

As Amended by House Committee

Session of 2004

HOUSE BILL No. 2661

By Committee on Transportation

1-30

10 AN ACT relating to motor carriers; concerning the regulation thereof;
11 amending K.S.A. 66-1,142b and K.S.A. 2003 Supp. 66-1,109 and 66-
12 1,129 and repealing the existing sections.
13

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

15 New Section 1. As applied to the regulation of motor carriers, the
16 provisions of this act and all grants of power, authority and jurisdiction
17 herein made to the state corporation commission shall be liberally con-
18 strued, and all incidental powers necessary to carry into effect the pro-
19 visions of this act are expressly granted to and conferred upon the state
20 corporation commission.

21 New Sec. 2. The state corporation commission is given full power,
22 authority and jurisdiction to supervise and control motor carriers, as de-
23 fined in K.S.A. 66-1,108, and amendments thereto, doing business or
24 procuring business in Kansas, and is empowered to do all things necessary
25 and convenient for the exercise of such power, authority and jurisdiction.
26 The commission shall have general supervision of all motor carriers op-
27 erating in this state ~~and. The commission~~ shall inquire into any neglect
28 or violations of the laws pertaining to the regulation of motor carriers of
29 this state by any motor carrier or any person retaining the transportation
30 services of that motor carrier. From time to time, the commission shall
31 carefully examine and inspect the condition of each motor carrier, its
32 equipment, the manner of its conduct and its management, ~~whether that~~
33 ~~information is maintained by the motor carrier or by any person retaining~~
34 ~~its transportation services,~~ with reference to the public safety and con-
35 venience. Nothing in this section shall be construed as relieving any motor
36 carrier from responsibility or liability for damage to person or property.

37 New Sec. 3. The state corporation commission shall have the au-
38 thority to examine all accounts and records pertaining to its regulation of
39 motor carriers. The agents, accountants, examiners or inspectors desig-
40 nated by the commission shall have authority under the direction of the
41 transportation division to inspect and examine any and all books, accounts,
42 papers, records, property and memoranda pertinent to its regulation of
43 motor carriers.

- 1 Sec. 4. K.S.A. 2003 Supp. 66-1,109 is hereby amended to read as
2 follows: 66-1,109. This act shall not require the following carriers to obtain
3 a certificate, license or permit from the commission or file rates, tariffs,
4 annual reports or provide proof of insurance with the commission:
- 5 (a) Transportation by motor carriers wholly within the corporate lim-
6 its of a city or village in this state, or between contiguous cities or villages
7 in this state or in this and another state, or between any city or village in
8 this or another state and the suburban territory in this state within three
9 miles of the corporate limits, or between cities and villages in this state
10 and cities and villages in another state which are within territory desig-
11 nated as a commercial zone by the relevant federal authority, except that
12 none of the exemptions specified in this subsection (a) shall apply to
13 wrecker carriers and none of such exemptions shall apply to motor car-
14 riers of passengers, other than motor carriers of passengers operating as
15 a part of the general transit system serving any such city or village in this
16 or another state, operating on regular routes and time schedules between
17 any city or village in this or another state, and the suburban territory in
18 this state;
- 19 (b) a private motor carrier who operates within a radius of 25 miles
20 beyond the corporate limits of its city or village of domicile, or who op-
21 erates between cities and villages in this state and cities and villages in
22 another state which are within territory designated as a commercial zone
23 by the relevant federal authority;
- 24 (c) the owner of livestock or producer of farm products transporting
25 livestock of such owner or farm products of such producer to market in
26 a motor vehicle of such owner or producer, or the motor vehicle of a
27 neighbor on the basis of barter or exchange for service or employment,
28 or to such owner or producer transporting supplies for the use of such
29 owner or producer in a motor vehicle of such owner or producer, or in
30 the motor vehicle of a neighbor on the basis of barter or exchange for
31 service or employment;
- 32 (d) persons operating motor vehicles used only to transport property
33 when no common carrier is accessible, but when common-carrier service
34 is available then this last exemption is limited to the transportation of
35 such property from origin to the nearest practicable common-carrier re-
36 ceiving or loading point, or from a common-carrier unloading point by
37 way of the shortest practicable route to destination, providing such motor
38 vehicle does not pass a practicable delivery or receiving point of a com-
39 mon carrier equipped to transport such load, or when used to transport
40 property from the point of origin to point of destination thereof when
41 the destination of such property is less distant from the point of origin
42 thereof than the nearest practicable common-carrier receiving or loading
43 point equipped to transport such load;

