

STATE OF KANSAS
STATE CORPORATION COMMISSION

Notice of Public Hearing on Proposed Administrative Regulations

December 6, 2022

The State Corporation Commission (Commission) will conduct a public hearing on Tuesday, December 6, 2022 at 10 a.m., via Zoom, to consider the adoption of the proposed rules and regulations of the State Corporation Commission of the State of Kansas on a permanent basis.

This notice exceeds the 60-day notice requirement of the pending public hearing and shall constitute the beginning of the public comment period for the purpose of receiving written public comments on the proposed rules and regulations. A complete copy of the proposed regulations and economic impact statements may be found on the Kansas Corporation Commission website: <https://kcc.ks.gov/your-opinion-matters>, or by contacting Ahsan Latif: a.latif@kcc.ks.gov.

All interested parties may participate at the Zoom meeting by signing up on the KCC website [Kansas Corporation Commission - Your Opinion Matters \(ks.gov\)](https://kcc.ks.gov/your-opinion-matters) or submit written comments prior to the hearing via the KCC website, in writing to Ahsan Latif, Litigation Counsel, State Corporation Commission, 1500 SW Arrowhead Road, Topeka, Kansas 66604, or by email to a.latif@kcc.ks.gov. The meeting will also be broadcasted on our YouTube channel at [Kansas Corporation Commission - YouTube](https://www.youtube.com/channel/UC...).

During the public hearing, all interested parties will be given a reasonable opportunity to present their views orally regarding the adoption of the proposed regulations during the public hearing. In order to provide all parties an opportunity to present their views, it may be necessary to ask that each participant limit any oral presentation to five (5) minutes.

Any individual with a disability may request an accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation to participate in the hearing should be made at least five (5) working days in advance of the hearing by contacting Linda Berry at (785) 271-3269.

A summary of the proposed regulations and their economic impact are as follows: (Note: Statements indicating that a regulation is “not anticipated to have any economic impact” are intended to indicate that no economic impact on the State Corporation Commission, other state agencies, state employees, or the general public has been identified.)

K.A.R. 82-4-1 – Definitions.

The proposed amendments to this regulation, which defines the terms used in “Article 4 – Motor Carriers of Persons and Property,” includes the removal of certain definitions to prevent variation from the federal definitions. Additionally there are edits to reflect minor grammatical and form corrections and recent updates to Federal Motor Carrier Safety Administration (FMCSA) regulations. The proposed amendments are not anticipated to have an economic impact.

K.A.R. 82-4-2a – Authority of agents, employees, or representatives authorized by commission.

This regulation grants special agents, employees and representatives of the Commission certain authorities which are required by the federal government for enforcement of motor carrier rules and regulations. The amendment to this regulation allows the Kansas Highway Patrol to determine in what manner it will mark out-of-service vehicles. The proposed amendment is not anticipated to have an economic impact.

K.A.R. 82-4-3 – Exemption from the motor carrier safety regulations.

This regulation further in conjunction with K.S.A. 66-1,109 and K.S.A. 66-1,129 exempts certain carriers from the Commission’s motor carrier safety regulations. and The amendment to this regulation would remove a variance from language in 49 C.F.R. 390.5 as adopted by K.A.R. 82-4-3f. The proposed amendments are not anticipated to have an economic impact.

K.A.R. 82-4-3b – Procedures for transportation workplace drug and alcohol testing programs.

This regulation adopts portions of the FMCSA regulations (49 C.F.R. Part 40) governing the procedures for workplace drug and alcohol testing programs relevant to motor carriers. The proposed amendments also include edits to reflect minor grammar and form corrections as well as the most recent updates to FMCSA regulations. The proposed amendments are not anticipated to have an economic impact.

K.A.R. 82-4-3c – Testing for controlled substances and alcohol use.

This regulation adopts portions of the FMCSA regulations (49 C.F.R. Part 382) governing the procedures involved in testing for controlled substances and alcohol use. The amendments include edits to reflect minor grammar and form corrections and the most recent updates to FMCSA regulations. The proposed amendments are not anticipated to have an economic impact.

K.A.R. 82-4-3d – Safety fitness procedures.

This regulation adopts portions of the FMCSA regulations (49 C.F.R. Part 385) governing motor carrier safety fitness procedures. The proposed amendments to this regulation include edits to reflect minor grammar and form corrections and the most recent updates to FMCSA regulations. The proposed amendments are not anticipated to have an economic impact.

K.A.R. 82-4-3f – General motor carrier safety regulations.

This regulation adopts portions of the FMCSA regulations (49 C.F.R. 390) which establish the minimum safety requirements to be followed by motor carriers and their employees and the safety standards for commercial motor vehicles and intermodal equipment. The proposed amendments to this regulation include removal of certain variances from the federal regulations, as well as edits to reflect minor grammar and form corrections and the most recent updates to FMCSA regulations. The proposed amendments are not anticipated to have an economic impact.

K.A.R. 82-4-3g – Qualifications of drivers.

This regulation adopts relevant portions of the FMCSA regulations (49 C.F.R. 391) which establish the minimum duties of motor carriers with respect to the qualifications of their commercial motor vehicle drivers. This regulation also establishes the minimum qualifications for those drivers who own and operate commercial motor vehicles. The proposed amendments to this regulation include edits to reflect minor grammar and form corrections and the most recent updates to FMCSA regulations. The proposed amendments are not anticipated to have an economic impact.

