


# KCC PROCEDURES FOR SAFETY COMPLIANCE



**Motor Carrier Class  
Procedures for Safety Compliance**

Presented by the  
Kansas Corporation Commission (KCC) | Transportation Division  
Updated January 2024

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- **Human Trafficking** is based on recruiting, harboring and/or transporting people solely for the purpose of exploitation
- **No freedom to leave situation**
- Includes *labor trafficking* and *sex trafficking*
- Human Trafficking, a modern form of slavery, is one of the fastest growing criminal industry in the world
- Exploits a person's vulnerabilities
- Trafficking industry thrives on ignorance and preys upon the uneducated.

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- More than 83% of human trafficking involves domestic victims and the majority of these are children. This means that most trafficking in Kansas involves *local children*.



- Kansas has adopted new laws that seek to protect and rescue human trafficking victims.

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# KCC PROCEDURES FOR SAFETY COMPLIANCE

**Why Kansas?**



- Centrally located
- Intersection of major federal interstates: I-70 and I-35
- Hub of mid-western commerce
- Exchange points

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**Characteristics of a Sex-Trafficking Victim**

- Average age of entry is 12 – 14 years old
- Majority are runaway and/or youth within the foster care system & child protective services: some come from middle class, or wealth and prosperity
- 70-90% of sexually exploited children have a history of child sexual abuse
- Most are female
- Not likely to consider themselves as victims

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**Obstacles to Identification**

- Almost never self-identify as trafficking victims
- **View trafficker as “boyfriend”/trauma bonding**
- Fear of retaliation/acting on threats
- Lured into false sense of “choice”
- May have been given new name, branded
- Conditioned to view others as “family”
- Fearful of law enforcement
- Street smart and difficult to interview

Source: National Human Trafficking Resource Center

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## Truckers Against Trafficking



- [www.truckersagainstrafficking.org](http://www.truckersagainstrafficking.org)  
– [tat.truckers@gmail.com](mailto:tat.truckers@gmail.com)
- National group that educates, equips, empowers and mobilizes members of the trucking and travel plaza industry to combat domestic sex trafficking.
- Effective July 1, 2018, all Kansas CDL applications and renewals are required to go through the TAT training and present certificate at DMV to obtain CDL.
- KS AG office partnering with TAT and the KMCA.

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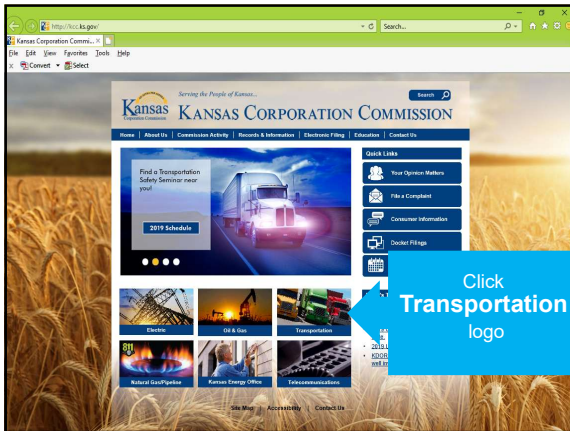
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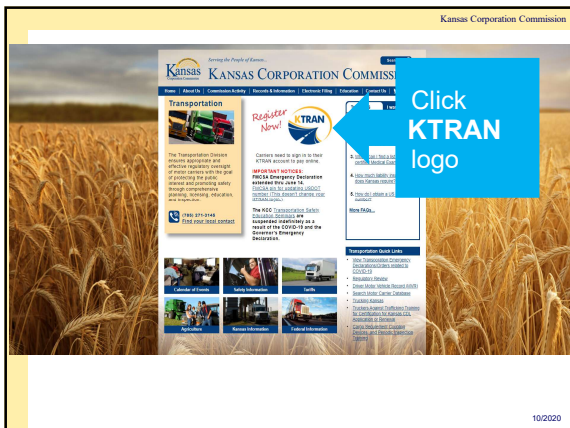
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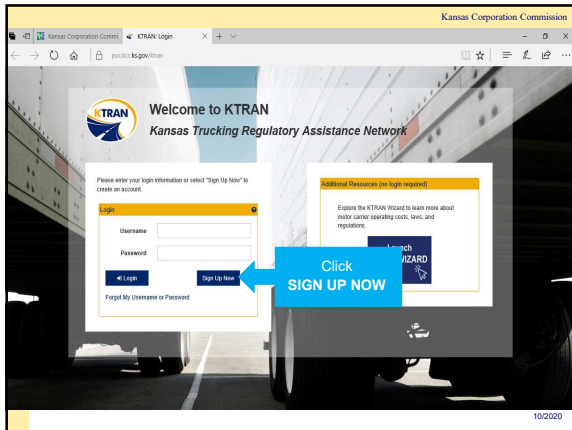
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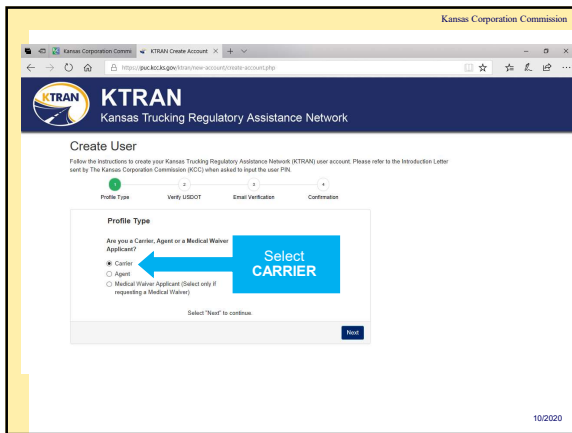
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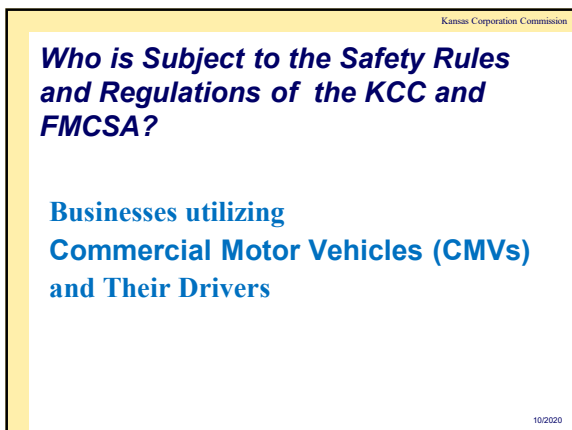
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# KCC PROCEDURES FOR SAFETY COMPLIANCE

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## What is a CMV? Part 390.5

**Commercial Motor Vehicle (CMV)** –means any self-propelled or towed motor vehicle used on a **HIGHWAY** in INTER or INTRAstate commerce to transport passengers or property when the vehicle -

- has a gross vehicle weight rating (GVWR) or gross combination weight rating (GCWR) of 10,001 or more pounds,
- or gross vehicle weight (GVW) or gross combination weight (GCW), of 10,001 or more pounds, whichever is greater;

Mfgs. Spec Plate  
inside driver's door post

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## What is a HIGHWAY? Part 390.5T

- Highway** means any road, street, or way, whether on public or private property, open to public travel. "Open to public travel" means that the road section is available, except during scheduled periods, extreme weather or emergency conditions, passable by four-wheel standard passenger cars, and open to the general public for use without restrictive gates, prohibitive signs, or regulation other than restrictions based on size, weight, or class of registration. Toll plazas of public toll roads are not considered restrictive gates.

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## What is Weight Rating?

**Gross combination weight rating (GCWR)** is the greater of:

- A value specified by the manufacturer of the power unit, if such value is displayed on the Federal Motor Vehicle Safety Standard (FMVSS) certification label required by the National Highway Traffic Safety Administration, or
- The sum of the gross vehicle weight ratings (GVWRs) or the gross vehicle weights (GVWs) of the power unit and the towed unit(s), or any combination thereof, that produces the highest value. Exception: The GCWR of the power unit will not be used to define a commercial motor vehicle when the power unit is not towing another vehicle.

**Gross vehicle weight rating (GVWR)** means the value specified by the manufacturer as the loaded weight of a single motor vehicle.

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### What is a CMV? *Continued*

- a vehicle designed or used to transport more than 8 passengers (including the driver) for compensation; or is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation;

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### What is a CMV? *Continued*

- or a vehicle used to transport hazardous materials that requires a placard.

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## Kansas Intrastate Private Carrier law

The law *exempts* "INTRASTATE" Kansas domiciled **Private carrier** operations of CMVs that do not exceed a GVWR, GCWR, GVW or CGVW of 26,000 pounds from the **Economic** and **Safety** regulations of the KCC except for **Cargo Securement, Coupling Devices and Annual Inspection** requirements.

The exemption does not apply to the following **Private CMVs**, regardless of weight, which are designed or used to transport 16 or more passengers including the driver, or which are used to transport HM and required to be placarded.

- **For Hire carriers are subject at GVWR, GCWR, GVW or CGVW rating 10,001 or more pounds.**

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The screenshot shows the KTRAN website interface. A blue arrow points from the text "KS Private less than 26,000 pounds information" to the "Register Now!" section. The website content includes: "Transportation" header, "Register Now!" with a KTRAN logo, "Now Open for Registration!" with logos for DRUG & ALCOHOL CLEARINGHOUSE and FMCSA, "Top FAQs" list, "Transportation Quick Links" list, and a "Calendar of Events" section.

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## What is a driver?

**Title 49 Code of Federal Regulations  
Part 390.5, Definitions...**

- **Driver** means **any** person who operates **any** commercial motor vehicle.

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**Title 49 CFR Part 391.1 Scope of the rules in this part; additional qualifications; duties of carrier-drivers.**

- (a) The rules in this part establish minimum qualifications for persons who drive commercial motor vehicles as, for, or on behalf of motor carriers. The rules in this part also establish minimum duties of motor carriers with respect to the qualifications of their drivers.
- (b) A motor carrier who employs himself/herself as a driver must comply with both the rules in this part that apply to motor carriers and the rules in this part that apply to a CMV driver.

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**Part 391.11 General qualifications of drivers.**

- (a) A person shall not drive a commercial motor vehicle unless he/she is qualified to drive a commercial motor vehicle. Except as provided in Part 391.63, a motor carrier shall not require or permit a person to drive a commercial motor vehicle unless that person is qualified to drive a commercial motor vehicle.

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**What is a CMV for Commercial Driver's License (CDL)?**

CMV, as defined in Title 49 CFR Part 383.5, means any self-propelled or towed motor vehicle used on a **HIGHWAY** in INTER or INTRAstate commerce to transport passengers or property if the motor vehicle:

- (a) Has a gross combination weight rating or gross combination weight of 26,001 pounds or more, whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 10,000 pounds, whichever is greater; or
- (b) Has a gross vehicle weight rating or gross vehicle weight of 26,001 pounds or more, whichever is greater; or
- (c) Is designed to transport 16 or more passengers, including the driver; or
- (d) Is of any size and is used in the transportation of hazardous materials as defined in this section that is required to be placarded.

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## Class (A) CDL

- Any combination of vehicles with a GCWR of 26,001 pounds or more, *provided* the GVWR of the vehicle(s) being towed is in excess of 10,000 pounds.



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## Class (B) CDL

- Any single vehicle with a GVWR of 26,001 pounds or more, or any such vehicle towing a vehicle not in excess of 10,000 pounds GVWR.



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## Class (C) CDL

- Any single vehicle, or combination of vehicles, that meets neither the definition of Group A or of Group B as contained in this section, but that either is designed to transport 16 or more passengers including the driver, or is used to transport placardable quantities of hazardous material.



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## INTERstate CDL Medical requirements

- All INTERstate CDL drivers who are non-exempt (Category 1) are required to submit their updated medical examiner's certificate (MEC), form MCSA form #5876, to KS Dept. of Revenue, Dept. of Motor Vehicles (DMV) prior to expiration of the MEC.
- For Category 1 CDLs, if DMV doesn't have a current copy of your MEC on file, they will automatically downgrade the CDL to a noncommercial Class C.
- For Category 2, 3 & 4 CDLs the MEC doesn't need to be submitted. Category 3 MECs need to be in the DQ file.

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## INTERstate CDL Medical Requirements (cont.)

