 state board of healing arts, which establishes procedures and recordkeep-  
9 ing and reporting requirements for administering a vaccine by the phar-  
10 macist for a period of time specified therein, not to exceed two years.

11 (kk) “Veterinary medical teaching hospital pharmacy” means any lo-  
12 cation where prescription-only drugs are stored as part of an accredited  
13 college of veterinary medicine and from which prescription-only drugs  
14 are distributed for use in treatment of or administration to a non-human.

15 Sec. 10. K.S.A. 65-4101 is hereby amended to read as follows: 65-  
16 4101. As used in this act: (a) “Administer” means the direct application  
17 of a controlled substance, whether by injection, inhalation, ingestion or  
18 any other means, to the body of a patient or research subject by: (1) A  
19 practitioner or pursuant to the lawful direction of a practitioner; or

20 (2) the patient or research subject at the direction and in the presence  
21 of the practitioner.

22 (b) “Agent” means an authorized person who acts on behalf of or at  
23 the direction of a manufacturer, distributor or dispenser. It does not in-  
24 clude a common ~~or contract~~ carrier, public warehouseman or employee  
25 of the carrier or warehouseman.

26 (c) “Board” means the state board of pharmacy.

27 (d) “Bureau” means the bureau of narcotics and dangerous drugs,  
28 United States department of justice, or its successor agency.

29 (e) “Controlled substance” means any drug, substance or immediate  
30 precursor included in any of the schedules designated in K.S.A. 65-4105,  
31 65-4107, 65-4109, 65-4111 and 65-4113, and amendments to these sec-  
32 tions.

33 (f) “Counterfeit substance” means a controlled substance which, or  
34 the container or labeling of which, without authorization bears the trade-  
35 mark, trade name or other identifying mark, imprint, number or device  
36 or any likeness thereof of a manufacturer, distributor or dispenser other  
37 than the person who in fact manufactured, distributed or dispensed the  
38 substance.

39 (g) “Deliver” or “delivery” means the actual, constructive or at-  
40 tempted transfer from one person to another of a controlled substance,  
41 whether or not there is an agency relationship.

42 (h) “Dispense” means to deliver a controlled substance to an ultimate  
43 user or research subject by or pursuant to the lawful order of a practi-

1 tioner, including the packaging, labeling or compounding necessary to  
2 prepare the substance for that delivery, or pursuant to the prescription  
3 of a mid-level practitioner.

4 (i) “Dispenser” means a practitioner or pharmacist who dispenses.

5 (j) “Distribute” means to deliver other than by administering or dis-  
6 pensing a controlled substance.

7 (k) “Distributor” means a person who distributes.

8 (l) “Drug” means: (1) Substances recognized as drugs in the official  
9 United States pharmacopoeia, official homeopathic pharmacopoeia of the  
10 United States or official national formulary or any supplement to any of  
11 them; (2) substances intended for use in the diagnosis, cure, mitigation,  
12 treatment or prevention of disease in man or animals; (3) substances  
13 (other than food) intended to affect the structure or any function of the  
14 body of man or animals; and (4) substances intended for use as a com-  
15 ponent of any article specified in clause (1), (2) or (3) of this subsection.  
16 It does not include devices or their components, parts or accessories.

17 (m) “Immediate precursor” means a substance which the board has  
18 found to be and by rule and regulation designates as being the principal  
19 compound commonly used or produced primarily for use and which is  
20 an immediate chemical intermediary used or likely to be used in the  
21 manufacture of a controlled substance, the control of which is necessary  
22 to prevent, curtail or limit manufacture.

23 (n) “Manufacture” means the production, preparation, propagation,  
24 compounding, conversion or processing of a controlled substance either  
25 directly or indirectly or by extraction from substances of natural origin or  
26 independently by means of chemical synthesis or by a combination of  
27 extraction and chemical synthesis and includes any packaging or repack-  
28 aging of the substance or labeling or relabeling of its container, except  
29 that this term does not include the preparation or compounding of a  
30 controlled substance by an individual for the individual’s own lawful use  
31 or the preparation, compounding, packaging or labeling of a controlled  
32 substance: (1) By a practitioner or the practitioner’s agent pursuant to a  
33 lawful order of a practitioner as an incident to the practitioner’s admin-  
34 istering or dispensing of a controlled substance in the course of the prac-  
35 titioner’s professional practice; or

36 (2) by a practitioner or by the practitioner’s authorized agent under  
37 such practitioner’s supervision for the purpose of or as an incident to  
38 research, teaching or chemical analysis or by a pharmacist or medical care  
39 facility as an incident to dispensing of a controlled substance.

40 (o) “Marijuana” means all parts of all varieties of the plant *Cannabis*  
41 whether growing or not, the seeds thereof, the resin extracted from any  
42 part of the plant and every compound, manufacture, salt, derivative, mix-  
43 ture or preparation of the plant, its seeds or resin. It does not include the



1 mature stalks of the plant, fiber produced from the stalks, oil or cake  
2 made from the seeds of the plant, any other compound, manufacture,  
3 salt, derivative, mixture or preparation of the mature stalks, except the  
4 resin extracted therefrom, fiber, oil, or cake or the sterilized seed of the  
5 plant which is incapable of germination.

6 (p) “Narcotic drug” means any of the following whether produced  
7 directly or indirectly by extraction from substances of vegetable origin or  
8 independently by means of chemical synthesis or by a combination of  
9 extraction and chemical synthesis: (1) Opium and opiate and any salt,  
10 compound, derivative or preparation of opium or opiate;

11 (2) any salt, compound, isomer, derivative or preparation thereof  
12 which is chemically equivalent or identical with any of the substances  
13 referred to in clause (1) but not including the isoquinoline alkaloids of  
14 opium;

15 (3) opium poppy and poppy straw;

16 (4) coca leaves and any salt, compound, derivative or preparation of  
17 coca leaves, and any salt, compound, isomer, derivative or preparation  
18 thereof which is chemically equivalent or identical with any of these sub-  
19 stances, but not including decocainized coca leaves or extractions of coca  
20 leaves which do not contain cocaine or ecgonine.

21 (q) “Opiate” means any substance having an addiction-forming or  
22 addiction-sustaining liability similar to morphine or being capable of con-  
23 version into a drug having addiction-forming or addiction-sustaining li-  
24 ability. It does not include, unless specifically designated as controlled  
25 under K.S.A. 65-4102 and amendments thereto, the dextrorotatory iso-  
26 mer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan).  
27 It does include its racemic and levorotatory forms.

28 (r) “Opium poppy” means the plant of the species *Papaver somni-*  
29 *ferum l.* except its seeds.

30 (s) “Person” means individual, corporation, government, or govern-  
31 mental subdivision or agency, business trust, estate, trust, partnership or  
32 association or any other legal entity.

33 (t) “Poppy straw” means all parts, except the seeds, of the opium  
34 poppy, after mowing.

35 (u) “Pharmacist” means an individual currently licensed by the board  
36 to practice the profession of pharmacy in this state.

37 (v) “Practitioner” means a person licensed to practice medicine and  
38 surgery, dentist, podiatrist, veterinarian, optometrist licensed under the  
39 optometry law as a therapeutic licensee or diagnostic and therapeutic  
40 licensee, or scientific investigator or other person authorized by law to  
41 use a controlled substance in teaching or chemical analysis or to conduct  
42 research with respect to a controlled substance.

43 (w) “Production” includes the manufacture, planting, cultivation,

1 growing or harvesting of a controlled substance.

2 (x) “Ultimate user” means a person who lawfully possesses a con-  
3 trolled substance for such person’s own use or for the use of a member  
4 of such person’s household or for administering to an animal owned by  
5 such person or by a member of such person’s household.

6 (y) “Isomer” means all enantiomers and diastereomers.

7 (z) “Medical care facility” shall have the meaning ascribed to that  
8 term in K.S.A. 65-425 and amendments thereto.

9 (aa) “Cultivate” means the planting or promotion of growth of five  
10 or more plants which contain or can produce controlled substances.

