82-4-1. Definitions. The following terms used in connection with the regulations of the state corporation commission governing motor carriers shall be defined as follows:

(a) "Affiliate" means a person or company controlling, controlled by, or under common control or ownership with another person or company.

(b) "Air mile" means nautical mile.

(c) "Authorized agent" and "authorized representative" mean any authorized special agent or employee of the commission, any member of the Kansas highway patrol, or any law enforcement officer in the state certified in the inspection of motor carriers and authorized in accordance with the requirements of the Kansas motor carrier safety program.

(d) "Certificate" means a document evidencing a certificate of convenience and necessity or a certificate of public service issued to an intrastate common carrier to operate motor vehicles as a common carrier.

(e) "Chameleon carrier" means a motor carrier continuing its motor carrier operation under a new USDOT or motor carrier identification (MCID) number for the purpose of avoiding a fine, penalty, federal out-of-service order, or commission order that was issued against the previously used USDOT or MCID number.

(f) "Commission" means Kansas corporation commission.

~~(g) "Conviction" means any of the following, whether or not the penalty is reduced, suspended, or resolved by means of a probationary agreement:~~

~~(1) An unvacated adjudication of guilt or a determination by a federal, state, or local court of original jurisdiction or by an authorized administrative tribunal that a person has violated or failed to comply with the law;~~

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~~(2) an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court;~~

~~(3) a plea of guilty or nolo contendere accepted by the court;~~

~~(4) the payment of a fine or court cost; or~~

~~(5) violation of a condition of release without bail.~~

~~(h)~~(g) "Director" means director of the transportation division of the commission.

~~(i)~~(h) "Distance" means distance measured in air miles.

(1) Distances shall be computed from the corporate limits of incorporated communities and from the post office of unincorporated communities.

(2) If there is no post office in the unincorporated community, the distance shall be computed from the center of the business district.

~~(j)~~(i) "Docketing" means entering a proposal in the organization files and then giving notice of the proposal to other carrier members of the organization and shipper subscribers.

~~(k)~~(j) "Entire direct case" shall include, for the purpose of this article of the commission's regulations, all testimony, exhibits, and other documentation offered ~~in support of the proposed rates~~.

~~(l)~~(k) "Express carrier" means a common carrier who carries packages or parcels, the maximum weight of which does not exceed 350 pounds for each package or parcel.

~~(m)~~(l) "FHWA" means federal highway administration.

~~(n)~~(m) "FMCSA" means federal motor carrier safety administration.

~~(o)~~(n) "General increase" and "general decrease" mean a common motor carrier rate increase or decrease proposed as a general adjustment of substantially all the rates published in a tariff.

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~~(p)~~(o) "Groundwater well drilling rig" means any vehicle, machine, tractor, trailer, semi-trailer, or specialized mobile equipment propelled or drawn by mechanical power and used on highways to transport groundwater well field operating equipment, including any groundwater well drilling and pump service rig equipped to access groundwater.

~~(q)~~(p) "Hazardous materials regulations" and "HMR" mean the federal hazardous material regulations as adopted in K.A.R. 82-4-20.

~~(r)~~(q) "Industry average carrier cost information" means the average intrastate cost of the carriers who participate in an organization tariff and who have authority from the commission to transport the commodities indicated in the organization tariff.

~~(s)~~(r) "Joint line rate" means a rate, charge, or allowance established by two or more common motor carriers of property or passengers that is applicable over the carriers' lines and for which the transportation can be provided by these carriers.

~~(t)~~(s) "License" means the document or registration receipt evidencing the registration of an interstate common motor carrier or interstate exempt motor carrier to operate motor vehicles in the state of Kansas in interstate commerce.

~~(u)~~(t) "Medical waiver" means "medical variance" as defined in 49 C.F.R. 390.5, which is adopted by reference in K.A.R. 82-4-3f.

~~(v)~~(u) "Moving violation" means the commission or omission of an act by a person operating a motor vehicle that could result in injury or property damage and that is also a violation of a statute, ordinance, or regulation of this state or any other jurisdiction, including those convictions defined as Kansas moving violations in K.A.R. 92-52-9.

~~(w)~~(v) "Notice" means advance notification to shipper subscribers through an organization's docket service.

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~~(x)~~(w) "Organization" means a legal entity that administers an agreement approved under K.A.R. 82-4-69.

~~(y)~~(x) "Out-of-service" and "OOS," when used to describe a driver, a commercial motor vehicle, or a motor carrier operation, mean that the driver, commercial motor vehicle, or motor carrier has ceased to operate or move pursuant to the statutes and regulations of the state of Kansas, the federal motor carrier safety administration regulations, or the "North American standard out-of-service criteria," including the appendix, published by the commercial vehicle safety alliance. The "North American standard out-of-service-criteria," revised on April 1, ~~2016~~ 2022, ~~and~~ is hereby adopted by reference with the following exceptions:

(1) The policy statements on pages 3, 17, 18, 71, 75, and 79 shall be deleted.

(2) The section titled "drivers operating in the state of Alaska (395.1(h))" on page 11 shall be deleted.

(3) All inspection bulletins shall be deleted.

(4) All sections applying to those operating in Canada and Mexico, including those on pages on pages 12, 13, 14, 15, 74 and 76, shall be deleted.

(5) All references to "operational policy 15 inspection and regulatory guidance" shall be deleted.

(6) All references to 49 C.F.R. Part 393 shall be followed by the phrase "as adopted by K.A.R. 82-4-3i."

(7) All references to 49 C.F.R. Part 395 shall be followed by the phrase "as adopted by K.A.R. 82-4-3a."

(8) All references to 49 C.F.R. Part 396 shall be followed by the phrase "as adopted by K.A.R. 82-4-3j."

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(9) All sections labeled "reserved" shall be deleted.

~~(z)~~(y) "Ownership" means an equity holding in a business entity of at least five percent.

~~(aa)~~(z) "Permit" means the document evidencing authority of a motor carrier to operate motor vehicles as a private carrier.

~~(bb)~~(aa) "PHMSA" means pipeline and hazardous materials safety administration of the United States department of transportation.

(bb) "Public motor carrier" shall have the same meaning as "For-hire motor carrier," as defined in 49 C.F.R. 390.5 as adopted by K.A.R. 82-4-3f.

(cc) "Single line rate" means a rate, charge, or allowance established by a single common motor carrier of property or passengers that is applicable only over its line and for which the transportation can be provided by that carrier.

(dd) "Tariff publication" means the rates, charges, classification, ratings, or policies published by, for, or on behalf of common motor carriers of household goods, property, or passengers.

(ee) "Transportation" means the movement of household goods, property, or passengers, or any combination of these, and the loading, unloading, or storage incidental to this movement.

(ff) "USDOT" means the United States department of transportation. (Authorized by and implementing K.S.A. 2021 Supp. 66-1,112, K.S.A. 2021 Supp. 66-1,112g, K.S.A. 66-1,129; effective Jan. 1, 1971; modified, L. 1981, Ch. 424, May 1, 1981; amended, T-83-45, Dec. 8, 1982; amended May 1, 1983; amended May 1, 1984; amended April 30, 1990; amended Sept. 16, 1991; amended July 6, 1992; amended May 10, 1993; amended Oct. 3, 1994; amended Jan. 30, 1995; amended Jan. 4, 1999; amended July 28, 2000; amended Nov. 14, 2011; amended Sept. 20, 2013; amended May 6, 2016; amended July 26, 2019; amended P-_____.)

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82-4-2a. Authority of agents, employees, or representatives authorized by commission. The special agents, agents, employees, or representatives authorized by the commission shall have the authority to perform the following:

(a) Examine motor carrier equipment operating on the highways in this state;

(b) enter upon any motor carrier's premises located in Kansas and inspect and examine the motor carrier's records, books, and equipment located on the premises;

(c) examine the manner of the motor carrier's conduct as it relates to the public safety and the operation of commercial motor vehicles in this state; and

(d) declare or place, or both, any commercial motor vehicle, driver, or motor carrier "out-of-service" for any "out-of-service" conditions as defined in K.A.R. 82-4-1. Authorized personnel shall declare and mark as out-of-service any commercial motor vehicle, driver, or motor carrier that by reason of its mechanical condition or loading would likely cause an accident or a breakdown or is in violation of any commission economic or safety regulations or "out-of-service" criteria as defined in K.A.R. 82-4-1. An "out-of-service vehicle" sticker or a form approved by the Kansas highway patrol shall be used to mark each vehicle and any intermodal equipment as out-of-service. (Authorized by K.S.A. 66-1,108a ~~and 66-1,108e~~; implementing K.S.A. 66-1,108b and 66-1,108c; effective Nov. 14, 2011; amended May 6, 2016; amended July 26, 2019; amended P-_____.)

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82-4-3. Exemption from the motor carrier safety regulations. The commission's safety regulations and the federal safety regulations adopted by reference in this article of the commission's regulations shall not apply to the following:

(a) The occasional transportation of personal property by private motor carriers that is not for compensation and is not in the furtherance of a commercial enterprise;

(b) the operation of fire trucks and rescue vehicles while involved in emergency and related operations;

(c) the operation of commercial motor vehicles designed or used to transport between nine and 15 passengers, including the driver, not for compensation, if the commercial motor vehicle does not otherwise meet the definition of a commercial motor vehicle, except that motor carriers operating these vehicles shall comply with 49 C.F.R. 390.15, 49 C.F.R. 390.19T, and 49 C.F.R. 390.21~~(a)~~T, as adopted by K.A.R. 82-4-3f; and

(d) either a driver of a commercial motor vehicle used primarily in the transportation of propane winter heating fuel or a driver of a motor vehicle used to respond to a pipeline emergency, if the regulations would prevent the driver from responding to an emergency condition requiring immediate response as defined in 49 C.F.R. 390.5T, as adopted by K.A.R. 82-4-3f. ~~the operation of commercial motor vehicles designed or used to transport between nine and 15 passengers, including the driver, for direct compensation, if the vehicle is not being operated beyond a radius of 75 air miles from the driver's normal work-reporting location and if the vehicle does not otherwise meet the definition of a commercial motor vehicle, except that motor carriers operating these vehicles shall comply with 49 C.F.R. 390.15, 49 C.F.R. 390.19, and 49 C.F.R. 390.21(a), as adopted by K.A.R. 82-4-3f.~~ (Authorized by and implementing K.S.A. ~~2003~~ 2021 Supp. 66-1,112, K.S.A. 2021 Supp. 66-1,112g, and K.S.A. ~~2003 Supp.~~ 66-

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1,129~~, as amended by L. 2004, Ch. 152, § 7~~; effective Jan. 1, 1971; modified, L. 1981, ch. 424, May 1, 1981; amended May 1, 1984; amended May 1, 1985; amended May 1, 1987; amended April 30, 1990; amended Sept. 16, 1991; amended July 6, 1992; amended May 10, 1993; amended Oct. 3, 1994; amended Jan. 30, 1995; amended Jan. 4, 1999; amended, T-82-9-13-99, Sept. 13, 1999; amended March 3, 2000; amended, T-82-4-7-00, April 17, 2000; amended July 28, 2000; amended, T-82-10-25-01, Oct. 25, 2001; amended Dec. 28, 2001; amended, T-82-12-29-04, Dec. 29, 2004; amended April 29, 2005; amended P-_____.)

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82-4-3b. Procedures for transportation workplace drug and alcohol testing programs.

(a)(1) With the exceptions specified in this subsection, 49 C.F.R. Part 40, as in effect on October 1, ~~2015~~ 2018, is hereby adopted by reference.

(2) The following revisions shall be made to 49 C.F.R. 40.3:

(A) In the definition of "DOT, The Department, DOT agency," the phrase "the Kansas Corporation Commission and" shall be added after "these terms encompass."

(B) In the definition of ''Employee,'' the term ''U.S.'' shall be inserted before the phrase ''Department of Health and Human Services.''

~~(B)~~ (C) In the definition of ''HHS,'' the phrase ''U.S.'' shall be added before the phrase ''Department of Health and Human Services'' in both instances.

~~(C)~~ (D) The following definition of ''special agent or authorized representative'' shall be added after the definition of ''Shipping container'':

'''Special agent or authorized representative' means an authorized representative of the commission, and members of the Kansas highway patrol or any other law enforcement officer in the state who is certified in the inspection of motor carriers based on the motor carrier safety assistance program standards.''

(3) 49 C.F.R. 40.5 and 49 C.F.R. 40.7 shall be deleted.

(4) In 49 C.F.R. 40.21, paragraphs (b), (c), and (d) shall be deleted. In paragraph (e), the text "and DOT agency drug testing regulations" and "by the DOT agency just as you are for other violations of this part and DOT agency rules" shall be deleted.

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(5) 49 C.F.R. 40.26 shall be deleted and replaced by the following: ''Management information system (''MIS'') data shall be reported to the commission within 10 days of the commission's request for the information. MIS data shall be reported in a certified form acceptable to the commission. A certified form acceptable to the commission shall include the following information:

''(a) Information regarding the employer, including:

''(1) The name of the employer's business and, if applicable, the name it does business as;

''(2) the company's physical address and, if applicable, e-mail address;

''(3) the printed name and signature of the company's official certifying the MIS data;

''(4) the date the MIS data was certified;

''(5) the name and telephone number of the person preparing the form, if it is different from the person certifying the MIS data;

''(6) the name and telephone number of the C/TPA, if applicable; and

''(7) the employer's motor carrier identification number.

''(b) Information regarding the covered employees, including:

''(1) the total number of safety-sensitive employees in all categories;

''(2) the total number of employee categories;

"(3) the name of the employee category or categories; and

''(4) the total number of employees for each category.

''(c) Information regarding the drug testing data, including:

''(1) The type of test, which includes:

''(A) Pre-employment;

''(B) random;

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''(C) post-accident;

''(D) reasonable suspicion or cause;

''(E) return-to-duty; and

''(F) follow-up.

''(2) The number of tests by result, including:

"(A) Total number of test results;

''(B) verified negative results;

''(C) verified positive results for one or more drugs;

''(D) positive for marijuana;

''(E) positive for cocaine;

''(F) positive for PCP;

''(G) positive for opiates;

''(H) positive for amphetamines;

''(I) canceled results; and

''(J) refusal results, including:

''(i) Adulterated;

''(ii) substitutes;

''(iii) shy bladder with no medical explanation; and

''(iv) other refusals to submit to testing.

