

HOUSE BILL No. 2777

By Committee on Appropriations

4-4

1 AN ACT concerning motor carriers; relating to the regulation thereof;
2 amending K.S.A. 2013 Supp. 66-1,109 and 66-1,129 and repealing the
3 existing sections.
4

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

6 Section 1. K.S.A. 2013 Supp. 66-1,109 is hereby amended to read as
7 follows: 66-1,109. This act shall not require the following carriers to
8 obtain a certificate, license or permit from the commission or file rates,
9 tariffs, annual reports or provide proof of insurance with the commission:

10 (a) Transportation by motor carriers wholly within the corporate
11 limits of a city or village in this state, or between contiguous cities or
12 villages in this state or in this and another state, or between any city or
13 village in this or another state and the suburban territory in this state within
14 three miles of the corporate limits, or between cities and villages in this
15 state and cities and villages in another state which are within territory
16 designated as a commercial zone by the relevant federal authority, except
17 that none of the exemptions specified in this subsection (a) shall apply to
18 wrecker carriers;

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
21 operates 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 a
26 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, or
28 to such owner or producer transporting supplies for the use of such owner
29 or producer in a motor vehicle of such owner or producer, or in the motor
30 vehicle of a neighbor on the basis of barter or exchange for service or
31 employment;

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

1 organizations meeting the qualification requirements of section 501(c) of
2 the internal revenue code of 1986, and amendments thereto, when
3 transporting property or materials belonging to the owner of the vehicle;

4 (e) a new vehicle dealer as defined by K.S.A. 8-2401, and
5 amendments thereto, when transporting property to or from the place of
6 business of such dealer;

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

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

14 (h) the operation of hearses, funeral coaches, funeral cars or
15 ambulances by motor carriers;

16 (i) motor vehicles owned and operated by the United States, the
17 District of Columbia, any state, any municipality or any other political
18 subdivision of this state, including vehicles used exclusively for handling
19 U.S. mail, and the operation of motor vehicles used exclusively by
20 organizations operating public transportation systems pursuant to 49
21 U.S.C. sections 5307, 5310 and 5311;

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

30 (k) motor vehicles used to transport water for domestic purposes, as
31 defined by subsection (c) of K.S.A. 82a-701, and amendments thereto, or
32 livestock consumption;

33 (l) transportation of sand, gravel, slag stone, limestone, crushed stone,
34 cinders, calcium chloride, bituminous or concrete mixtures, blacktop, dirt
35 or fill material to a construction site, highway maintenance or construction
36 project or other storage facility and the operation of ready-mix concrete
37 trucks in transportation of ready-mix concrete;

38 (m) the operation of a vehicle used exclusively for the transportation
39 of solid waste, as the same is defined by K.S.A. 65-3402, and amendments
40 thereto, to any solid waste processing facility or solid waste disposal area,
41 as the same is defined by K.S.A. 65-3402, and amendments thereto;

42 (n) the transporting of vehicles used solely in the custom combining
43 business when being transported by persons engaged in such business;

1 (o) the operation of vehicles used for servicing, repairing or
2 transporting of implements of husbandry, as defined in K.S.A. 8-1427, and
3 amendments thereto, by a person actively engaged in the business of
4 buying, selling or exchanging implements of husbandry, if such operation
5 is within 100 miles of such person's established place of business in this
6 state;

7 (p) transportation by taxi or bus companies operated exclusively
8 within any city or within 25 miles of the point of its domicile in a city;

9 (q) a vehicle being operated with a dealer license plate issued under
10 K.S.A. 8-2406, and amendments thereto, and in compliance with K.S.A. 8-
11 136, and amendments thereto, and vehicles being operated with a full-
12 privilege license plate issued under K.S.A. 8-2425, and amendments
13 thereto;

14 (r) the operation of vehicles used for transporting materials used in
15 the servicing or repairing of the refractory linings of industrial boilers;

16 (s) transportation of newspapers published at least one time each
17 week;

18 (t) transportation of animal dung to be used for fertilizer;

19 (u) the operation of ground water well drilling rigs;