11 (bb) (1) “Controlled substance analog” means a substance that is in-  
12 tended for human consumption, and:

13 (A) The chemical structure of which is substantially similar to the  
14 chemical structure of a controlled substance listed in or added to the  
15 schedules designated in K.S.A. 65-4105 or 65-4107 and amendments  
16 thereto;

17 (B) which has a stimulant, depressant or hallucinogenic effect on the  
18 central nervous system substantially similar to the stimulant, depressant  
19 or hallucinogenic effect on the central nervous system of a controlled  
20 substance included in the schedules designated in K.S.A. 65-4105 or 65-  
21 4107 and amendments thereto; or

22 (C) with respect to a particular individual, which the individual rep-  
23 represents or intends to have a stimulant, depressant or hallucinogenic effect  
24 on the central nervous system substantially similar to the stimulant, de-  
25 pressant or hallucinogenic effect on the central nervous system of a con-  
26 trolled substance included in the schedules designated in K.S.A. 65-4105  
27 or 65-4107 and amendments thereto.

28 (2) “Controlled substance analog” does not include:

29 (A) A controlled substance;

30 (B) a substance for which there is an approved new drug application;  
31 or

32 (C) a substance with respect to which an exemption is in effect for  
33 investigational use by a particular person under section 505 of the federal  
34 food, drug, and cosmetic act (21 U.S.C. 355) to the extent conduct with  
35 respect to the substance is permitted by the exemption.

36 (cc) “Mid-level practitioner” means an advanced registered nurse  
37 practitioner issued a certificate of qualification pursuant to K.S.A. 65-1131  
38 and amendments thereto, who has authority to prescribe drugs pursuant  
39 to a written protocol with a responsible physician under K.S.A. 65-1130,  
40 and amendments thereto or a physician assistant licensed under the phy-  
41 sician assistant licensure act who has authority to prescribe drugs pursuant  
42 to a written protocol with a responsible physician under K.S.A. 65-28a08  
43 and amendments thereto.

1 Sec. 11. K.S.A. 65-4116 is hereby amended to read as follows: 65-  
2 4116. (a) Every person who manufactures, distributes or dispenses any  
3 controlled substance within this state or who proposes to engage in the  
4 manufacture, distribution or dispensing of any controlled substance  
5 within this state shall obtain annually a registration issued by the board  
6 in accordance with the uniform controlled substances act and with rules  
7 and regulations adopted by the board.

8 (b) Persons registered by the board under this act to manufacture,  
9 distribute, dispense or conduct research with controlled substances may  
10 possess, manufacture, distribute, dispense or conduct research with those  
11 substances to the extent authorized by their registration and in conformity  
12 with the other provisions of this act.

13 (c) The following persons need not register and may lawfully possess  
14 controlled substances under this act, as specified in this subsection:

15 (1) An agent or employee of any registered manufacturer, distributor  
16 or dispenser of any controlled substance if the agent or employee is acting  
17 in the usual course of such agent or employee's business or employment;

18 (2) a common ~~or contract~~ carrier or warehouseman or an employee  
19 thereof whose possession of any controlled substance is in the usual  
20 course of business or employment;

21 (3) an ultimate user or a person in possession of any controlled sub-  
22 stance pursuant to a lawful order of a practitioner or a mid-level practi-  
23 tioner or in lawful possession of a schedule V substance;

24 (4) persons licensed and registered by the board under the provisions  
25 of the acts contained in article 16 of chapter 65 of the Kansas Statutes  
26 Annotated, and amendments thereto, to manufacture, dispense or dis-  
27 tribute drugs are considered to be in compliance with the registration  
28 provision of the uniform controlled substances act without additional pro-  
29 ceedings before the board or the payment of additional fees, except that  
30 manufacturers and distributors shall complete and file the application  
31 form required under the uniform controlled substances act;

32 (5) any person licensed by the state board of healing arts under the  
33 Kansas healing arts act;

34 (6) any person licensed by the state board of veterinary examiners;

35 (7) any person licensed by the Kansas dental board;

36 (8) a mid-level practitioner; and

37 (9) any person who is a member of the Native American Church,  
38 with respect to use or possession of peyote, whose use or possession of  
39 peyote is in, or for use in, bona fide religious ceremonies of the Native  
40 American Church, but nothing in this paragraph shall authorize the use  
41 or possession of peyote in any place used for the confinement or housing  
42 of persons arrested, charged or convicted of criminal offenses or in the  
43 state security hospital.

1 (d) The board may waive by rules and regulations the requirement  
2 for registration of certain manufacturers, distributors or dispensers if the  
3 board finds it consistent with the public health and safety, except that  
4 licensure of any person by the state board of healing arts to practice any  
5 branch of the healing arts, Kansas dental board or the state board of  
6 veterinary examiners shall constitute compliance with the registration  
7 requirements of the uniform controlled substances act by such person for  
8 such person's place of professional practice. Evidence of abuse as deter-  
9 mined by the board relating to a person licensed by the state board of  
10 healing arts shall be submitted to the state board of healing arts and the  
11 attorney general within 60 days. The state board of healing arts shall,  
12 within 60 days, make findings of fact and take such action against such  
13 person as it deems necessary. All findings of fact and any action taken  
14 shall be reported by the state board of healing arts to the board of phar-  
15 macy and the attorney general. Evidence of abuse as determined by the  
16 board relating to a person licensed by the state board of veterinary ex-  
17 aminers shall be submitted to the state board of veterinary examiners and  
18 the attorney general within 60 days. The state board of veterinary ex-  
19 aminers shall, within 60 days, make findings of fact and take such action  
20 against such person as it deems necessary. All findings of fact and any  
21 action taken shall be reported by the state board of veterinary examiners  
22 to the board of pharmacy and the attorney general. Evidence of abuse as  
23 determined by the board relating to a dentist licensed by the Kansas  
24 dental board shall be submitted to the Kansas dental board and the at-  
25 torney general within 60 days. The Kansas dental board shall, within 60  
26 days, make findings of fact and take such action against such dentist as it  
27 deems necessary. All findings of fact and any action taken shall be re-  
28 ported by the Kansas dental board to the board of pharmacy and the  
29 attorney general.

30 (e) A separate annual registration is required at each place of business  
31 or professional practice where the applicant manufactures, distributes or  
32 dispenses controlled substances.

33 (f) The board may inspect the establishment of a registrant or appli-  
34 cant for registration in accordance with the board's rules and regulations.

35 (g) (1) The registration of any person or location shall terminate  
36 when such person or authorized representative of a location dies, ceases  
37 legal existence, discontinues business or professional practice or changes  
38 the location as shown on the certificate of registration. Any registrant who  
39 ceases legal existence, discontinues business or professional practice, or  
40 changes location as shown on the certificate of registration, shall notify  
41 the board promptly of such fact and forthwith deliver the certificate of  
42 registration directly to the secretary or executive secretary of the board.  
43 In the event of a change in name or mailing address the person or au-

1 thORIZED representative of the location shall notify the board promptly in  
2 advance of the effective date of this change by filing the change of name  
3 or mailing address with the board. This change shall be noted on the  
4 original application on file with the board.

5 (2) No registration or any authority conferred thereby shall be as-  
6 signed or otherwise transferred except upon such conditions as the board  
7 may specifically designate and then only pursuant to the written consent  
8 of the board.

9 Sec. 12. K.S.A. 65-7004 is hereby amended to read as follows: 65-  
10 7004. The provisions of this act shall not apply to: (a) A distribution of a  
11 regulated chemical to or by a common ~~or contract~~ carrier for carriage in  
12 the lawful and usual course of the business of the common ~~or contract~~  
13 carrier, or to or by a warehouseman for storage in the lawful and usual  
14 course of the business of the warehouseman;

15 (b) the lawful administering or dispensing of a regulated chemical by  
16 a licensed practitioner in the course of professional practice or research;

17 (c) the purchase, distribution or possession of a regulated chemical  
18 by a local, state or federal law enforcement agency while in the discharge  
19 of official duties unless the Kansas bureau of investigation properly no-  
20 tifies the local law enforcement agency relying on the exclusion that its  
21 investigatory activities are contrary to the public interest; or

22 (d) products containing ephedra or ma huang, which do not contain  
23 any chemically synthesized ephedrine alkaloids, and are lawfully marketed  
24 as dietary supplements under federal law.