''(d) Information resulting alcohol testing data, including:

''(1) The type of test, including the same types as listed in paragraph (c)(1) above;

''(2) the number of tests by results, including:

''(A) total number of screen test results;

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''(B) screening tests with results below 0.02;

''(C) screening tests with results of 0.02 or greater;

''(D) number of confirmation test results;

''(E) confirmation tests with results of 0.02 through 0.039;

''(F) confirmation tests with results of 0.04 or greater;

''(G) canceled results; and

''(H) refusal results, including:

''(i) Shy lung with no medical explanation; and

''(ii) other refusals to submit to testing.''

(6) 49 C.F.R. 40.29 shall be deleted.

(7) 49 C.F.R. 40.37 shall be deleted.

(8) Subparts D through ~~N~~ F shall be deleted.

(9) The following changes shall be made to Subpart H:

(A) In 49 C.F.R. 40.171, paragraphs (b)(2) and (c) shall be deleted.

(B) In 49 C.F.R. 40.173 (a), the phrase "functions noted in §§40.175–40.185" shall be replaced by "split specimen testing."

(C) 49 C.F.R. 40.175 through 49 C.F.R. 40.189 shall be deleted.

(10) The following changes shall be made to Subpart I:

(A) In 49 C.F.R. 40.191, the following changes shall be made:

(i) In paragraph (a)(1), "(see 40.61(a))" shall be deleted.

(ii) In paragraphs (a)(2) and (a)(3), "(see 40.63(c))" shall be deleted.

(iii) In paragraph (a)(4), "(see 40.67(1) and 40.69(g))" shall be deleted.

(iv) In paragraph (a)(5), "(see 40.193)(d)(2)" shall be deleted.

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(v) In paragraph (a)(6), "(see, for instance, 40.197(b))" shall be deleted.

(vi) In paragraph (a)(7), "under 40.193(d)" shall be deleted.

(vii) Paragraph (d) shall be deleted.

(B) In 49 C.F.R. 40.193, the following changes shall be made:

(i) Paragraphs (a) through (h) shall be deleted.

(ii) In paragraph (i), the phrase "as provided in paragraph (d)(1) of this section" shall be replaced by "because a medical condition has, or with a high degree of probability could have, precluded the employee from providing a sufficient amount of urine."

(C) 49 C.F.R. 40.195 shall be deleted.

(D) The following changes shall be made to 49 C.F.R. 40.197:

(i) In paragraph (b)(1), "(see 40.155(c))" shall be deleted.

(ii) In paragraph (b)(2)(i), "(see 40.67(b) and (c))" shall be deleted.

(E) 49 C.F.R. 40.199 through 49 C.F.R. 40.205 shall be deleted.

(F) The following changes shall be made to 49 C.F.R. 40.209:

(i) In paragraph (b)(3), "(see 40.33)" shall be deleted.

(ii) In paragraph (b)(4), "(see 40.61(a))" shall be deleted.

(iii) In paragraph (b)(5), "(see 40.121(a) through (b))" and "(see 40.121(c) through (e))" shall be deleted.

(iv) Paragraph (b)(7) shall be deleted.

(G) In 49 C.F.R. 40.210, the sentences "Only urine specimens screened and confirmed at HHS certified laboratories (see §40.81) are allowed for drug testing under this part. Point-of-collection urine testing or instant tests are not authorized." shall be deleted.

(11) In Subpart J, 49 C.F.R. 40.211 and 49 C.F.R. 40.217 shall be deleted.

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(12) The following changes shall be made to Subpart K:

(A) 49 C.F.R. 40.221 through 49 C.F.R. 40.225 shall be deleted.

(B) In 49 C.F.R. 40.227, the phrase "in accordance with 40.271(b)" shall be deleted.

(C) 49 C.F.R. 40.229 through 49 C.F.R. 40.235 shall be deleted.

(13) Subparts L and M shall be deleted.

(14) The following changes shall be made to Subpart N:

(A) The following changes shall be made to 49 C.F.R. 40.261:

(i) In paragraph (a)(1), "(see 40.241(a))" shall be deleted.

(ii) In paragraph (a)(2), "(see 40.243(a))" shall be deleted.

(iii) In paragraph (a)(3), "(see 40.243(a))" shall be deleted.

(iv) In paragraph (a)(4), "(see 40.265(c))" shall be deleted.

(v) In paragraph (a)(5), "(see 40.265(c))" shall be deleted.

(vi) In paragraph (a)(6), "(see 40.241(g) and 40.251(d))" shall be deleted.

(vii) Paragraph (c) shall be deleted.

(B) 49 C.F.R. 40.263 shall be deleted.

(C) In 49 C.F.R. 40.265, paragraphs (a) and (b) shall be deleted.

(D) 49 C.F.R 40.267 through 49 C.F.R. 40.271 shall be deleted.

(E) In 49 C.F.R. 40.273, paragraph (c) shall be deleted.

~~(9) Subpart O shall be deleted.~~

(15) The following changes shall be made to Subpart O:

(A) 49 C.F.R. 40.281 through 49 C.F.R. 40.283 shall be deleted. Each motor carrier shall use a U.S. DOT-certified substance abuse professional.

(B) 49 C.F.R. 40.291 through 49 C.F.R. 40.293 shall be deleted.

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(C) 49 C.F.R. 40.299 through 49 C.F.R. 40.303 shall be deleted.

(D) 49 C.F.R. 40.307 shall be deleted.

(E) 49 C.F.R. 40.311 and 40.313 shall be deleted.

(16) In Subpart P, 49 C.F.R. 40.327 and 49 C.F.R. 40.329 shall be deleted.

~~(10) Subparts P through R shall be deleted.~~

(17) Subparts Q and R shall be deleted.

~~(11)~~ (18) In 49 C.F.R. Part 40, Appendix A through Appendix H shall be deleted.

(19) All sections marked "reserved" shall be deleted.

(b) As used in this regulation, each reference to a portion of 49 C.F.R. Part 40 shall mean that portion as adopted by reference in this regulation.

(c) Whenever the federal regulations adopted in this regulation refer to portions of the federal regulations or other operating standards that are not already adopted by reference in article 4 of the commission's regulations, the references shall not be applicable to this regulation unless otherwise specifically adopted. (Authorized by and implementing K.S.A. 2021 Supp. 66-1,112, K.S.A. 2021 Supp. 66-1,112g, and K.S.A. 66-1,129; effective, T-82-12-29-04, Dec. 29, 2004; effective April 29, 2005; amended Oct. 2, 2009; amended Sept. 20, 2013; amended July 26, 2019; amended P-_____.)

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82-4-3c. Testing for controlled substances and alcohol use. (a) With the following exceptions, 49 C.F.R. Part 382, as in effect on October 1, ~~2015~~ 2018 and as amended by 84 fed. reg. 51432 (2019), is hereby adopted by reference:

(1) The following revisions shall be made to 49 C.F.R. 382.103:

(A) In paragraph (a), the phrase ''any State'' shall be deleted and replaced by ''the state of Kansas.''

(B) In paragraph (a)(1), the phrase ''part 383 of this subchapter'' shall be deleted and replaced with ''the Kansas uniform commercial drivers' license act, ~~found at~~ K.S.A. 8-2,125 et seq.''

(C) In paragraph (d)(1), the phrase "part 655 of this title" shall be replaced with "49 CFR Part 655." ~~In paragraph (a)(2), the word ''or'' shall be deleted.~~

(D) In paragraph (c), the phrase ''§ 390.3(f) of this subchapter'' shall be deleted and replaced by ''49 C.F.R. 390.3(f) as adopted by K.A.R. 82-4-3f.''

(E) Paragraph (d)(2) shall be deleted and replaced by the following: ''(2) Operating vehicles exempted from the Kansas uniform commercial drivers' license act by K.S.A. 8-2,127 and amendments thereto.''

(F) In paragraph (d)(3), the phrase "a State" shall be deleted and replaced by "the state of Kansas." The phrase "part 383 of this subchapter" shall be deleted and replaced by "the Kansas uniform commercial drivers' license act." The text "These individuals may be:" shall be deleted.

(G) Paragraphs (d)(3)(i) and (d)(3)(ii) shall be deleted.

(H) In paragraph (d)(4), the phrase "49 CFR 390.5" shall be deleted and replaced by "49 C.F.R. 390.5 as adopted by K.A.R. 82-4-3f."

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(2) In 49 C.F.R. 382.105, the phrase ''part 40 of this title'' shall be deleted and replaced by ''49 C.F.R. Part 40, as adopted by K.A.R. 82-4-3b.''

(3) The following revisions shall be made to 49 C.F.R. 382.107:

(A) In the first paragraph, the phrase ''§§ 386.2 and 390.5 of this subchapter, and § 40.3 of this title'' shall be deleted and replaced by "~~49 C.F.R. 386.2, as adopted by K.A.R. 82-4-3o,~~ 49 C.F.R. 390.5, as adopted by K.A.R. 82-4-3f, and 49 C.F.R. 40.3, as adopted by K.A.R. 82-4-3b.''

(B) The definition of ''commerce'' shall be deleted and replaced by the following: '''Commerce' means any trade, traffic or transportation within the jurisdiction of the state of Kansas, and any trade, traffic and transportation which affects any trade, traffic and transportation within the jurisdiction of the state of Kansas.''

(C) The phrase ''as adopted by K.A.R. 82-4-20'' shall be inserted after the phrase ''(49 C.F.R. part 172, subpart F)'' in the definition of commercial motor vehicle.

(D) In the definition of ''controlled substances,'' the phrase ''<u>those substances identified in § 40.85 of this title</u>'' shall be deleted and replaced by ~~''49 C.F.R. 40.85, as adopted by K.A.R. 82-4-3b.''~~ <u>"marijuana metabolites, cocaine metabolites, amphetamines, opioids and phencyclidine (PCP)."</u>

(E) In the definition of "DOT agency," the phrase "part 40 of this title" shall be deleted and replaced by "49 C.F.R. Part 40 as adopted by K.A.R. 82-4-3b<u>, or the Kansas Corporation Commission</u>."

(F) <u>In the definition of "negative return-to-duty test result," the phrase ", as described in 40.305 of this title" shall be deleted.</u>

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(G)(i) In paragraph (1) of the definition of "refuse to submit," ~~the phrase~~ "(see § 40.61(a) of this title)'' shall be deleted ~~and replaced by "49 C.F.R. 40.61(a), as adopted by K.A.R. 82-4-3b.''~~

(ii) In paragraphs (2) and (3) of the definition of "refuse to submit," ~~the phrase~~ "(see § 40.63(c) of this title)'' shall be deleted ~~and replaced by ''49 C.F.R. 40.63(c), as adopted by K.A.R. 82-4-3b.''~~

(iii) In paragraph (4) of the definition of "refuse to submit," ~~the phrase~~ "(see §§ 40.67(l) and 40.69(g) of this title)'' shall be deleted ~~and replaced by ''49 C.F.R. 40.67(l) and 40.69(g) as adopted by K.A.R. 82-4-3b.''~~

(iv) In paragraph (5) of the definition of "refuse to submit," ~~the phrase~~ "(see § 40.193(d)(2) of this title)'' shall be deleted ~~and replaced by ''49 C.F.R. 40.193(d)(2) as adopted by K.A.R. 82-4-3b."~~

(v) In paragraph (7) of the definition of "refuse to submit," the phrase "under § 40.193(d) of this title'' shall be deleted ~~and replaced by "49 C.F.R. 40.193(d) as adopted by K.A.R. 82-4-3b."~~

~~(G)~~(H)(i) In paragraph (2) of the definition of "safety-sensitive function," the phrase ''§§ 392.7 and 392.8 of this subchapter'' shall be deleted and replaced by "49 C.F.R. 392.7 and 392.8, as adopted by K.A.R. 82- 4-3h.''

(ii) In paragraph (4) of the definition of "safety-sensitive function," the phrase ''§ 393.76 of this subchapter'' shall be deleted and replaced by ''49 C.F.R. 393.76, as adopted by K.A.R. 82-4-3i.''

(4) 49 C.F.R. 382.109 shall be deleted.

(5) In 49 C.F.R. 382.115, the phrase "in the United States" shall be deleted and replaced by "in the state of Kansas."

(6) 49 C.F.R. 382.117 shall be deleted.

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~~(6)~~ (7) In 49 C.F.R. 382.119(b), the phrase "49 CFR 40.21" shall be deleted and replaced by "49 C.F.R. 40.21 as adopted by K.A.R. 82-4-3b."

~~(7)~~ (8) In 49 C.F.R. 382.121(a), the phrase "part 40 of this title" shall be deleted and replaced by "49 C.F.R. Part 40 as adopted by K.A.R. 82-4-3b."

~~(8)~~ (9) The following revisions shall be made to 49 C.F.R. 382.213:

(A) In paragraph (a), the phrase "21 CFR 1308.11 Schedule I" shall be deleted and replaced by "21 C.F.R. 1308.11 Schedule I."

(B) In paragraph (b), the phrase "21 CFR part 1308" shall be deleted and replaced by "21 C.F.R. Part 1308, dated April ~~1, 2016~~ 1, 2019, and hereby adopted by reference."

(10) In 49 C.F.R. 382.217, the phrase "in 49 CFR part 40, subpart O" shall be deleted and replaced by ''49 C.F.R. Part 40, Subpart O as adopted by K.A.R. 82-4-3b."

~~(9)~~ (11) The following revisions shall be made to 49 C.F.R. 382.301:

(A) In paragraph (c)(1)(iii), the phrase ''part 40 of this title'' shall be deleted and replaced by ''49 C.F.R. Part 40, as adopted by K.A.R. 82-4-3b.''

(B) In paragraph (c)(2), the phrase ''part 40 of this title'' shall be deleted and replaced by ''49 C.F.R. Part 40, as adopted by K.A.R. 82-4-3b.''

(C) In paragraph (d)(4), the phrase ''49 CFR part 40 of this title'' shall be deleted and replaced by ''49 C.F.R. Part 40 as adopted by K.A.R. 82-4-3b.''

