

As Amended by House Committee

Session of 2013

HOUSE BILL No. 2177

By Committee on Transportation

1-31

1 AN ACT relating to motor carriers; concerning safety rules and
2 regulations; certificates of convenience and necessity; transportation of
3 certain materials; amending K.S.A. 66-1,129b and K.S.A. 2012 Supp.
4 66-1,114b and 66-1,129 and repealing the existing sections.
5

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

7 Section 1. K.S.A. 2012 Supp. 66-1,114b is hereby amended to read as
8 follows: 66-1,114b. (a) Except as hereinafter provided, it shall be unlawful
9 for any public motor carrier to operate as a carrier of property other than
10 household goods or as a carrier of passengers in intrastate commerce
11 within this state without first having obtained from the commission a
12 certificate of public service to transport property other than household
13 goods or to transport passengers.

14 (b) The commission, upon the filing of an application for a certificate
15 of public service, shall ascertain that the motor carrier is fit,
16 knowledgeable and in compliance with the commission's safety rules and
17 regulations, liability and cargo insurance requirements and other
18 applicable state laws. Once a motor carrier submits a complete application
19 demonstrating that the motor carrier is fit, knowledgeable and in
20 compliance with the commission's safety rules and regulations, liability
21 and cargo insurance requirements and other applicable state laws, the
22 commission may issue that motor carrier a 30-day interim certificate of
23 public service, signed and approved by the commission's executive
24 director. A list of applications received shall be published electronically on
25 the commission's web site, and shall state whether an interim certificate
26 has been granted to the applicant. Any person who opposes the grant of a
27 certificate of public service to a motor carrier applicant shall have 30 days
28 from the commission's grant of an interim certificate to file a written
29 protest with the commission. If no protest against a motor carrier applicant
30 is filed before the expiration of the 30-day interim certificate, the
31 commission may issue the motor carrier applicant a permanent certificate,
32 signed and approved by the commission's executive director. If the
33 commission finds that an applicant is not fit, knowledgeable, or in
34 compliance with the commission's safety rules and regulations, liability
35 and cargo insurance requirements and other applicable state laws, an order
36 shall be issued denying the application. If the commission deems it

1 necessary, a hearing may be held on any application, and any commission
2 decision on such application shall be issued by order.

3 (c) Motor carriers holding a certificate of convenience and necessity
4 to transport property other than household goods ~~or a local wrecker permit~~
5 shall be considered as holding a certificate of public service to transport
6 that property originally granted by the commission as a public motor
7 carrier of property. Pursuant to federal law those motor carriers may
8 transport that property originally granted by the commission statewide.

9 (d) Within 18 months of the issuance to a public motor carrier of a
10 certificate of public service to transport property other than household
11 goods or passengers, the commission shall verify that such public motor
12 carrier continues to be fit, knowledgeable and in compliance with the
13 commission's safety rules and regulations, liability and cargo insurance
14 requirements and other applicable state laws.

15 Sec. 2. K.S.A. 2012 Supp. 66-1,129 is hereby amended to read as
16 follows: 66-1,129. (a) The commission shall adopt rules and regulations
17 necessary to carry out the provisions of this act. No public motor carrier of
18 property, household goods or passengers or private motor carrier of
19 property shall operate or allow the operation of any motor vehicle on any
20 public highway in this state except within the provisions of the rules and
21 regulations adopted by the commission. Rules and regulations adopted by
22 the commission shall include:

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

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

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

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

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

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

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

1 materials.

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

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

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

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

22 (3) (A) Except for motor vehicles under subparagraph (B), motor
23 vehicles, with a gross vehicle weight rating of 26,000 pounds or less,
24 carrying tools, property or material belonging to the owner of the vehicle,
25 and used in repair, building or construction work, not having been sold or
26 being transported for the purpose of sale, except vehicles transporting
27 hazardous materials which require placards.

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

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

39 (5) The operation of hearses, funeral coaches, funeral cars or
40 ambulances by motor carriers.

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

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

10 (8) ~~Motor vehicles used to transport water for domestic purposes, as~~
11 ~~defined by subsection (c) of K.S.A. 82a-701, and amendments thereto, or~~
12 ~~livestock consumption.~~

13 (9)—The operation of vehicles used for servicing, repairing or
14 transporting 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. 3. K.S.A. 66-1,129b is hereby amended to read as follows: 66-
21 1,129b. ~~(a)~~ The provisions of 49 C.F.R. § 173.5-agricultural operations; 49
22 C.F.R. § 173.6-materials of trade; and 49 C.F.R. § 173.8-exceptions for
23 nonspecification packagings used in intrastate transportation, in effect on
24 the effective date of this act, or any later version as adopted by the
25 commission in rules and regulations, are hereby adopted.

26 ~~(b) The following materials are authorized to be transported by~~
27 ~~intrastate farmers in nonspecification bulk packagings:~~

28 ~~(1) Agricultural products specified in 49 C.F.R. 173.5 (b)(2); and~~

29 ~~(2) flammable liquid petroleum distillates.~~

30 ~~(c) Nonbulk packagings permanently secured to a transport vehicle~~
31 ~~and protected against leakage or damage in the event of an overturn,~~
32 ~~having a capacity of less than 450 liters (119 gallons) or less are~~
33 ~~authorized for the transportation of flammable liquid petroleum distillates.~~

34 ~~(d) Except as authorized in subsections (b) and (c), the packagings~~
35 ~~must otherwise comply with the applicable requirements of 49 C.F.R. 171~~
36 ~~through 180.~~

37 Sec. 4. K.S.A. 66-1,129b and K.S.A. 2012 Supp. 66-1,114b and 66-
38 1,129 are hereby repealed.

39 Sec. 5. This act shall take effect and be in force from and after its
40 publication in the statute book.