25 Sec. 13. K.S.A. 66-1,105 is hereby amended to read as follows: 66-  
26 1,105. The orders and decisions of the ~~corporation~~ commission on the  
27 matters covered by this act shall be made in writing and ~~a certified copy~~  
28 ~~thereof~~ *copies of such decisions* shall be served on ~~the motor carrier af-~~  
29 ~~ected thereby by certified~~ *motor carriers by first class* mail, except that  
30 ~~such copies when mailed to private carriers and carriers having licenses~~  
31 ~~under K.S.A. 66-1,116 or permits under K.S.A. 66-1,112g shall be mailed~~  
32 ~~such copies by first class mail~~ *orders and decisions potentially resulting*  
33 *in a negative impact upon any motor carrier's authority and initial orders*  
34 *in show cause proceedings shall be served by certified mail, return receipt*  
35 *requested. Every such order and decision of the commission on matters*  
36 *covered by this act shall become operative and effective within 30 days*  
37 *after such service, and such the motor carrier shall carry the provisions*  
38 *of such the order into effect, unless the order is enjoined or set aside by*  
39 *a court of proper jurisdiction.*

40 Sec. 14. K.S.A. 66-1,108 is hereby amended to read as follows: 66-  
41 1,108. As used in this act:

42 (a) "Commission" means the corporation commission of the state of  
43 Kansas;

1 ~~(b) “contract motor carrier of property” means any person engaged~~  
2 ~~in the transportation by motor vehicle of property for hire and not in-~~  
3 ~~cluded in the term public motor carrier of property;~~

4 ~~—(c) “contract motor carrier of passengers” means any person engaged~~  
5 ~~in the transportation by motor vehicle of persons for hire and not included~~  
6 ~~in the term public motor carrier of passengers;~~

7 (b) *“gross combination vehicle weight rating” means the value spec-*  
8 *ified by the manufacturer as the loaded weight of a combination (artic-*  
9 *ulated) motor vehicle. In the absence of a value specified by the manu-*  
10 *facturer, gross combination weight rating shall be determined by adding*  
11 *the gross vehicle weight rating of the power unit and the total weight of*  
12 *the towed unit and any load thereon;*

13 (c) *“gross vehicle weight rating” means the value specified by the*  
14 *manufacturer as the loaded weight of a single motor vehicle;*

15 (d) “household goods” means property and personal effects used or  
16 to be used in a dwelling, when a part of the equipment or supply of such  
17 dwelling and such other similar property, as the commission may provide  
18 by rules and regulations, if the transportation of such effects or property  
19 is:

20 (1) Arranged and paid for by the householder, including transporta-  
21 tion of property from a factory or store when the property is purchased  
22 by the householder with intent to use in such householder’s dwelling; or

23 (2) arranged and paid for by another party.

24 (e) “Motor carrier” means any person operating as a for hire motor  
25 carrier or a private motor carrier, and any of ~~their~~ *that person’s* agents,  
26 officers, representatives, as well as employees responsible for hiring, su-  
27 pervising, training, assigning or dispatching of drivers and employees con-  
28 cerned with the installation, inspection and maintenance of motor vehicle  
29 equipment or accessories or both;

30 (f) “motor vehicle” means any automobile, truck, trailer, semitrailer,  
31 tractor, motor bus or any other self-propelled or motor-driven vehicle  
32 used upon any of the public highways of the state for the purpose of  
33 transporting persons or property;

34 (g) “person” means any individual, firm, partnership, limited liability  
35 partnership, corporation, limited liability company, association or their  
36 lessees, trustees or receivers;

37 (h) “private motor carrier” means a person who provides transpor-  
38 tation of property or passengers, by commercial vehicle and is not a for  
39 hire motor carrier;

40 (i) “public highways” means every public street, alley, road or high-  
41 way or thoroughfare of any kind used by the public;

42 (j) “public motor carrier of household goods” means any person who  
43 undertakes for hire to transport by motor vehicle from place to place, the

1 household goods of others who may choose to employ *or contract with*  
2 the motor carrier;

3 (k) “public motor carrier of passengers” means any person who un-  
4 dertakes for hire to transport by motor vehicle, from place to place, per-  
5 sons who may choose to employ *or contract with* the motor carrier; and

6 (l) “public motor carrier of property” means any person who under-  
7 takes for hire to transport by motor vehicle, from place to place, the  
8 property other than household goods of others who may choose to employ  
9 *or contract with* the motor carrier.

10 Sec. 15. K.S.A. 66-1,109 is hereby amended to read as follows: 66-  
11 1,109. This act shall not require the following carriers to obtain a certifi-  
12 cate, license or permit from the commission or file rates, tariffs, annual  
13 reports or provide proof of insurance with the commission:

14 (a) Transportation by motor carriers wholly within the corporate lim-  
15 its of a city or village in this state, or between contiguous cities or villages  
16 in this state or in this and another state, or between any city or village in  
17 this or another state and the suburban territory in this state within three  
18 miles of the corporate limits, or between cities and villages in this state  
19 and cities and villages in another state which are within territory desig-  
20 nated as a commercial zone by the relevant federal authority, except that  
21 none of the exemptions specified in this subsection (a) shall apply to  
22 wrecker carriers and none of such exemptions shall apply to motor car-  
23 riers of passengers, other than motor carriers of passengers operating as  
24 a part of the general transit system serving any such city or village in this  
25 or another state, operating on regular routes and time schedules between  
26 any city or village in this or another state, and the suburban territory in  
27 this state;

28 (b) a private motor carrier who operates within a radius of 25 miles  
29 beyond the corporate limits of its city or village of domicile, or who op-  
30 erates between cities and villages in this state and cities and villages in  
31 another state which are within territory designated as a commercial zone  
32 by the relevant federal authority;

33 (c) the owner of livestock or producer of farm products transporting  
34 livestock of such owner or farm products of such producer to market in  
35 a motor vehicle of such owner or producer, or the motor vehicle of a  
36 neighbor on the basis of barter or exchange for service or employment,  
37 or to such owner or producer transporting supplies for the use of such  
38 owner or producer in a motor vehicle of such owner or producer, or in  
39 the motor vehicle of a neighbor on the basis of barter or exchange for  
40 service or employment;

41 (d) persons operating motor vehicles used only to transport property  
42 when no common carrier is accessible, but when common-carrier service  
43 is available then this last exemption is limited to the transportation of

1 such property from origin to the nearest practicable common-carrier re-  
2 ceiving or loading point, or from a common-carrier unloading point by  
3 way of the shortest practicable route to destination, providing such motor  
4 vehicle does not pass a practicable delivery or receiving point of a com-  
5 mon carrier equipped to transport such load, or when used to transport  
6 property from the point of origin to point of destination thereof when  
7 the destination of such property is less distant from the point of origin  
8 thereof than the nearest practicable common-carrier receiving or loading  
9 point equipped to transport such load;

10 (e) (1) the transportation of children to and from school, or (2) to  
11 motor vehicles owned by schools, colleges, and universities, religious or  
12 charitable organizations and institutions, or governmental agencies, when  
13 used to convey students, inmates, employees, athletic teams, orchestras,  
14 bands or other similar activities;

15 (f) a new vehicle dealer as defined by K.S.A. 8-2401, and amend-  
16 ments thereto, when transporting property to or from the place of busi-  
17 ness of such dealer;

18 (g) motor vehicles carrying tools, property or material belonging to  
19 the owner of the vehicle and used in repair, building or construction work,  
20 not having been sold or being transported for the purpose of sale;

21 (h) persons operating motor vehicles which have an ad valorem tax  
22 situs in and are registered in the state of Kansas, and used only to trans-  
23 port grain from the producer to an elevator or other place for storage or  
24 sale for a distance of not to exceed 50 miles;

25 (i) the operation of hearses, funeral coaches, funeral cars or ambu-  
26 lances by motor carriers;

27 (j) motor vehicles owned and operated by the United States, the Dis-  
28 trict of Columbia, any state, any municipality or any other political sub-  
29 division of this state, including vehicles used exclusively for handling U.S.  
30 mail, **and the operation of motor vehicles used exclusively by or-  
31 ganizations operating public transportation systems pursuant to 49  
32 U.S.C. sections 5307, 5310 and 5311;**