~~(10)~~ (12) The following revisions shall be made to 49 C.F.R. 382.303:

(A) In 49 C.F.R. 382.303(h)(3), the phrase "(as defined in 571.3 of this title)" shall be deleted and replaced with ", meaning a motor vehicle with motive power, except a low-speed vehicle or trailer, designed to carry 10 persons or less which is constructed either on a truck chassis or with special features for occasional off-road operation,".

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(B) In 49 C.F.R. 382.303(h)(3), the phrase "§ 177.823 of this title" shall be deleted and replaced by "49 C.F.R. 177.823 as adopted by K.A.R. 82-4-20."

(13) In 49 C.F.R. 382.305, paragraphs (b) through (h) shall be deleted.

~~(11)~~ (14) In 49 C.F.R. 382.309 and 382.311, the phrase ''49 CFR part 40, Subpart O'' shall be deleted and replaced by ''49 C.F.R. Part 40, Subpart O as adopted by K.A.R. 82-4-3b."

~~(12)~~ (15) The following revisions shall be made to 49 C.F.R. 382.401:

(A) In paragraph (b)(3), the phrase ''part 40 of this title'' shall be deleted and replaced by "49 C.F.R. Part 40 as adopted by K.A.R. 82-4-3b.''

(B) In paragraph (c)(2)(iii), the phrase '', including those required by part 40, subpart G, of this title'' shall be deleted.

(C) In paragraph (c)(5)(iv), the phrase ''as required by § 40.213(g) of this title'' shall be deleted and replaced by ~~''49 C.F.R. 40.213(g) as adopted by K.A.R. 82-4-3b.''~~ "demonstrating one meets all requirements for such a position."

(D) In paragraph (c)(6)(iii), the phrase ''§ 40.111(a) of this title'' shall be deleted. ~~and replaced by ''49 C.F.R. 40.111(a), as adopted by K.A.R. 82-4-3b.''~~

(E) In paragraph (d), the phrase ''§ 390.29 of this subchapter'' shall be deleted and replaced by ''49 C.F.R. 390.29, as adopted by K.A.R. 82-4-3f.''

(F) Paragraph (e) shall be deleted.

~~(13)~~ (16) In 49 C.F.R. 382.403(b), the phrase "49 CFR part 40" shall be deleted and replaced by "49 C.F.R. Part 40 as adopted by K.A.R. 82-4-3b." The phrase "§ 40.26 and appendix H to part 40" shall be deleted and replaced by "~~49 C.F.R. 40.26 as adopted by~~ K.A.R. 82-4-3b."

~~(14)~~ (17) The following revisions shall be made to 49 C.F.R. 382.405:

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(A) In paragraph (g), the phrase ''in accordance with § 40.323(a)(2) of this title'' shall be deleted and replaced by ~~''49 C.F.R. 40.323(a)(2) as adopted by K.A.R. 82-4-3b."~~ "pursuant to a court order."

(B) In paragraph (h), the phrase "as outlined in § 40.321(b) of this title" shall be deleted. ~~and replaced by "49 C.F.R. 40.321(b) as adopted by K.A.R. 82-4-3b."~~

~~(15)~~ (18) 49 C.F.R. 382.407 and 382.409 shall be deleted.

~~(16)~~ (19) In 49 C.F.R. 382.413(b), the phrase ''§ 40.25 (b)(5) of this title'' shall be deleted and replaced by ''49 C.F.R. 40.25 as adopted by K.A.R. 82-4-3b.''

(20) In 49 C.F.R. 382.415, the phrase "part 40 of this title or this part without complying with the requirements of part 40, subpart O" shall be replaced with "49 C.F.R. Part 40 as adopted by K.A.R. 82-4-3b or has failed to be cleared by a DOT certified substance abuse professional."

~~(17)~~ (21) In 49 C.F.R. 382.501(c), the phrase "part 390 of this subchapter" shall be deleted and replaced by "49 C.F.R. Part 390 as adopted by K.A.R. 82-4-3f."

~~(18)~~ (22) In 49 C.F.R. 382.503, the phrase "part 40, subpart O, of this title" shall be deleted and replaced with "Subpart O of 49 C.F.R. Part 40 as adopted by K.A.R. 82-4-3b."

~~(19)~~ (23) 49 C.F.R. 382.507 shall be deleted.

~~(20)~~ (24) In 49 C.F.R. 382.601(b)(9), the phrase "part 40, Subpart O, of this title" shall be deleted and replaced by "49 C.F.R. Part 40, Subpart O, as adopted by K.A.R. 82-4-3b."

~~(21)~~ (25) In 49 C.F.R. 382.605, the phrase "49 CFR part 40, Subpart O" shall be deleted and replaced by "Subpart O of 49 C.F.R. Part 40 as adopted by K.A.R. 82-4-3b."

(26) The following revisions shall be made to 49 C.F.R. 382.701:

(A) In paragraphs (d)(1) and (2), the phrase "part 40, subpart O, of this title" shall be replaced with "part 40, subpart O, of this title as adopted by K.A.R. 82-4-3b."

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(B) In paragraph (d)(2), the phrase "in accordance with 40.307 of this title" and "required by 40.311 of this title" shall be deleted.

(27) The following changes shall be made to 49 C.F.R. 382.705:

(A) Paragraph (a) shall be deleted.

(B) In paragraph (b), the following changes shall be made:

(i) In paragraph (b)(1)(iii), the phrase "49 C.F.R. 40.261" shall be replaced by "49 C.F.R. 40.261 as adopted by K.A.R. 82-4-3b."

(ii) In paragraph (b)(1)(iv), the phrase "as adopted by K.A.R. 82-4-3b" shall be inserted after "(d)(1)" and "(a)(11)."

(iii) In paragraph (b)(1)(v), the phrase "in accordance with 40.307, 40.309, and 40.211 of this title" shall be deleted.

(iv) In paragraph (b)(3), the phrase "as adopted by K.A.R. 82-4-3a" shall be inserted after "40.191(a)(1)."

(C) Paragraph (d) shall be deleted.

(28) 49 C.F.R. 382.707 shall be deleted.

(29) In 49 C.F.R. 382.711, paragraphs (b) and (c) shall be deleted.

(30) In 49 C.F.R. 382.715, paragraph (b) shall be deleted.

(31) 49 C.F.R. 382.717 through 382.721 shall be deleted.

(32) The following revisions shall be made to 49 C.F.R. 382.723:

(A) In paragraph (c), the phrase "including those set forth at 382.507" shall be deleted.

(B) In paragraph (d), the term "FMCSA" shall be followed by the phrase "or Kansas Corporation Commission."

(33) 49 C.F.R. 382.725 and 49 C.F.R. 382.727 shall be deleted.

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(b) As used in this regulation, each reference to a portion of 49 C.F.R. Part 382 shall mean that portion as adopted by reference in this regulation.

(c) Whenever the federal regulations adopted in this regulation refer to portions of the federal regulations or other operating standards that are not already adopted by reference in article 4 of the commission's regulations, the references shall not be applicable to this regulation unless otherwise specifically adopted. (Authorized by and implementing K.S.A. 2021 Supp. 66-1,112, K.S.A. 2021 Supp. 66-1,112g, and K.S.A. 66-1,129; effective, T-82-12-29-04, Dec. 29, 2004; effective April 29, 2005; amended Oct. 2, 2009; amended Sept. 20, 2013; amended July 26, 2019; amended P-_____.)

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82-4-3d. Safety fitness procedures. (a) With the following exceptions, 49 C.F.R. Part 385, as in effect on October 1, ~~2015~~ 2018, is hereby adopted by reference:

(1) 49 C.F.R. 385.1(a) and (b) shall be deleted.

(2) The following revisions shall be made to 49 C.F.R. 385.3:

(A) ~~In the definition of "Applicable safety regulations or requirements," the phrase "as adopted by K.A.R. 82-4-3a through 82-4-3o," shall be inserted after the phrase "49 CFR chapter III, subchapter B — Federal Motor Carrier Safety Regulations." The phrase "as adopted by K.A.R. 82-4-20" shall be inserted after the phrase "49 C.F.R. chapter I, subchapter C — Hazardous Materials Regulations."~~ In the definition of "Applicable safety regulations or requirements," the phrase "49 CFR chapter III, subchapter B – Federal Motor Carrier Safety Regulations" shall be replaced by "49 C.F.R. Parts 395, 382, 385, 390, 391, 392, 393, 396, 397, 398, 399, 387, and 386 as adopted by K.A.R. 82-4-3a and 82-4-3c through 82-4-30." The phrase "49 C.F.R. Parts 171, 172, 173, 177, 178 and 180 as adopted by K.A.R. 82-4-20" shall replace the phrase "49 C.F.R. chapter I, subchapter C — Hazardous Materials Regulations."

(B) In the definition of "CMV," the phrase "§ 390.5 of this subchapter" shall be deleted and replaced by "49 C.F.R. 390.5 as adopted by K.A.R. 82-4-3f."

(C) In the definition of "commercial motor vehicle," the phrase "§ 390.5 of this subchapter" shall be deleted and replaced with "49 C.F.R. 390.5 as adopted by K.A.R. 82-4-3f."

(D) In the definition of "HMRs," the phrase "as adopted by K.A.R. 82-4-20" shall be inserted after the phrase "49 C.F.R. parts 171-180."

(E) In the definition of "motor carrier operations in commerce," the phrase "or intrastate" shall be added after the word "interstate" in paragraphs (1) and (2).

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(F) The definition of "Safety ratings," including paragraphs (1), (2), (3), and (4), shall be deleted.

(3) 49 C.F.R. 385.4 shall be deleted.

(4) The following revisions shall be made to 49 C.F.R. 385.5:

(A) The first paragraph shall be deleted and replaced by the following: "In cooperation with the FMCSA, special agents and authorized representatives shall conduct reviews in order to gather the information necessary for the FMCSA to issue a safety rating for a motor carrier. Information gathered shall include information necessary to demonstrate that the motor carrier has adequate safety management controls in place which comply with the applicable safety requirements to reduce the risk associated with:".

(B) In paragraph (a), the phrase "part 383 of this chapter" shall be deleted and replaced with "the Kansas uniform commercial drivers' license act, found at K.S.A. 8-2,125 et seq."

(C) In paragraph (b), the phrase "part 387 of this chapter" shall be deleted and replaced with "49 C.F.R. Part 387 as adopted by K.A.R. 82-4-3n."

(D) In paragraph (c), the phrase "part 391 of this chapter" shall be deleted and replaced with "49 C.F.R. Part 391 as adopted by K.A.R. 82-4-3g."

(E) In paragraph (d), the phrase "part 392 of this chapter" shall be deleted and replaced with "49 C.F.R. Part 392 as adopted by K.A.R. 82-4-3h."

(F) In paragraph (e), the phrase "part 393 of this chapter" shall be deleted and replaced with "49 C.F.R. Part 393 as adopted by K.A.R. 82-4-3i."

(G) In paragraph (f), the phrase "part 390 of this chapter" shall be deleted and replaced with "49 C.F.R. Part 390 as adopted by K.A.R. 82-4-3f."

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(H) In paragraph (g), the phrase "part 395 of this chapter" shall be deleted and replaced with "49 C.F.R. Part 395 as adopted by K.A.R. 82-4-3a."

(I) In paragraph (h), the phrase "part 396 of this chapter" shall be deleted and replaced with "49 C.F.R. Part 396 as adopted by K.A.R. 82-4-3j."

(J) In paragraph (i), the phrase "part 397 of this chapter" shall be deleted and replaced with "49 C.F.R. Part 397 as adopted by K.A.R. 82-4-3k."

(K) In paragraph (j), the phrase "parts 170 through 177 of this title" shall be deleted and replaced with "49 C.F.R. Parts ~~170~~ 171 through 177 as adopted by K.A.R. 82-4-20."

(5) The first paragraph of 49 C.F.R. 385.7 shall be deleted and replaced by the following: "In cooperation with the FMCSA, special agents and authorized representatives shall conduct reviews in order to gather the information necessary for the FMCSA to determine and issue an appropriate safety rating for a motor carrier. Information gathered shall be information the FMCSA may consider in assessing a safety rating, including:".

(6) 49 C.F.R. 385.9 through 49 C.F.R. 385.19 shall be deleted.

(7) 49 C.F.R. 385.101 through 49 C.F.R. 385.119 shall be deleted.

(8) 49 C.F.R. 385.301 through 385.337 shall be deleted.

(9) The following changes shall be made to 49 C.F.R. 385.402:

(A) Paragraph (a) shall be deleted and replaced with the following: "The definitions in 49 C.F.R. Parts 390 and 385, as adopted by K.A.R. 82-4-3f and 82-4-3d, respectively, shall apply to Subpart E of 49 C.F.R. Part 385, as adopted by K.A.R. 82-4-3d, unless otherwise specifically noted."

(B) The phrase "§171.8 of this title" shall be deleted and replaced by "49 C.F.R. 171.8 as adopted by K.A.R. 82-4-20."

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(C) The phrase "§172.101 of this title" shall be deleted and replaced by "49 C.F.R. 172.101 as adopted by K.A.R. 82-4-20."

(D) The term "FMCSA" shall be deleted and replaced by "the commission."

(10) The following revisions shall be made to 49 C.F.R. 385.403:

(A) In the first paragraph, the phrase "§ 390.19(a)" shall be deleted and replaced with "49 C.F.R. 390.19(a) as adopted by K.A.R. 82-4-3f."

(B) In paragraph (a), the phrase "§ 173.403 of this title" shall be deleted and replaced by "49 C.F.R. 173.403 as adopted by K.A.R. 82-4-20."

(C) In paragraph (b), the phrase "part 172 of this title" shall be deleted and replaced with "49 C.F.R. Part 172 as adopted by K.A.R. 82-4-20."

(D) The following revisions shall be made to paragraphs (c) and (d):

(i) The phrase "§ 171.8 of this title" shall be deleted and replaced with "49 C.F.R. 171.8 as adopted by K.A.R. 82-4-20."

(ii) The phrase "§ 173.116(a) or § 173.133(a) of this title" shall be deleted and replaced with "49 C.F.R. 173.116(a) or 173.133(a) as adopted by K.A.R. 82-4-20."

(E) The following revisions shall be made to paragraph (e):

(i) The phrase "§ 171.8 of this title" shall be deleted and replaced with "49 C.F.R. 171.8 as adopted by K.A.R. 82-4-20."