K.A.R. 82-4-3h – Driving of commercial motor vehicles.

This regulation adopts portions of the FMCSA regulations (49 C.F.R. 392) which establish the minimum duties and procedures for the driving of commercial motor vehicles. The proposed amendments to this regulation include edits to reflect minor grammar and form corrections and the most recent updates to FMCSA regulations. The proposed amendments are not anticipated to have an economic impact.

K.A.R. 82-4-3i – Parts and accessories necessary for safe operation.

This regulation adopts portions of the FMCSA regulations (49 C.F.R. Part 393) governing the parts and accessories necessary for the safe operation of commercial motor vehicles. The proposed amendments to this regulation include edits to reflect minor grammar and form corrections, deletions and additions required to reflect the most recent updates to FMCSA regulations. The proposed amendments are not anticipated to have an economic impact.

K.A.R. 82-4-3j – Inspection, repair, and maintenance.

This regulation adopts portions of the FMCSA regulations (49 C.F.R. Part 396) governing the inspection, repair and maintenance of commercial motor vehicles. The

proposed amendments to this regulation include minor grammar and form corrections, deletions and additions required to reflect the most recent updates to FMCSA regulations. The proposed amendments are not anticipated to have an economic impact.

K.A.R. 82-4-3k – Transportation of hazardous materials; driving and parking rules.

This regulation adopts portions of the FMCSA regulations (49 C.F.R. Part 397) governing the transportation of hazardous materials with specific respect to driving and parking rules. The proposed amendments to this regulation reflect minor grammar and form corrections, deletions and additions required to reflect the most recent updates to FMCSA regulations. The proposed amendments are not anticipated to have an economic impact.

K.A.R. 82-4-3l – Transportation of migrant workers.

This regulation adopts portions of the FMCSA regulations (49 C.F.R. Part 398) governing the transportation of migrant workers. The proposed amendments to this regulation include edits to reflect minor grammar and form corrections, deletions and additions required to reflect the most recent updates to FMCSA regulations. The proposed amendments are not anticipated to have an economic impact.

K.A.R. 82-4-3m – Employee safety and health standards.

This regulation adopts portions of the FMCSA regulations (49 C.F.R. Part 399) establishing motor carrier employee safety and health standards. The proposed amendments to this regulation include edits to reflect minor grammar and form corrections, deletions and additions required to reflect the most recent updates to FMCSA regulations. The proposed amendments are not anticipated to have an economic impact.

K.A.R. 82-4-3n – Minimum levels of financial responsibility for motor carriers.

This regulation adopts portions of the FMCSA regulations (49 C.F.R. Part 387) establishing requirements for the minimum levels of financial responsibility for motor carriers. The proposed amendments to this regulation include edits to reflect minor grammar and form corrections and deletions and additions required to reflect the most recent updates to FMCSA regulations. The proposed amendments are not anticipated to have an economic impact.

K.A.R. 82-4-3o – Imminent hazard.

This regulation adopts portions of the FMCSA regulations (49 C.F.R. Part 386, Subpart F) establishing procedures relevant to imminent hazard with respect to motor carriers. The proposed amendments to this regulation include edits to reflect minor grammar and form corrections, including deletions and additions required to reflect the most recent updates to FMCSA regulations. The proposed amendments are not anticipated to have an economic impact.

K.A.R. 82-4-20 – Transportation of hazardous materials by motor vehicles.

This regulation establishes the minimum requirements and standards to be observed in the transportation of hazardous materials by motor carriers and operators of commercial motor vehicles. The proposed amendments to this regulation remove variances from the federal regulations to ensure motor carriers operating in Kansas operate under the same rules as they do in other states. Where possible the adoptions remove or do not adopt portions of the federal regulation that do not apply to Kansas or are beyond the jurisdiction of the Commission. The proposed amendments are not anticipated to have an economic impact.

K.A.R. 82-4-27 – Applications for certificates of convenience and necessity and certificates of public service.

This regulation establishes the procedures for filing applications for certificates of convenience and necessity and certificates of public service. The proposed change includes a requirement to attend a free Commission-sponsored safety seminar prior to approval of an application for a certificate. The inclusion of the requirement here matches the requirement included in K.A.R. 82-4-26, which prescribes general rules for certificates, licenses and permits. The proposed amendment is not anticipated to have an economic impact.

K.A.R. 82-4-30a. Applications for interstate registration.

This existing regulation adopts relevant portions of the Federal Motor Carrier Safety Administration (“FMCSA”) regulations (49 C.F.R. Part 367) and Unified Carrier Registration (UCR) Act (49 U.S.C. 14504a) which together establish the rules and registration fees owed by carriers based in Kansas that operate interstate. The proposed changes to this regulation allows the Kansas Corporation Commission and Kansas Highway Patrol to enforce the lower fee schedule approved for use in 2023.

K.A.R. 82-4-50 – Passenger carriers.

This regulation adopts portions of the FMCSA regulations (49 C.F.R. Part 374) establishing certain rules for motor carriers of passengers. The proposed amendments make minor changes to clarify the Commission is the state authority tasked with enforcing these rules for intrastate purposes. The proposed amendments are not anticipated to have an economic impact.