33 (k) any motor vehicle with a normal seating capacity of not more than  
34 the driver and 15 passengers while used for vanpooling or otherwise not  
35 for profit in transporting persons who, as a joint undertaking, bear or  
36 agree to bear all the costs of such operations, or motor vehicles with a  
37 normal seating capacity of not more than the driver and 15 passengers  
38 for not-for-profit transportation by one or more employers of employees  
39 to and from the factories, plants, offices, institutions, construction sites  
40 or other places of like nature where such persons are employed or ac-  
41 customed to work;

42 (l) motor vehicles used to transport water for domestic purposes or  
43 livestock consumption;



1 (m) transportation of sand, gravel, slag stone, limestone, crushed  
2 stone, cinders, calcium chloride, bituminous or concrete paving mixtures,  
3 blacktop, dirt or fill material to a construction site, highway maintenance  
4 or construction project or other storage facility and the operation of ready-  
5 mix concrete trucks in transportation of ready-mix concrete;

6 (n) the operation of a vehicle used exclusively for the transportation  
7 of solid waste, as the same is defined by K.S.A. 65-3402, and amendments  
8 thereto, to any solid waste processing facility or solid waste disposal area,  
9 as the same is defined by K.S.A. 65-3402, and amendments thereto;

10 (o) the transporting of vehicles used solely in the custom combining  
11 business when being transported by persons engaged in such business;

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

18 (q) transportation by taxi or bus companies operated exclusively  
19 within any city or within 25 miles of the point of its domicile in a city;

20 (r) a vehicle being operated with a dealer license plate issued under  
21 K.S.A. 8-2406, and amendments thereto, and in compliance with K.S.A.  
22 8-136, and amendments thereto, and vehicles being operated with a full-  
23 privilege license plate issued under K.S.A. 8-2425, and amendments  
24 thereto;

25 (s) any person operating a motor vehicle with a gross vehicle weight  
26 rating of 10,000 pounds or less, transporting property sold or to be sold  
27 by the owner or operator of such motor vehicle, except motor vehicles  
28 transporting hazardous materials which require placards;

29 ~~As used in this subsection, "gross vehicle weight rating" means the~~  
30 ~~value specified by the manufacturer as the maximum loaded weight of a~~  
31 ~~single or a combination (articulated) vehicle. The gross vehicle weight~~  
32 ~~rating of a combination (articulated) vehicle commonly referred to as the~~  
33 ~~"gross combination weight rating" is the gross vehicle weight rating of~~  
34 ~~the power unit, plus the gross vehicle weight rating of the towed unit or~~  
35 ~~units;~~

36 (t) the operation of vehicles used for transporting materials used in  
37 the servicing or repairing of the refractory linings of industrial boilers;  
38 and

39 (u) transportation of newspapers published at least one time each  
40 week.

41 Sec. 16. K.S.A. 66-1,111 is hereby amended to read as follows: 66-  
42 1,111. No public motor carrier of property or passengers, ~~contract motor~~  
43 ~~carrier of property or passengers for hire~~ or private motor carrier of prop-

1 erty or local cartage carrier shall operate any motor vehicle for the trans-  
2 portation of either persons or property on any public highway in this state  
3 except in accordance with the provisions of this act, ~~the act of which this~~  
4 ~~act is amendatory, and amendments thereto~~, and other applicable laws.

5 Sec. 17. K.S.A. 66-1,112 is hereby amended to read as follows: 66-  
6 1,112. (a) The commission is hereby vested with power and authority and  
7 it shall be its duty to license, supervise and regulate every public motor  
8 carrier of property, of household goods or of passengers in this state, to  
9 the full extent not preempted by federal law, including fixing and ap-  
10 proving reasonable maximum or minimum, or maximum and minimum  
11 rates, fares, charges, classifications and rules and regulations pertaining  
12 to the transportation of household goods or passengers as defined in 49  
13 U.S.C. 13102. The commission shall prescribe rules and regulations re-  
14 lated to uniform cargo liability, uniform bills of lading, uniform cargo  
15 credit and antitrust immunity for joint-line rates and routes, classifications  
16 and mileage guides. The commission is hereby vested with power and  
17 authority and it shall be its duty to license, supervise and regulate every  
18 public motor carrier transporting property, household goods or passen-  
19 gers in this state, and to regulate and supervise the accounts, schedules,  
20 service and method of operation of same; to prescribe a uniform system  
21 and classification of accounts to be used; to require the filing of annual  
22 and other reports and any other data; and to supervise and regulate public  
23 motor carriers transporting property, household goods or passengers in  
24 all matters affecting the relationship between such public motor carriers  
25 of property, of household goods or of passengers and the traveling and  
26 shipping public.

27 (b) The commission shall have power and authority, by general order  
28 or otherwise, to prescribe reasonable and necessary rules and regulations  
29 governing all such motor carriers. All laws relating to the powers, duties,  
30 authority and jurisdiction of the corporation commission over common  
31 carriers are hereby made applicable to all such motor carriers except as  
32 herein otherwise specifically provided.

33 (c) In order to insure nondiscriminatory, nonpreferential and just and  
34 reasonable rates, joint rates, fares, tolls, charges and exactions for all ship-  
35 pers, the commission shall establish rate-making procedures for all motor  
36 common ~~and contract~~ carriers, including collective rate-making proce-  
37 dures for joint consideration, initiation and establishment of such rates  
38 and charges for transporting household goods or passengers as defined  
39 in 49 U.S.C. 13102. The commission shall prescribe reasonable rules and  
40 regulations related to uniform cargo liability, uniform bills of lading, uni-  
41 form cargo credit and antitrust immunity for joint-line rates and routes,  
42 classifications and mileage guides. Joint and collective rate-making shall  
43 be limited to:

1 (1) That which is necessary to formulate one or more joint rates as  
2 such term is used in K.S.A. 66-117, and amendments thereto;

3 (2) general rate increases or decreases if the tariff proposal gives ship-  
4 pers, under procedures approved by the ~~state corporation~~ commission,  
5 at least 15 days' notice of the proposal and an opportunity to present  
6 comments on it before a tariff is filed with the commission and if discus-  
7 sion of such increases or decreases is related to industry average carrier  
8 costs and does not include discussion related exclusively to individual  
9 markets or particular single-line rates;

10 (3) changes in commodity classifications;

11 (4) changes in tariff structures if discussion of such changes is related  
12 to industry average carrier costs and does not include discussion related  
13 exclusively to individual markets or particular single-line rates; and

14 (5) publishing of tariffs, filing of independent actions for individual  
15 members and changes in rules and regulations which are of at least sub-  
16 stantially general application throughout the area in which such changes  
17 will apply.

18 (d) The provisions of K.S.A. 50-101 *et seq.*, and amendments thereto,  
19 shall not apply to the activities and procedures of persons, groups, agen-  
20 cies, bureaus or other entities where such activities and procedures have  
21 received approval by order of the ~~state corporation~~ commission under  
22 this statute.

23 Sec. 18. K.S.A. 66-1,112h is hereby amended to read as follows: 66-  
24 1,112h. Upon the request of the holder of any ~~contract carrier permit,~~  
25 private carrier permit or interstate license, while serving in the armed  
26 forces of the United States, the ~~state corporation~~ commission is hereby  
27 authorized to grant to such holder a suspension of such permit or license  
28 for such period and upon such terms and conditions as the commission  
29 may determine. ~~Provided,~~ *except* that nothing herein shall be construed  
30 to limit the authority of the commission to cancel or revoke a permit or  
31 license for violations of statutes or rules and regulations which have oc-  
32 curred prior to or during such suspension.

33 Sec. 19. K.S.A. 66-1,114 is hereby amended to read as follows: 66-  
34 1,114. (a) Except as hereinafter provided, it shall be unlawful for any  
35 public motor carrier to operate as a carrier of household goods or pas-  
36 sengers in intrastate commerce within this state without first having ob-  
37 tained from the ~~corporation~~ commission a certificate of convenience and  
38 necessity to transport household goods or passengers. The ~~corporation~~  
39 commission, upon the filing of an application for a certificate, shall fix a  
40 time and place for hearing thereon, which shall be not less than 20 and  
41 not more than 60 days after the filing and shall be conducted in accord-  
42 ance with the provisions of the Kansas administrative procedure act. No-  
43 tices of hearings shall be published ~~bimonthly in the first and third issues~~

1 ~~of the Kansas register~~ *electronically on the commission's web site within*  
2 *three days of the filing of the application.* Any person may offer testimony  
3 at such hearing.