- You can submit a copy of your MEC to the DMV:
  - FAX: 785-296-5859;
  - Email to: [kdor\\_medical.certification@ks.gov](mailto:kdor_medical.certification@ks.gov);
  - Mail to: P.O. Box 2188, Topeka, KS 66601-2188;
  - or deliver a copy to full service CDL exam station.
- If you are downgraded to a Class C, you are not required to take the written and skills tests if you are within 12 months of the MEC expiration, but you will need to pay the appropriate fees to be reinstated to a CDL.
- Check CDL category status and interstate MEC: <https://www.kdor.ks.gov/Apps/DLStatus/login.aspx>

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## CDL Endorsements

- **T** — **Double/triple trailers** (knowledge test only)
- **P** — **Passenger** (knowledge and skills tests)
- **N** — **Tank vehicle** (knowledge test only)
- **H** — **Hazardous materials** (knowledge test only)
- **X** — **Combination of tank vehicle and hazardous materials** (knowledge tests only)
- **S** — **School Bus** (knowledge and skills test)

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**What is Interstate Commerce?**

Title 49 CFR Part 390.5 defines Interstate commerce as:

Trade, traffic, or transportation in the United States:

- (1) Between a place in a State and a place outside of such State (including a place outside of the United States);
- (2) Between two places in a State through another State or a place outside of the United States; or
- (3) Between two places in a State as part of trade, traffic, or transportation originating or terminating outside the State or the United States.

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**What is Intrastate Commerce?**

- Means any trade, traffic, or transportation in any State which is not described in the term “**Interstate commerce.**”

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**What is a Private Motor Carrier?**

- Means a person who provides transportation of property or passengers, by commercial motor vehicle, and is not a for-hire motor carrier.

**What is a Public (For Hire) Motor Carrier?**

- Means a person engaged in the transportation of goods or passengers for compensation.

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## What is a Chameleon Carrier?

**Chameleons change colors to hide themselves.**  
Some applicants think they can re-register to hide themselves.

- Carriers registering for a new USDOT number to avoid paying civil penalties or to get around previous out-of-service orders will be identified.
- If a carrier provides false information or hides information when it applies or reapplies for a USDOT number, the carrier may be fined, charged with a crime, or have its registration revoked.

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## Who needs to pull into a weigh station?

**In Kansas, ALL TRUCKS are required to pull into Weigh Stations.**

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## Roadside Inspections

**Who is involved?**

- (1) A state enforcement officer, certified by FMCSA and Federal and KCC Inspectors
- (2) Usually the CMV driver



**When will an inspection occur?**  
Unannounced

**Where will the inspection take place?**  
Generally the inspection will take place at the roadside and it will be included as part of the review

**Why does FMCSA conduct roadside inspections?**  
To improve safety, conduct enforcement, collect data for monitoring and ensure compliance with all regulations

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# KCC PROCEDURES FOR SAFETY COMPLIANCE

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## Roadside Inspections

- Each driver is required to turn in roadside inspection report forms to their companies.
- The company needs to submit the inspection form with the corrective action for all noted violations to the issuing enforcement agency within 15 days with a description of corrective actions taken, if violations noted;
- Copies of inspection forms must be retained in company files; and
- **All out-of-service (OOS) violations must be corrected prior to the vehicle being operated.**

**Failure to comply with an OOS order may result in:**

- KCC penalties of \$1,000 - \$5,000; and
- Federal fines of \$2,500 - \$25,000.

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## Roadside Inspection Items

<u>Driver:</u>	<u>Vehicle:</u>	
<ul style="list-style-type: none"><li>• Driver's license</li><li>• Medical examiner's certificate and waiver</li><li>• Alcohol and drugs</li><li>• Driver's record of duty status</li><li>• Hours of service</li><li>• Seat belt</li><li>• Driver vehicle inspection reports</li></ul>	<ul style="list-style-type: none"><li>• Brake system</li><li>• Exhaust system</li><li>• Frame and suspension</li><li>• Fuel system</li><li>• Lamps - turn signals; brake, tail, and head lamps; lamps on projecting loads</li><li>• Coupling devices</li><li>• Safe loading</li></ul>	<ul style="list-style-type: none"><li>• Steering mechanism</li><li>• Tires, wheels, and rims</li><li>• Van and open-top trailer bodies</li><li>• Windshield wipers</li><li>• Emergency exits on buses</li><li>• HM requirements</li></ul>

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## DataQs

If you disagree with violations cited on your roadside inspection you may submit a DataQ.

DataQs allow you to request and track a review of Federal and State data issued by FMCSA that you feel may be incomplete or incorrect. The system automatically forwards your Request for Data Review (RDR) to the appropriate office (jurisdiction where the violation occurred) for resolution and collects updates and responses for current requests.

<https://dataqs.fmcsa.dot.gov/>

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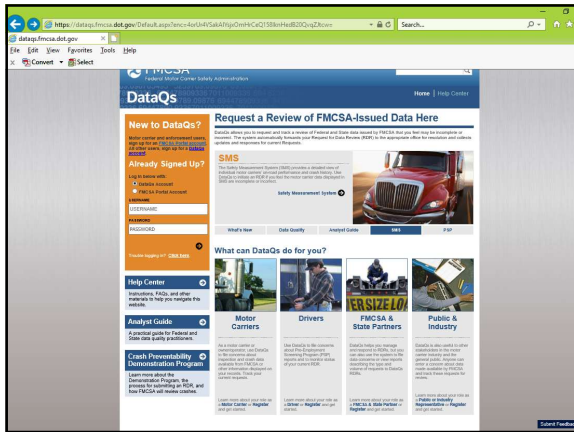
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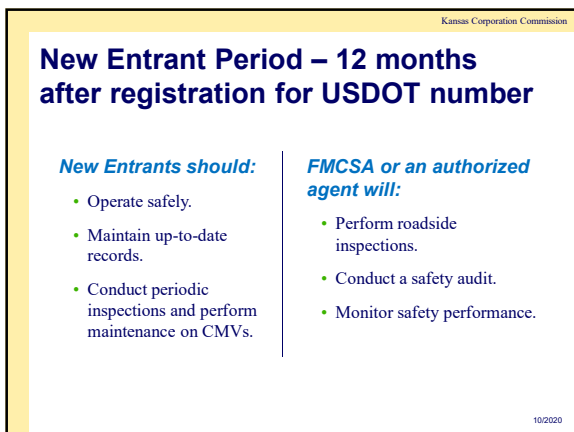
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# KCC PROCEDURES FOR SAFETY COMPLIANCE

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## Safety Audits & Compliance Reviews

**Who is involved?**

- KCC special investigator, KHP auditor or a FMCSA safety investigator
- The motor carrier (possibly including managers, drivers, mechanics, and other staff)

**When will an audit or review occur?**

**Safety audits or Compliance reviews are scheduled as follows:**

- FMCSA audits and KCC new authority reviews – within 12-18 months of starting operations or obtaining authority
- Compliance reviews – any time
- Passenger Carrier Safety Audit – within 9 months of starting operations

**Where will the audit or review take place?**

The audit or review will generally be conducted at the new entrant's principle place of business for safety.

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## Components of Safety Audits and Compliance Reviews (1)



**Accident Review**  
49 CFR part 390



**Financial Responsibility**  
49 CFR part 387



**Maintenance Review**  
49 CFR parts 393 & 396

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## Components of Safety Audits and Compliance Reviews (2)



**Controlled Substance Testing & Driver Review**  
49 CFR parts 382, 383, 391, and 392



**Hours of Service Review**  
49 CFR part 395



**Hazardous Materials**  
49 CFR parts 171-180

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# KCC PROCEDURES FOR SAFETY COMPLIANCE

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## Automatic Failure of Safety Audit

A New Entrant will **AUTOMATICALLY FAIL** the Safety Audit if we find any one of 16 violations related to:

-  **Drugs and Alcohol**
-  **Drivers**
-  **Operations**
-  **Repairs and Inspections**

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## Automatic Failure of Safety Audit

### *Drug and Alcohol Violations*



- ✓ No alcohol and/or drug testing program.
- ✓ No RANDOM alcohol and/or drug testing program.
- ✓ Using a driver who refused a required alcohol or drug test under part 382.
- ✓ Using a driver it knows had a blood alcohol content of 0.04 or greater to perform a safety sensitive function.
- ✓ Using a driver known to have tested positive for drugs.

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## Automatic Failure of Safety Audit

### *Driver Violations*

A New Entrant fails the safety audit for knowingly:

- ✓ Using a driver without a valid CDL.
- ✓ Using a disqualified driver.
- ✓ Using a driver with a revoked, suspended, or cancelled CDL.
- ✓ Using a physically unqualified driver.



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# KCC PROCEDURES FOR SAFETY COMPLIANCE

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## Automatic Failure of Safety Audit

### *Operations Violations*

- ✓ Operating a motor vehicle with inadequate insurance for motor vehicles and property carrying vehicles.
- ✓ Operating a passenger carrying vehicle with inadequate insurance for motor vehicles and passenger carrying vehicles.
- ✓ Failing to require drivers to record duty status and hours of service.

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## Automatic Failure of Safety Audit

### *Repairs and Inspections Violations*

- ✓ Using an out-of-service CMV without repairing it.
- ✓ Not making out-of-service repairs reported in driver-vehicle inspection reports (DVIRs).
- ✓ Permitting the operation of a commercial motor vehicle declared "out of service" before repairs are made.
- ✓ 50% threshold for using a CMV not periodically inspected.

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## Results of the Safety Audit

PASS

FMCSA will continue to monitor the New Entrant's performance through roadside inspections.

FAIL

New Entrant must take corrective action to correct safety management practices or registration will be revoked.

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**Questions?**

**About the New Entrant Safety Assurance Program**

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**Why is it important to comply with the Safety Rules and Regulations of the KCC and FMCSA?**

*Three Important Reasons:*

1. Safety on the roads for Kansans and all highway users;
2. Documents you maintain will help following an accident;
3. *It is the LAW!*



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**Ten fatalities, 1:19 p.m. June 2009, Oklahoma Turnpike near Miami, OK.**

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# KCC PROCEDURES FOR SAFETY COMPLIANCE

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**A Motor Carrier doing business in Kansas and operating a CMV must have the following files maintained at its principal place of business:**

- **Drug/Alcohol Testing files (CDL required vehicle) (Part 382);**
- **Driver Qualification Files (Part 391);**
- **Hours of Service Records (Part 395);**
- **Maintenance Files (Part 396);**
- **Insurance Files (Part 387);**
- **Accident Files (Part 390.15); and**
- **Hazardous Material files (HazMat only) (Part 172-180).**

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**For a Single-Employer Driver, the Driver Qualification File consists of:**

- **Application for Employment;**
- **Inquiry to past employer;**
- **Motor Vehicle Record (MVR);**
- **Annual review of driver's driving record;**
- **Medical Examiner's Certificate; and**
- **Road test if not a CDL.**

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**Driver Qualification File**

- **Application for employment, Part 391.21, see pages 8 and 9 of the red book. All sections must be completed;**
- **Date of Birth is important because you have to be 21 years old to operate interstate and 18 years old to operate intrastate;**
- **Make sure applicant indicates whether they were subject to Part 40 and whether they were subject to the FMCSR's;**
- **List last 3 years of past employers for non-CDL drivers;**
- **List an additional seven years for CDL drivers who operated a CMV during those additional seven years; and**
- **Be sure the application is signed and dated.**

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# KCC PROCEDURES FOR SAFETY COMPLIANCE

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## Driver Qualification File

- **Inquiry to past employers**, *Part 391.23(b)(2)*, see page 11 and 12 of the red book; **Effective January 6, 2023**, motor carriers subject to **Part 382.701(a)**, must use the **Drug and Alcohol Clearinghouse** to comply with the controlled substances and alcohol testing pre-employment inquiry.
- Each **motor carrier employer** listed on the application should be contacted for inquiries about the drivers safety performance history, but not required beyond 3 years;
- Investigation must be completed within 30 days;
- **MVR** must be obtained and in file within 30 days, *Part 391.23(c)*; and
- Telephone inquiries are acceptable if documented.

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## Driver Qualification File

- **Inquiry to State agencies**, motor vehicle record (**MVR**), *Part 391.23(a)(1)*, see page 10 & 10a of the red book. (*Drivers must update their change of address within 10 days of moving with the DMV.*)
- Complete this form and submit it to the Drivers License Section of the Department of Revenue at the address listed on the form and they will provide you with the MVRs.  
*Or go to: <http://www.Kansas.gov/ssrv-mvr-ltd/>*
- This inquiry needs to be completed **annually** and the past 3 years of MVR's are required in the file, *Part 391.25(a)*.

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## Qualification File

- **Annual review of driving record**, *Part 391.25*, see page 18 of the red book;
- Carrier reviews MVR to determine if driver meets minimum requirements for safe driving; and
- Completed and signed by the Carrier.

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# KCC PROCEDURES FOR SAFETY COMPLIANCE

Kansas Corporation Commission

## Driver Qualification File

**Medical Examiner's Certificate** ([MEC, Form 5876 ] commonly referred to as the DOT card), *Part 391.43*, see page 13a of the red book;

- Physical performed and certificate signed by a registered medical examiner (ME);
- FMCSA interstate ME Registry requirement effective May 2014.
- KCC intrastate medical examinations need to be completed by a registered ME effective June 2015.
- Carrier is required to verify and document ME is registered**
- The driver needs to carry the **medical examiner's certificate** whenever operating a CMV;
- Expiration date noted on the certificate, generally renews every 2 years; and
- 3 years of medical and waiver certificates are required in DQ file.

