

House Substitute for SENATE BILL No. 273

By Committee on Transportation

3-21

1 AN ACT concerning motor vehicles; relating to commercial vehicles;
2 registration and regulation; amending K.S.A. 2013 Supp. 8-129, 66-
3 1,109 and 66-1,129 and repealing the existing sections.
4

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

6 Section 1. K.S.A. 2013 Supp. 8-129 is hereby amended to read as
7 follows: 8-129. (a) Applications for the registration of a vehicle required to
8 be registered shall be made by the owner, by mail, on-line, electronically
9 or otherwise, in the office of the county treasurer of:

10 (1) The county in which such owner resides; or

11 (2) the county in which the owner has a bona fide place of business, if
12 such vehicle is garaged in such county for a period exceeding 90 days.
13 Such place of business shall not be an office or facility established or
14 maintained solely for the purpose of obtaining registration.

15 *A county treasurer shall be required to process applications for the*
16 *registration of commercial vehicles if the county processes any*
17 *applications for any other type of vehicle.* Such applications for
18 registration shall be made upon appropriate forms furnished by the
19 department and every application shall contain the name of the owner,
20 such owner's residence address or bona fide place of business, a brief
21 description of the vehicle to be registered and such other information as
22 may be required by the department. If the owner is not a resident of or
23 does not have a bona fide place of business in this state, the owner may
24 make application for registration in any county which the department shall
25 designate, except that in the case of members of the armed forces of the
26 United States, the application may be signed by the owner's spouse, parent,
27 eldest brother or sister, in the order named. With reference to every foreign
28 vehicle which has been registered outside of this state, the owner shall
29 exhibit to the department the certificate of title and registration card, or
30 other evidence of such former registration as may be in the applicant's
31 possession or control, or such other evidence as will satisfy the department
32 that the applicant is the lawful owner or possessor of the vehicle.

33 (b) The applicant for the registration of a vehicle required to be
34 registered, upon the filing of the application, shall submit a statement
35 certifying that such person has a certificate of title for the motor vehicle,
36 showing the date and identification thereof, or file an application therefor,

1 as provided in this act.

2 (c) Any reference in article 1 of chapter 8 of the Kansas Statutes
3 Annotated, and amendments thereto, to a county treasurer or office of a
4 county treasurer performing any services associated with vehicle functions
5 and receiving compensation for such services shall also include contractors
6 that have contracted with the department to perform such services if the
7 director of vehicles determines that a county treasurer has failed to:

8 (1) Comply with article 1 of chapter 8 of the Kansas Statutes
9 Annotated, and amendments thereto, relating to vehicle functions;

10 (2) comply with rules and regulations promulgated pursuant to
11 subsection (e); or

12 (3) enter into and abide by a contract with the department to ensure
13 minimum standards and practices are maintained by the county treasurer in
14 the performance of assigned vehicle functions.

15 (d) The department may appoint contractors to perform some or all of
16 the vehicle functions agreed to by the department and the contractor to be
17 performed. In circumstances involving vehicle registrations, the
18 department shall be required to make the findings required by subsection
19 (c) before contracting with a contractor that is not a county treasurer.

20 (e) The secretary of revenue may adopt rules and regulations in order
21 to implement and administer the provisions of subsections (c) and (d) to:

22 (1) Enter into contracts with the county treasurers to perform vehicle
23 functions;

24 (2) create minimum standards and practices for the performance of
25 vehicle functions;

26 (3) require criminal background reviews of county treasurers and
27 their staff that will be performing vehicle functions, if needed;

28 (4) establish and set the limits on the additional, non-statutory fees, if
29 any, that a contractor may charge a person for services relating to vehicle
30 functions; and

31 (5) create efficient and rapid administrative processes for suspending
32 or revoking a treasurer's ability to perform vehicle functions on behalf of
33 the department if such treasurer violates applicable laws, rules and
34 regulations, or the treasurer's written contract with the department.

35 Any order of the department suspending or revoking a county
36 treasurer's authorization to perform vehicle functions for the state of
37 Kansas shall include requirements for the county treasurer's reinstatement.

