

SESSION OF 2013

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2177

As Amended by House Committee of the Whole

Brief*

HB 2177 would amend certain statutes related to motor carriers:

- It would delete an outdated reference to a “local wrecker permit”;
- It would require each intrastate driver for a private motor carrier, in addition to each intrastate driver for a public motor carrier, to be at least 18 years old and clearly would exempt the intrastate driver of a farm vehicle from that age requirement;
- It would amend the seating capacity of a motor vehicle exempt from state motor carrier rules and regulations when not transporting people for profit from 15 plus the driver to 15 including the driver;
- It would remove an exemption from state motor carrier rules and regulations for vehicles used to transport water for domestic or livestock consumption (which are exempted elsewhere in statute); and
- It would remove language related to materials authorized to be transported by intrastate farmers.

The bill also would amend a section of the Uniform Commercial Driver's License Act to specify a farm vehicle used either in intrastate commerce or in interstate commerce

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

within 150 air miles of any farm or farms owned or leased by the farm vehicle's registered owner.

Background

The bill was requested by the Kansas Corporation Commission (Commission), and a representative of the Commission's Transportation Division testified in support of the bill at the House Committee hearing. The Commission representative said no wrecker permits have been issued in many years and said other changes in the bill were recommended by the Federal Motor Carrier Safety Administration. He said the change in vehicle capacity would reflect current vehicle sizes, vehicles transporting water for domestic or livestock use are exempted from regulation in other law, and the provisions regarding materials authorized to be transported by intrastate farmers in nonspecification bulk packaging are redundant to provisions in the Commission's rules and regulations. He explained a private carrier is one that uses its equipment to transport its own goods, not those of other businesses. A representative of the Kansas Motor Carriers Association testified in support of the bill. There was no other testimony.

The House Committee on Transportation amended the bill to exempt the driver of a farm vehicle from the requirement all drivers for public or private carriers be at least 18 years old, to clearly allow those with farm permits to drive farm vehicles. [Under existing law, a farm permit is available to a person at least 14 years old but younger than 17 who lives on a farm or who is employed for compensation on a farm (KSA 2012 Supp. 8-296). A farm permit allows its holder to drive a Class C vehicle, the definition of which includes any single vehicle with a gross vehicle weight rating less than 26,001 pounds, any such vehicle towing a vehicle not exceeding 10,000 pounds gross vehicle weight rating, a combination of those, or any single vehicle registered as a farm truck (KSA 2012 Supp. 8-234b)].

The House Committee of the Whole amended the bill to add the changes to the Uniform Commercial Driver's License Act, to reflect recent changes in federal law [Section 32934 of the most recent federal transportation bill, Moving Ahead for Progress in the 21st Century Act ("MAP-21"; P.L. 112-141; effective October 1, 2012)]. That federal law provides a statutory exemption from most Federal Motor Carrier Safety Regulations for the interstate operation of covered farm vehicles by farm and ranch operators, their employees and family members, under certain circumstances (generally, when the vehicle is transporting agricultural commodities, livestock, machinery, or supplies to or from a farm or ranch, but not including when the farm vehicle is transporting hazardous materials that require a placard) and within 150 air miles of the farm. The exemptions also apply to intrastate operation.

The fiscal note from the Division of the Budget on the original bill states the bill would have no fiscal effect on the Commission.