10/2020

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Kansas Corporation Commission

## MCSA 5876 - Medical Examiner's Certificate

**Website to verify ME:** <https://nationalregistry.fmcsa.dot.gov/home>

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Kansas Corporation Commission

## Medical Examination Report Form

**Medical Examination Report Form, MCSA 5875** (*commonly referred to as the long form*) is not required to be in your DQ file but is an important document you should request from your driver(s) because it is your responsibility to have medically qualified drivers. At a minimum you should verify the following:

- Driver has at least 20/40 vision in **each** eye and both eyes (Section 3);
- Driver's hearing meets published standards. (Section 4);
- Driver's blood pressure is at or below 140/90 (Section 5); and
- The urinalysis detects presence of sugar that would indicate diabetes (Section 6). *This is not part of the USDOT controlled substance testing requirements.*

10/2020

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# KCC PROCEDURES FOR SAFETY COMPLIANCE

Kansas Corporation Commission

## INTERstate Diabetes rule change

**Effective 11/19/2018**, FMCSA revised its regulations to permit individuals with a stable insulin regimen and properly controlled insulin-treated diabetes mellitus (ITDM) to be qualified to operate CMVs in interstate commerce. Previously, ITDM individuals were prohibited from driving CMVs in interstate commerce unless they obtained an exemption from FMCSA. This rule enables a ME to grant an ITDM individual a Medical Examiner's Certificate (MEC), MCSA-5876, for up to a maximum of 12 months.

To do so, the treating clinician (TC), the healthcare professional who manages, and prescribes insulin for, the treatment of the individual's diabetes, provides the ITDM Assessment Form, **MCSA-5870**, to the certified ME indicating that the individual maintains a stable insulin regimen and proper control of his or her diabetes. The certified ME then determines that the individual meets FMCSA's physical qualification standards and can operate CMVs in interstate commerce.

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Kansas Corporation Commission

## INTERstate Vision rule change

**Effective 3/22/2022**, FMCSA revised its regulations to permit individuals with monocular vision to be qualified to operate CMVs in interstate commerce. Previously, individuals with monocular vision were prohibited from driving CMVs in interstate commerce unless they obtained an exemption from FMCSA. This rule enables a ME to grant an individual with monocular vision a Medical Examiner's Certificate (MEC), MCSA-5876, for up to a maximum of 12 months.

To do so, the individual needs an evaluation by an ophthalmologist or optometrist who must complete the vision evaluation report Form, **MCSA-5871**. This needs to be submitted within 45 days to the certified ME conducting the medical evaluation indicating that the individual maintains a distance visual acuity in one eye of at least 20/40 with or without corrective lenses and at least a 70 degree field of vision.

If the certified ME determines that the individual meets FMCSA's physical qualification standards, they can operate CMVs in interstate commerce.

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Kansas Corporation Commission

## Intrastate Medical Waivers

- May be granted to individuals who are not physically qualified to pass a medical examination because of diabetes, monocular vision, physical (limb) limitations or seizures;
- **Effective November 19, 2018**, Interstate drivers with diabetes will no longer need an exemption if they meet the criteria for a MCSA-5870 because of a Federal rulemaking.
- **Effective March 22, 2022**, Interstate drivers with monocular vision will no longer need an exemption if they meet the criteria for a completed MCSA-5871. **Kansas intrastate drivers are still required to obtain the vision waiver until the rule change can be made.**
- Must complete application in KTRAN (see next slide);
- Skill performance evaluations (SPEs) must be performed for limb waivers; and
- The KCC is the only Kansas entity authorized to grant intrastate waivers.

*Intrastate Waiver forms are made available to be downloaded and printed once the driver has completed the on-line unilateral waiver application in KTRAN.*

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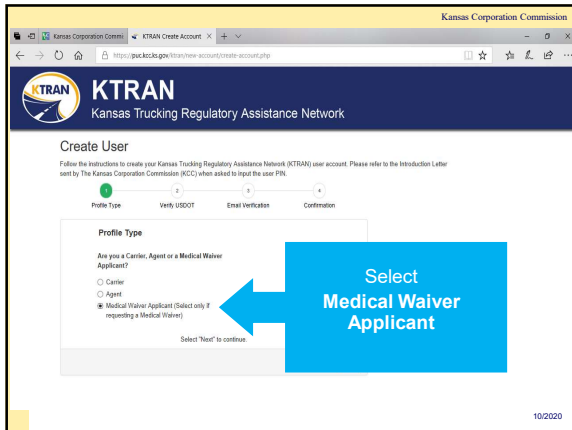
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# KCC PROCEDURES FOR SAFETY COMPLIANCE



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Kansas Corporation Commission

## Driver Qualification File

- **Driver's road test, Part 391.31**, see pages 14 and 15 of the red book;
- Signed and dated by the person giving the test;
- For a CDL driver, the Carrier may elect to keep a copy of driver's CDL in place of a road test;
  - Except, a CDL driver with a double/triple trailer or tank vehicle endorsement is required to have a road test if the driver will be assigned to operate a vehicle requiring the endorsement, *Part 391.33(a)(1)*; and
- **ALL Non-CDL holders must have documented road test.**

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Kansas Corporation Commission

## Driver Qualification File

- **Driver's data sheet, Part 395.8 (j) (2)**, for newly hired drivers, see page 16 of the red book;
- All compensated time for preceding 7 days must be listed; and
- Signed and dated by the driver.

10/2020

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# KCC PROCEDURES FOR SAFETY COMPLIANCE

Kansas Corporation Commission

## Driver Qualification File

- For **Multiple-employer drivers**, *Part 391.65*, a driver who drives for one company only for 7 consecutive days; and
- A DQ file for **Multiple-Employer drivers** consists of a certificate and items found on check list located on page 17 of the red book.

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Kansas Corporation Commission

## Training Requirements for Entry Level Drivers

**Part 380.601 Purpose and scope.** This subpart establishes training requirements for entry-level drivers, as defined in this subpart, and minimum content for theory and Behind-the-Wheel (BTW) training curricula. Entry-level driver training, as defined in this subpart, applies only to those individuals who apply for a commercial driver's license (CDL) or a CDL upgrade or endorsement and does not otherwise amend substantive CDL requirements in part 383 of this chapter.

**Part 380.609 General entry-level driver training requirements.**

(a) An individual who applies, for the first time, for a Class A or Class B CDL, or who upgrades to a Class A or B CDL, must complete driver training from a provider listed on the Training Provider Registry (TPR), as set forth in subpart G.

(b) An individual seeking to obtain a passenger (P), school bus (S), or hazardous materials (H) endorsement for the first time, must complete the training related to that endorsement from a training provider listed on the TPR, as set forth in subpart G, Part 380.700.

10/2023

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Kansas Corporation Commission

## MAP-21 Exemptions

Section 32934, provides a statutory exemption from most of the FMCSRs for **covered farm vehicles (CFV)**:

- 49 CFR Part 383: Commercial Driver's License Standards; Requirements and Penalties (KS CFV operating a truck tractor semitrailer combination are required a regular Class A license.)
- 49 CFR Part 382: Controlled Substances and Alcohol Use and Testing
- 49 CFR Part 391, Subpart E: Physical Qualifications and Examinations
- 49 CFR Part 395: Hours of Service
- 49 CFR Part 396: Inspection, Repair and Maintenance

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# KCC PROCEDURES FOR SAFETY COMPLIANCE

Kansas Corporation Commission

## MAP-21 Exemptions

As defined in § 390.5, a “covered farm vehicle” (CFV):

- Travels in the State in which the vehicle is registered or in another State,
- Is operated by an owner or operator of a farm or ranch, or by a family member or employee of the owner or operator,
- Transports agricultural commodities, livestock, machinery or supplies to or from a farm or ranch,
- Has a license plate or some other means specified by the State that identifies it as a CFV, <http://ksrevenue.org/pdf/tr600.pdf>
- Is not used in for-hire motor carrier operations (but for-hire operations do not include use of a vehicle owned and operated by a tenant farmer to transport the landlord’s portion of the crops under a crop-share agreement),

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Kansas Corporation Commission

## MAP-21 Exemptions (Cont.)

- [From *New Part 390.39*] Is not transporting hazardous materials that require placarding, and

***Either***

- Has a GVW or GVWR (whichever is greater) of 26,001 or less, in which case the CFV exemptions in § 390.39 apply anywhere in the United States, or
- Has a GVW or GVWR (whichever is greater) of more than 26,001 pounds and travels within the State where it is registered or, if traveling out of the State where it is registered, stays within a 150 air miles of the owner or operator’s farm or ranch.

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Kansas Corporation Commission

## Record Retention

The motor carrier **must** retain the following information in the driver qualification file for 3 years after the person’s employment ceases except for 6, 7, 8, and 9. In addition, items numbered 6, 7, 8, and 9 may be removed from the file after three years from the date the forms were executed.

1. Application of employment;
2. State agency response (*MVR*);
3. Inquiries to previous employer’s for past 3 years regarding safety performance history information;

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# KCC PROCEDURES FOR SAFETY COMPLIANCE

Kansas Corporation Commission

## Record Retention: *Continued*

4. Signed release by driver regarding safety performance history information;
5. Record of road test and Certificate of road test or equivalent (*copy of CDL License*);
6. Driver's MEC, with a note verifying medical examiner's registration on the National Registry;
7. Review of driver's record & annual States response to driver's driving record;
8. A letter granting a waiver of a physical disqualification; and
9. Accident register (*records retained for three years*).

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Kansas Corporation Commission

## Cargo Securement



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Kansas Corporation Commission

**K.S.A. 8-1906. Securing loads on vehicles; requirements for hauling livestock.** (a) No vehicle shall be driven or moved on any highway unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom, except that:

- (1) This section shall not prohibit the necessary spreading of any substance in highway maintenance or construction operations; and
- (2) subsections (a) and (c) shall not apply to trailers or semitrailers when hauling livestock if such trailers or semitrailers are properly equipped with a cleanout trap and such trap is operated in a closed position unless material is intentionally spilled when the trap is in a closed position. Paragraph (2) shall not apply to trailers or semitrailers used for hauling livestock when livestock are not being hauled in such trailers or semitrailers.

(b) All trailers or semitrailers used for hauling livestock shall be cleaned out periodically.

(c) No person shall operate on any highway any vehicle with any load unless such load and any covering thereon is securely fastened so as to prevent the covering or load from becoming loose, detached or in any manner a hazard to other users of the highway.

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# KCC PROCEDURES FOR SAFETY COMPLIANCE

Kansas Corporation Commission

## Cargo Securement 49 CFR Part 393 Subpart I

**393.100 Which types of commercial motor vehicles are subject to the cargo securement standards of this subpart, and what general requirements apply?** (a) Applicability. The rules in this subpart are applicable to trucks, truck tractors, semitrailers, full trailers, and pole trailers.

(b) Prevention against loss of load. Each commercial motor vehicle must, when transporting cargo on public roads, be loaded and equipped, and the cargo secured, in accordance with this subpart to prevent the cargo from leaking, spilling, blowing or falling from the motor vehicle.

(c) Prevention against shifting of load. Cargo must be contained, immobilized or secured in accordance with this subpart to prevent shifting upon or within the vehicle to such an extent that the vehicle's stability or maneuverability is adversely affected.

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Kansas Corporation Commission

## Proper Cargo Securement?



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Kansas Corporation Commission

## How Much is it worth??



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# KCC PROCEDURES FOR SAFETY COMPLIANCE

Kansas Corporation Commission

## Coupling Devices



The top-left image shows a close-up of a hitch assembly with a chain. The top-right image shows a blue pickup truck towing a yellow trailer on a grassy field. The bottom image is a detailed diagram of a hitch assembly with labels: Electrical Signal, Locking Lever, Lock, Ball Mount, Receiver Hitch, Safety Chain (Over-center), and Trailer Ball.

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Kansas Corporation Commission

## Coupling Devices

§ 393.70: Coupling devices and towing methods, except for driveway-towaway operations.

(a) **Tracking.** When two or more vehicles are operated in combination, the coupling devices connecting the vehicles shall be designed, constructed, and installed, and the vehicles shall be designed and constructed, so that when the combination is operated in a straight line on a level, smooth, paved surface, the path of the towed vehicle will not deviate more than 3 inches to either side of the path of the vehicle that tows it.

