

*[As Amended by Senate Committee of the Whole]*

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*Session of 2009*

## **SENATE BILL No. 152**

By Committee on Transportation

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12 AN ACT concerning motor carriers; relating to regulation thereof;  
13 amending K.S.A. 2008 Supp. 66-1,129 and repealing the existing  
14 section.

15  
16 *Be it enacted by the Legislature of the State of Kansas:*

17 Section 1. K.S.A. 2008 Supp. 66-1,129 is hereby amended to read as  
18 follows: 66-1,129. (a) The commission shall adopt rules and regulations  
19 necessary to carry out the provisions of this act. No public motor carrier  
20 of property, household goods or passengers or private motor carrier of  
21 property shall operate or allow the operation of any motor vehicle on any  
22 public highway in this state except within the provisions of the rules and  
23 regulations adopted by the commission. Rules and regulations adopted  
24 by the commission shall include:

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

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

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

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

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

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

43 (7) Motor carrier transportation requirements that are consistent

1 with continuation of the federal motor carrier safety assistance program  
2 and other federal requirements concerning transportation of hazardous  
3 materials.

4 ~~(8) Every public motor carrier or private motor carrier who~~  
5 ~~operates on any street, highway, road, alley or parking lot in the~~  
6 ~~state, a motor vehicle with a load of gravel which has the potential,~~  
7 ~~due to the nature of the load to spill, drop, blow or otherwise escape,~~  
8 ~~shall have a cover, which cover shall be securely fastened so as to~~  
9 ~~prevent such cover or the load from spilling, dropping, blowing, or~~  
10 ~~otherwise escaping or in any manner becoming a hazard to other~~  
11 ~~users of such street, highway, road, alley or parking lot.~~

12 ~~—(9) Every public motor carrier or private motor carrier who~~  
13 ~~operates a motor vehicle, including, but not limited to, trucks or~~  
14 ~~trailers, with a gross vehicle weight rating of 26,000 pounds or less,~~  
15 ~~with a load above the sidewalls of a truck bed or trailer which has~~  
16 ~~the potential because of the nature of the load, to drop, leak, blow~~  
17 ~~or otherwise escape from the motor vehicle shall be adequately~~  
18 ~~strapped to fasten the load securely to the vehicle.~~

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~~ **Except as provided in paragraph (3), any [Any]** rules and  
25 regulations of the commission, adopted pursuant to this section, shall not  
26 apply to the following, while engaged in the carriage of intrastate com-  
27 merce in this state:

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

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

40 (3) ~~(A) Except for motor vehicles under subparagraph (B), motor ve-~~  
41 ~~hicles, with a gross vehicle weight rating of 26,000 pounds or less, carrying~~  
42 ~~tools, property or material belonging to the owner of the vehicle, and~~  
43 ~~used in repair, building or construction work, not having been sold or~~

1 being transported for the purpose of sale, except vehicles transporting  
2 hazardous materials which require placards.

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

10 ~~—(4) Persons (A) *Except for motor vehicles under subparagraph*~~  
11 ~~*(B), motor vehicles, with a gross vehicle weight rating of 26,000*~~  
12 ~~*pounds or less, carrying tools, property or material belonging to the*~~  
13 ~~*owner of the vehicle, and used in repair, building or construction*~~  
14 ~~*work, not having been sold or being transported for the purpose of*~~  
15 ~~*sale, except vehicles transporting hazardous materials which re-*~~  
16 ~~*quire placards, and except that such motor vehicles shall be subject*~~  
17 ~~*to rules and regulations adopted pursuant to paragraphs (8) and*~~  
18 ~~*(9) of subsection (a) of K.S.A. 66-1,129, and amendments thereto.*~~

19 ~~(B) *Except vehicles transporting hazardous materials which re-*~~  
20 ~~*quire placards, motor vehicles, with a gross vehicle weight rating*~~  
21 ~~*of 26,000 pounds or less, carrying tools, property or material be-*~~  
22 ~~*longing to the owner of the vehicle and used in repair, building or*~~  
23 ~~*construction work and such tools, property or material are being*~~  
24 ~~*transported to or from an active construction site located within a*~~  
25 ~~*radius of 25 miles of the principal place of business of the motor*~~  
26 ~~*carrier, except that such motor vehicles shall be subject to rules and*~~  
27 ~~*regulations adopted pursuant to paragraphs (8) and (9) of subsec-*~~  
28 ~~*tion (a) of K.S.A. 66-1,129, and amendments thereto.*~~

29 ~~[(C) (1) *Such motor vehicles described in paragraphs (A) and*~~  
30 ~~*(B) which are carrying a load shall be required to have a cover*~~  
31 ~~*which shall be securely fastened to prevent the cover or load from*~~  
32 ~~*spilling or becoming a hazard to other motor vehicle users.*~~

33 ~~[(2) *Such motor vehicles described in paragraphs (A) and (B)*~~  
34 ~~*which are carrying a load above the sidewalls of a truck bed or*~~  
35 ~~*trailer shall be adequately strapped to securely fasten the load to*~~  
36 ~~*the vehicle.]*~~

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

41 ~~(5) *The operation of hearses, funeral coaches, funeral cars or*~~  
42 ~~*ambulances by motor carriers.*~~

43 ~~(6) *Motor vehicles owned and operated by the United States,*~~

1 the District of Columbia, any state, any municipality or any other political  
2 subdivisions of this state.

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

12 ~~(8) (7)~~ **(8)** Motor vehicles used to transport water for domestic pur-  
13 poses, as defined by subsection (c) of K.S.A. 82a-701, and amendments  
14 thereto, or livestock consumption.

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

22 Sec. 2. K.S.A. 2008 Supp. 66-1,129 is hereby repealed.

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