(ii) The phrase "§ 173.116(a)" shall be deleted and replaced with "49 C.F.R. 173.116(a) as adopted by K.A.R. 82-4-20."

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(11) The following shall be inserted after the last sentence in 49 C.F.R. 385.405(b)T: "All Kansas-based interstate motor carriers and all Kansas intrastate motor carriers transporting hazardous materials are required to obtain a hazardous materials safety permit from the FMCSA and are subject to FMCSA jurisdiction for hazardous materials safety requirements as set forth in 49 C.F.R. 385.401 through 385.423, and in 49 C.F.R. Parts 171, 172, 173, 177, 178 and 180, as adopted by K.A.R. 82-4-20."

(12) In 49 C.F.R. 385.411, "385.405" shall be replaced with "385.405T."

(13) In 49 C.F.R. 385.415(a)(2), the phrase "as adopted by K.A.R. 82-4-3k" shall be inserted after each instance of "of this chapter."

(14) In 49 C.F.R. 385.419T, the phrase "as adopted by K.A.R. 82-4-3f" shall be inserted after each instance of "of this chapter."

(15) The following changes shall be made to 49 C.F.R. 385.421T:

(A) In 49 C.F.R. 385.421T(a)(1), the phrase "as adopted by K.A.R. 82-4-3f" shall be inserted after "of this chapter."

(B) In 49 C.F.R. 385.421T(a)(8), the phrase "as adopted by K.A.R. 82-4-3n" shall be inserted after "of this chapter."

(C) In 49 C.F.R. 385.421T(a)(10), the phrase "in accordance with §386.83 or §386.84 of this chapter" shall be deleted.

~~(10)~~ (16) 49 C.F.R. 385.501 through 385.1019, including appendices A and B, shall be deleted.

(17) All sections marked "reserved" shall be deleted.

(b) As used in this regulation, each reference to a portion of 49 C.F.R. Part 385 shall mean that portion as adopted by reference in this regulation.

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(c) Whenever the federal regulations adopted in this regulation refer to portions of the federal regulations or other operating standards that are not already adopted by reference in article 4 of the commission's regulations, the references shall not be applicable to this regulation unless otherwise specifically adopted. (Authorized by K.S.A. 2021 Supp. 66-1,112, K.S.A. 2021 Supp. 66-1,112g, K.S.A. 66-1,129; implementing K.S.A. 2021 Supp. 66-1,112, K.S.A. 2021 Supp. 66-1,112g, K.S.A. 66-1,129, and K.S.A. 66-1,142a; effective, T-82-12-29-04, Dec. 29, 2004; effective April 29, 2005; amended Oct. 2, 2009; amended Oct. 22, 2010; amended Sept. 20, 2013; amended July 26, 2019; amended P-_____.)

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82-4-3f. General motor carrier safety regulations. (a) With the following exceptions, 49 C.F.R. Part 390, as in effect on October 1, ~~2015~~ 2018 ~~and as amended by 81 fed. reg. 47720 (2016) and the portions of 82 fed. reg. 5318 (2017) pertaining to subpart E~~, is hereby adopted by reference:

(1) The following revisions shall be made to 49 C.F.R. 390.3T:

(A) ~~The following revisions shall be made to~~ In paragraph (a)~~:~~,

~~(i) The phrase "subchapter B of this chapter" shall be deleted and replaced with "K.A.R. 82-4-3a through K.A.R. 82-4-3o, and K.A.R. 82-4-20."~~

~~(ii)~~ the phrase "or intrastate" shall be added after the word "interstate."

(B) In paragraph (a)(2), "49 CFR 386.12(c)" shall be deleted and replaced with "49 C.F.R. 386.12(c), as adopted by K.A.R. 82-4-3o."

(C) Paragraph (b) shall be deleted and replaced with the following: "The Kansas uniform commercial drivers' license act, found at K.S.A. 8-2,125 et seq., is applicable to every person who operates a commercial motor vehicle in interstate or intrastate commerce and to all employers of such persons."

~~(C)~~ (D)The following revisions shall be made to paragraph (c):

(i) The phrase "Part 387 of this chapter, Minimum Levels of Financial Responsibility for Motor Carriers" shall be deleted and replaced with "49 C.F.R. Part 387 as adopted by K.A.R. 82-4-3n."

(ii) The phrase "§ 387.3 or § 387.27" shall be deleted and replaced with "49 C.F.R. 387.3 or 387.27 as adopted by K.A.R. 82-4-3n."

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~~(D)~~ (E) In paragraphs (f)(1) and (6), the phrase "of this chapter" shall be replaced with "as adopted by K.A.R. 82-4-3g and K.A.R. 82-4-3h." ~~In paragraph (d), the phrase "subchapter B of this chapter" shall be deleted and replaced with "K.A.R. 82-4-3a through K.A.R. 82-4-3o, and K.A.R. 82-4-20."~~

~~(E) In paragraph (e)(1), the phrase "all regulations contained in this subchapter" shall be deleted and replaced by "K.A.R. 82-4-3a through K.A.R. 82-4-3o, and K.A.R. 82-4-20."~~

~~(F) In paragraph (e)(2), the phrase "all applicable regulations contained in this subchapter" shall be deleted and replaced by "K.A.R. 82-4-3a through K.A.R. 82-4-3o, and K.A.R. 82-4-20."~~

~~(G) In paragraph (e)(3), both instances of the phrase "this subchapter" shall be deleted and replaced with "K.A.R. 82-4-3a through K.A.R. 82-4-3o, and K.A.R. 82-4-20."~~

~~(H) In paragraph (f), the phrase "this subchapter" shall be deleted and replaced with "K.A.R. 82-4-3a through K.A.R. 82-4-3o, and K.A.R. 82-4-20."~~

~~(I) In paragraph (g), the phrase "of Subchapter B of this chapter" shall be deleted.~~

~~(J)~~ (F) Paragraph (g)(1) shall be deleted and replaced with the following: "(1) 49 C.F.R. Part 385, subparts A and E, as adopted by K.A.R. 82-4-3d, for carriers subject to the requirements of 49 C.F.R. 385.403, as adopted by K.A.R. 82-4-3d."

~~(K)~~ In Paragraph (g)(2), ~~shall be deleted.~~ the phrase "of this subchapter" shall be replaced with "as adopted by K.A.R. 82-4-3o."

~~(L)~~ Paragraph (g)(3) shall be deleted and replaced with "49 C.F.R. Part 387, as adopted by K.A.R. 82-4-3n, to the extent provided in 49 C.F.R. 387.3 as adopted by K.A.R. 82-4-3n."

~~(M)~~ Paragraph (g)(4) shall be deleted.

~~(N)~~ (G) The following revisions shall be made to paragraph (h):

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~~(i) The phrase "of subchapter B of this chapter" shall be deleted.~~

~~(ii)~~ (i) Paragraph (1) shall be deleted. ~~and replaced with "Subpart F of 49 C.F.R. Part 385 as adopted by K.A.R. 82-4-3d."~~

~~(iii)~~ (ii) Paragraph (2) shall be deleted and replaced with "49 C.F.R. Part 386, Subpart F as adopted by K.A.R 82-4-3o."

~~(iv)~~ (iii) Paragraph (4) shall be deleted and replaced with "49 C.F.R. Part 393 as adopted by K.A.R. 82-4-3i."

~~(v)~~ (iv) Paragraph (5) shall be deleted and replaced with "49 C.F.R. Part 396 as adopted by K.A.R. 82-4-3j."

(2) The following revisions shall be made to 49 C.F.R. 390.5T:

(A) ~~In the first paragraph, the phrase "this subchapter" shall be deleted and replaced with "K.A.R. 82-4-3a through K.A.R. 82-4-3o, and K.A.R. 82-4-20."~~

~~(B) The following definitions shall be deleted:~~

~~(i) Conviction;~~

~~(ii) exempt motor carrier;~~

~~(iii) other terms;~~

~~(iv) Secretary;~~

~~(v) state; and~~

~~(vi) United States.~~

~~(C)~~ In the definition of "commercial motor vehicle," the phrase "or intrastate" shall be inserted following the term "interstate."

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~~(D)~~ (B) In the definition of "driving a commercial motor vehicle while under the influence of alcohol," the phrase "Table 1 to §383.51 or §392.5(a)(2) of this subchapter," shall be deleted and replaced with "K.S.A. 8-2,125 et seq. or 49 C.F.R. 392.5(a)(2) as adopted by K.A.R. 82-4-3h."

(C) In the definition of "employer," the phrase "or intrastate" shall be inserted following the term "interstate."

~~(E)~~ (D) In the definition of "exempt intracity zone," the following text shall be deleted: "of a municipality or the commercial zone of that municipality described in appendix F to subchapter B of this chapter. The term 'exempt intracity zone' does not include any municipality or commercial zone in the State of Hawaii." The deleted text shall be replaced by the following: "described in section 8 of 49 C.F.R. Subtitle B, Chapter III, Subchapter B, Appendix F, as adopted by K.A.R. 82-4-3f." The phrase "§ 391.62" shall be deleted and replaced with "49 C.F.R. 391.62 as adopted by K.A.R. 82-4-3g."

(E) In the definition of "exempt motor carrier," the phrase "Federal Motor Carrier Safety Administration (FMCSA) under 49 U.S.C. chapter 13506" shall be replaced by "Kansas Corporation Commission under K.S.A. 66-1,109 or the federal motor carrier regulations."

(F) In the definition of "farm vehicle driver," the phrase "§177.823 of this subtitle" shall be deleted and replaced with "49 C.F.R. 177.823 as adopted by K.A.R. 82-4-20."

(G) In the definition of "for-hire motor carrier," the term "for-hire" shall have the same meaning as that for the term "public."

(H) In the definition of "Hazardous material," the phrase "United States" shall be inserted immediately before the phrase "Secretary of Transportation."

(I) The following changes shall be made in the definition of "hazardous substance":

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(i) Both instances of the phrase "§ 172.101" shall be deleted and replaced by "49 C.F.R. 172.101."

(ii) The first instance of the phrase "of this title" shall be deleted and replaced by "as adopted by K.A.R. 82-4-20."

(iii) The phrase "§ 171.8 of this title" shall be deleted and replaced by "49 C.F.R. 171.8, as adopted by K.A.R. 82-4-20."

(J) The definition of "medical examiner" shall be deleted and replaced by the following: "'Medical examiner' means an individual certified by FMCSA and listed on the national registry of certified medical examiners in accordance with 49 C.F.R. Part 390, Subpart D."

(K) In the definition of "medical variance," the phrase "part 381, subpart C, of this chapter or §391.64 of this chapter" shall be deleted and replaced with "K.A.R. 82-4-6d or 49 C.F.R. 391.64 as adopted by K.A.R. 82-4-3g." The phrase "§ 391.49 of this chapter" shall be deleted and replaced with "49 C.F.R. 391.49 as adopted by K.A.R. 82-4-3g."

(L) In the definition of "other terms," the phrase "or in the Kansas motor carrier regulations," shall be added after "this subchapter." ~~The definition of "out of service order" shall be deleted.~~

(M) The following revisions shall be made to the definition of "principal place of business":

(i) The phrase "parts 382, 387, 390, 391, 395, 396, and 397 of this subchapter" shall be deleted and replaced by "K.A.R. 82-4-3a, K.A.R. 82-4-3c, K.A.R. 82-4-3f, K.A.R. 82-4-3g, K.A.R. 82-4-3j, K.A.R. 82-4-3k, and K.A.R. 82-4-3n."

(ii) The first instance of the term "Federal" shall be deleted.

(iii) The phrase "of the Federal Motor Carrier Safety Administration" shall be deleted.

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(N) In the definitions of "private motor carrier of passengers (business)" and "private motor carrier of passengers (nonbusiness)," the phrase "or intrastate" shall be inserted following the term "interstate."

(O) In the definition of "Secretary," "U.S." shall be inserted before "Secretary of Transportation."

(P) The definition of "Special agent" shall be deleted and replaced by the following: "Special agent or authorized representative means an authorized representative of the commission, and members of the highway patrol or any other law enforcement officer in the state who is certified in the inspection of motor carriers based on the motor carrier safety assistance program standards."

~~(O)~~ (Q) In the definition of "use a hand-held mobile telephone," the phrase "as adopted by K.A.R. 82-4-3i" shall be inserted after the phrase "49 C.F.R. 393.93."

(3) In 49 C.F.R. 390.6, paragraph (b) shall be deleted and replaced with the following: "A driver who believes he or she was coerced to violate a regulation described in paragraph (a)(1) or (2) of this section may file a complaint with the National Consumer Complaint Database at http://nccdb.fmcsa.dot.gov."

(4) 49 C.F.R. 390.7 and 49 C.F.R. 390.9 shall be deleted.

~~(4)~~ (5) In 49 C.F.R. 390.11, the phrase "part 325 of subchapter A or in ~~this subchapter~~" shall be deleted ~~and replaced by "K.A.R. 82-4-3a through K.A.R. 82-4-3o, and K.A.R. 82-4-20."~~.

~~(5)~~ (6) In 49 C.F.R. 390.13, the phrase "violate the rules of this chapter" shall be deleted and replaced by "operate in Kansas in a manner which violates any order, decision, or regulation of the commission."

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~~(6)~~ (7) The following revision shall be made to 49 C.F.R. 390.15:

(A) In paragraph (a)(1), the phrase "of the Federal Motor Carrier Safety Administration, an authorized State or local enforcement agency representative or authorized third party representative" shall be deleted.

~~(7)~~ (8) The following revisions shall be made to 49 C.F.R. 390.19T:

(A) In paragraph (a)(1), the phrase "interstate commerce" shall be deleted and replaced by "Kansas."