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

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

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

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

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

18 (j) motor vehicles owned and operated by the United States, the Dis-
19 trict of Columbia, any state, any municipality or any other political sub-
20 division of this state, including vehicles used exclusively for handling U.S.
21 mail, and the operation of motor vehicles used exclusively by organiza-
22 tions operating public transportation systems pursuant to 49 U.S.C. sec-
23 tions 5307, 5310 and 5311;

24 (k) any motor vehicle with a normal seating capacity of not more than
25 the driver and 15 passengers while used for vanpooling or otherwise not
26 for profit in transporting persons who, as a joint undertaking, bear or
27 agree to bear all the costs of such operations, or motor vehicles with a
28 normal seating capacity of not more than the driver and 15 passengers
29 for not-for-profit transportation by one or more employers of employees
30 to and from the factories, plants, offices, institutions, construction sites
31 or other places of like nature where such persons are employed or ac-
32 customed to work;

33 ~~(l) motor vehicles used to transport water for domestic purposes or~~
34 ~~livestock consumption;~~

35 **(l) motor vehicles used to transport water for domestic use pur-**
36 **poses, as defined by subsection (c) of K.S.A. 82a-701, and amend-**
37 **ments thereto, or livestock consumption;**

38 ~~(m) (l)~~ **(m)** transportation of sand, gravel, slag stone, limestone,
39 crushed stone, cinders, calcium chloride, bituminous or concrete paving
40 mixtures, blacktop, dirt or fill material to a construction site, highway
41 maintenance or construction project or other storage facility and the op-
42 eration of ready-mix concrete trucks in transportation of ready-mix
43 concrete;

1 ~~(n)~~ ~~(m)~~ **(n)** the operation of a vehicle used exclusively for the trans-
2 portation of solid waste, as the same is defined by K.S.A. 65-3402, and
3 amendments thereto, to any solid waste processing facility or solid waste
4 disposal area, as the same is defined by K.S.A. 65-3402, and amendments
5 thereto;

6 ~~(o)~~ ~~(n)~~ **(o)** the transporting of vehicles used solely in the custom com-
7 bining business when being transported by persons engaged in such
8 business;

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

15 ~~(q)~~ ~~(p)~~ **(q)** transportation by taxi or bus companies operated exclu-
16 sively within any city or within 25 miles of the point of its domicile in a
17 city;

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

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

27 ~~(t)~~ ~~(s)~~ **(t)** the operation of vehicles used for transporting materials
28 used in the servicing or repairing of the refractory linings of industrial
29 boilers; and

30 ~~(u)~~ ~~(t)~~ **(u)** transportation of newspapers published at least one time
31 each week.

32 Sec. 5. K.S.A. 2003 Supp. 66-1,129 is hereby amended to read as
33 follows: 66-1,129. (a) The commission shall adopt rules and regulations
34 necessary to carry out the provisions of this act. No public motor carrier
35 of property, household goods or passengers or private motor carrier of
36 property shall operate or allow the operation of any motor vehicle on any
37 public highway in this state except within the provisions of the rules and
38 regulations adopted by the commission. Rules and regulations adopted
39 by the commission shall include:

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

42 (2) Every driver of a public motor carrier, operating as a carrier of
43 intrastate commerce within this state, shall be at least 18 years of age.

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

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

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

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

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

15 (7) Motor carrier transportation requirements that are consistent
16 with continuation of the federal motor carrier safety assistance program
17 and other federal requirements concerning transportation of hazardous
18 materials.

19 (b) No rules and regulations adopted by the commission pursuant to
20 this section shall require the operator of any motor vehicle having a gross
21 vehicle weight rating or gross combination weight rating of not more than
22 10,000 pounds to submit to a physical examination, unless required by
23 federal laws or regulations.