20 (v) the transportation of cotton modules from the field to the gin; ~~and~~

21 (w) the transportation of custom harvested silage, including, but not
22 limited to, corn, wheat and milo; *and*

23 (x) *commercial motor vehicles operating in intrastate commerce*
24 *which do not equal or exceed 26,001 pounds, except commercial motor*
25 *vehicles, regardless of weight, which are designed or used to transport 16*
26 *or more passengers, including the driver, or which are used in the*
27 *transportation of hazardous materials and required to be placarded*
28 *pursuant to 49 C.F.R. Part 172, subpart F.*

29 Sec. 2. K.S.A. 2013 Supp. 66-1,129 is hereby amended to read as
30 follows: 66-1,129. (a) The commission shall adopt rules and regulations
31 necessary to carry out the provisions of this act. No public motor carrier of
32 property, household goods or passengers or private motor carrier of
33 property shall operate or allow the operation of any motor vehicle on any
34 public highway in this state except within the provisions of the rules and
35 regulations adopted by the commission. Rules and regulations adopted by
36 the commission shall include:

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

39 (2) Every driver of a public or private motor carrier, except the driver
40 of a farm vehicle, operating as a carrier of intrastate commerce within this
41 state, shall be at least 18 years of age. All such drivers shall be competent
42 to operate the motor vehicle under such driver's charge.

43 (3) Minimum age requirements for every driver of a motor carrier,

1 operating as a carrier of interstate commerce, shall be consistent with
2 federal motor carrier regulations.

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

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

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

10 (7) Motor carrier transportation requirements that are consistent with
11 continuation of the federal motor carrier safety assistance program and
12 other federal requirements concerning transportation of hazardous
13 materials.

14 (b) No rules and regulations adopted by the commission pursuant to
15 this section shall require the operator of any motor vehicle having a gross
16 vehicle weight rating or gross combination weight rating of not more than
17 10,000 pounds to submit to a physical examination, unless required by
18 federal laws or regulations.

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

22 (1) The owner of livestock or producer of farm products transporting
23 livestock of such owner or farm products of such producer to market in a
24 motor vehicle of such owner or producer, or the motor vehicle of a
25 neighbor on the basis of barter or exchange for service or employment, or
26 to such owner or producer transporting supplies for the use of such owner
27 or producer in or producer, or in the motor vehicle of a neighbor on the
28 basis of barter or exchange for service or employment.

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

34 (3) ~~(A) Except for motor vehicles under subparagraph (B), motor~~
35 ~~vehicles, with a gross vehicle weight rating of 26,000 pounds or less,~~
36 ~~carrying tools, property or material belonging to the owner of the vehicle,~~
37 ~~and used in repair, building or construction work, not having been sold or~~
38 ~~being transported for the purpose of sale, except vehicles transporting~~
39 ~~hazardous materials which require placards~~ *Commercial motor vehicles*
40 *operating in intrastate commerce which do not equal or exceed 26,001*
41 *pounds, except commercial motor vehicles, regardless of weight, which*
42 *are designed or used to transport 16 or more passengers, including the*
43 *driver, or which are used in the transportation of hazardous materials and*

1 *required to be placarded pursuant to 49 C.F.R. Part 172, subpart F.*

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 transport
11 grain from the producer to an elevator or other place for storage or sale for
12 a distance of not to exceed 50 miles.

13 (5) The operation of hearses, funeral coaches, funeral cars or
14 ambulances 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 15 people, including the driver, while used for vanpooling or
20 otherwise not-for-profit in transporting persons who, as a joint
21 undertaking, bear or agree to bear all the costs of such operations, or motor
22 vehicles with a normal seating capacity *of* not more than 15 people,
23 including the driver, for not-for-profit transportation by one or more
24 employers of employees to and from the factories, plants, offices,
25 institutions, construction sites or other places of like nature where such
26 persons are employed or accustomed to work.

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

34 Sec. 3. K.S.A. 2013 Supp. 66-1,109 and 66-1,129 are hereby
35 repealed.

36 Sec. 4. This act shall take effect and be in force from and after its
37 publication in the statute book.