4 (b) If the commission finds that the proposed service or any part  
5 thereof is proposed to be performed by the applicant, that the applicant  
6 is fit, willing and able to perform such service, and that the applicant is  
7 in compliance with the commission's safety rules and regulations, liability  
8 and cargo insurance requirements and other applicable state laws, the  
9 commission shall issue the certificate of convenience and necessity to  
10 transport household goods and passengers, except that if the commission  
11 finds that the proposed service is inconsistent with the public convenience  
12 and necessity, the commission shall not issue the certificate.

13 (c) Within 12 months of the issuance to a public motor carrier of a  
14 certificate of convenience and necessity to transport household goods or  
15 passengers, the commission shall verify that such public motor carrier  
16 continues to be fit, knowledgeable and in compliance with the commis-  
17 sion's safety rules and regulations, liability and cargo insurance require-  
18 ments and other applicable state laws.

19 Sec. 20. K.S.A. 66-1,114b is hereby amended to read as follows: 66-  
20 1,114b. (a) Except as hereinafter provided, it shall be unlawful for any  
21 public motor carrier to operate as a carrier of property other than house-  
22 hold goods or *as a carrier of* passengers in intrastate commerce within  
23 this state without first having obtained from the ~~corporation~~ commission  
24 a certificate of public service to transport property other than household  
25 goods or *to transport* passengers.

26 (b) ~~The corporation~~ commission, upon the filing of an application for  
27 a certificate of public service ~~to transport property other than household~~  
28 ~~goods~~, shall ascertain that the motor carrier is fit, knowledgeable and in  
29 compliance with the commission's safety rules and regulations, liability  
30 and cargo insurance requirements and other applicable state laws. *Once*  
31 *a motor carrier submits a complete application demonstrating that the*  
32 *motor carrier is fit, knowledgeable and in compliance with the commis-*  
33 *sion's safety rules and regulations, liability and cargo insurance require-*  
34 *ments and other applicable state laws, the commission may issue that*  
35 *motor carrier a 30-day interim certificate of public service, signed and*  
36 *approved by the commission's executive director.* A list of applications  
37 received shall be published ~~bimonthly in the first and third issues of the~~  
38 ~~Kansas register, but in no case shall notice of the receipt of an application~~  
39 ~~be published no more than 30 days after the application is filed.~~ If the  
40 commission finds that the public motor carrier is fit, knowledgeable and  
41 in compliance with the commission's safety rules and regulations, liability  
42 and cargo insurance requirements and other applicable state laws, the  
43 commission shall issue the certificate, signed and approved by the com-

1 ~~mission's executive director, authorizing the public motor carrier to trans-~~  
 2 ~~port such property statewide electronically on the commission's web site,~~  
 3 ~~and shall state whether an interim certificate has been granted to the~~  
 4 ~~applicant. Any person who opposes the grant of a certificate of public~~  
 5 ~~service to a motor carrier applicant shall have 30 days from the commis-~~  
 6 ~~sion's grant of an interim certificate to file a written protest with the~~  
 7 ~~commission. If no protest against a motor carrier applicant is filed before~~  
 8 ~~the expiration of the 30-day interim certificate, the commission may issue~~  
 9 ~~the motor carrier applicant a permanent certificate, signed and approved~~  
 10 ~~by the commission's executive director. If the commission finds that ~~the~~~~  
 11 ~~public motor carrier an applicant is not fit, knowledgeable, or in compli-~~  
 12 ~~ance with the commission's safety rules and regulations, liability and cargo~~  
 13 ~~insurance requirements and other applicable state laws, an order shall be~~  
 14 ~~issued denying the application. If the commission deems it necessary, a~~  
 15 ~~hearing may be held on any application, and any commission decision on~~  
 16 ~~such application shall be issued by order.~~

17 (c) Motor carriers holding a certificate of convenience and necessity  
 18 to transport property other than household goods or a local wrecker per-  
 19 mit shall be considered as holding a certificate of public service to trans-  
 20 port that property originally granted by the commission as a public motor  
 21 carrier of property. Pursuant to federal law those motor carriers may  
 22 transport that property originally granted by the commission statewide.

23 (d) Within 12 months of the issuance to a public motor carrier of a  
 24 certificate of public service to transport property other than household  
 25 goods or passengers, the commission shall verify that such public motor  
 26 carrier continues to be fit, knowledgeable and in compliance with the  
 27 commission's safety rules and regulations, liability and cargo insurance  
 28 requirements and other applicable state laws.

29 Sec. 21. K.S.A. 66-1,115 is hereby amended to read as follows: 66-  
 30 1,115. It shall be unlawful for any ~~“contract motor carrier of property or~~  
 31 ~~passengers” or “private motor carrier of property” private motor carrier~~  
 32 ~~to operate as a carrier of property or passengers within this state either~~  
 33 ~~in intrastate commerce or in interstate commerce without first having~~  
 34 ~~obtained from the ~~corporation~~ commission a license or permit or regis-~~  
 35 ~~tered pursuant to 49 U.S.C. 14504. An application shall be made to the~~  
 36 ~~corporation~~ ~~commission in writing stating such information as the com-~~  
 37 ~~mission may request. Upon receipt of such information and on compli-~~  
 38 ~~ance with the rules and regulations and payment of fees, the ~~corporation~~~~  
 39 ~~commission shall issue a license or permit to such applicant.~~

40 Sec. 22. K.S.A. 66-1,115a is hereby amended to read as follows: 66-  
 41 1,115a. Notwithstanding the provisions of K.S.A. ~~66-1,112b~~ and 66-1,114,  
 42 and amendments thereto, the commission may issue or grant ~~contract~~  
 43 ~~carrier permits and common~~ public motor carrier certificates or aban-

1 donments thereof without a formal hearing when the request for such  
2 issuance, grant or abandonment is made by verified application, and  
3 proper notice has been given in accordance with K.S.A. ~~66-1,112b~~ and  
4 66-1,114, and amendments thereto, if no protests are lodged against the  
5 granting of the application and if the applicant demonstrates the applicant  
6 is fit, willing and able to perform such service and is in compliance with  
7 the commission's safety rules and regulations. For applications of public  
8 motor carriers transporting household goods or passengers, if the com-  
9 mission finds that evidence shows that the proposed service is inconsistent  
10 with the public convenience and necessity, the commission shall not grant  
11 the application.

12 Sec. 23. K.S.A. 66-1,116 is hereby amended to read as follows: 66-  
13 1,116. (a) It shall be unlawful for a public motor carrier of property, of  
14 household goods or of passengers, ~~or a contract motor carrier of property~~  
15 ~~or of passengers~~, to operate in interstate commerce regulated by the rel-  
16 evant federal agency without registering its motor vehicles in its base state  
17 pursuant to 49 U.S.C. 14504 in order to operate in Kansas.

18 (b) It shall be unlawful for a public motor carrier of property, of  
19 household goods or of passengers, ~~a contract motor carrier of property~~  
20 ~~or of passengers~~, or a private motor carrier of property which is exempt  
21 from federal regulations, to operate in interstate commerce within this  
22 state, without having furnished the ~~corporation~~ commission, in writing  
23 such information as the commission may request covering observance of  
24 state police regulations and the payments of the fees. This act shall apply  
25 to all persons and motor vehicles engaged in interstate commerce only to  
26 the extent permitted by the constitution and laws of the United States.