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

27 (1) The owner of livestock or producer of farm products transporting
28 livestock of such owner or farm products of such producer to market in
29 a motor vehicle of such owner or producer, or the motor vehicle of a
30 neighbor on the basis of barter or exchange for service or employment,
31 or to such owner or producer transporting supplies for the use of such
32 owner or producer in or producer, or in the motor vehicle of a neighbor
33 on the basis of barter or exchange for service or employment.

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

39 (3) (A) Except for motor vehicles under subparagraph (B), motor
40 vehicles, with a gross vehicle weight rating of 26,000 pounds or less, car-
41 rying tools, property or material belonging to the owner of the vehicle,
42 and used in repair, building or construction work, not having been sold
43 or being transported for the purpose of sale, except vehicles transporting

1 hazardous materials which require placards.

2 (B) Except vehicles transporting hazardous materials which require
3 placards, motor vehicles, with a gross vehicle weight rating of 26,000
4 pounds or less, carrying tools, property or material belonging to the owner
5 of the vehicle and used in repair, building or construction work and such
6 tools, property or material are being transported to or from an active
7 construction site located within a radius of 25 miles of the principal place
8 of business of the motor carrier.

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

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

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

18 (7) Any motor vehicle with a normal seating capacity of not more
19 than the driver and 15 passengers while used for vanpooling or otherwise
20 not for profit in transporting persons who, as a joint undertaking, bear or
21 agree to bear all the costs of such operations, or motor vehicles with a
22 normal seating capacity not more than the driver and 15 passengers for
23 not-for-profit transportation by one or more employers of employees to
24 and from the factories, plants, offices, institutions, construction sites or
25 other places of like nature where such persons are employed or accus-
26 tomed to work.

27 ~~(8) Motor vehicles used to transport water for domestic purposes or~~
28 ~~livestock consumption.~~

29 **(8) Motor vehicles used to transport water for domestic use**
30 **purposes, as defined by subsection (c) of K.S.A. 82a-701, and**
31 **amendments thereto, or livestock consumption.**

32 ~~(9)~~ **(9)** The operation of vehicles used for servicing, repairing or
33 transporting of implements of husbandry, as defined in K.S.A. 8-1427,
34 and amendments thereto, by a person actively engaged in the business of
35 buying, selling or exchanging implements of husbandry, if such operation
36 is within 100 miles of such person's established place of business in this
37 state, unless the implement of husbandry is transported on a commercial
38 motor vehicle.

39 Sec. 6. K.S.A. 66-1,142b is hereby amended to read as follows: 66-
40 1,142b. (a) Any ~~motor carrier~~ *person* violating any statute, commission
41 orders or rules and regulations ~~relevant to motor carriers~~ adopted by the
42 state corporation commission **pursuant to the motor carrier act and**
43 **other laws relevant to motor carriers** shall be subject to a civil penalty

1 of not less than \$100 and not more than \$1,000 for negligent violations,
2 and not more than \$5,000 for intentional violations.

3 (b) In construing and enforcing a civil penalty in accordance with this
4 section, any act, omission or failure of any officer, agent or other person
5 acting for or employed by any motor carrier while acting within the scope
6 of such person's employment, shall in every case be deemed the act,
7 omission or failure of the motor carrier.

8 (c) Every day during which the ~~motor carrier~~ *person* fails to comply
9 with any order ~~or direction~~ of the commission, or any applicable statute,
10 rule or regulation, shall constitute a separate and distinct violation.

11 (d) Civil penalties shall be enforced and collected by an attorney for
12 the corporation commission in the appropriate district court.

13 (e) Civil penalties shall be remitted in accordance with the provisions
14 of K.S.A. 75-4215, and amendments thereto, to the state treasurer. Upon
15 receipt of each such remittance, the state treasurer shall deposit the entire
16 amount in the state treasury to the credit of the motor carrier license fee
17 fund.

18 (f) The commission is granted the power, by general order or oth-
19 erwise, to prescribe reasonable rules and regulations for the assessment
20 of administrative civil penalties and sanctions for violations of any statute,
21 commission orders or rules and regulations adopted by the commission.

22 Sec. 7. K.S.A. 66-1,142b and K.S.A. 2003 Supp. 66-1,109 and 66-
23 1,129 are hereby repealed.

24 Sec. 8. This act shall take effect and be in force from and after its
25 publication in the statute book.