(B) In paragraph (a)(2), the phrase "49 C.F.R. 385.401 to 385.423 as adopted by K.A.R. 82-4-3d," shall replace ~~be inserted following~~ "49 C.F.R. part 385, subpart E." ~~The phrase "of this chapter" shall be deleted.~~

(C) Paragraph (b) shall be deleted and replaced by the following: "The Form MCS-150 shall contain the following information:

"(1) The USDOT number assigned to the carrier;

"(2) the legal name of the motor carrier;

"(3) the trade or 'doing business as' name of the motor carrier, if applicable;

"(4) the street address of the motor carrier, including city, state, and zip code;

"(5) the mailing address of the motor carrier, including city, state, and zip code;

"(6) the motor carrier's principal telephone number and facsimile number;

"(7) whether the motor carrier conducts intrastate only carriage of hazardous materials or intrastate carriage of non-hazardous materials;

"(8) the motor carrier's mileage, rounded to the nearest 10,000, for the last calendar year;

"(9) the type of operations the motor carrier conducts;

"(10) the classification of cargo that the motor carrier transports;

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"(11) the hazardous materials transported by the motor carrier;

"(12) the type of equipment owned or leased or both for transporting property or passengers;

"(13) the number of drivers that operate within a 100-mile radius of the carrier's principal place of business;

"(14) the number of drivers that operate outside a 100-mile radius of the carrier's principal place of business;

"(15) the number of drivers with commercial drivers' licenses;

"(16) the total number of drivers; and

"(17) for Kansas-based, intrastate carriers, a signed and dated statement with the signatory's printed name and title, certifying that the signatory is familiar with the commission's safety regulations and that the information contained in the report is accurate."

(D) In paragraph (d), the term "agency's" shall be deleted and replaced by "FMCSA's." The following sentence shall be inserted after the last sentence in paragraph (d): "Kansas-based motor carriers may file the completed Form MCS-150 online at fmcsa.dot.gov or with the Kansas Corporation Commission at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604."

(E) In paragraph (g), "the penalties prescribed in 49 U.S.C. 521(b)(2)(B)" shall be deleted and replaced by "civil penalties as provided in K.S.A. 66-1,142b."

(F) Paragraph (h) shall be deleted.

~~(8)~~ (9) The following revisions shall be made to 49 C.F.R. 390.21T:

(A) In paragraph (a), each instance of "subject to subchapter B of this chapter" shall be deleted.

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(B) Paragraph (e)(2)(iii)(C) shall be deleted and replaced by the following: "A statement that the lessor cooperates with all relevant special agents and authorized representatives to provide the identity of customers who operate the rental commercial motor vehicles; and."

(C) The last sentence of paragraph (e)(2)(iv) shall be deleted.

~~(D) In paragraph (g)(2), the phrase "subchapter B of this chapter" shall be deleted and replaced with "49 C.F.R. Subtitle B, Chapter III, Subchapter B as adopted by K.A.R. 82-4-3a through K.A.R. 82-4-3o."~~

~~(9)~~ (10) The following changes shall be made to 49 C.F.R. 390.23:

(A) In paragraphs (a), (a)(1)(i)(B), and (a)(2)(i)(B), the phrase "Parts 390 through 399 of this chapter" shall be deleted and replaced by "K.A.R. 82-4-3a, and K.A.R. 82-4-3f through K.A.R. ~~82-4-3o~~ 82-4-3m."

(B) In paragraph (b), both instances of the phrase "parts 390 through 399 of this chapter" shall be deleted and replaced by "K.A.R. 82-4-3a, and K.A.R. 82-4-3f through K.A.R. ~~82-4-3o~~ 82-4-3m."

(C) In paragraph (c), the phrase "§§ 395.3(a) and (c) and 395.5(a) of this chapter" shall be deleted and replaced by "49 C.F.R. 395.3(a) and (c) and 49 C.F.R. 395.5(a), all as adopted by K.A.R. 82-4-3a."

~~(10)~~ (11) 49 C.F.R. 390.27 shall be deleted.

~~(11)~~ (12) The following revisions shall be made to 49 C.F.R. 390.29(b):

(A) The phrase "of the Federal Motor Carrier Safety Administration" shall be deleted.

(B) The word "Federal" appearing in the last sentence shall be deleted~~.~~ and replaced with "government-declared."

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(13) In 49 C.F.R. 390.33 and 49 C.F.R. 390.35, all references to "part 325 of subchapter A" shall be deleted.

~~(12)~~ (14) 49 C.F.R. 390.37 shall be deleted.

~~(13)~~ (15) ~~With the following exceptions,~~ The following revisions shall be made to 49 C.F.R. 390.38 ~~is hereby adopted by reference~~:

(A) In paragraph (a)(1), the phrase "49 CFR part 365 or" shall be deleted.

(B) In paragraph (a)(2), the phrase "49 CFR part 391" shall be deleted and replaced with "49 C.F.R. part 391 as adopted by K.A.R. 82-4-3g."

(C) In paragraph (a)(3), the phrase "49 CFR part 392" shall be deleted and replaced with "49 C.F.R. part 392 as adopted by K.A.R. 82-4-3h."

(D) In paragraph (a)(4), the phrase "49 CFR parts 393 and 396" shall be deleted and replaced with "49 C.F.R. part 393 as adopted by K.A.R. 82-4-3i and 49 C.F.R. part 396 as adopted by K.A.R. 82-4-3j."

(E) In paragraph (a)(5), the phrase "49 CFR part 395" shall be deleted and replaced with "49 C.F.R. part 395 as adopted by K.A.R. 82-4-3a."

~~(14)~~ (16) The following revisions shall be made to 49 C.F.R. 390.39:

(A) In paragraph (a)(1), the phrase "49 CFR Part 383 or controlled substances and alcohol use and testing in 49 CFR Part 382" shall be deleted and replaced with "the Kansas uniform commercial drivers' license act, found at K.S.A. 8-2,125 et seq. or controlled substances and alcohol testing in 49 C.F.R. Part 382 as adopted by K.A.R. 82-4-3c."

(B) In paragraph (a)(2), the phrase "49 CFR Part 391, Subpart E, Physical Qualifications and Examinations" shall be deleted and replaced with "~~49 C.F.R. Part 391, Subpart E~~ 49 C.F.R. 391.41 to 391.49 as adopted by K.A.R. 82-4-3g."

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(C) In paragraph (a)(3), the phrase "49 CFR Part 395, Hours of Service of Drivers" shall be deleted and replaced with "49 C.F.R. Part 395 as adopted by K.A.R. 82-4-3a."

(D) In paragraph (a)(4), the phrase "49 CFR Part 396, Inspection, Repair, and Maintenance" shall be deleted and replaced with "49 C.F.R. Part 396 as adopted by K.A.R. 82-4-3j."

(E) Paragraph (b) shall be deleted.

(F) ~~Paragraph (c) shall be deleted.~~ In paragraph (c), the phrase "in §§383.3(d)(1), 383.3(e), 383.3(f), 391.2(a), 391.2(b), 391.2(c), 391.67, 395.1(e)(1), 395.1(e)(2), 395.1(h), 395.1(i), and 395.1(k) of this chapter" shall be replaced by "contained in these rules and regulations."

~~(15)~~ (17) The following revisions shall be made to 49 C.F.R. 390.40T:

(A) In paragraph (c), the phrase "§ 396.3(a)(1)" shall be deleted and replaced with "49 C.F.R. 396.3(a)(1) as adopted by K.A.R. 82-4-3j."

(B) In paragraph (e), the phrase "§ 396.11 of this chapter" shall be deleted and replaced with "49 C.F.R. 396.11 as adopted by K.A.R. 82-4-3j."

(C) In paragraph (f), the phrase "§ 396.3(b)(3) of this chapter" shall be deleted and replaced with "49 C.F.R. 396.3(b)(3) as adopted by K.A.R. 82-4-3j."

(D) In paragraph (g), the phrase "§ 396.17 of this chapter" shall be deleted and replaced with "49 C.F.R. 396.17 as adopted by K.A.R. 82-4-3j."

(E) In paragraph (j), the phrase "as defined in § 386.72(b)~~(1)~~(3) of this chapter" shall be deleted and replaced with "as defined in K.A.R. 82-4-3o."

~~(16)~~ (18) The following revisions shall be made to 49 C.F.R. 390.42:

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(A) In paragraph (a), the phrase "listed in §392.7(b) of this subchapter" shall be deleted and replaced by "specified in K.A.R. 82-4-3h."

(B) In paragraph (b), the phrase "in § 396.11(b)~~(2)~~(1) of this chapter" shall be deleted and replaced by ~~"required by K.A.R. 82-4-3j."~~ "49 C.F.R. 396.11(b)(1) as adopted by K.A.R. 82-4-3h."

~~(17)~~ (19) The following revisions shall be made to 49 C.F.R. 390.44:

(A) The following revisions shall be made to paragraph (a):

(i) The phrase "listed in §392.7(b) of this chapter" shall be deleted and replaced by "~~specified in~~ listed in 49 C.F.R. 392.72(b), as adopted by K.A.R. 82-4-3h."

(ii) The phrase "pursuant to §392.7(b)" shall be deleted and replaced by "listed in 49 C.F.R. 386.72(b), as adopted by K.A.R. ~~82-4-3h~~ 82-4-3o."

(B) The following revisions shall be made to paragraph (b):

(i) The phrase "listed in §392.7(b) of this chapter" shall be deleted and replaced by "~~adopted and specified in~~ listed in 49 C.F.R. 386.72(b), as adopted by K.A.R. ~~82-4-3h~~ 82-4-3o."

(ii) The phrase "with §392.7(b)" shall be deleted and replaced by "with K.A.R. 82-4-3h."

(C) The following revisions shall be made to paragraph (c):

(i) The term "FMCSA" shall be deleted and replaced by "the commission."

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(ii) The phrase "49 U.S.C. 31151 or the implementing regulations in this subchapter regarding interchange of intermodal equipment by contacting the appropriate FMCSA Field Office" shall be deleted and replaced by "K.A.R. 82-4-3a through K.A.R. 82-4-3o and K.A.R. 82-4-20 by filing a written complaint with the commission by: fax – 785-271-3124; email: transportation@kcc.ks.gov; or by mail addressed to: 1500 SW Arrowhead Rd, Topeka, KS 66604-3124. The commission may also be contacted by phone number: 785.271.3145, select option one."

~~(18)~~ (20) 49 C.F.R. 390.46 shall be deleted.

~~(19)~~ (21) 49 C.F.R. Part 390, Subpart D shall be deleted.

(22) All sections marked "reserved" shall be deleted.

(b) Section 8 of 49 C.F.R., Subtitle B, Chapter III, Subchapter B, Appendix F, as in effect on October 1, ~~2015~~ 2018, is hereby adopted by reference.

(c) As used in this regulation, each reference to a portion of 49 C.F.R. Part 390 shall mean that portion as adopted by reference in this regulation.

(d) As used in this regulation, the phrases "subpart B of this chapter" and "this subchapter" shall be replaced with "this subchapter as adopted by K.A.R. 82-4-3a and K.A.R. 82-4-3c through K.A.R. 82-4-3o."

(e) Whenever the federal regulations adopted in this regulation refer to portions of the federal regulations or other operating standards that are not already adopted by reference in article 4 of the commission's regulations, the references shall not be applicable to this regulation unless otherwise specifically adopted. (Authorized by and implementing K.S.A. 2021 Supp. 66-1,112, K.S.A. 2021 Supp. 66-1,112g, and K.S.A. 66-1,129; effective, T-82-12-29-04, Dec. 29, 2004; effective April 29, 2005; amended Oct. 2, 2009; amended Oct. 8, 2010; amended Nov. 14,

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82-4-3g. Qualifications of drivers. (a) With the following exceptions, 49 C.F.R. Part 391, as in effect on October 1, ~~2015~~ 2018 and as amended by 84 fed. reg. 51434-51435 (2019), ~~81 fed. reg. 47720 (2016),~~ is hereby adopted by reference:

(1) The following revisions shall be made to 49 C.F.R. 391.2:

(A) In paragraph (c), the phrase "§ 390.5 of this chapter" shall be deleted and replaced with "49 C.F.R. 390.5 as adopted by K.A.R. 82-4-3f."

(B) In paragraph (d), the phrase "49 CFR 390.5" shall be deleted and replaced with "49 C.F.R. 390.5 as adopted by K.A.R. 82-4-3f."

(C) In paragraph (e), the phrase "49 CFR 390.38(b)" shall be deleted and replaced with "49 C.F.R. 390.38(b) as adopted by K.A.R. 82-4-3f."

~~(C) The phrase "49 CFR 390.5" shall be deleted and replaced with "49 C.F.R. 390.5 as adopted by K.A.R. 82-4-3f."~~

(2) The following revision shall be made to 49 C.F.R. 391.11: 49 C.F.R. 391.11(b)(1) shall apply only to commercial motor vehicle operations in interstate commerce.

(3) In 49 C.F.R. 391.13, the phrase "§§ 392.9(a) and 383.111(a)(16) of this subchapter" shall be deleted and replaced by "49 C.F.R. 392.9(a), as adopted by K.A.R. 82-4-3h, and 49 C.F.R. 383.111(a)(16), as referenced by K.S.A. 8-2,133."

(4) The following revisions shall be made to 49 C.F.R. 391.15:

(A) In paragraphs (c)(1)(i) and (c)(2)(iii), each instance of "§ 395.2 of this subchapter" ~~and "§ 395.2 of this part"~~ shall be deleted and replaced by "49 C.F.R. 395.2, as adopted by K.A.R. 82-4-3a."

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(B) In paragraph (c)(2)(i)(C), the phrase "~~§ 391.15(c)(2)(i)(A) or (B),~~ or § 392.5(a)(2)" shall be deleted and replaced by "~~49 C.F.R. 391.15(c)(2)(i)(A) or (B) as adopted by K.A.R. 82-4-3g~~ or 49 C.F.R. 392.5(a)(2), as adopted by K.A.R. 82-4-3h."

(C) In paragraphs (c)(2)(ii) and (iii), the phrase "as adopted by K.A.R. ~~82-4-3h (a)(2)(A)~~ 82-4-3c" shall be added after the phrase "21 C.F.R. 1308.11 Schedule I."

(D) In paragraphs (e)(1), (e)(2)(i), and (e)(2)(ii), the phrase "§ 392.80(a) of this chapter" shall be deleted and replaced with "49 C.F.R. 392.80(a) as adopted by K.A.R. 82-4-3h."

(E) In paragraphs (f)(1), (f)(2)(i), and (f)(2)(ii), the phrase "§ 392.82(a) of this chapter" shall be deleted and replaced with "49 C.F.R. 392.82(a) as adopted by K.A.R. 82-4-3h."