(c) Towing of full trailers. A full trailer must be equipped with a tow-bar and a means of attaching the tow-bar to the towing and towed vehicles. The tow-bar and the means of attaching it must—

- (1) Be structurally adequate for the weight being drawn;
- (2) Be properly and securely mounted;
- (3) Provide for adequate articulation at the connection without excessive slack at that location; and
- (4) Be provided with a locking device that prevents accidental separation of the towed and towing vehicles. The mounting of the trailer hitch (pintle hook or equivalent mechanism) on the towing vehicle must include reinforcement or bracing of the frame sufficient to produce strength and rigidity of the frame to prevent its undue distortion.

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## “Secure your load as if everyone you love is driving in the vehicle behind you.”

— Robin Abel, Safety Consultant,  
CVSA *Guardian*, 3<sup>rd</sup> quarter 2013

10/2020

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# KCC PROCEDURES FOR SAFETY COMPLIANCE

Kansas Corporation Commission

### Trucker in crash that killed trooper fell asleep at wheel after working more than 14 hours: feds

Lake County News-Sun a Chicago Sun-Times publication June 28, 2013



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Kansas Corporation Commission

### Driver's Record of Duty Status (RODS) or Logbooks or ELD

- Must be maintained by all drivers of a vehicle used in commerce that has a gross vehicle weight rating (GVWR) or gross combination weight rating (GCWR) of 10,001 or more pounds, or gross vehicle weight or gross combination weight of 10,001 or more pounds, whichever is greater;
- Any driver operating a vehicle that is required HM placarding, or
- Any driver operating a vehicle designed or used to transport more than 8 passengers (including the driver) for compensation; or is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation;

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Kansas Corporation Commission

### Hours Of Service Requirements

**Property Carrier Rules:**

- 11 hours driving with 30 minute break;
- 14 consecutive hours on-duty, (On-Duty breaks "Do not extend" the 14-hour on-duty time);
- 60/70 hour on duty in 7/8 consecutive days;
- Short-Haul provision;
- Sleeper berth provision;
- 34-hour restart provision; and
- 16-hour Exemption.

**Passenger Carrier Rules:**

- 10 hours driving;
- 15 hours on-duty (Breaks may extend time on duty);
- 8 Cumulative hours off-duty; and
- 60/70 hours on duty in 7/8 consecutive days.

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# KCC PROCEDURES FOR SAFETY COMPLIANCE

Kansas Corporation Commission

## Short-Haul Operations

- Drivers of property carrying CMV's who operate within a 150 air-mile radius of their normal work reporting location are not required to keep record of duty status (RODS), but must maintain time records, see page 20d in red book;
- Drivers may drive up to 11 hours after coming on duty following 10 or more consecutive hours off duty;
- The driver, except a driver-salesperson, returns to the work reporting location and is released from work within 14 consecutive hours.
- In place of RODS, the motor carrier must maintain and retain true and accurate time records for a period of 6 months showing: the time the driver reports for duty; the time the driver is released from duty; and total hours on duty each day.

11/2023

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Kansas Corporation Commission

## Air-Mile

The term "air-mile" is internationally defined as a "nautical mile" which is equivalent to 6,076 feet.

- 150 air-miles are equivalent to 172.62 statute miles

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Kansas Corporation Commission

## 150 Air-Mile Time Sheet (Sample)

DRIVER'S TIME RECORD

Driver's Name (print) \_\_\_\_\_ Employee No. \_\_\_\_\_ Month \_\_\_\_\_ Year \_\_\_\_\_

**DRIVERS MAY PREPARE THIS REPORT INSTEAD OF "DRIVERS DAILY LOG" IF THE FOLLOWING APPLIES:**

- \* Operated within 150 air-mile radius of the normal work reporting location.
- \* Returned to the location where the driver reports to and is released from work within 14 consecutive hours
- \* At least 10 consecutive hours off duty separate each 14 hours on duty.

**INTERMITTENT DRIVERS**

Shall complete this form for 7 days preceding any day driving is performed. This includes the preceding month.

Date	Start Time	End Time	Total Hours	Break Number	Trp Information	TD	RECM
1	6:00 a.m.	4:30 p.m.	10:00				
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							

To be prepared monthly by each DOT certified driver unless time record is exclusively kept on Driver's Daily Log. Indicates "zero off". Check box if no driving is performed during this month and the first 5 days of the following month. Mail this report to your Division Manager of Administration.

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# KCC PROCEDURES FOR SAFETY COMPLIANCE

Kansas Corporation Commission

## Property Carrier (HOS) Rules

**A motor carrier cannot allow or require any driver to *drive*:**

- More than 11 hours following 10 consecutive hours off duty; or
- After being on duty 14 hours following 10 consecutive hours off duty;
- Except for drivers who qualify for either of the short-haul exceptions in Part 395.1(e), driving is not permitted if more than 8 hours of driving time have passed without at least a consecutive 30-minute interruption in driving status.

A consecutive 30-minute interruption of driving status may be satisfied either by off-duty, sleeper berth or on-duty not driving time or by a combination of off-duty, sleeper berth and on-duty not driving time.

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Kansas Corporation Commission

## On-duty Time

On-duty time means all time from the time a driver begins to work or is required to be in readiness to work until the time the driver is relieved from work and all responsibility for performing work. On-duty time shall include:

- 1) All time at a plant, terminal, facility, or other property of a motor carrier or shipper, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the motor carrier;
- 2) All time inspecting, servicing, or conditioning any commercial motor vehicle at any time;
- 3) All driving time as defined in the term driving time;
- 4) All time in or on a commercial motor vehicle, other than:
  - i. Time spent resting in or on a parked vehicle, except as otherwise provided in Part 397.5 of this subchapter;
  - ii. Time spent resting in a sleeper berth; or
  - iii. Up to 2 hours riding in the passenger seat of a property-carrying vehicle moving on the highway immediately before or after a period of at least 8 consecutive hours in the sleeper berth; **(continued)**

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Kansas Corporation Commission

## On-duty Time (Continued)

- 5) All time loading or unloading a commercial motor vehicle, supervising, or assisting in the loading or unloading, attending a commercial motor vehicle being loaded or unloaded, remaining in readiness to operate the commercial motor vehicle, or in giving or receiving receipts for shipments loaded or unloaded;
- 6) All time repairing, obtaining assistance, or remaining in attendance upon a disabled commercial motor vehicle;
- 7) All time spent providing a breath sample or urine specimen, including travel time to and from the collection site, to comply with the random, reasonable suspicion, post-crash, or follow-up testing required by Part 382 of this subchapter when directed by a motor carrier;
- 8) Performing any other work in the capacity, employ, or service of, a motor carrier; and
- 9) Performing any *compensated* work for a person who is not a motor carrier.

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# KCC PROCEDURES FOR SAFETY COMPLIANCE

Kansas Corporation Commission


## Adverse Driving Conditions

A two (2) hour extension applies when unforeseeable adverse driving conditions are encountered.

- ✔ Can extend the 11- or 10-hour **driving limit** by up to 2 hours
- ✔ Extension also applies to **on-duty limit**



**Property carriers**  
can drive up to 13 hours within a 16-hour driving window  
[\(§395.3\(a\)\(2\)\)](#)



**Passenger carriers**  
can drive up to 12 hours within a 17-hour on-duty limit  
[\(§395.5\(a\)\(2\)\)](#)

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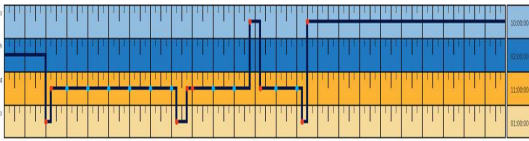
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Kansas Corporation Commission

## 11 Hour Rule and 30 minute break



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Kansas Corporation Commission

## 14 Hour Rule

**DRIVER'S DAILY LOG** ORIGINAL - Submit to carrier within 15 days  
DUPLICATE - Create when preparing for audit files

MONTHS:    DAY:    YEAR:    TOTAL MILES DRIVING TODAY:    I certify these entries are true and correct.    RECEIPT NUMBER: (SHOW EACH DATE)

NAME OF CARRIER OR COMPANY:    DRIVER:    STATE OF CARRIER:    STATE OF DRIVER:

MAILING OFFICE ADDRESS:    MAILING OFFICE:

1: OFF DUTY    2: SLEEPING    3: DRIVING    4: ON DUTY (NOT DRIVING)

REMARKS:

Pro or Shipping No.    City, State    City, State    City, State

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# KCC PROCEDURES FOR SAFETY COMPLIANCE

Kansas Corporation Commission

## Property Carriers (HOS) Rules

- A motor carrier operating CMV's *everyday* of the week:
  - Shall not allow or require any driver to drive after being on duty more than 70 hours in any 8 consecutive days; or
- A motor carrier operating CMV'S *less than everyday* of the week:
  - Shall not allow or require any driver to drive after being on duty more than 60 hours in any 7 consecutive days.
- A motor carrier may *reset* the 60/70 hours of duty status by:
  - Taking a 34 or more consecutive hour off duty period

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Kansas Corporation Commission

## Property Carrier (HOS) Rules *Continued*

Drivers may extend the 14-hour on-duty period by 2 additional hours if they:

- Are released from duty at the normal work reporting location for the **previous 5 duty tours**, and
- Return to the normal work reporting location and are released from duty within 16 hours, and
- Have not used this exception in the previous 6 days, except following a 34-hour restart of a 7/8 day period, see page 19 of the red book .

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Kansas Corporation Commission

## Supporting Documents:

Part 395.11 Submission of supporting documents to motor carrier. Except drivers for a private motor carrier of passengers (nonbusiness), a driver must submit to the driver's employer the driver's supporting documents within 13 days of either the 24-hour period to which the documents pertain or the day the document comes into the driver's possession, whichever is later.

1. Bills of lading, itineraries, schedules, or equivalent with the origin and destination of each trip
2. Dispatch records, trip records, or equivalent
3. Expense receipts related to on-duty (not driving) periods
4. Electronic mobile communication records
5. Payroll records, settlement sheets, or equivalent indicating how the driver is paid

5/2022

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# KCC PROCEDURES FOR SAFETY COMPLIANCE

Kansas Corporation Commission

## Supporting Documents ( continued)

Supporting documents must contain the following elements:

- Driver name or carrier-assigned identification number, either on the document or on another document enabling the carrier to link the document to the driver. The vehicle unit number can also be used if it can be linked to the driver;
- Date;
- Location (including name of nearest city, town, or village); and
- Time.

5/2022

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Kansas Corporation Commission

## Supporting Documents FAQs

**Can a document with fewer than four required elements be used as a supporting document?**  
If a driver has fewer than eight documents that include all four elements, a document that contains all of the elements except "time" is considered a supporting document.

**What supporting documents should a motor carrier retain if a driver submits more than eight documents for a 24-hour period?**  
If a driver submits more than eight documents, the motor carrier must retain the first and last documents for that day and six other supporting documents. If a driver submits fewer than eight documents, the motor carrier must keep each document.

**Are drivers required to show supporting documents during roadside inspections?**  
Upon request, a driver must provide any supporting document in the driver's possession for an authorized safety official's review.

**Complete ELD FAQs can be found at:**  
<https://www.fmcsa.dot.gov/hours-service/elds/faqs>

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Kansas Corporation Commission

## KCC Supporting Documents Regulation

**K.A.R. 82-4-35a. Inspections of motor carrier documents.**  
The following documents shall be made available upon request for inspection by any duly authorized representative of the commission, the state highway patrol, or other law enforcement officers:

- (a) Registration receipts;
- (b) authority cards;
- (c) driver logs;
- (d) bills of lading or shipping receipts;
- (e) waybills;
- (f) freight bills;
- (g) run tickets, or equivalent documents, and orders;
- (h) cab cards;
- (i) fuel receipts;
- (j) toll road receipts; and
- (k) any other documents that would indicate compliance with hours of service requirements.

(Authorized by K.S.A. 2009 Supp. 66-1,112 and K.S.A. 66-1,112g; implementing K.S.A. 2009 Supp. 66-1,112, K.S.A. 66-1,112g, 66-1,131, and K.S.A. 2009 Supp. 66-1,139; effective May 1, 1987; amended May 10, 1993; amended Oct. 3, 1994; amended Jan. 4, 1999; amended July 14, 2000; amended Oct. 22, 2010.)