27 Sec. 24. K.S.A. 66-1,119 is hereby amended to read as follows: 66-  
28 1,119. No public motor carrier authorized by this act to operate shall  
29 change, abandon or discontinue any service established by this act or  
30 operations under any certificate of convenience and necessity issued for  
31 carriers of household goods or passengers without consent of the com-  
32 mission after written application. *Failure of any motor carrier to annually*  
33 *renew its authority, certificate or permit in a timely manner shall result*  
34 *in a termination of that motor carrier's authority by operation of law. A*  
35 *list of applications for changes to, abandonments of or discontinuances of*  
36 *any authority, as well as any abandonments of authority by operation of*  
37 *law for failure to renew, shall be published on the commission's web site.*

38 Sec. 25. K.S.A. 66-1,126 is hereby amended to read as follows: 66-  
39 1,126. Any person who shall operate as any carrier to which this act applies  
40 without first obtaining a certificate, permit or license or in violation of  
41 any of the terms thereof, or who fails to make any return or report re-  
42 quired by this act or by the commission, or who denies to the commission  
43 access to such carrier's books or records, *or who fails to comply with any*

1 *commission order requiring the payment of a penalty, orders requiring*  
2 *the cease and desist of certain operations or orders placing a motor carrier*  
3 *out of service, shall be guilty of a misdemeanor and shall be punished as*  
4 *provided in K.S.A. 66-1,130, and amendments thereto.*

5 Sec. 26. K.S.A. 66-1,128 is hereby amended to read as follows: 66-  
6 1,128. (a) Except as provided in subsection (c) or pursuant to 49 U.S.C.  
7 14504, no certificate, permit, or license shall be issued by the ~~state cor-~~  
8 ~~poration~~ commission to any public motor carrier of property, household  
9 goods or passengers, ~~contract motor carrier of property or passengers~~ or  
10 private motor carrier of property, until the applicant has filed with the  
11 commission a liability insurance policy approved by the commission, in  
12 such reasonable amounts as the commission determines by rules and reg-  
13 ulations is necessary to adequately protect the interest of the public with  
14 due regard to the number of persons and amount of property involved.  
15 Such amounts shall not be less than \$100,000 for personal injury or death  
16 to any one person in any one accident, \$300,000 for injury or death to  
17 two or more persons in any one accident and \$50,000 for loss to property  
18 of others in any one accident, which liability insurance shall bind the  
19 obligors to pay compensation for injuries to persons and loss of or damage  
20 to property resulting from the negligent operation of such carrier.

21 (b) The liability insurance policy required to be filed by any resident  
22 applicant shall be in an insurance company or association authorized to  
23 transact business in this state. Such policy of any nonresident applicant  
24 may be afforded by an insurance company not authorized to do business  
25 in this state which has given the commissioner of insurance of this state  
26 a power of attorney authorizing such commissioner to accept service on  
27 its behalf of notice or process in any action upon such policy. Such com-  
28 pany not authorized to do business in this state shall have on file with  
29 such commissioner a form as prescribed by subsection (b) of K.S.A. 40-  
30 3106, and amendments thereto. A certificate of any insurance company  
31 or association, in a form approved by the ~~state corporation~~ commission  
32 certifying that there is in effect the liability insurance required by this  
33 section, may be filed in lieu of the insurance policy itself. In the event  
34 such certificate is filed, such company shall furnish to the commission  
35 upon its request a duplicate original of the insurance policy and all en-  
36 dorsements thereon. No other or additional bonds or licenses than those  
37 prescribed in this act shall be required of any motor carrier by any city  
38 or town or other agency of the state.

39 (c) Any public motor carrier of property, household goods or passen-  
40 gers, ~~contract motor carrier of property or passengers~~ or private motor  
41 carrier of property in whose name more than 25 motor vehicles are reg-  
42 istered may qualify as a self-insurer by obtaining a certificate of self-  
43 insurance from the commissioner of insurance. Upon application of any

1 such carrier, the commissioner of insurance may issue a certificate of self-  
2 insurance, if the commissioner is satisfied that such carrier is possessed  
3 and will continue to be possessed of ability to pay any judgment obtained  
4 against such carrier arising out of the ownership, operation, maintenance  
5 or use of any motor vehicle registered in such carrier's name.

6 (d) Upon notice and a hearing in accordance with the provisions of  
7 the Kansas administrative procedure act, the commissioner of insurance  
8 may cancel a certificate of self-insurance upon reasonable grounds. Fail-  
9 ure to pay any judgment against a self-insurer, arising out of the owner-  
10 ship, operation, maintenance or use of a motor vehicle registered in such  
11 self-insurer's name, within 30 days after such judgment shall have become  
12 final, shall constitute reasonable grounds for the cancellation of a certifi-  
13 cate of self-insurance.

14 Sec. 27. K.S.A. 66-1,129 is hereby amended to read as follows: 66-  
15 1,129. (a) The commission shall adopt rules and regulations necessary to  
16 carry out the provisions of this act. No public motor carrier of property,  
17 household goods or passengers, ~~contract motor carrier of property or~~  
18 ~~passengers~~ or private motor carrier of property shall operate or allow the  
19 operation of any motor vehicle on any public highway in this state except  
20 within the provisions of the rules and regulations adopted by the com-  
21 mission. Rules and regulations adopted by the commission shall include:

22 (1) Every vehicle unit shall be maintained in a safe and sanitary con-  
23 dition at all times.

24 (2) Every driver of a public motor carrier, operating as a carrier of  
25 intrastate commerce within this state, shall be at least 18 years of age.  
26 Every driver of a ~~contract motor carrier or~~ private motor carrier, oper-  
27 ating as a carrier of intrastate commerce within this state, shall be at least  
28 16 years of age. All such drivers shall be competent to operate the motor  
29 vehicle under such driver's charge.

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

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

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

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

40 (7) Motor carrier transportation requirements that are consistent  
41 with continuation of the federal motor carrier safety assistance program  
42 and other federal requirements concerning transportation of hazardous  
43 materials.



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

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

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

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

21 (3) ~~Motor~~ **(A) Except for motor vehicles under subparagraph**  
22 **(B), motor** vehicles, with a gross vehicle weight rating, ~~as defined in~~  
23 ~~subsection (s) of K.S.A. 66-1,100, and amendments thereto,~~ of 26,000  
24 pounds or less, carrying tools, property or material belonging to the owner  
25 of the vehicle, and used in repair, building or construction work, not  
26 having been sold or being transported for the purpose of sale, except  
27 vehicles transporting hazardous materials which require placards.

28 **(B) Except vehicles transporting hazardous materials which re-**  
29 **quire placards, motor vehicles, with a gross vehicle weight rating**  
30 **of 26,000 pounds or less, carrying tools, property or material be-**  
31 **longing to the owner of the vehicle and used in repair, building or**  
32 **construction work and such tools, property or material are being**  
33 **transported to or from an active construction site located within a**  
34 **radius of 25 miles of the principal place of business of the motor**  
35 **carrier.**

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

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

42 (6) Motor vehicles owned and operated by the United States, the  
43 District of Columbia, any state, any municipality or any other political

1 subdivisions of this state.

2 (7) Any motor vehicle with a normal seating capacity of not more  
3 than the driver and 15 passengers while used for vanpooling or otherwise  
4 not for profit in transporting persons who, as a joint undertaking, bear or  
5 agree to bear all the costs of such operations, or motor vehicles with a  
6 normal seating capacity not more than the driver and 15 passengers for  
7 not-for-profit transportation by one or more employers of employees to  
8 and from the factories, plants, offices, institutions, construction sites or  
9 other places of like nature where such persons are employed or accus-  
10 tomed to work.

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

13 (9) The operation of vehicles used for servicing, repairing or trans-  
14 porting of implements of husbandry, as defined in K.S.A. 8-1427, and  
15 amendments thereto, by a person actively engaged in the business of  
16 buying, selling or exchanging implements of husbandry, if such operation  
17 is within 100 miles of such person's established place of business in this  
18 state, *unless the implement of husbandry is transported on a commercial*  
19 *motor vehicle.*

20 Sec. 28. K.S.A. 66-1,129a is hereby amended to read as follows: 66-  
21 1,129a. (a) The commission, at any time for good cause shown, may sus-  
22 pend the operation of any motor carrier subject to economic or safety  
23 rules and regulations adopted by the commission. Upon notice and an  
24 opportunity to be heard in accordance with the provisions of the Kansas  
25 administrative procedure act, the commission may revoke, amend, initiate  
26 sanctions or fine any motor carrier who has a certificate, license or permit  
27 issued by the commission or is subject to the safety rules and regulations  
28 adopted by the commission. Any motor carrier suspended prior to a hear-  
29 ing must be afforded the opportunity of a hearing on the matter. If such  
30 a hearing is requested, the hearing shall be held within 10 days of the  
31 request.