(5) The following revisions shall be made to 49 C.F.R. 391.21:

(A) In paragraph (b)(10)(iv)(B), the term "DOT" shall be deleted and replaced by "commission," and the phrase "as adopted by K.A.R. 82-4-3b" shall be inserted after the phrase "49 CFR. Part 40."

(B) In paragraph (b)(11), the phrase "as defined by Part 383 of this subchapter" shall be deleted.

(6) The following changes shall be made to 49 C.F.R. 391.23:

(A) In ~~paragraph~~ paragraphs (a)(2), ~~(h)(i)(1)~~(i)(1), and ~~(h)(iii)~~(i)(2), the term "U.S." shall be inserted before the phrase "Department of Transportation." The phrase "or commission" shall be inserted after the phrase "Department of Transportation."

(B) Paragraph (c)(3) shall be deleted and replaced by the following: "Prospective employers shall submit a report noting any failure of a previous employer to respond to an inquiry into a driver's safety performance history to the commission.

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''(A) Reports shall be addressed to the Director, Transportation Division, Kansas Corporation Commission, 1500 SW Arrowhead Road, Topeka, KS 66604.

''(B) Reports shall be submitted to the commission within 90 days after the inquiry was submitted to the previous employer.

''(C) Reports must be signed by the prospective employer submitting the report and must include the following information:

''(i) The name, address, and telephone number of the person who files the report;

''(ii) The name and address of the previous employer who has failed to respond to the inquiry into a driver's safety performance history;

''(iii) A concise but complete statement of the facts, including the date the inquiry was sent to the previous employer, the method by which the inquiry was sent, and the dates of any follow-up communications with the previous employer.''

(C) In paragraphs (c)(4), (e), and (g)(1), the term ''U.S.'' shall be inserted before the term ''DOT'' and the phrase ''or commission'' shall be inserted after the term ''DOT.''

(D) In paragraph (d)(2), the phrase ''§ 390.15(b)(1) of this chapter'' shall be deleted and replaced by ''49 C.F.R. 390.15(b)(1), as adopted by K.A.R. 82-4-3f.''

(E) In paragraph (d)(2)(i), the phrase ''§ 390.5 of this chapter'' shall be deleted and replaced by ''49 C.F.R. 390.5, as adopted by K.A.R. 82-4-3f.''

(F) In paragraph (d)(2)(ii), the phrase ''§ 390.15(b)(2)'' shall be deleted and replaced by ''49 C.F.R. 390.15(b)(2), as adopted by K.A.R. 82-4-3f.''

(G) In paragraph (e), the phrase '', as adopted by K.A.R. 82-4-3b'' shall be added at the end of the last sentence.

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(H) In paragraph (e)(1), the phrase "part 382 of this ~~subchapter~~ chapter" shall be deleted and replaced by "49 C.F.R. part 382, as adopted by K.A.R. 82-4-3c." The phrase ", as adopted by K.A.R. 82-4-3b" shall be inserted at the end of the last sentence.

(I) In paragraph (e)(2), the phrase "§ 382.605 of this chapter" shall be deleted and replaced by "49 C.F.R. 382.605, as adopted by K.A.R. 82-4-3c." The phrase "part 40, subpart O" shall be deleted and replaced by ~~"40.281 through 49 C.F.R. 40.313, as adopted by K.A.R. 82-4-3b."~~ "or prescribed by a substance abuse professional certified by the U.S. DOT."

(J) In paragraph (e)(3), the phrase "§ 382.605" shall be deleted and replaced with "referral pursuant to 49 C.F.R. 382.605, as adopted by K.A.R. 82-4-3c." The phrase "49 CFR part 40, subpart O" shall be deleted and replaced by ~~"49 C.F.R. 40.281 through 40.313, as adopted by K.A.R. 82-4-3b."~~ "or a referral by substance abuse professional certified by the U.S. DOT."

(K)(1) In paragraph (f), the term "consent meeting the requirements of §40.321(b) of this title" shall be deleted and replaced by ~~"49 C.F.R. 40.321(b), as adopted by K.A.R. 82-4-3b."~~ "specific written consent, meaning a statement signed by the employee that he or she agrees to the release of a particular piece of information to a particular, explicitly identified, person or organization at a particular time,".

(L) In paragraph (j)(6), the following changes shall be made:

(i) In the first sentence, the comma following the phrase "safety performance information" shall be deleted, and the following text shall be inserted at the end of the first sentence: "if the previous employer is an interstate motor carrier, the driver may submit a complaint."

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(ii) The term "§ 386.12" shall be deleted and replaced with "K.A.R. 82-4-3g(a)~~(7)~~(6)(B)."

(iii) The following sentence shall be inserted at the end of the paragraph: "If the motor carrier is a Kansas-based interstate motor carrier, or an intrastate motor carrier, the driver may submit such report in writing to Director, Transportation Division, Kansas Corporation Commission, 1500 SW Arrowhead Road, Topeka, KS 66604."

(M) In paragraph (m)(2), the phrase "part 383 of this chapter" shall be deleted and replaced with "the Kansas uniform commercial drivers' license act, found at K.S.A. 8-2,125 et seq."

(N) In paragraph (m)(2)(i)(A), the phrase "in accordance with ~~§§~~ § 383.71(b)(1) ~~and 383.71~~(g) of this chapter" shall be deleted.

(O) In paragraph (m)(2)(i)(C), the phrase "in accordance with § 383.73(b)(5) of this chapter" shall be deleted.

(P) In paragraph (m)(3)(i)(A), the phrase "in accordance with § 383.71(b)(1) and (g) of this chapter" shall be deleted.

(7) The following revision shall be made to 49 C.F.R. 391.25: In paragraph (b)(1), the phrase "Federal Motor Carrier Safety Regulations in this subchapter or Hazardous Materials Regulations (49 CFR chapter 1, subchapter C)" shall be deleted and replaced by "~~commission motor carrier safety regulations as adopted by K.A.R. 82-4-20, or any~~ Federal Motor Carrier Safety Regulations or Hazardous Materials Regulations, as adopted by article 4 of the commission's regulations, occurring in interstate commerce."

(8) The following revisions shall be made to 49 C.F.R. 391.27:

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(A) In paragraph (c), the words "be prescribed by the motor carrier. The following form may be used to comply with this section" shall be deleted and replaced by "read substantially as follows."

(B) Paragraph (e) shall be deleted.

(9) The following revision shall be made to 49 C.F.R. 391.31: In 49 C.F.R. 391.31(c)(1), the phrase "§ 392.7 of this subchapter" shall be deleted and replaced with "49 C.F.R. 392.7 as adopted by K.A.R. 82-4-3h."

(10) The following revision shall be made to 49 C.F.R. 391.33: In paragraph (a)(1), the phrase "§ 383.5 of this subchapter" shall be deleted and replaced by "K.S.A. 8-234b and amendments thereto."

(11) The following revisions shall be made to 49 C.F.R. 391.41:

(A) The following revisions shall be made to paragraph (a)(2)(i)(A):

(i) The phrase "part 383 of this chapter" shall be deleted and replaced with "the Kansas uniform commercial drivers' license act, found at K.S.A. 8-2,125 et seq."

(ii) The phrase "in accordance with 49 CFR 383.71(h)" shall be deleted.

(B) In paragraph (a)(2)(i)(A), the phrase "part 383 of this chapter" shall be deleted and replaced with "the Kansas uniform commercial drivers' license act, found at K.S.A. 8-2,125, et seq."

(C) In paragraph (a)(2)(ii), the phrase "in accordance with § 383.71(h) of this chapter" and in paragraph (a)(2)(iii), the phrase "by § 383.71(h) of this chapter" shall be deleted.

~~(C) In paragraph (a)(2)(i)(B), the phrase "49 CFR part 383" shall be deleted and replaced with "the Kansas uniform commercial drivers' license act, found at K.S.A. 8-2,125 et seq."~~

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(D) In paragraph (a)(2)(ii), the phrase "part 383 of this chapter" shall be deleted and replaced with "the Kansas uniform commercial drivers' license act, found at K.S.A. 8-2,125 et seq."

(E) In paragraph (b)(11), the clause "when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5 1951" shall be deleted.

(F) In paragraph (b)(12)(i), the phrase "as adopted by K.A.R. ~~82-4-3h~~ 82-4-3c" shall be added after the phrase "21 CFR 1308.11 Schedule I."

(G) In paragraph (b)(12)(ii), the phrase "as adopted by K.A.R. 82-4-3c" shall be inserted after "in 21 CFR part 1308" and "in § 382.107."

(12) The following changes shall be made to 49 C.F.R. 391.43:

(A) The following revision shall be made to paragraph (a): "Federal Motor Carrier Safety Administration's" shall be inserted before "National Registry of Certified Medical Examiners," and the phrase "under subpart D of part 390 of this chapter" shall be deleted. ~~and replaced with "subpart D of 49 C.F.R. Subtitle B, Chapter III, Subchapter B, Part 390."~~

~~(B) In the portion titled "Extremities" in paragraph (f), the words "Field Service Center of the FMCSA, for the State in which the driver has legal residence" shall be deleted and replaced by "commission."~~

~~(C)~~ (B) The editorial note found after paragraph (i) shall be deleted.

(C) In paragraph (i), the phrase "an authorized Federal, State, or local enforcement agency representative," shall be deleted and replaced by "the director of the transportation division of the commission."

(13) The following revisions shall be made to 49 C.F.R. 391.47:

(A) Paragraph (b)(8) shall be deleted.

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(B) In paragraph (b)(9), the words "or intrastate" shall be inserted following the word "interstate."

(C) In paragraphs (c) and (d), the phrase "Director, Office of Carrier, Driver and Vehicle Safety Standards (MC-PS)" shall be deleted and replaced by the phrase "director of the commission's transportation division."

(D) The last two sentences of paragraph (e) shall be deleted and replaced by the following sentence: "Petitions for reconsideration in accordance with K.A.R. 82-1-235 may be filed with the Commission after which a petition for judicial review in accordance with K.S.A. 77-601 may be filed in the appropriate Kansas District Court. ~~shall be filed in accordance with K.A.R. 82-1-235 and K.S.A. 77-601 et seq.~~"

(E) In paragraph (f), the first two occurrences of the phrase "Director, Office of Carrier, Driver and Vehicle Safety Standards (MC-PS)" shall be deleted and replaced by the phrase "director of the commission's transportation division." The clause "or until the Director, Office of Carrier, Driver and Vehicle Safety Standards (MC-PS) orders otherwise" shall be deleted and replaced with "~~or~~ orders otherwise."

(14) The following revisions shall be made to 49 C.F.R. 391.49:

(A) The phrase "Division Administrator, FMCSA" in paragraph (a) and the phrase "Division Administrator/State Director, FMCSA" in paragraphs (g), (h), (j)(1), and (k) shall be deleted and replaced by "director of the commission's transportation division."

(B) The remainder of paragraph (b)(2) after "The application must be addressed to" shall be deleted and replaced by ": Director of the Transportation Division, Kansas Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, KS 66604."

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(C) In paragraph (b)(3), "field service center, FMCSA, for the state in which the driver has legal residence" shall be deleted and replaced by "director of the commission's transportation division at the address provided in paragraph (b)(2)."

(D) Paragraph (c)(2)(i) shall be deleted.

(E) ~~The following revisions shall be made to paragraph (d):~~

~~(F)~~ The phrase "Medical Program Specialist, FMCSA service center" in paragraph (e)(1), the words "Medical Program Specialist, FMCSA for the State in which the carrier's principal place of business is located" in paragraph (e)(1)(i), and the words "Medical Program Specialist, FMCSA service center, for the State in which the driver has legal residence" in paragraph (e)(1)(ii) shall be deleted and replaced by "director of the transportation division of the commission."

~~(G)~~ (F) In paragraph (i), the words between "submitted to the" and "The SPE certificate renewal application" shall be deleted and replaced by "director of the transportation division of the commission."

~~(H)~~ (G) In paragraph (j)(1), the first two sentences shall be deleted.

~~(I)~~ (H) The following revisions shall be made to paragraph (j)(2):

(i) The words "State Director, FMCSA, for the State where the driver applicant has legal residence" shall be deleted and replaced by "director of the transportation division of the commission."

(ii) The phrase "subchapter B of the Federal Motor Carrier Safety Regulations (FMCSRs)" shall be deleted ~~and replaced by the phrase "as adopted by K.A.R. 82-4-3g."~~.

(iii) The term "FMCSRs" shall be deleted and replaced by "commission's regulations regarding motor carrier safety."

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(15) The following revisions shall be made to 49 C.F.R. 391.51:

(A) In paragraph (b)(7)(ii), the phrase "defined at § 384.105 of this chapter" shall be deleted~~.~~ and replaced by ", meaning a report generated from the CDLIS driver record meeting the requirements for access to CDLIS information."

(B) The following revisions shall be made to paragraph (b)(8):

(i) The phrase "Field Administrator, Division Administrator, or State Director" shall be deleted and replaced by "the director of the transportation division of the commission."

(ii) The phrase "or under K.A.R. 82-4-6d" shall be added ~~at the end of the paragraph.~~ after "part 381 of this chapter."

(C) Paragraph (d)(5) shall be deleted and replaced with the following: "Any medical waiver issued by the commission, including a Skill Performance Evaluation Certificate issued in accordance with 49 C.F.R. 391.49 ~~as adopted by K.A.R. 82-4-3g~~, or the Medical Exemption letter issued by a Federal medical program in accordance with 49 C.F.R. Part 381."

(16) ~~In 49 C.F.R. 391.55, the text "as in effect on October 1, 2015, which are hereby adopted by reference" shall be inserted at the end of paragraph (b)(1).~~

~~(17)~~ The following revision shall be made to 49 C.F.R. 391.61: The phrase "§ 390.5 of this subchapter" shall be deleted and replaced with "49 C.F.R. 390.5 as adopted by K.A.R. 82-4-3f."

~~(18)~~ (17) The following revisions shall be made to 49 C.F.R. 391.62:

(A) In paragraph (c), the phrase ", as adopted by K.A.R. 82-4-3f" shall be added after the phrase "49 C.F.R. 390.5."

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(B) In paragraph (d), the phrase "under regulations issued by the Secretary under 49 U.S.C. chapter 51" shall be deleted and replaced by "under the regulations adopted by K.A.R. 82-4-20."