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# KCC PROCEDURES FOR SAFETY COMPLIANCE

Kansas Corporation Commission

## Off-Duty and Sleeper Berth Guidelines for Property-Carrying CMV drivers

**Option 1** Drivers must have at least 10 consecutive and uninterrupted hours off duty;

**Option 2** Drivers must have at least 10 consecutive and uninterrupted hours in the sleeper berth;

**Option 3** A combination of sleeper berth time of at least 7 consecutive hours and up to 3 hours riding in the passenger seat of the vehicle while the vehicle is moving on the highway, either immediately before or after the sleeper berth time, amounting to at least 10 consecutive hours; or

**Option 4** Drivers must have at least 10 consecutive hours sleeper berth and off duty time combined and uninterrupted.

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## Changes to Sleeper Berth rules

The rule modifies the sleeper-berth exception to allow drivers to split their required 10 hours off duty into two periods. For example, an 8/2 split, and a 7/3 split, will not count against the driver's 14-hour duty period as long as it is a qualifying rest period. *Part 395.1(g)(1)*

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## Hours of Service Exceptions and Applicability

Please understand, you cannot mix and match the HOS provision or exceptions together, they all stand alone;

*Exceptions for specific operations include:*

- Oil field, *Part 395.1(d)*;
- Agricultural, *Part 395.1(k)*;
- Ground water well drilling, *Part 395.1(l)*;
- Construction materials and equipment, *Part 395.1(m)*; and
- Utility Service Vehicles, *Part 395.1(n)*.

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# KCC PROCEDURES FOR SAFETY COMPLIANCE

Kansas Corporation Commission

## Exceptions and Exemptions

Oil Field Operations; Ground Water Well Drilling Operations; and Construction Materials and Equipment.

These motor carriers retain the 24-hour restart exception for 7 or 8 day duty periods, but **must comply** with the HOS rules including:

- 10 consecutive hours off-duty;
- 11-hour driving limitation; and
- 14-hour on-duty limitation (including the 16-hour exception)

**Note Part 395.1(d)-Oilfield Operations:** In the case of specially trained drivers of commercial motor vehicles that are specially constructed to service oil wells, on-duty time shall not include waiting time at a natural gas or oil well site. Such waiting time shall be recorded as "off duty" with remarks or annotations to indicate the specific off-duty periods that are waiting time, or on a separate "waiting time" line on the record of duty status to show that off-duty time is also waiting time. Waiting time shall not be included in calculating the 14-hour period.

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## MAP-21 Exceptions and Exemptions

The HOS requirements shall not apply during planting and harvest periods, as determined by the States ( in Kansas, January 1 – December 31) to:

- Drivers transporting agricultural commodities within 150 air miles from the source;
- Drivers transporting farm supplies from a wholesale or retail distribution point to the location where the supplies are intended to be used, within a 150 air-mile radius from the distribution point.
- Drivers transporting farm supplies from a wholesale distribution point to a retail distribution point, within a 150 air-mile radius from the wholesale distribution point.

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## Agricultural exemptions

**Question:** How is the "source" of the agricultural commodities in Part 395.1(k)(1) determined?

**Guidance:** The "source" of an agricultural commodity, as the term is used in Part 395.1(k)(1), is the point at which an agricultural commodity is loaded onto an unladen commercial motor vehicle. The location may be any intermediate storage or handling location away from the original source at the farm or field, provided the commodity retains its original form and is not significantly changed by any processing or packing.

If a driver is making multiple trips, the first trip, and the 150 air-mile exception around that source, terminate once all agricultural products are offloaded at a delivery point. A new source for a new trip may then be identified, and the 150 air-mile radius for the exception will be around that source.

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# KCC PROCEDURES FOR SAFETY COMPLIANCE




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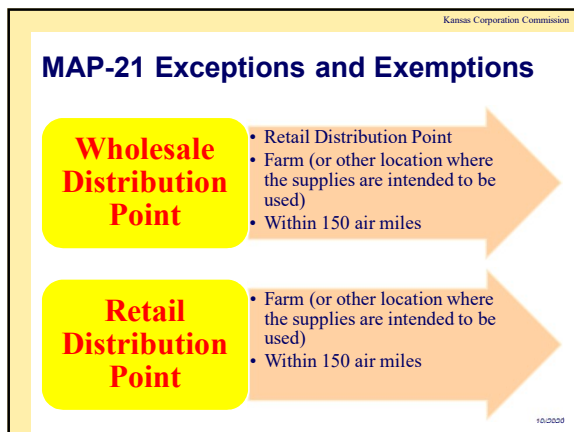
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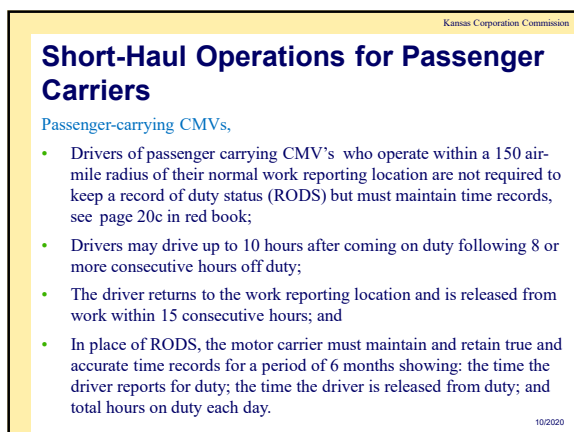
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# KCC PROCEDURES FOR SAFETY COMPLIANCE

Kansas Corporation Commission

## Record of Duty Status Requirements

- Made in duplicate for a 24 hour period;
- Original maintained by Motor Carrier;
- Kept in file for 6 months by driver and month with supporting documents;
- RODS are to be in the drivers handwriting and submitted to the Motor Carrier within 13 days; and
- Recap is recommended, but not required, to prevent hours of service violations.
- **NEW** A driver who exceeds, and a motor carrier that requires or permits a driver to exceed, by more than 3 hours the driving-time limit shall be deemed to have committed an *egregious* driving-time limit violation.

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Kansas Corporation Commission

## Part 395.8 Record Of Duty Status (Logbook)

**A Completed Log**

1. Date
2. Total miles
3. Trk/Trlr #
4. Carrier Name
5. Signature
6. 24-hr time
7. Main office
8. Remarks
9. Co-driver
10. Total hours
11. Shipping document #

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## Electronic Logging Device (ELD)

The ELD Rule applies to most motor carriers and drivers who are required to keep records of duty status (RODS). This includes commercial buses as well as trucks. It applies to drivers domiciled in Canada and Mexico, unless they qualify for an exception to the rule.

### Exceptions

The following are not required to use ELDs (but motor carriers may choose to use ELDs even if they are not required):

- Drivers who use paper logs no more than 8 days during any 30-day period.
- Driveaway-towaway drivers (transporting an empty vehicle for sale, lease, or repair).
- Drivers of vehicles manufactured before model year 2000.

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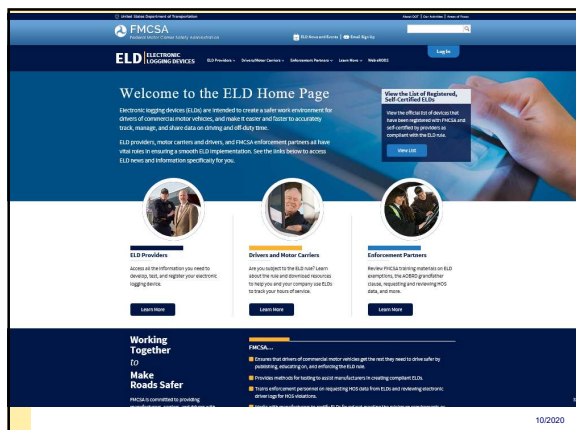
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# KCC PROCEDURES FOR SAFETY COMPLIANCE




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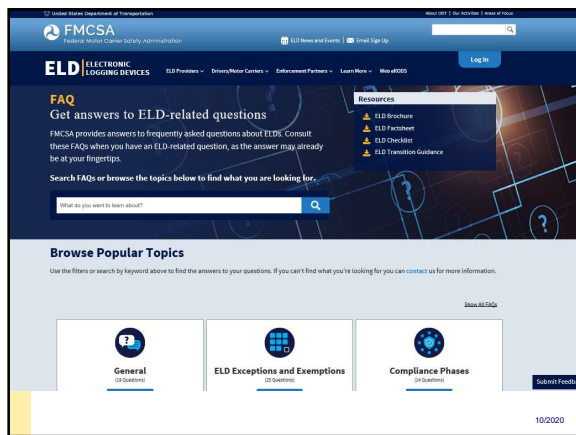
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## New ELD FAQs

**Question:** *Can a driver be assigned driver records recorded under the Unidentified Driver profile and indicate a special driving category at the time the driver is assigned the driver records?*

**Answer:** Yes, a driver can be assigned unidentified driver records recorded under the Unidentified Driver profile and indicate a special driving category. However, an ELD must not allow automatically recorded driving time for a driver to be shortened or altered in any way.

**Question:** *Can a driver edit their records after erroneously accepting a driving event that was originally recorded under the Unidentified Driver profile?*

**Answer:** Yes, a driver can edit their record after erroneously accepting a driving event that was originally recorded under the Unidentified Driver profile. The ELD must prompt the driver to annotate edits. In addition, the carrier can suggest the edit which can be routed to the driver for confirmation.

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# KCC PROCEDURES FOR SAFETY COMPLIANCE

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## ELD Malfunctions: Identifying and Addressing

**When should a driver who has experienced a malfunction switch to paper RODs?**

While 49 CFR Part 395 Appendix A, section 4.6 defines malfunction more broadly, for the purposes of switching to paper RODs, FMCSA has adopted a narrower definition of malfunction:

- *If the technical issue precludes the device from accurately recording HOS data and presenting that HOS data to a safety official, then the driver should switch to another means for recording their HOS.*

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## ELD Malfunctions: Identifying and Addressing

**What steps must the driver and carrier take if an ELD malfunctions?**

1. The driver must **inform their carrier** of the malfunction within 24 hours.
2. The motor carrier has 8 days to **repair, service, or replace the ELD**. If the malfunction meets the requirements noted previously, the driver must use paper logs or another system for recording their HOS during this time.
3. If the carrier requires more than 8 days to repair, service, or replace the ELD, they must **request an extension** from their Division Office.

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## ELD Malfunction Extension Requests

**May a motor carrier seeking to extend the period of time permitted for repair, replacement, or service of one or more ELDs request an extension?**

Yes. A motor carrier may file an ELD malfunction extension request via email, by submitting the extension request to [ELD-Extension@dot.gov](mailto:ELD-Extension@dot.gov). Include the legal name, principal place of business address and USDOT number of the motor carrier. The extension request must include the following information:

1. The name, address, and telephone number of the motor carrier representative who will file the request;
2. The make, model, and serial number of each ELD;
3. The date and location of each ELD malfunction as reported by the driver to the carrier; and
4. A concise statement describing actions taken by the motor carrier to make a good faith effort to repair, replace, or service the ELD units, including why the carrier needs additional time beyond the 8 days provided by 49 CFR part 395.34.

To request an extension from the FMCSA Division Administrator in the Field Office in your state, you may contact the office directly. FMCSA Division Administrator contact information can be found at <https://www.fmcsa.dot.gov/mission/field-offices#field-offices>.

Last Updated: November 22, 2019

**When should a driver certify his or her record of duty status (RODS) on the electronic logging device (ELD) to avoid malfunction codes?**

**What types of visual indicators must be displayed by an ELD?**

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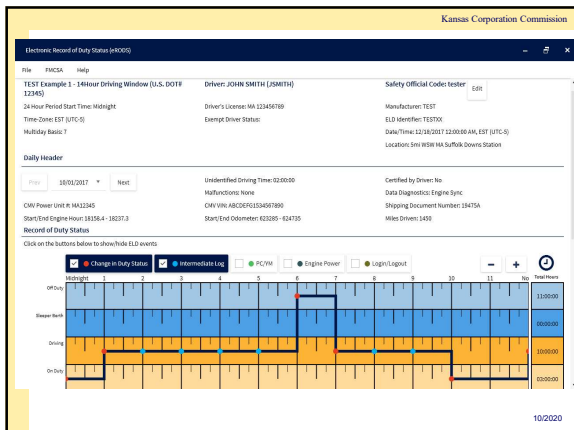
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# KCC PROCEDURES FOR SAFETY COMPLIANCE




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## Intrastate "Hours of Service" Wrecker or Tow Truck Exception

**K.A.R. 82-4-3a (d) states:**

No wrecker or tow truck, as defined by K.S.A. 66-1329 and amended thereto, with a gross vehicle weight rating or gross combination vehicle weight rating of 26,000 pounds or less shall be subject to *49 CFR 395.1, 49 CFR 395.2, 49 CFR 395.3, 49 CFR 395.5, 49 CFR 395.8, 49 CFR 395.13, and 49 CFR 395.15*

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## Wrecker or Tow Truck as defined by K.S.A. 66-1329

**66-1329. Definitions.** As used in this act:

- (a) **"Wrecker or tow truck"** means any motor vehicle equipped with booms, winches or similar equipment specifically designed for recovery or towing of vehicles.
- (b) **"Car carrier"** means any vehicle specifically designed to transport wrecked, disabled or otherwise inoperable vehicles.
- (c) **"Vehicle"** means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.
- (d) **"Wrecker or towing service"** means the act of transporting, towing or recovering with a wrecker, tow truck or car carrier, any vehicle not owned by the operator of the wrecker, tow truck or car carrier for which the operator receives compensation or other personal gain, either directly or indirectly, except that such terms shall not include a private wrecker or towing service.
- (e) **"Private wrecker or towing service"** means the act of transporting with a wrecker, tow truck or car carrier any vehicle owned by the operator of the wrecker, tow truck or car carrier.