38 Sec. 2. K.S.A. 2013 Supp. 66-1,109 is hereby amended to read as
39 follows: 66-1,109. This act shall not require the following carriers to
40 obtain a certificate, license or permit from the commission or file rates,
41 tariffs, annual reports or provide proof of insurance with the commission:

42 (a) Transportation by motor carriers wholly within the corporate
43 limits of a city or village in this state, or between contiguous cities or

1 villages in this state or in this and another state, or between any city or
2 village in this or another state and the suburban territory in this state within
3 three miles of the corporate limits, or between cities and villages in this
4 state and cities and villages in another state which are within territory
5 designated as a commercial zone by the relevant federal authority, except
6 that none of the exemptions specified in this subsection (a) shall apply to
7 wrecker carriers;

8 (b) a private motor carrier who operates within a radius of ~~25~~ 125
9 miles beyond the corporate limits of its city or village of domicile, or who
10 operates between cities and villages in this state and cities and villages in
11 another state which are within territory designated as a commercial zone
12 by the relevant federal authority;

13 (c) the owner of livestock or producer of farm products transporting
14 livestock of such owner or farm products of such producer to market in a
15 motor vehicle of such owner or producer, or the motor vehicle of a
16 neighbor on the basis of barter or exchange for service or employment, or
17 to such owner or producer transporting supplies for the use of such owner
18 or producer in a motor vehicle of such owner or producer, or in the motor
19 vehicle of a neighbor on the basis of barter or exchange for service or
20 employment;

21 (d) (1) the transportation of children to and from school; (2) to motor
22 vehicles owned by schools, colleges, and universities, religious or
23 charitable organizations and institutions, or governmental agencies, when
24 used to convey students, inmates, employees, athletic teams, orchestras,
25 bands or other similar activities; or (3) motor vehicles owned by nonprofit
26 organizations meeting the qualification requirements of section 501(c)
27 of the internal revenue code of 1986, and amendments thereto, when
28 transporting property or materials belonging to the owner of the vehicle;

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

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

35 (g) 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 (h) the operation of hearses, funeral coaches, funeral cars or
40 ambulances by motor carriers;

41 (i) motor vehicles owned and operated by the United States, the
42 District of Columbia, any state, any municipality or any other political
43 subdivision of this state, including vehicles used exclusively for handling

1 U.S. mail, and the operation of motor vehicles used exclusively by
2 organizations operating public transportation systems pursuant to 49
3 U.S.C. sections 5307, 5310 and 5311;

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

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

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

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

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

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

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

34 (q) a vehicle being operated with a dealer license plate issued under
35 K.S.A. 8-2406, and amendments thereto, and in compliance with K.S.A. 8-
36 136, and amendments thereto, and vehicles being operated with a full-
37 privilege license plate issued under K.S.A. 8-2425, and amendments
38 thereto;

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

41 (s) transportation of newspapers published at least one time each
42 week;

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

- 1 (u) the operation of ground water well drilling rigs;
- 2 (v) the transportation of cotton modules from the field to the gin; and
- 3 (w) the transportation of custom harvested silage, including, but not
- 4 limited to, corn, wheat and milo.

5 Sec. 3. K.S.A. 2013 Supp. 66-1,129 is hereby amended to read as
6 follows: 66-1,129. (a) The commission shall adopt rules and regulations
7 necessary to carry out the provisions of this act. No public motor carrier of
8 property, household goods or passengers or private motor carrier of
9 property shall operate or allow the operation of any motor vehicle on any
10 public highway in this state except within the provisions of the rules and
11 regulations adopted by the commission. Rules and regulations adopted by
12 the commission shall include:

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

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

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

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

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

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

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

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

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

41 (1) The owner of livestock or producer of farm products transporting
42 livestock of such owner or farm products of such producer to market in a
43 motor vehicle of such owner or producer, or the motor vehicle of a

1 neighbor on the basis of barter or exchange for service or employment, or
2 to such owner or producer transporting supplies for the use of such owner
3 or producer in or producer, or in the motor vehicle of a neighbor on the
4 basis of barter or exchange for service or employment.

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

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

16 (B) Except vehicles transporting hazardous materials which require
17 placards, motor vehicles, with a gross vehicle weight rating of 26,000
18 pounds or less: *(i) Carrying tools, property or material belonging to the*
19 *owner of the vehicle and used in repair, building or construction work and*
20 *such within a radius of 125 miles of the principal place of business of the*
21 *motor carrier; or (ii) carrying tools, property or material are being*
22 *transported to or from an active construction site located within a radius of*
23 *25 125 miles of the principal place of business of the motor carrier, so*
24 *long as the motor carrier is not operating as a motor carrier for hire while*
25 *carrying such tools, property or material.*

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

1 (8) 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, unless the implement of husbandry is transported on a commercial
7 motor vehicle.

8 Sec. 4. K.S.A. 2013 Supp. 8-129, 66-1,109 and 66-1,129 are hereby
9 repealed.

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