

SESSION OF 2017

SUPPLEMENTAL NOTE ON SENATE BILL NO. 36

As Amended by Senate Committee on
Transportation

Brief*

SB 36 would amend law related to commercial motor vehicles.

The bill would remove various definitions related to commercial motor vehicles from the statutes and replace references to those terms with references to definitions in the Code of Federal Regulations (CFR) as of July 1, 2017, or any later version established in rules and regulations of the Kansas Corporation Commission (KCC). The bill also would replace references to definitions in “rules and regulations adopted by” the KCC with the same reference to the CFR or later version as adopted by the KCC in rules and regulations.

The bill would clarify the KCC authority to regulate motor carriers by specifying authority for only those that operate vehicles meeting the definition of “commercial motor vehicle.”

The bill would repeal a registration fee for vehicles of certain interstate motor carriers that transport commodities.

Background

The bill was requested by the Transportation Division of the KCC, whose Director testified in favor of the bill in the hearing before the Senate Committee on Transportation. The Director stated the bill would amend the KCC’s operating authority statutes to clarify only for-hire passenger vehicles

*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>

meeting the definition of “commercial motor vehicle” would be regulated as commercial motor vehicles. He stated the fee to be repealed is no longer collected because the fee was phased out several years ago by federal statute. He also stated the KCC regularly adopts in rules and regulations definitions included in the CFR and, because statutes are amended less frequently, the definitions in statute and rules and regulations may differ under current law. The Director also noted the Kansas Motor Carriers Association joined the KCC as a proponent of statutory changes proposed in the bill.

No other testimony was provided.

The Senate Committee amended the bill, as suggested by the Director, to state more specifically where in law the definitions would be found.

A “commercial motor vehicle” is defined in 49 CFR 390.5 as having a gross weight of 10,001 pounds or more, designed or used to transport more than 8 passengers (including the driver) for compensation, designed or used to transport more than 15 passengers (including the driver) not for compensation, or used to transport hazardous materials.

According to the fiscal note prepared by the Division of the Budget, enactment of the bill, as introduced, would have no fiscal effect on the KCC. The fiscal note states the regulatory fee the bill would remove has not been collected by the KCC in recent years.