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# KCC PROCEDURES FOR SAFETY COMPLIANCE



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### Drug/Alcohol Testing

Motor carriers with CDL drivers must have a controlled substance (drug) and alcohol testing program containing the following elements for ALL drivers that drive CDL vehicles **including the owner if he is also a driver**.

Carriers and drivers must also register in the drug and alcohol clearinghouse (DACH)

- **Pre-employment** (*completed and receipt of negative test documentation prior to operating a commercial motor vehicle*);
- Tests are also required:
  - **Randomly**;
  - **reasonable suspicion**;
  - **post accident**; and
  - **return to duty**.
- Informational materials packet including D/A policy with signed statement certifying receipt of the materials; and
- Carrier must maintain semi-annual summaries of testing.

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### Drug Testing – continued

- Motor carrier is **required** to do a full pre-employment inquiry on the applicant in the drug and alcohol clearinghouse (DACH) before the driver performs a safety sensitive function, *Part 382.701(a)*;
- Must also complete at least once a year an annual limited query in DACH, *Part 382.701(b)*;
- Information to be kept in confidential file for 3 years;

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# KCC PROCEDURES FOR SAFETY COMPLIANCE

Kansas Corporation Commission

## Drug Testing Continued

Also, **Drivers who test positive or refuse to test must:**

- Be removed from driving immediately;
- Be evaluated by SAP and complete recommended rehabilitation;
- Provide a negative return to duty test; and
- Complete a minimum of six random negative follow-up tests within 12 months as recommended by SAP.
- Upon completion of follow-up test the carrier must notify DACH

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## Post Accident Requirements

- **Table for Part 382.303(A) and (B)**

Type of accident involved	Citation issued to the CMV driver	Test must be performed by employer
i. Human fatality	YES	YES
	NO	YES
ii. Bodily injury with immediate medical treatment away from the scene	YES	YES
	NO	NO
iii. Disabling damage to any motor vehicle requiring tow away	YES	YES
	NO	NO

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Kansas Corporation Commission

## Post Accident Requirements

### **Part 382.303**

- (d)(1) **Alcohol tests.** If a test required by this section is not administered within *two* hours following the accident, the employer shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If a test required by this section is not administered within *eight* hours following the accident, the employer shall cease attempts to administer an alcohol test and shall prepare and maintain the same record. Records shall be submitted to the FMCSA upon request.
- (d)(2) **Controlled substance tests.** If a test required by this section is not administered within *32* hours following the accident, the employer shall cease attempts to administer a controlled substances test, and prepare and maintain on file a record stating the reasons the test was not promptly administered. Records shall be submitted to the FMCSA upon request.

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# KCC PROCEDURES FOR SAFETY COMPLIANCE

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## Random Testing Requirements

**Part 382.305**

- 50% (effective 1/1/2020) controlled substances and 10% alcohol, scientifically valid and reasonably spread throughout the year;
- Each driver selected shall be tested during the selection period;
  - Test is unannounced;
  - Once driver notified proceeds immediately to test site; and
  - Alcohol test only while driver performing safety sensitive function or immediately prior or following safety sensitive function.
- Notify random pool immediately as drivers are hired (add) or terminated (delete) so the list is always current.

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## Drug Testing

- **Train all driver supervisors with 120 minutes of training on drugs/ alcohol to determine if reasonable suspicion exists, Part 382.603; RESOURCES: 1.) Your Consortium, may include a fee 2.) National Drug-Free Workplace Alliance, for a nominal fee: <http://ndwa.org>**
- Reasonable suspicion training exception – See next slide.
- **Carrier shall provide educational material on drug/alcohol testing; their Substance and Alcohol policy (generally provided by the Consortium); and who is the designated employee representative (DER) and have a receipt signed by driver that they received the material, Part 382.601(b)&(d);**
- Provide a list of Substance Abuse Professionals (SAP) to driver ;
- Drivers that test positive can not perform safety-sensitive functions. Includes loading, waiting for dispatch, driving, inspecting, repairing;
- Pre-employment exception: Prior Part 40 test, Part 382.301(c);
- Carrier must announce when substance and alcohol testing is conducted.

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## Reasonable Suspicion training - Exception

- **Question 4:** Are the reasonable suspicion testing and training requirements of §§382.307 and 382.603 applicable to an owner-operator who is both an employer and the only employee?
- **Guidance:** No. The requirements of §§382.307 and 382.603 are not applicable to owner-operators in non-supervisory positions. §382.307 requires employers to have a driver submit to an alcohol and/or controlled substances test when the employer has reasonable suspicion to believe that the driver has violated the prohibitions of subpart B of part 382. Applying §382.307, Reasonable Suspicion Testing, to an owner-operator who is an employer and the only employee contradicts both "reason" and "suspicion" implicit in the title and the purpose of §382.307. A driver who has self-knowledge that he/she has violated the prohibitions of subpart B of part 382 is beyond mere suspicion. Furthermore, §382.603 requires "all persons designated to supervise drivers" to receive training that will enable him/her to determine whether reasonable suspicion exists to require a driver to undergo testing under §382.307. **An owner-operator who does not hire or supervise other drivers is not in a supervisory position, nor are they subject to the testing requirements of §382.307. Therefore, such an owner-operator would not be subject to the training requirements of §382.603.**

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# KCC PROCEDURES FOR SAFETY COMPLIANCE

Kansas Corporation Commission

## Questions Carriers should ask before joining a Testing Consortium

- Are you a Controlled Substance & Alcohol testing Consortium?
- Do you maintain a driver testing pool or do you test each carrier separately?
- Do you maintain a separate random pool for CDL and Non-CDL drivers?
- Do you maintain all the testing records & provide the carrier with semi-annual reports?
- Do you provide guidance on a testing policy and training for all driver supervisors of the company?
- How much will it cost me for the service?
- Do you provide a list of SAP's?

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http://www.fmcsa.dot.gov/regulations/drug-alcohol-testing/overview-drug-and-alcohol-rules

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## DRUG & ALCOHOL CLEARINGHOUSE

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# KCC PROCEDURES FOR SAFETY COMPLIANCE

**DRUG & ALCOHOL CLEARINGHOUSE** U.S. Department of Transportation Federal Motor Carrier Safety Administration

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### The FMCSA Commercial Driver's License Drug and Alcohol Clearinghouse

**Database containing CDL drivers' drug and alcohol program violation information**

- Reported by employers and Medical Review Officers (e.g., positive tests, refusals, etc.)
- Information includes whether a driver has successfully completed the mandatory return-to-duty (RTD) process following a violation

**The Clearinghouse will keep driver information secure**

- Only authorized users, including employers and FMCSA, will be able to register and access the Clearinghouse for designated purposes
- Other enforcement agencies, such as State Driver's Licensing Agencies and State law enforcement agencies, will only receive driver eligibility status
- Drivers can access their own information, but not information of other drivers
- The Clearinghouse will meet all relevant Federal security standards and FMCSA will verify the effectiveness of security protections regularly

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## Using the Clearinghouse

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**DRUG & ALCOHOL CLEARINGHOUSE** U.S. Department of Transportation Federal Motor Carrier Safety Administration

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### Who will be required to use the Clearinghouse?

- Drivers who hold CDLs or CLPs
- Employers of CDL drivers who operate CMVs
- Consortia/Third-Party Administrators (C/TPAs)
- Medical Review Officers (MROs)
- Substance Abuse Professionals (SAPs)
- State Drivers Licensing Agencies (SDLAs)



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# KCC PROCEDURES FOR SAFETY COMPLIANCE

**DRUG & ALCOHOL CLEARINGHOUSE** U.S. Department of Transportation Federal Motor Carrier Safety Administration

## Queries and Consent Requests

- Drivers must register in the Clearinghouse to provide consent for pre-employment queries
- Employers must obtain a driver's consent before querying the driver's violation information
- Drivers who decline their consent cannot perform safety-sensitive functions (including operating a CMV) for that employer

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**DRUG & ALCOHOL CLEARINGHOUSE** U.S. Department of Transportation Federal Motor Carrier Safety Administration

## What actions will users be required to take in the Clearinghouse?

	Register as user	Manage Assistants (optional)	Select C/TPA*	Request driver consent for full queries	Consent to full query requests	Query driver violation information	Report drug and alcohol program violations	Select SAP†	Report on RTD initial assessment eligibility for RTD test	Report on RTD and follow-up testing
DRIVER	✓				✓			✓		
EMPLOYER	✓	✓	✓	✓		✓	✓			✓
C/TPA	✓	✓		✓		✓	✓			✓
MRO	✓	✓					✓			
SAP	✓	✓							✓	

\*Selecting a C/TPA is required for an employer who employs him/herself as a driver (owner-operator). For all other employers, this is optional.  
 † A driver would only need to select a SAP if they have a drug or alcohol violation in the Clearinghouse and enter the return-to-duty (RTD) process.

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**DRUG & ALCOHOL CLEARINGHOUSE** U.S. Department of Transportation Federal Motor Carrier Safety Administration

## Queries and Consent Requests

Employers will be required to query the Clearinghouse for:

1. **PRE-EMPLOYMENT SCREENING** to ensure the prospective employee is eligible to perform safety-sensitive functions
2. **ANNUAL VERIFICATION** to ensure that a driver is still eligible to perform safety-sensitive functions

The type of consent request will depend on the type of query:

Purpose	Query Type	Consent Request
Pre-employment screening	Full query – access full violation details	Specific consent – required for each full query; provided electronically in the Clearinghouse
Annual verification	Limited query – verify presence of driver information in the Clearinghouse. If information is discovered, a full query is required	General consent – done outside the Clearinghouse; can be one-time or unlimited Specific consent required – if limited query results in a full query; provided electronically in the Clearinghouse

❖ Employers must retain for 3 years a record of each query and all information received in response to each query made. **Part 382.701(e)**

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# KCC PROCEDURES FOR SAFETY COMPLIANCE

**Register for the Clearinghouse**

- Register your company and/or yourself
- Designate C/TPA (employers, if applicable)
- Set up Assistants (employers, C/TPAs, SAPs, MROs)
- Encourage drivers to register



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# KCC PROCEDURES FOR SAFETY COMPLIANCE

Kansas Corporation Commission

**Unified Registration System**  
registering for a  
USDOT number



Simplifying USDOT Registration

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## USDOT Registration

To start your USDOT on-line registration go to:  
<https://fmcsa.dot.gov/registration> .

The site contains a short video explaining the process.

Once your USDOT number is issued, you will receive multiple communications by phone, text, e-mail, etc., offering assistance with your safety compliance. Generally, these services are costly and not necessary.

- If you feel you have been a victim of fraud and experienced a loss, please report the crime to Law Enforcement. You should report any compromised banking or credit card information to your financial institution or Credit Card Company immediately.
- If you would like to report a fraudulent request for information to DOT, please contact the Office of Inspector General (OIG) Hotline via <https://www.oig.dot.gov/hotline> or by calling (800) 424-9071.
- You can report aggressive or misleading marketers to the Federal Trade Commission at [FTC.gov/complaint](https://www.ftc.gov/complaint).

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## KEY URS Provisions in December 2015

(In January 17, 2017, FMCSA published a Federal Register notice suspending the final stage of URS implementation until further notice)

**Key Change: New Applicants will use the new online registration process (MCSA-1)\***

- **Key provisions that will not change:**
  - All existing entities with a USDOT, MC, or FF number, or combinations of them will continue to use existing agency forms and processes to conduct biennial updates, seek additional registration authorities, make administrative filings, and other registration-related transactions
  - State and industry officials will continue to follow current processes and check existing systems to ensure that motor carriers and other regulated entities have the proper authority.

