

Safety and Economic Regulation of Commercial Motor Vehicles; SB 21

SB 21 amends the economic and safety regulation of commercial motor vehicles operated solely in intrastate commerce.

Economic Regulation

In law exempting certain motor carriers from requirements to obtain a certificate, license, or permit from the Kansas Corporation Commission (KCC) or file rates, tariffs, annual reports, or proof of insurance with the KCC (“economic regulation”), the bill replaces an exemption expiring July 1, 2015, for all commercial motor vehicles operating in intrastate commerce that weigh less than 26,001 pounds and meet certain restrictions. The bill exempts certain private motor carriers: those domiciled in Kansas; operating commercial motor vehicles with gross vehicle weights (GVW), gross vehicle weight ratings (GVWR), gross combination weights (GCW), or gross combination weight ratings (GCWR) of 10,000 to 26,000 pounds; and registered in Kansas. Under continuing law, the exemption in this bill is not applicable to commercial motor vehicles, regardless of weight, that are used to transport 16 or more passengers (including the driver); intrastate public (for-hire) carriers of property or passengers; or motor vehicles used in the transportation of hazardous materials and required to be placarded under federal law.

The bill defines “domicile” as the principal place of business of a motor carrier in law exempting these types of motor carriers from economic regulation: any private motor carrier operating within a 25-mile radius beyond its city of domicile; any taxi or bus company operating exclusively within any city or within a 25-mile radius beyond its city of domicile; and the private motor carriers described above.

Safety Regulation

The bill exempts certain specified motor carriers from the safety provisions of 49 CFR parts 390 through 399 adopted by reference in the KCC’s rules and regulations, rather than from “any” safety requirements in the KCC rules and regulations.

The bill replaces an exemption for commercial motor vehicles with GVW, GVWR, GCW, or GCWR of 26,000 pounds or less (expiring July 1, 2015) with an exemption for private motor carriers domiciled in Kansas operating commercial motor vehicles with GVW, GVWR, GCW, or GCWR of 10,001 to 26,000 pounds and registered in Kansas. The bill requires private motor carriers to comply with certain safety requirements regarding load securement, coupling devices, and vehicle inspection. The bill defines “domicile” the same way as in the economic regulation portion of the bill. Under continuing law, the exemption in this bill is not applicable to commercial motor vehicles, regardless of weight, that are used to transport 16 or more passengers (including the driver); intrastate public (for-hire) carriers of property or passengers; or motor vehicles used in the transportation of hazardous materials and required to be placarded under federal law.

Additional groups exempted from the safety provisions of 49 CFR parts 390 through 399 as adopted by reference in the KCC’s rules and regulations are those that have been exempted from any commercial motor vehicle safety rules and regulations of the KCC: the owner of

livestock or producer of farm products transporting livestock or farm products under certain circumstances; transporting children to and from school or motor vehicles owned by schools, colleges, religious and charitable organizations and institutions, or governmental agencies, when used to convey students or similar activities; certain grain transport vehicles; hearses, ambulances, and similar vehicles used by motor carriers; government vehicles; not-for-profit van pools using vehicles seating no more than 15, including the driver; and any vehicle used by a person actively engaged in buying, selling, or exchanging implements of husbandry within 100 miles of the person's established place of business, unless the implement of husbandry is transported on a commercial motor vehicle.