(C) In paragraph (e)(1), the phrase "Federal Motor Carrier Safety Regulations contained in this subchapter" shall be deleted and replaced by "commission's motor carrier regulations found in Article 4."

~~(19)~~ (18) The following revision shall be made to 49 C.F.R. 391.63: In paragraph (a), the phrase "§ 390.5 of this subchapter" shall be deleted and replaced with "49 C.F.R. 390.5 as adopted by K.A.R. 82-4-3f."

~~(20)~~ (19) 49 C.F.R. 391.64 shall be revised as follows:

(A) In paragraph (a)(2)(iii), the phrase "an authorized agent of the FMCSA" shall be deleted and replaced by "the director of the transportation division of the commission."

(B) In paragraphs (a)(2)(v) and (b)(3), the phrase "duly authorized federal, state or local enforcement official" shall be deleted and replaced by the phrase "any authorized representative of the commission, and any member of the Kansas highway patrol or any other law enforcement officer in the state who has been certified in the inspection of motor carriers based on the motor carrier safety assistance program standards."

~~(21)~~ (20) The form set out in 49 C.F.R. 391.65 shall be revised as follows:

(A) The phrase "as adopted by K.A.R. 82-4-3f" shall be added after the phrase "§ 390.5."

(B) The phrase "of the Federal Motor Carrier Safety Regulations" shall be deleted and replaced by the phrase "as adopted by K.A.R. 82-4-3g."

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~~(22)~~ (21) The following revision shall be made to 49 C.F.R. 391.67: The phrase "§ 390.5 of this subchapter" shall be deleted and replaced with "49 C.F.R. 390.5 as adopted by K.A.R. 82-4-3f."

~~(23)~~ (22) The following revision shall be made to 49 C.F.R. 391.69: The phrase "§ 390.5 of this subchapter" shall be deleted and replaced by "49 C.F.R. 390.5, as adopted by K.A.R. 82-4-3f."

(23) Appendix A shall be deleted.

(24) All sections marked "reserved" shall be deleted.

(b) As used in this regulation, each reference to a portion of 49 C.F.R. Part 391 shall mean that portion as adopted by reference in this regulation.

(c) Whenever the federal regulations adopted in this regulation refer to portions of the federal regulations or other operating standards that are not already adopted by reference in article 4 of the commission's regulations, the references shall not be applicable to this regulation unless otherwise specifically adopted. (Authorized by and implementing K.S.A. 2021 Supp. 66-1,112, K.S.A. 2021 Supp. 66-1,112g, and K.S.A. 66-1,129; effective, T-82-12-29-04, Dec. 29, 2004; effective April 29, 2005; amended Oct. 2, 2009; amended Nov. 14, 2011; amended Sept. 20, 2013; amended June 12, 2015; amended July 26, 2019; amended P-_____.)

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82-4-3h. Driving of commercial motor vehicles. (a) With the following exceptions, 49 C.F.R. Part 392, as in effect on October 1, ~~2015~~ 2018 ~~and as amended by 81 fed. reg. 47721 (2016)~~, is hereby adopted by reference:

(1) In 49 C.F.R. 392.1 (b), the phrase "49 CFR 390.38(b)" shall be deleted and replaced with "49 C.F.R. 390.38(b) as adopted by K.A.R. 82-4-3f."

(2) In 49 C.F.R. 392.2, the words "jurisdiction in which it is being operated" shall be deleted and replaced by "state of Kansas."

(3) The following changes shall be made to 49 C.F.R. 392.4:

(A) In paragraph (a)(1), the phrase "as adopted by reference in K.A.R. 82-4-3c" shall be added after "*Schedule I.*"

(B) In paragraph (c) of 49 C.F.R. 392.4, the phrase "§ 382.107 of this subchapter" shall be deleted and replaced by "49 C.F.R. 382.107, as adopted by K.A.R. 82-4-3c."

(4) 49 C.F.R. 392.5 shall be revised as follows:

(A) In paragraph (a)(1), the phrase "§ 382.107 of this subchapter" shall be deleted and replaced by "49 C.F.R. 382.107, as adopted by K.A.R. 82-4-3c."

(B) In paragraph (a)(3), the phrase "~~and hereby adopted by reference and dated August 10, 2005~~ as in effect as of July 1, 2008 " shall be added after the phrase "26 U.S.C. 5052(a)."

(C) In paragraph (a)(3), the phrase "section 5002(a)(8), of such Code" shall be deleted and replaced by "26 U.S.C. 5002(a)(8), ~~hereby adopted by reference and dated August 10, 2005~~ as in effect as of July 1, 2008."

(D) In paragraph (d)(2), a period shall be placed after the phrase "affirmation of the order"; the remainder of the paragraph shall be deleted.

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(E) Paragraph (e) shall be deleted and replaced by the following: "(e) Any driver who is subject to an out-of-service order may petition for reconsideration of that order in accordance with K.A.R. 82-1-235 and file a subsequent petition for judicial review that conforms with ~~and~~ the provisions of the Kansas Judicial Review Act, found at K.S.A. 77-601 et seq."

(5) In 49 C.F.R. 392.8, the phrase "§ 393.95 of this subchapter" shall be deleted and replaced by "49 C.F.R. 393.95, as adopted by K.A.R. 82-4-3i."

(6) In 49 C.F.R. 392.9(a)(1), the phrase "§§ 393.100 through 393.136 of this subchapter" shall be deleted and replaced by "49 C.F.R. 393.100 through 393.136, as adopted by K.A.R. 82-4-3i."

(7) The following revisions shall be made to 49 C.F.R. 392.9a:

(A) In paragraph (b), the last sentence shall be deleted.

(B) In paragraph (c), the phrase "in accordance with 5 U.S.C. 554 not later than 10 days after issuance of such order" shall be deleted and replaced with "by filing a Petition for Reconsideration pursuant to K.A.R. 82-1-235 and filing a subsequent petition for judicial review that conforms with the provisions of the Kansas Judicial Review Act, found at K.S.A. 77-601 et seq."

(8) In 49 C.F.R. 392.9b, the phrase "49 U.S.C. 521" in paragraph (b) shall be deleted and replaced by "Kansas law."

(9) 49 C.F.R. 392.10 shall be revised as follows:

(A) In paragraphs (a)(3) and (4), "U.S." shall be inserted before "Department of Transportation."

(B) In paragraph (a)(5), the phrase "§ 173.120 of this title" shall be deleted and replaced by "49 C.F.R. 173.120, as adopted by K.A.R. 82-4-20."

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~~(B)~~ (C) In paragraph (a)(6), the phrase "subpart B of part 107 of this title" shall be deleted and replaced by "49 C.F.R. part 107 ~~107.105 and 107.107, both~~ as adopted by K.A.R. 82-4-20."

~~(C)~~ (D) In paragraph (b)(1), the phrase "§ 390.5 of this chapter" shall be deleted and replaced by "49 C.F.R. 390.5, as adopted by K.A.R. 82-4-3f."

(10) The phrase "§ 393.95 of this subchapter" in 49 C.F.R. 392.22(b) shall be deleted and replaced by "49 C.F.R. 393.95, as adopted by K.A.R. 82-4-3i."

(11) In 49 C.F.R. 392.33(a), the phrase "subpart B of part 393 of this title" shall be deleted and replaced by "49 C.F.R. ~~Part 393~~ 393.9 to 393.33, ~~Subpart B,~~ as adopted by K.A.R. 82-4-3i."

(12) The following changes shall be made to 49 C.F.R. 392.51:

(A) In the introductory paragraph, the phrase "as adopted by K.A.R. 82-4-20" shall be added after "see 49 CFR 171.8."

(B) In 49 C.F.R. 392.51 (b), the phrase "as adopted by K.A.R. 82-4-20" shall be inserted after the phrase "Parts 171, 172, 173, and 178."

(13) 49 C.F.R. 392.62 shall be revised as follows:

(A) In paragraph (a), the phrase "§ 393.90 of this subchapter" shall be deleted and replaced by "49 C.F.R. 393.90, as adopted by K.A.R. 82-4-3i."

(B) In paragraph (b), the phrase "§ 393.91 of this subchapter" shall be deleted and replaced by "49 C.F.R. 393.91, as adopted by K.A.R. 82-4-3i."

(14) In 49 C.F.R. 392.80(c), the phrase "as adopted by K.A.R. 82-4-3f" shall be inserted after the phrase "49 C.F.R. 390.5."

(15) All sections labeled "reserved" shall be deleted.

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(b) As used in this regulation, each reference to a portion of 49 C.F.R. Part 392 shall mean that portion as adopted by reference in this regulation.

(c) Whenever the federal regulations adopted in this regulation refer to portions of the federal regulations or other operating standards that are not already adopted by reference in article 4 of the commission's regulations, the references shall not be applicable to this regulation unless otherwise specifically adopted. (Authorized by and implementing K.S.A. 2021 Supp. 66-1,112, K.S.A. 2021 Supp. 66-1,112g, and K.S.A. 66-1,129; effective, T-82-12-29-04, Dec. 29, 2004; effective April 29, 2005; amended Oct. 2, 2009; amended Sept. 20, 2013; amended May 6, 2016; amended July 26, 2019; amended P-_____.)

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82-4-3i. Parts and accessories necessary for safe operation. (a)~~(1)~~ With the following exceptions, 49 C.F.R. Part 393, as in effect on October 1, ~~2015~~ 2018 ~~and as amended by 81 fed. reg. 47721 (2016)~~, is hereby adopted by reference:

~~(A)~~ (1) In 49 C.F.R. 393.1(a), the phrases "§ 390.5 of this title" and "in § 390.5" shall be replaced with "49 CFR § 390.5 as adopted by KAR 82-4-3f."

(2) In 49 C.F.R. 393.1 (e), the phrase "49 CFR 390.38(b)" shall be deleted and replaced with "49 C.F.R. 390.38(b) as adopted by K.A.R. 82-4-3f."

~~(B)~~ (3) The following revisions shall be made to 49 C.F.R. 393.5:

~~(i)~~ (A) The following provision shall be added after the definition of "curb weight": "DOT C-2, DOT C-3, and DOT C-4. These terms shall be established by figure 12-1, found in 49 C.F.R. 571.108 as adopted in K.A.R. 82-4-3i."

~~(ii)~~ (B) In the definition of "heater," the phrase "§177.834(l)(2) of this title" shall be deleted and replaced with "49 C.F.R. 177.834(l)(2) as adopted by K.A.R. 82-4-20."

~~(iii)~~ (C) The definition of "manufactured home" shall be deleted and replaced by the following: "Manufactured home means a structure as defined by K.S.A. 58-4202(a) and amendments thereto.~~"~~ These structures shall be considered manufactured homes when the manufacturer files with the transportation division a certification that it intends that these structures shall be considered manufactured homes. The manufacturer shall also certify that, if at any time it manufactures structures it does not intend to be manufactured homes, it shall identify those structures by a permanent serial number placed on the structure during the first stage of production and that the series of serial numbers for those structures shall be distinguishable on the structures and in its records from the series of serial numbers used for manufactured homes."

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~~(iv)~~ (D) The following definition shall be added after the definition of "manufactured home": "Optically combined. This term refers to two or more lights that share the same body and have one lens totally or partially in common."

~~(v)~~ (E) The definition for "reflective material" shall be deleted and replaced by the following: "Reflective material means a material conforming to federal specification L-S-300c, 'sheeting and tape, reflective: nonexposed lens,' as in effect on March 20, 1979 and as hereby adopted by reference, meeting the performance standard in either table 1 or table 1A of SAE standard J594f, 'reflex reflectors,' as revised in January 1977 and as hereby adopted by reference."

(F) In the definition of "special purpose vehicle," the phrase "as adopted by K.A.R. 82-4-3i" shall be inserted after "571.224."

~~(C)~~ (G) 49 C.F.R. 393.7 shall be deleted.

~~(D)~~ (4) The following ~~revision~~ revisions shall be made to 49 C.F.R. 393.11:

(A) The phrase "as adopted by K.A.R. 82-4-3i" shall be inserted after each instance of "571.108."

(B) The last sentence of paragraph (a)(1) shall be deleted and replaced with the following: "All commercial motor vehicles must, at a minimum, meet the requirements of Subpart B of 49 C.F.R. Part 393 in effect at the time of manufacture. For vehicles manufactured prior to the earliest effective date of Subpart B of 49 C.F.R. Part 393, all commercial motor vehicles must, at a minimum, meet the requirements of Subpart B of 49 C.F.R. Part 393 as of the earliest effective date of Subpart B of 49 C.F.R. Part 393."

(C) In footnote 12, the phrase "as adopted by K.A.R. 82-4-3h" shall be inserted after "392.22(a)."

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~~(E)~~ (5) The following revision shall be made to 49 C.F.R. 393.13: In paragraph (a), the phrase "§ 390.5 of this subchapter" shall be deleted and replaced by "49 C.F.R. 390.5, as adopted by K.A.R. 82-4-3f." The last two sentences of paragraph (a) shall be deleted.

~~(F)~~ (6) The following revisions shall be made to 49 C.F.R. 393.24:

~~(i)~~ (A) In paragraph (b), the parenthetical sentence shall be deleted.

~~(ii)~~ (B) Paragraph (d) shall be deleted.

~~(G)~~ (7) In 49 C.F.R. 393.25(c) and (e), the last sentence shall be deleted and replaced with the following: "The aforementioned documents are hereby adopted by reference."

~~(H)~~ (8) The following revisions shall be made to 49 C.F.R. 393.26:

~~(i)~~ (A) In paragraph (c), the parenthetical sentence shall be deleted and replaced with the following: "The aforementioned documents are hereby adopted by reference."

~~(ii)~~ (B) In paragraph (d)(4), the phrase "§ 177.823 of this title" shall be deleted and replaced by "49 C.F.R. 177.823, as adopted by K.A.R. 82-4-20."

~~(I)~~ (9) In 49 C.F.R. 393.28, the clause "which is hereby adopted by reference," shall be inserted after the phrase "October 1981," and the last sentence shall be deleted.

