

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 {8-2,127,} 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. 8-2,127 is hereby amended to read
8 as follows: 8-2,127. Vehicles that are exempt from this act include:

9 (a) Farm vehicles, defined as follows:

10 (1) Registered as a farm truck or truck tractor under K.S.A. 8-
11 143, and amendments thereto;

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

14 (3) not used in the operations of a common motor carrier; and

15 (4) used either:

16 (A) *In intrastate commerce; or*

17 (B) *in interstate commerce within 150 air miles of any farm or*
18 *farms owned or leased by the registered owner of such farm vehicle;*

19 (b) vehicles operated by firefighters and other persons which are
20 necessary to the preservation of life or property or the execution of
21 emergency governmental functions, are equipped with audible and
22 visual signals and are not subject to normal traffic regulation. These
23 vehicles include fire trucks, hook and ladder trucks, foam or water
24 transport trucks, police SWAT team vehicles, ambulances or other
25 vehicles that are used in response to emergencies;

26 (c) military vehicles which are operated by military personnel in
27 pursuit of military purposes and all noncivilian operators of
28 equipment owned or operated by the United States department of
29 defense. This applies to any active duty military personnel and
30 members of the reserves and national guard on active duty, including
31 personnel on full-time national guard duty, personnel on part-time
32 training and national guard military technicians, civilians who are
33 required to wear military uniforms and are subject to the code of
34 military justice; and

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

5 ~~Section 1.~~ **{Sec. 2.}** K.S.A. 2012 Supp. 66-1,114b is hereby amended
6 to read as follows: 66-1,114b. (a) Except as hereinafter provided, it shall
7 be unlawful for any public motor carrier to operate as a carrier of property
8 other than household goods or as a carrier of passengers in intrastate
9 commerce within this state without first having obtained from the
10 commission a certificate of public service to transport property other than
11 household goods or to transport passengers.

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

37 (c) Motor carriers holding a certificate of convenience and necessity
38 to transport property other than household goods ~~or a local wrecker permit~~
39 shall be considered as holding a certificate of public service to transport
40 that property originally granted by the commission as a public motor
41 carrier of property. Pursuant to federal law those motor carriers may
42 transport that property originally granted by the commission statewide.

43 (d) Within 18 months of the issuance to a public motor carrier of a

1 certificate of public service to transport property other than household
2 goods or passengers, the commission shall verify that such public motor
3 carrier continues to be fit, knowledgeable and in compliance with the
4 commission's safety rules and regulations, liability and cargo insurance
5 requirements and other applicable state laws.

6 Sec. 2. {3.} K.S.A. 2012 Supp. 66-1,129 is hereby amended to read as
7 follows: 66-1,129. (a) The commission shall adopt rules and regulations
8 necessary to carry out the provisions of this act. No public motor carrier of
9 property, household goods or passengers or private motor carrier of
10 property shall operate or allow the operation of any motor vehicle on any
11 public highway in this state except within the provisions of the rules and
12 regulations adopted by the commission. Rules and regulations adopted by
13 the commission shall include:

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

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

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

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

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

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

32 (7) Motor carrier transportation requirements that are consistent with
33 continuation of the federal motor carrier safety assistance program and
34 other federal requirements concerning transportation of hazardous
35 materials.

36 (b) No rules and regulations adopted by the commission pursuant to
37 this section shall require the operator of any motor vehicle having a gross
38 vehicle weight rating or gross combination weight rating of not more than
39 10,000 pounds to submit to a physical examination, unless required by
40 federal laws or regulations.

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

1 (1) The owner of livestock or producer of farm products transporting
2 livestock of such owner or farm products of such producer to market in a
3 motor vehicle of such owner or producer, or the motor vehicle of a
4 neighbor on the basis of barter or exchange for service or employment, or
5 to such owner or producer transporting supplies for the use of such owner
6 or producer in or producer, or in the motor vehicle of a neighbor on the
7 basis of barter or exchange for service or employment.

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

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

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

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

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

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

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

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

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

11 Sec. ~~3.~~ **{4.}** K.S.A. 66-1,129b is hereby amended to read as follows:
12 66-1,129b. ~~(a)~~ The provisions of 49 C.F.R. § 173.5-agricultural operations;
13 49 C.F.R. § 173.6-materials of trade; and 49 C.F.R. § 173.8-exceptions for
14 nonspecification packagings used in intrastate transportation, in effect on
15 the effective date of this act, or any later version as adopted by the
16 commission in rules and regulations, are hereby adopted.

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

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

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

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

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

28 Sec. ~~4.~~ **{5.}** K.S.A. 66-1,129b and K.S.A. 2012 Supp. **{8-2,127,}** 66-
29 1,114b and 66-1,129 are hereby repealed.

30 Sec. ~~5.~~ **{6.}** This act shall take effect and be in force from and after its
31 publication in the statute book.