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Before the Senate Transportation Committee

Thursday February 17, 2022

Testimony

Submitted by Mike Hoeme, Director of Transportation
On behalf of the Staff of the Kansas Corporation Commission

Chairman Petersen, Vice Chair Claeys, Ranking Minority Member Hawk, and members of the Committee, thank you for the opportunity to provide neutral written testimony on behalf of the staff of the Kansas Corporation Commission (Commission).

Under existing Kansas motor carrier law and regulations, a motor carrier is responsible for the safety measures of its employees, including independent contractors. This means a motor carrier is required, for example, to ensure any independent contractors driving on behalf of the motor carrier possess the necessary safety and licensing qualifications, among other things. These requirements are necessary and proper for ensuring the safety of the motoring public.

In complying with Kansas motor carrier law and regulations, a motor carrier should feel comfortable ensuring all of its drivers, including independent contractors, implement safety measures without concern that the worker status of those drivers will change for labor purposes. Notwithstanding, we believe inclusion of this bill's language in Chapter 66 might cause confusion for motor carriers, so we do not support the inclusion of this bill in Chapter 66.

However, we do support the inclusion of this language in either Chapter 40 (Insurance) or Chapter 44 (Labor and Industries) of the Kansas statutes.

SB 494 clarifies that for labor purposes, a motor carrier's efforts to ensure its independent contractors are operating safely and in compliance with motor carrier rules and regulations do not change the worker status of the independent contractor. By placing the language of the bill in either Chapter 40 or Chapter 44, the intent of the bill will be furthered without causing unnecessary and unintended confusion with the KCC's rules and regulations.

Thank you for the opportunity to provide neutral written testimony with regard to Senate Bill 494.