32 (b) *The director of the commission's transportation division, at any*  
33 *time for good cause shown, may request the Kansas highway patrol to*  
34 *impound a motor carrier's vehicle or vehicles when that motor carrier*  
35 *has:*

- 36 (1) *Failed to comply with an out-of-service order;*  
37 (2) *failed to comply with a cease or desist order;*  
38 (3) *failed to obtain commission authority to operate;*  
39 (4) *failed to pay a commission-assessed civil penalty; or*  
40 (5) *has otherwise failed to comply with a commission order. Any mo-*  
41 *tor carrier whose vehicle is impounded prior to a hearing must be afforded*  
42 *the opportunity of a hearing on the matter. If such a hearing is requested,*  
43 *the hearing shall be held within 10 days of the request.*

1 (c) *The commission is authorized to enter into any contracts or agree-*  
2 *ments necessary with the superintendent of the Kansas highway patrol,*  
3 *in order to provide facilities and personnel to accomplish the impounding*  
4 *of vehicles.*

5 Sec. 29. K.S.A. 66-1,130 is hereby amended to read as follows: 66-  
6 1,130. Every carrier to which this act applies and every person who vio-  
7 lates or who procures, aids or abets in the violating of any provision of  
8 this act, or who fails to obey any order, decision or *rule and* regulation of  
9 the commission, or who procures or aids or abets any person in his failure  
10 to obey such order, decision or *rule and* regulation, shall be deemed guilty  
11 of a misdemeanor and upon conviction shall be punished by a fine of not  
12 exceeding \$500. ~~The inspectors designated by the commission shall have~~  
13 ~~all the lawful powers of peace officers to enforce this act in any county~~  
14 ~~or city of this state.~~

15 Sec. 30. K.S.A. 66-1,139 is hereby amended to read as follows: 66-  
16 1,139. (a) All interstate regulated public motor carriers of property, of  
17 household goods or of passengers ~~or contract motor carriers of property~~  
18 ~~or of passengers~~ who operate a motor vehicle in Kansas shall register their  
19 motor vehicles in their base state pursuant to 49 U.S.C. 14504, unless  
20 exempted under the provision of K.S.A. 66-1,109, and amendments  
21 thereto.

22 (b) All intrastate public motor carriers of property, household goods  
23 or passengers, ~~contract motor carriers of property or passengers,~~ and pri-  
24 vate motor carriers of property shall register with the ~~state corporation~~  
25 commission all trucks or truck tractors as defined by K.S.A. 8-126, and  
26 amendments thereto, and all other passenger vehicles used to transport  
27 persons for hire, used in the operation of their business as such, except  
28 those used in operations exempted under the provisions of K.S.A. 66-  
29 1,109, and amendments thereto.

30 (c) Interstate motor carriers which have been granted authority by  
31 the commission to transport commodities exempt from the jurisdiction  
32 of the relevant federal authority and who operate for hire or who operate  
33 as private motor carriers shall register all trucks or truck tractors as de-  
34 fined by K.S.A. 8-126, and amendments thereto, and all other passenger  
35 vehicles used to transport persons for hire, used in the operation of their  
36 business as such, except those used in operations exempted under the  
37 provisions of K.S.A. 66-1,109, and amendments thereto. For the purpose  
38 of assisting in paying the cost of supervision and regulation of motor  
39 carriers, every such carrier shall annually pay to the commission for each  
40 calendar year a regulatory fee of \$10 for each truck, truck tractor or  
41 passenger vehicle registered with the commission. No fee shall be  
42 charged for a trailer or semitrailer. Interstate motor carriers that are al-  
43 ready registered pursuant to subsection (a), shall not be required to reg-

1 ister under this subsection.

2 (d) All applications for registration shall be made on forms furnished  
3 by the commission. Applications for registration of interstate common or  
4 contract motor carriers shall include on the application the quantity of  
5 trucks, truck tractors or passenger vehicles used by the motor carriers on  
6 which a fee is required to be paid. Applications for registration of intra-  
7 state common ~~or contract~~ motor carriers, private motor carriers, and in-  
8 terstate exempt motor carriers shall include the complete vehicle iden-  
9 tification numbers and the year and make of all trucks, truck tractors or  
10 passenger vehicles used by the motor carrier, on which a fee is required  
11 to be paid, and the application shall be accompanied by the required fee.  
12 The fees shall be due January 1 and shall be paid not later than January  
13 15. Upon receipt of the application and fee, the commission shall issue  
14 to the carrier appropriate credentials for each vehicle registered.

15 (e) The commission shall remit all moneys received by it or for it in  
16 payment of fees imposed under this section to the state treasurer in ac-  
17 cordance with the provisions of K.S.A. 75-4215, and amendments thereto.  
18 Upon receipt of each such remittance, the state treasurer shall deposit  
19 the entire amount in the state treasury to the credit of the motor carrier  
20 license fees fund.

21 Sec. 31. K.S.A. 66-1,140 is hereby amended to read as follows: 66-  
22 1,140. (a) The commission shall make reasonable rules and regulations  
23 specifying circumstances under which substitute or extra trucks, truck  
24 tractors or passenger vehicles to be used temporarily in cases of emer-  
25 gency or for special occasional trips by carriers currently licensed by the  
26 commission may be registered and shall prescribe and collect a reasonable  
27 registration fee therefor, not exceeding ~~\$2.50~~ \$10 for each truck, truck  
28 tractor or passenger vehicle. The term of such registration shall be for  
29 such period of time as the commission shall prescribe by rules and reg-  
30 ulations.

31 (b) The commission shall also provide for special registration for  
32 trucks, truck tractors or passenger vehicles not registered under the pro-  
33 visions of K.S.A. 66-1,139, and amendments thereto, which enter the state  
34 only on an occasional trip or in temporary service and shall collect ~~\$5~~ \$15  
35 as a fee therefor.

36 (c) By contract entered into by the commission ~~and~~, the superinten-  
37 dent of the Kansas highway patrol *and the secretary of the department of*  
38 *revenue*, the commission may designate the superintendent ~~as the agent~~  
39 *and secretary as agents authorized* to provide the special registrations  
40 under either subsection (a) or (b) so that such registrations will be ob-  
41 tainable at motor carrier inspection stations *and department of revenue*  
42 *offices*. In such event, the superintendent ~~of the Kansas highway patrol~~  
43 or the superintendent's designee *and the secretary or the secretary's des-*

1 *ignee* may provide such special registrations pursuant to the terms and  
2 conditions of the *applicable* contract. The commission or its designated  
3 agent shall acknowledge special registration under either subsection (a)  
4 or (b), which acknowledgment shall accompany the vehicle and be used  
5 and accepted as evidence of such registration; and when necessary, such  
6 acknowledgment shall be by telegram.

7 Sec. 32. K.S.A. 66-1313a is hereby amended to read as follows: 66-  
8 1313a. Except as otherwise authorized under other laws of this state, a  
9 motor carrier who holds a certificate of convenience and necessity, a  
10 certificate of public service, ~~a contract carrier permit~~, a private carrier  
11 permit or an interstate license from the state corporation commission,  
12 upon application to the commission, may be designated to establish an  
13 authorized inspection station for the inspection of the motor vehicles,  
14 trailers and semitrailers operated in this state by such motor carrier for  
15 compliance with the equipment statutes and rules and regulations of this  
16 state. Such inspection station shall be located in Kansas. If the condition  
17 of the motor vehicle, trailer or semitrailer is found to be in compliance  
18 with the laws of this state, the authorized inspection station shall issue a  
19 certificate of inspection stating its approval and the date of the inspection.  
20 No certificate shall be issued unless equipment not in compliance is first  
21 repaired or corrected and records of such repairs or corrections are main-  
22 tained by the authorized inspection station. Certificates issued under this  
23 section shall be valid for 12 months from the date of issue. Every certifi-  
24 cate of approval issued pursuant to this section shall be issued in tripli-  
25 cate. One copy of such certificate shall be carried in the motor vehicle of  
26 the combination of vehicles of which a trailer or semitrailer is a part or  
27 in the motor vehicle if applicable to the motor vehicle, during the time  
28 such certificate is valid or in effect, one copy shall be retained by the  
29 authorized inspection station as prescribed by rules and regulations of the  
30 commission and the third copy shall be returned to the commission. Such  
31 equipment inspection records shall be made available to the commission  
32 upon request. The commission shall adopt rules and regulations for the  
33 administration of this section and shall establish a schedule of fees and  
34 charges governing the cost of administration of such authorized inspection  
35 stations.