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# KCC PROCEDURES FOR SAFETY COMPLIANCE

Kansas Corporation Commission

## Key URS Changes in September 2016 January 14, 2017

**USDOT# will be the sole identifier**

- FMCSA will discontinue issuing MC#, FF#s
- One streamlined electronic registration process
- Electronic filings only – No more paper or faxes
- Interstate Registration will cost \$300 per registration requested on an application - Intrastate USDOT number application FREE
- All applications will be automatically screened to assess safety risk, including risk for reincarnation

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## Key URS Changes in 2016 September 30, 2016: January 14, 2017

- New carriers Insurance filings for New Private HAZMAT and Exempt-For Hire Carriers
- Service of process agent filings for New Private and Exempt-For Hire Carriers (BOC-3)

**December 31, 2016: April 14, 2017**

- Existing carriers Insurance filings for Existing Private HAZMAT and Exempt-For Hire Carriers
- Service of process agent filings for Existing Private and Exempt-For Hire Carriers (BOC-3)

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Kansas Corporation Commission

## MCSA-1/MCS 150 Updates

Kansas is a Performance Registration Information Systems Management (PRISM) program State that requires all Kansas based motor carriers to update their MCSA-1 (USDOT #) *at least every two years*. Update on-line at:  
[https://li-public.fmcsa.dot.gov/LIVIEW/PKG\\_REGISTRATION.prc\\_option](https://li-public.fmcsa.dot.gov/LIVIEW/PKG_REGISTRATION.prc_option)

- You will need your personal identification number (PIN), USDOT number and a credit card to use as your electronic signature.
- Filing schedule. Each motor carrier must file the appropriate form at the following times:
  - Every 24 months, must file by last day according to the following schedule based on the **last digit** of the USDOT # : 1, January; 2, February; 3, March; 4, April; 5, May; 6, June; 7, July; 8, August; 9, September; and 0, October.
- If the **next-to-last digit** of the USDOT Number is odd, the motor carrier shall file its update in every odd-numbered calendar year. If the next-to-last digit of the USDOT Number is even, the motor carrier shall file its update in every even-numbered calendar year.

10/2020

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# KCC PROCEDURES FOR SAFETY COMPLIANCE

Kansas Corporation Commission

## Marking Requirements of CMV's

**On both sides of CMV:**

- Legal name or trade name of the motor carrier as it appears on the MCS-150, motor carrier identification report;
- USDOT followed by the assigned # must be displayed;
- Markings must be in a sharply contrasting color to background; and
- Visible while stationary in daylight from 50 feet in a sharply contrasting color with the background. (KS Law formerly required lettering to be 2" tall and ¼" wide providing a good guideline).
- **Farm vehicles** registered for more than 54,000 pounds need to be marked: "farm vehicle-not for hire."

**IMPORTANT:** If you sell your truck, remove your name and USDOT number so your USDOT identification won't be used by the purchaser. *Protect your safety scores!*

6/2021

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Kansas Corporation Commission

## Marking for CMV's continued

**CMVs rented or leased for more than 30 days;**

- Must be marked with motor carrier's legal name or single trade name & USDOT number.

**CMVs rented or leased for less than 30 days must be marked with the leasing motor carrier legal name or single trade name and USDOT number.**

- Must carry rental agreement for full term of agreement that contains:
  1. Legal name & complete address of leasing motor carrier;
  2. USDOT number of the leasing motor carrier;
  3. The sentence, "This lessor cooperates with all Federal, State, and local law enforcement officials nationwide to provide the identity of customers who operate this rental CMV"
  4. Drive away, tow away may affix information to rear or side of vehicle.

10/2020

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Kansas Corporation Commission

## Emergency Equipment Requirements for CMV's

- Three reflective triangles.
- A mounted 5 B:C fire extinguisher or two 4 B:C fire extinguishers that are properly filled and accessible, **or** motor vehicles used to transport Hazardous Materials that require a placard need to have at least a 10 B:C fire extinguisher; and
- Spare fuses if the vehicle doesn't have circuit breakers.

10/2020

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# KCC PROCEDURES FOR SAFETY COMPLIANCE

Kansas Corporation Commission

## Texting & Hand-Held Mobile Telephone Prohibition

No driver shall engage in texting or use a hand-held mobile telephone while driving. *Part 392.80 & 82*

- Driving means operating a CMV with the motor running, including while temporarily stationary because of traffic, a traffic control device, or other momentary delays.
- Driving does not include operating a CMV with or without the motor running when the driver moved the CMV to the side of the road or where the vehicle can safely remain stationary.

10/2020

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Kansas Corporation Commission

## Texting & Hand-Held Mobile Telephone Prohibition *(continued)*

- *Emergency Exception* – texting and using a hand-held mobile telephone while driving a CMV is permitted when necessary to communicate with law enforcement or other emergency service.
- Mobile telephone means a mobile communication device that falls under or uses any commercial radio service as defined by FCC Title 47 CFR Part 20.3. It *does not* include two-way or Citizens Band Radio services.

10/2020

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Kansas Corporation Commission

## Are you subject to the Unified Carrier Registration (UCR)?

The UCR registration applies to any motor carrier registered as an **Interstate** carrier on their MCS-150 or that have an active **MC** number. The UCR program requires individuals and companies that operate CMVs defined as a **self-propelled vehicle** used on the highways in commerce principally to transport passengers or cargo, if the vehicle:

- Has a gross vehicle weight rating or gross vehicle weight of at least 10,001 pounds, whichever is greater, or
- When connected to trailing equipment has a gross combination weight rating or gross combination weight of at least 10,001 pounds, whichever is greater, or
- Carries placarded amounts of hazardous materials, regardless of the vehicle's weight, or
- Is designed to carry more than 10 passengers, including the driver.
  - Private motor carriers of passengers are exempt.

For UCR registration, log on to: <https://www.ucr.gov>.

1/2024

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# KCC PROCEDURES FOR SAFETY COMPLIANCE

Kansas Corporation Commission

## KCC Intrastate Operating Authority

Carriers with KCC intrastate authority only are required to pay a \$10 per vehicle renewal fee because they are exempt the UCR fee.

- Fee is paid on a calendar year basis January 1 to December 31.
- KCC sends an e-mail reminder in September/October and mid-December, to the e-mail listed on your MCS 150.
- A final notice is sent by e-mail and a letter by the USPS the first of January, to the mailing address on your MCS 150.

Failure to pay will result in the cancellation of your KCC intrastate authority and you will have to start over if you wish to reinstate your authority.

1/2024

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Kansas Corporation Commission

## Maintenance File

- Maintained on each CMV (all trucks, truck tractors, and/or trailers when used in combination that meet the definition of a CMV) subject to the safety regulations;
- The record must contain: make, year, serial number (VIN), tire size, and company number, see pages 27 and 28 of your red book.

10/2020

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# KCC PROCEDURES FOR SAFETY COMPLIANCE

Kansas Corporation Commission

## Included in the Maintenance File

- Date and mileage of the oil change and lubrication;
- Dates and description of all other preventive services and repairs;
- Inspection and Preventive Maintenance Schedule;
  - Develop your own or use suggested schedule from the manufacturer, see page 29 in red book;
- Annual inspections on all vehicles need to be completed within 12 months of the previous year's inspection.
  - A copy of the form needs to be in each maintenance file. An annual inspection form that includes the inspector certification is on page 26a of the red book.
  - A copy of the annual inspection form(s) or a decal indicating the date and location of the form for needs to be in the truck
- *Annual inspections are required before a vehicle is placed in service – including all new vehicles.*

10/2020

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Kansas Corporation Commission

## Included in the Maintenance File

- Inspector's certification for annual inspections, see page 25 of the red book.
- Brake adjuster's certification for all company employees who adjust or maintain brakes, see page 26 of the red book.
- A copy of all inspections performed by state and local inspectors. Maintain in file for one year, *Part 396.9(d)(ii)*;
- Record retention: the records required by this section shall be retained where the vehicle is either housed or maintained for a period 1 year and for 6 months after the motor vehicle leaves the motor carrier's control.

10/2020

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Kansas Corporation Commission

## Pre and Post Trip Inspections

- Pre-trip inspection performed before driving the selected vehicle;
- Review post trip report from prior day if available;
- Walk around inspection; and
- Complete and sign only if defects were found and corrected, *Part 396.13*.

Remarks: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Condition of the above vehicle is satisfactory \_\_\_\_\_ Driver's Signature

Above defects corrected

Above defects need not be corrected for safe operation of vehicle

\_\_\_\_\_  
 Mechanics Signature      Date      Driver's Signature      Date

Page 30

10/2020

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# KCC PROCEDURES FOR SAFETY COMPLIANCE

Kansas Corporation Commission

## Post-Trip Inspections (DVIR)

- Performed at the completion of each day's work for each vehicle operated, *Part 396.11*; and documented if a defect is present;
- Report to include identity of vehicle and defects noted;
- 2-driver operation, only one report and one signature required;
- Before driving, carrier required to fix defects that would interfere with safe operation of the CMV;
- Report must be signed;
- **Interstate and Intrastate *PROPERTY CARRYING* drivers are not required to prepare or submit a report if no defect is discovered; (Defects noted during a roadside inspection should be noted on a DVIR)**
- Maintain for 3 months, see page 30 of the red book;
- One truck operations are exempt from written DVIR requirement. *One truck can also mean one truck or truck tractor and one trailer.*

3/2023

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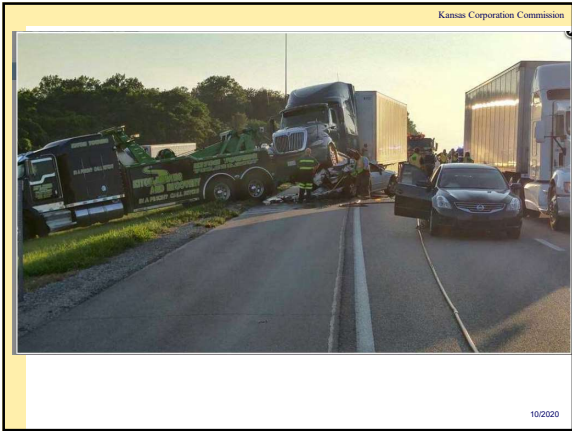
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Kansas Corporation Commission

## Minimum Kansas Insurance (Form E) Requirements:

All companies who apply for KCC intrastate operating authority must file and maintain proof of liability insurance coverage (Form E). Failure to maintain continuous proof will result in cancellation of their KCC authority.

The Form E is submitted by the insurance company underwriter, either online or mailed through USPS. *It does not come from the insurance agent or motor carrier.*

- **Minimum Intrastate Liability Insurance Requirements (Form E):**
  - \$100,000 for personal injury or death to any one person in any one accident;
  - \$300,000 for personal injury or death to 2 or more persons in any one accident;
  - \$ 50,000 property damage.

11/2023

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# KCC PROCEDURES FOR SAFETY COMPLIANCE

Kansas Corporation Commission

## FMCSA Insurance Requirements

**Document - MCS-90 provided by insurance company,** Page 32 Red Book

**Part 387.9(1)** For-hire (In interstate or foreign commerce, with a gross vehicle weight rating of 10,001 or more pounds). Property (non-hazardous) **\$750,000;**

(2) For-hire and Private (In interstate, foreign, or intrastate commerce, with a gross vehicle weight rating of 10,001 or more pounds). Hazardous substances, as defined in *Part 171.8* transported in cargo tanks, portable tanks, or hopper-type vehicles with capacities in excess of 3,500 water gallons; or in bulk Division 1.1, 1.2, and 1.3 materials, Division 2.3, Hazard Zone A, or Division 6.1, Packing Group I, Hazard Zone A material; in bulk Division 2.1 or 2.2; or highway route controlled quantities of a Class 7 material, as defined in *Part 173.403* **\$5,000,000;**

(3) For-hire and Private (In interstate or foreign commerce: in any quantity; or in intrastate commerce, in bulk only; with a gross vehicle weight rating of 10,001 or more pounds) Oil listed in *Part 171.101*; hazardous waste, hazardous materials and hazardous substances defined in *Part 171.8* and listed in *Part 171.101*, but not mentioned in (2) above or (4) below **\$1,000,000;** and

(4) For-hire and Private (In interstate or foreign commerce, with a gross vehicle weight rating of less than 10,000 pounds). Any quantity of Division 1.1, 1.2, or 1.3 material; any quantity of Division 2.3, Hazard Zone A, or Division 6.1, Packing Group I, Hazard Zone A material; or highway route controlled quantities of a Class 7 material as defined in *Part 173.403* **\$5,000,000.**

10/2020

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Kansas Corporation Commission

## FMCSA Insurance Requirements when Vehicles are Transported: \$1,000,000

When transporting self-propelled vehicles and/or mechanical equipment containing internal combustion engines, and battery powered vehicles or equipment, you need to document on the MCS-150 that you carry non-bulk Class 9 hazardous materials. (If only transporting Class 9, no other hazmat regulations apply)

- If the engine or fuel tank contains a liquid or gaseous fuel, an engine may be considered as not containing fuel when the fuel tank, engine components, and fuel lines have been completely drained, sufficiently cleaned of residue, and purged of vapors.
- Rule applies if equipped with a wet electric storage battery other than a non-spillable battery, or with a sodium or lithium battery.

10/2020

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Kansas Corporation Commission

## FMCSA Insurance Requirements for Passenger Carriers

Schedule of Limits Public Liability For-hire motor carriers of passengers operating in interstate or foreign commerce. \*Except as provided in § 387.27(b).

Vehicle seating capacity	Effective dates	Nov. 19, 1983	Nov. 19, 1985
(1) Any vehicle with a seating capacity of 16 passengers or more		\$2,500,000	\$5,000,000
(2) Any vehicle with a seating capacity of 15 passengers or less <sup>1</sup>		\$750,000	\$1,500,000

10/2020

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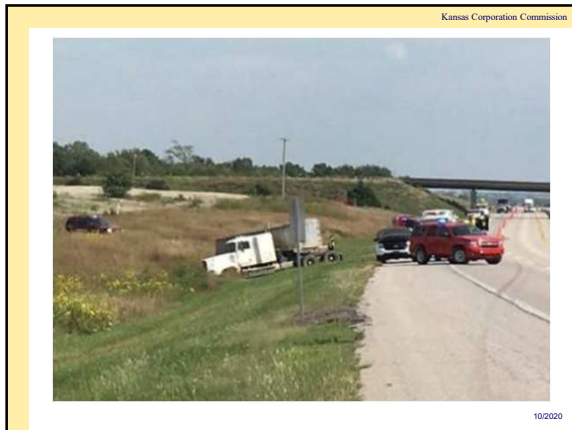
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# KCC PROCEDURES FOR SAFETY COMPLIANCE



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**Accident File:**

- You must have an accident register with information about all DOT recordable accidents, see page 31 of the red book, *Part 390.15(b)*.
- A register containing the following information:
  - Date and nearest towns name;
  - Drivers name and number of injuries or fatalities;
  - Hazardous material spilled; and
  - Copies of all accident reports required to be filled out by insurance companies.

10/2020

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**DOT Recordable Accident**

**Accident means —**

- (1) Except as provided in paragraph (2) of this definition, an occurrence involving a commercial motor vehicle operating on a highway in interstate or intrastate commerce which results in:
  - (i) A fatality;
  - (ii) Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
  - (iii) One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicles to be transported away from the scene by a tow truck or other motor vehicle.
- (2) The term accident does not include:
  - (i) An occurrence involving only boarding and alighting from a stationary motor vehicle; or
  - (ii) An occurrence involving only the loading or unloading of cargo.

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# KCC PROCEDURES FOR SAFETY COMPLIANCE

Kansas Corporation Commission

## You must comply with the following

- Have shipping papers that reflect the basic description (*UN or NA number, proper shipping name, Hazard class/division, and packing group. Part 172.202*), total quantity, number of packages, and show an emergency response telephone number, *Part 172.604, 177.817; Effective 1/1/2013*
- Placard your vehicle if applicable, *Part 172.504*;
- **Train all hazmat employee's** on hazmat: general awareness and familiarization; function-specific; safety; and security, **AND** have a record of the training (certificate) *Part 172.704, 177.816 this is recurrent training that must be completed every three years*;
- Maintain emergency response information in vehicle and office, *Part 172.602*; and
- **Develop and implement a security plan, Part 172.800.**

10/2020

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Kansas Corporation Commission

## HazMat Training Requirements

- **HM Training must include:**
  - General awareness/familiarization training;
  - Function-specific training;
  - Safety Training;
  - Security awareness training;
  - In-depth security training.
- **Recordkeeping:**
  - A record of current training, inclusive of the preceding three years, in accordance with this section shall be created and retained by each hazmat employer for as long as that employee is employed by that employer as a hazmat employee and for 90 days thereafter. The record shall include:
    - (1) The HM employee's name;
    - (2) The most recent training completion date;
    - (3) A description, copy, or the location of the training materials used;
    - (4) The name and address of the person providing the training; and
    - (5) Certification that the hazmat employee has been trained and tested, as required by this subpart.

10/2020

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Kansas Corporation Commission

## Specification Cargo Tank Carrier Requirements

- Retain a copy of the tank manufacturer's data report
- Retain the Certificate with the manufacturer's vehicle serial number and statement the cargo tank conforms to all applicable requirements for the spec tank
- Retain all records for required repairs and tests
- Cargo tank must be marked with date and type of test or inspection near the spec plate or anywhere on the front head.

10/2020

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# KCC PROCEDURES FOR SAFETY COMPLIANCE

Kansas Corporation Commission

## Requirements For HM Drivers

Renewal of a CDL with HazMat endorsement, effective May 31, 2005.

The US Patriot Act of 2001 requires all drivers wishing to obtain or to renew a Hazardous Materials Endorsement (HME) on a Commercial Driver License (CDL) to undergo a threat assessment conducted by the Transportation Security Administration (TSA) before the endorsement can be issued or renewed.

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Kansas Corporation Commission

## Requirements for HM Drivers *Continued*

You must make application to have your TSA Security Threat Assessment completed, this can be done at the following website: <https://universalenroll.dhs.gov/servicecode/111168> or contact the TSA contracting agency at: (855) 347-8371. There is a fee for the Security Threat Assessment.

After you receive the results of the Threat Assessment from the Division of Vehicles (this usually takes about 30 - 60 days) you may visit any Driver's License office to have your CDL with HME renewed. At this time you will take the Hazardous Materials written test and pay any driver license fees required.

12/2019

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Kansas Corporation Commission

## Requirements for HM Drivers *Continued*

After you have successfully completed the HazMat written test, passed your renewal test and vision screening, you will be issued a temporary license and your actual CDL will be sent back to the address you provide.

You should initiate the threat assessment at least 90 days before the expiration date of your CDL if you intend to keep the HME. The threat assessment includes capturing your fingerprints and submitting them to the KBI, FBI and TSA for background checks required by the Patriot Act.

10/2020

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# KCC PROCEDURES FOR SAFETY COMPLIANCE

Kansas Corporation Commission

## Hazardous Materials Security and Training Plan Requirements

- Security plans are required for carriers meeting the requirements in *Part 172.800(b)*;
- Carriers are required to add security training to the HM training requirements found in *Part 172.704(a)(5)*;
- In depth training required for carriers needing plans

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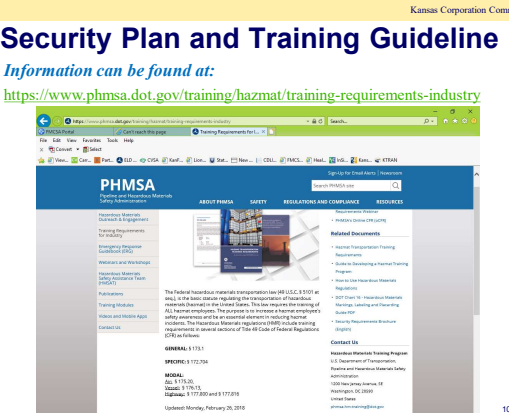
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Kansas Corporation Commission

## Security Plan and Training Guideline

Information can be found at:  
<https://www.phmsa.dot.gov/training/hazmat/training-requirements-industry>



The screenshot shows the PHMSA website with a navigation menu including 'ABOUT PHMSA', 'SAFETY', 'REGULATIONS AND COMPLIANCE', and 'RESOURCES'. The main content area features a 'Related Documents' section with links to 'Hazardous Materials Security and Training Requirements', 'Security and Training Requirements for Carriers', and 'Security and Training Requirements for Carriers'. A 'Contact Us' section is also visible at the bottom.

10/2020

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Kansas Corporation Commission

## Haz Mat, Terminal Awareness

Security Enhancement Procedures:

- Adequate lighting at the terminal;
- H/M located in a secure area;
- Transport vehicles located in a secure area;
- Access to H/M and vehicles limited and/or monitored, sign in and out;
- Consider protective measures i.e. (alarms, video, and/or fence).
- Reinforce, with employees, the importance to remain aware of their surroundings at all times; and
- Know who you are dealing with; shippers, receivers, and vendors that service your facility.

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# KCC PROCEDURES FOR SAFETY COMPLIANCE

Kansas Corporation Commission

## En Route Security

- When transporting Hazardous Materials, ensure H/M is delivered expeditiously;
- Instruct drivers to lock vehicles when in transit or unattended;
- Drivers must be aware of vehicles that are following or strangers asking inappropriate questions; and
- Be suspicious of individuals asking you to stop as a result of an alleged traffic accident.

10/2020

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Kansas Corporation Commission

## En Route Security *Continued*

- Be cautious when stopping to help stranded motorists or at accident scene;
- Do not pick up hitchhikers;
- Do not discuss the nature of the cargo i.e.(*coffee shop, truck stops, over CB radio, or cell phones*);
- Drivers should have a means of communication;
- Consider tamper-proof locks and seals;
- Consider locks for 5<sup>th</sup> wheels; and
- Consider theft prevention devices (*steering lock, fuel cut-off, electrical cut-off*).

10/2020

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Kansas Corporation Commission

## Report All Suspicious Activities!

**Should be reported immediately to:**

1. Your supervisor;
2. Kansas Highway Patrol, \*47;
3. Kansas Corporation Commission, 785-271-3333, 3151, or 3104; and
4. Federal Motor Carrier Safety Administration, 785-271-1260

10/2020

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# KCC PROCEDURES FOR SAFETY COMPLIANCE



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Kansas Corporation Commission

## All Files Must Be In Compliance

- You will be contacted for a compliance review (CR) by a KCC special investigator (SI) within 18 months from the date of issuance of your new authority;
- All files are required to be completed *before operating a CMV*, (with the exception of the MVR and background check that need to be completed within 30 days of hiring a driver), and will be checked for compliance by the SI during the CR. With the exception of a complaint, the SI will contact you to schedule a CR and that will serve as the 48 hour notice to produce all records provided in *Part 390.29*; and
- Failure to have required documents in place may result in a penalty order.

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Kansas Corporation Commission

## Penalties for NOT HAVING the Required Files

*May result in:*

- A civil penalty may be assessed between \$100 and \$1,000 per violation and up to \$5,000 for intentional violations;
- The commission may suspend, amend or revoke your authority to operate in the state of Kansas; or
- You have committed a misdemeanor and a District Court could fine you up to \$500 per violation.

10/2020

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# KCC PROCEDURES FOR SAFETY COMPLIANCE

Kansas Corporation Commission

## Motor Carrier Statistics

Compliance Reviews (CRs) conducted during Kansas Fiscal Year 2022 (7/1/2021-6/30/2022): **157**

Carrier safety ratings from CRs:

Satisfactory	<b>48</b>
Conditional	<b>19</b>
Unsatisfactory	<b>8</b>
Non-rated	<b>82</b>

Number of CRs resulting in penalties: (73.2%) **115**

Penalties assessed in FY 2022: **\$130,050**

1/2023

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Kansas Corporation Commission

## Keys to Success

- Communicate with regulatory agencies (KCC, KHP & FMCSA);
- Train your employees about regulations that apply to them;
- Ask questions if you don't understand; and
- Comply with the regulations.

The KCC transportation division is committed to work with you, our partners, to enhance your understanding and compliance with the safety rules and regulations to make the highways of Kansas a safer place to operate.

10/2020

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Kansas Corporation Commission

The screenshot shows the website's navigation menu and a list of links under 'Federal Motor Carrier Information'. A yellow arrow points to the 'Federal Motor Carrier Safety Administration (FMCSA)' link.

- Federal Motor Carrier Safety Administration (FMCSA)
- Hazmat Safety (PHMSA)
- Safety & Fitness Electronic Records (SAFER)
- Motor Carrier Safety Measurement System Login
- Federal Motor Vehicle Safety Standards
- National Drug Free Workplace Alliance - Drug/Alcohol Supervisor Training
- Apply online for a USDOT Number/Operating Authority
- USDOT Medical Certificate Application Form
- FMCSA Medical Examiner's Certificate

10/2020

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# KCC PROCEDURES FOR SAFETY COMPLIANCE

Kansas Corporation Commission

## Questions?

10/2020

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Kansas Corporation Commission

## Thank you!

*Thank you for your time and attention.*

This presentation was designed to assist you in attaining safety and success in your business.

*Working together, we can make the highways of Kansas safer for your families and ours.*

12/2019

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Kansas Corporation Commission

## Contact Information

**KCC** <https://kcc.ks.gov/>  
1500 SW Arrowhead Road  
Topeka, KS 66604  
(785) 271-3333, **Mike J. Hoeme**, Transportation Director  
(785) 271-3151, **Gary L. Davenport**, Transportation Deputy Director  
(785) 271-3284, **Jared L. Smith**, Transportation Public Service Executive

**FMCSA** <https://www.fmcsa.dot.gov/>  
1303 SW First American Place, Suite 200  
Topeka, KS 66604  
(785) 596-1072, **Michael Christopher**, Division Administrator

**KHP** <https://kansashighwaypatrol.org/>  
700 SW Jackson, Suite 704  
Topeka, KS 66603  
(785) 296-7189, **Wes Ludolph**, Captain

1/2023

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