36 Sec. 33. K.S.A. 79-6a01 is hereby amended to read as follows: 79-  
37 6a01. The director of property valuation shall value and assess annually  
38 the over-the-road motor vehicles and rolling equipment of motor carriers  
39 described in this act. The local deputy assessor shall value and assess  
40 within the taxing district where located all other property, real and per-  
41 sonal, belonging to such motor carriers.

42 As used in this act, “over-the-road motor vehicles and rolling equip-  
43 ment” shall include all motor-driven vehicles, trailers, semitrailers, buses

1 and trucks owned, used or operated in the state of Kansas by such motor  
2 carriers in the transportation of persons or property other than motor  
3 vehicles and rolling equipment used solely or mainly for local transpor-  
4 tation in a particular community or local area, or for local pickup and  
5 delivery, or passenger automobiles used for purposes other than trans-  
6 portation of persons or property for hire. “Motor carriers” as used in this  
7 act shall include every person, firm or corporation who or which holds a  
8 certificate of convenience and necessity, a certificate of public service, a  
9 ~~contract carrier permit~~, or an interstate license as a common, ~~contract~~ or  
10 exempt carrier from the corporation commission of the state of Kansas  
11 or is required to register motor carrier equipment pursuant to 49 U.S.C.  
12 11506.

13 Sec. 34. K.S.A. 79-6a02 is hereby amended to read as follows: 79-  
14 6a02. On or before ~~the twentieth day of~~ March 20 in each year every  
15 person, firm or corporation which was a motor carrier on ~~the first day of~~  
16 January 1 of ~~said~~ *such* year and who or which owned, used or operated  
17 any over-the-road motor vehicles or rolling equipment in the state of  
18 Kansas during the preceding year shall (if a firm or corporation by its  
19 president, secretary or principal acting officer or agent) return to the  
20 director of property valuation, upon forms furnished by ~~said~~ *the* director,  
21 a sworn statement or schedule as follows:

22 1. A list of all certificates, licenses and permits which have been is-  
23 sued to the operator as a motor carrier by the Kansas state corporation  
24 commission.

25 2. The total number of miles for which all over-the-road motor ve-  
26 hicles used in the state of Kansas were operated in Kansas and everywhere  
27 during the calendar year prior to making such report.

28 3. The complete list of over-the-road vehicles and rolling equipment  
29 owned, used or operated in the state of Kansas by ~~said~~ *such* motor carrier  
30 during the preceding calendar year and giving the name and number,  
31 model and value of the same: ~~Provided, except~~ that interchange equip-  
32 ment and trip-leased equipment shall be listed only by the owner.

33 4. In case any motor carrier holding a certificate of convenience and  
34 necessity, a ~~contract carrier permit~~ or an interstate license as a common,  
35 ~~contract~~ or exempt carrier from the corporation commission of the state  
36 of Kansas between January 1 and March 1 of any year did not own, use  
37 or operate any over-the-road motor vehicle or rolling equipment in the  
38 state of Kansas during the preceding calendar year ~~he or she~~ *such motor*  
39 *carrier* shall on or before ~~the twentieth day of~~ March 20 of such year file  
40 with the director of property valuation a complete list and number of  
41 over-the-road motor vehicles and rolling equipment owned, used or op-  
42 erated by ~~him or her~~ *such motor carrier* in the state of Kansas between  
43 January 1 and March 1 of the year in which such list is filed together with

1 a verified statement estimating the number of miles ~~he or she~~ *such motor*  
2 *carrier* expects such equipment to be operated in the state of Kansas and  
3 everywhere during such year.

4 5. In case any motor carrier required to file a statement under the  
5 provisions of this act fails to make and file such statement on or before  
6 ~~the twentieth day of~~ March 20, the director of property valuation shall,  
7 after ~~he or she~~ *the director* has ascertained the value of the property, of  
8 such motor carrier from any other sources available to ~~him or her~~ *the*  
9 *director*, add ~~fifty percent (50%)~~ 50% additional value as a penalty for  
10 failure to file a report, but such assessment shall not relieve the motor  
11 carrier from the duty to file such report or statement. ~~Provided, except~~  
12 that for good cause shown the director of property valuation may extend  
13 the time in which to make and file such statement. ~~Provided further,~~  
14 *except* that whenever, in the judgment of the director of property valuation  
15 the failure of any motor carrier to comply with this provision is due  
16 to a good and reasonable cause, the director of property valuation may at  
17 ~~his or her~~ *the director's* discretion waive or reduce any of the penalty  
18 herein provided upon making a record of ~~his or her~~ *the director's* reason  
19 therefor. In the event a motor carrier shall file a statement for any year  
20 within one year after such statement was due, the director of property  
21 valuation shall recompute the assessment, tax and penalty on the basis of  
22 ~~said~~ *such* statement.

23 Sec. 35. K.S.A. 79-6a03 is hereby amended to read as follows: 79-  
24 6a03. The director of property valuation shall value and assess all over-  
25 the-road motor vehicles owned, used and operated in the state of Kansas  
26 during the preceding calendar year by every motor carrier for the purpose  
27 of taxation by the state of Kansas in an amount to be determined in the  
28 following manner and according to the following method:

29 (1) The true value of all over-the-road motor vehicles and rolling  
30 equipment operated in the state of Kansas shall be determined;

31 (2) the ratio which the total number of miles of the equipment listed  
32 operated in the state of Kansas bears to the total number of miles oper-  
33 ated everywhere by such equipment shall be determined;

34 (3) the assessed value of all over-the-road motor vehicles and rolling  
35 equipment owned, used or operated in the state of Kansas by ~~said~~ *such*  
36 motor carrier shall be determined by multiplying the true value by the  
37 mileage ratio;

38 (4) the amount so determined shall be the value and assessment of  
39 all over-the-road motor vehicles and rolling equipment owned, used or  
40 operated in the state of Kansas by ~~said~~ *such* motor carrier in the state of  
41 Kansas. ~~Provided, except~~ that if any motor carrier who or which holds a  
42 certificate of convenience and necessity, ~~a contract carrier permit,~~ or an  
43 interstate license as a common, ~~contract~~ or exempt carrier from the cor-

1 poration commission of the state of Kansas between January 1 and March  
2 1 of any year did not own, use or operate any over-the-road motor vehicles  
3 or rolling equipment in Kansas during the preceding calendar year, the  
4 director of property valuation shall determine the mileage ratio of miles  
5 operated in the state of Kansas to miles operated everywhere by use of  
6 the estimate of mileage furnished by such motor carrier, and apply the  
7 same to the assessed valuation of the equipment listed by ~~said~~ *such* motor  
8 carrier to determine the assessed value of such equipment and the tax  
9 due thereon; and in any such case, when the carrier files ~~his or her~~ *such*  
10 *carrier's* return the following year, showing the actual mileage of such  
11 vehicles in the state of Kansas and everywhere during such year, the  
12 director of property valuation shall recompute the tax and refund any  
13 excess tax paid by such carrier, or if an additional amount of tax is deter-  
14 mined to be due from the taxpayer, ~~said~~ *such* additional amount shall  
15 become due upon mailing of notice of such additional tax to the motor  
16 carrier by the director of property valuation, which additional tax may be  
17 collected as provided in K.S.A. 79-6a07 and 79-6a11, *and amendments*  
18 *thereto*.

19 Sec. 36. K.S.A. 8-142, 8-2107, 32-1009, 44-503c, 60-305a, 65-1626,  
20 65-4101, 65-4116, 65-7004, 66-1,105, 66-1,108, 66-1,109, 66-1,111, 66-  
21 1,112, 66-1,112a, 66-1,112b, 66-1,112c, 66-1,112d, 66-1,112e, 66-1,112f,  
22 66-1,112h, 66-1,114, 66-1,114b, 66-1,115, 66-1,115a, 66-1,116, 66-1,119,  
23 66-1,126, 66-1,128, 66-1,129, 66-1,129a, 66-1,130, 66-1,139, 66-1,140, 66-  
24 1313a, 79-6a01, 79-6a02 and 79-6a03 and K.S.A. 2002 Supp. 8-2,127 are  
25 hereby repealed.

26 Sec. 37. This act shall take effect and be in force from and after its  
27 publication in the statute book.

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