~~(J)~~ (10) In 49 C.F.R. 393.45(a), the phrase "as adopted by K.A.R. 82-4-3i" shall be inserted after "571.106." ~~The parenthetical statement in 49 C.F.R. 393.42(b)(2) shall be deleted.~~

~~(K)~~ (11) The following revision shall be made to 49 C.F.R. 393.48: In paragraph (c)(1), the phrase "§ 390.5" shall be deleted and replaced with "49 C.F.R. 390.5 as adopted by K.A.R. 82-4-3f."

~~(L)~~ (12) The note following 49 C.F.R. 393.51 (b) shall be deleted.

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~~(M)~~ (13) In 49 C.F.R. 393.62(d)(1), the parenthetical sentence at the end of the paragraph shall be deleted and replaced with "Pages 1-37 of this document are hereby incorporated by reference."

~~(N)~~ (14) ~~49 C.F.R. 393.67(c)(3) shall be deleted.~~

~~(O)~~ The following revisions shall be made to 49 C.F.R. 393.71:

~~(i)~~ (A) In paragraph (h)(8), the phrase "Society of Automotive Engineers Standard No. J684c, 'Trailer Couplings and Hitches—Automotive Type,' July 1970" shall be deleted and replaced with "society of automotive engineers standard no. J684c, 'trailer couplings and hitches—automotive type,' dated July 1970, which is hereby adopted by reference."

~~(ii)~~ (B) In paragraph (h)(9), the phrase "requirements of the Federal Motor Carrier Safety Administration" shall be deleted and replaced by "Federal and Kansas requirements."

~~(iii)~~ (C) In paragraph (m)(8), the phrase "requirements of the Federal Motor Carrier Safety Administration" shall be deleted and replaced by "Federal and Kansas requirements."

~~(P)~~ (15) The following ~~revision~~ revisions shall be made to 49 C.F.R. 393.75:

(A) In paragraphs (g) and (h)(2), the phrase "as adopted by K.A.R. 82-4-3i" shall be inserted after "571.119."

(B) In paragraphs (h)(1) and ~~(g)(2)~~ (h)(2), the clause "that are labeled pursuant to 24 C.F.R. 3282.362(c)(2)(i)" shall be deleted and replaced by "built."

~~(Q)~~ (16) 49 C.F.R. 393.77(b)(15) shall be deleted.

~~(R)~~ (17) In 49 C.F.R. 393.77(c), the phrase "§ 177.834(1) of this title" shall be deleted and replaced by "49 C.F.R. 177.834(l) as adopted by K.A.R. 82-4-20."

(18) In 49 C.F.R. 393.80(a) and (b), the phrase "as adopted by K.A.R. 82-4-3i" shall be inserted after "571.111."

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~~(S)~~ (19) The following ~~revision~~ revisions shall be made to 49 C.F.R. 393.86~~(a)(1)~~:

(A) In paragraph (a)(1), the third sentence shall be deleted.

(B) In paragraph (a)(6), the phrase "as adopted by K.A.R. 82-4-3i" shall be inserted after "571.223."

(20) Each reference to 49 C.F.R. Part 571 shall be followed by the phrase "as adopted by K.A.R. 82-4-3i."

~~(T)~~ (21) In 49 C.F.R. 393.94, paragraph (c)(4) shall be deleted and replaced by the following: "Set the sound level meter to the A-weighting network, 'fast' meter response."

~~(U)~~ (22) The following revisions shall be made to 49 C.F.R. 393.95:

~~(i)~~ (A) In paragraph (a)(1)(i), the phrase "§177.823 of this title" shall be deleted and replaced with "49 C.F.R. 177.823 as adopted by K.A.R. 82-4-20."

~~(ii)~~ (B) ~~In paragraph (a)(5), "Appendix A, Appendix B, Appendix H, Appendix I, Appendix J, Appendix L, Appendix O, and Appendix P, all dated July 1, 2015, which are hereby adopted by reference" shall be added after the phrase "under 40 CFR Part 82, Subpart G."~~ In paragraph (f)(1), the phrase "as adopted by K.A.R. 82-4-3i" shall be inserted after "571.125."

~~(iii)~~ (C) In paragraph (f)(2), the phrase "§ 392.22" shall be deleted and replaced by "49 C.F.R. 392.22 as adopted by K.A.R. 82-4-3h."

~~(iv)~~ (D) ~~In paragraph (j), the period at the end of the second sentence shall be deleted and replaced with the clause "which is hereby adopted by reference." The parenthetical sentence following the second sentence shall be deleted.~~ In paragraph (j), the second sentence and the parenthetical sentence following it shall be deleted.

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~~(V)~~ (23) The following revisions shall be made to 49 C.F.R. 393.104(e) and its corresponding table:

~~(ii)~~ (A) In paragraph (e)(1), the phrase "Standard Specification for Strapping, Flat Steel and Seals, American Society for Testing and Materials (ASTM) D3953-97, February 1998" shall be deleted and replaced with "'standard specification for strapping, flat steel and seals,' American society for testing and materials (ASTM) D 3953-97, February 1998." This specification is hereby adopted by reference.

~~(ii)~~ (B) In paragraph (e)(2), the phrase "National Association of Chain Manufacturers' Welded Steel Chain Specifications, dated September 28, 2005" shall be deleted and replaced with "pages 3-13 of the national association of chain manufacturers' 'welded steel chain specifications,' dated September 28, 2005." These pages are hereby adopted by reference.

~~(iii)~~ (C) In paragraph (e)(3), the phrase "Web Sling and Tiedown Association's Recommended Standard Specification for Synthetic Web Tiedowns, WSTDA-T1, 1998" shall be deleted and replaced with "pages ~~4-15~~ 4-14 of the web sling & tie down association's 'recommended standard specification for web tie downs,' WSTDA-T-1, revised 2015." These pages are hereby adopted by reference.

~~(iv)~~ (D) In paragraph (e)(5)(i), the phrase "PETRS-2, Polyester Fiber Rope, three-Strand and eight-Strand Constructions, January 1993" shall be deleted and replaced with "CI 1304-96, 'polyester (PET) fiber rope: 3-strand and 8-strand constructions,' October 1998, excluding any guidelines, which is hereby adopted by reference."

~~(v)~~ (E) In paragraph (e)(5)(ii), the phrase "PPRS-2, Polypropylene Fiber Rope, three-Strand and eight-Strand Constructions, August 1992" shall be deleted and replaced with "CI

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1301-07, 'polypropylene fiber rope: 3-strand laid and 8-strand plaited constructions,' May 2007, excluding any guidelines, which is hereby adopted by reference."

~~(vi)~~ (F) In paragraph (e)(5)(iii), the phrase "CRS-1, Polyester/Polypropylene Composite Rope Specifications, three-Strand and eight-Strand Standard Construction, May 1979" shall be deleted and replaced with "CI 1302A-96, 'polyester/polyolefin dual fiber rope: 3-strand construction,' April 1999, excluding any guidelines, which is hereby adopted by reference."

~~(vii)~~ (G) In paragraph (e)(5)(iv), the phrase "NRS-1, Nylon Rope Specifications, three-Strand and eight-Strand Standard Construction, May 1979" shall be deleted and replaced with "CI 1303-06, 'nylon (polyamide) fiber rope: 3-strand laid and 8-strand plaited constructions,' October 2006, excluding any guidelines, which is hereby adopted by reference."

~~(viii)~~ (H) In paragraph (e)(5)(v), the phrase "C-1, Double Braided Nylon Rope Specification DBN, January 1984" shall be deleted and replaced with "CI 1310-09, 'nylon (polyamide) fiber rope: high performance double braid construction,' May 2009, excluding any guidelines, which is hereby adopted by reference."

~~(2) As used in this regulation, each reference to a portion of 49 C.F.R. Part 393 shall mean that portion as adopted by reference in this regulation.~~

(b) As used in this regulation, each reference to any of the following federal motor vehicle safety standards (FMVSS) shall mean that standard in 49 C.F.R. Part 571, as in effect on October 1, ~~2015~~ 2018, which standards are hereby adopted by reference:

(1) FMVSS 103, 49 C.F.R. 571.103;

(2) FMVSS 104, 49 C.F.R. 571.104, sections S4.1, S4.1.1, and 4.2.2 only;

(3) FMVSS 105, 49 C.F.R. 571.105, sections ~~S5.3~~ S5.1, 5.2, 5.3, 5.5, 6, and ~~5.5~~ 7 only;

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(4) FMVSS 106, 49 C.F.R. 571.106;

(5) FMVSS 108, 49 C.F.R. 571.108;

(6) FMVSS 111, 49 C.F.R. 571.111;

(7) FMVSS 119, 49 C.F.R. 571.119, ~~section~~ sections S5.1~~(b)~~, S6.5, and S6.5(e) only;

(8) FMVSS 121, 49 C.F.R. 571.121;

(9) FMVSS 125, 49 C.F.R. 571.125;

(10) FMVSS 205, 49 C.F.R. 571.205, section S6 only;

(11) FMVSS 223, 49 C.F.R. 571.223; and

(12) FMVSS 224, 49 C.F.R. 571.224~~, sections S5.1.1, 5.1.2, and 5.1.3 only~~.

(c) All standards referenced in this regulation that are not otherwise adopted shall be included for reference only.

(d) As used in this regulation, each reference to a portion of 49 C.F.R. Part 393 shall mean that portion as adopted by reference in this regulation.

(e) All sections marked "reserved" shall be deleted.

(f) Whenever the federal regulations adopted in this regulation refer to portions of the federal regulations or other operating standards that are not already adopted by reference in article 4 of the commission's regulations, the references shall not be applicable to this regulation unless otherwise specifically adopted. (Authorized by and implementing K.S.A. 2021 Supp. 66-1,112, K.S.A. 2021 Supp. 66-1,112g, and K.S.A. 66-1,129; effective, T-82-12-29-04, Dec. 29, 2004; effective April 29, 2005; amended Oct. 2, 2009; amended Nov. 14, 2011; amended Sept. 20, 2013; amended May 6, 2016; amended July 26, 2019; amended P-_____.)

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82-4-3j. Inspection, repair, and maintenance. (a) With the following exceptions, 49 C.F.R. Part 396, as in effect on October 1, ~~2015~~ 2018 ~~and as amended by 81 fed. reg. 47722 (2016)~~, is hereby adopted by reference:

(1) In 49 C.F.R. 396.1 (c), the phrase "49 CFR 390.5" shall be deleted and replaced with "49 C.F.R. 390.5 as adopted by K.A.R. 82-4-3f." In paragraph (d), the phrase "49 CFR 390.38(b)" shall be deleted and replaced with "49 C.F.R. 390.38(b) as adopted by K.A.R. 82-4-3f."

(2) In 49 C.F.R. 396.3(a)(1), the phrase "part 393 of this subchapter" shall be deleted and replaced by "49 C.F.R. Part 393, as adopted by K.A.R. 82-4-3i."

(3) The following revisions shall be made to 49 C.F.R. 396.9:

(A) In paragraph (a), the phrase "Every special agent of the FMCSA (as defined in appendix B to this subchapter)" shall be deleted and replaced by "Any authorized representative of the commission, and any member of the Kansas highway patrol or any other law enforcement officer in the state who is certified in the inspection of motor carriers based on the motor carrier safety assistance program standards."

(B) In paragraph (b), the sentence after "Prescribed inspection report" shall be deleted and replaced by the following sentence: "Motor vehicle inspections conducted by authorized personnel as described in paragraph (a) shall be made on forms approved by the Kansas highway patrol."

(C) In paragraph (c)(1), the term "'Out of Service Vehicle' sticker" shall mean "a form approved by the Kansas highway patrol."

(D) In paragraph (d)(3)(ii), the phrase "issuing agency" shall be deleted and replaced by "the state's lead Motor Carrier Safety Assistance Program agency."

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(4) In paragraph (h) of 49 C.F.R. 396.17, the phrase "penalty provisions of 49 U.S.C. 521(b)" shall be deleted and replaced by "civil penalties provided by K.S.A. 66-1,142b, K.S.A. 66-1,142c, and other applicable penalties."

(5) The following revision shall be made to 49 C.F.R. 396.19: In paragraph (a)(1), the phrase "part 393" shall be deleted and replaced with "49 C.F.R. Part 393 as adopted by K.A.R. 82-4-3i."

(6) In paragraphs (b)(2) and (3) of 49 C.F.R. 396.21, the word "Federal" shall be deleted.

~~(7) The following revisions shall be made to 49 C.F.R. 396.23:~~

~~(A) The following revision shall be made to paragraph (a): The phrase "as adopted in K.A.R. 82-4-3m" shall be added after "Appendix G."~~

~~(B) The following revision shall be made to paragraph (b)(1): The phrase "by the Administrator" shall be deleted.~~

(b) As used in this regulation, each reference to a portion of 49 C.F.R. Part 396 shall mean that portion as adopted by reference in this regulation.

(c) Each reference to "Appendix G" or "Appendix G of this subchapter" shall mean "Appendix G to 49 C.F.R. Chapter III, Subchapter B, as adopted by K.A.R. 82-4-3j."

(d) Appendix G to 49 C.F.R. Chapter III, Subchapter B, as in effect on October 1, 2018, is hereby adopted by reference.

(e) Whenever the federal regulations adopted in this regulation refer to portions of the federal regulations or other operating standards that are not already adopted by reference in article 4 of the commission's regulations, the references shall not be applicable to this regulation unless otherwise specifically adopted. (Authorized by and implementing K.S.A. 66-1,112,

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K.S.A. 66-1,112g, and K.S.A. 66-1,129; effective, T-82-12-29-04, Dec. 29, 2004; effective April 29, 2005; amended Oct. 2, 2009; amended Sept. 20, 2013; amended May 6, 2016; amended July 26, 2019; amended P-_____.)

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82-4-3k. Transportation of hazardous materials; driving and parking rules. (a) With the following exceptions, 49 C.F.R. Part 397, as in effect on October 1, ~~2015~~ 2018, is hereby adopted by reference:

(1) In 49 C.F.R. 397.1(a), the phrase "§177.823 of this title" shall be deleted and replaced by "49 C.F.R. 177.823 as adopted by K.A.R. 82-4-20."

(2) In 49 C.F.R. 397.2, the phrase "the rules in parts 390 through 397, inclusive, of this subchapter" shall be deleted and replaced by "K.A.R. 82-4-3a and K.A.R. 82-4-3f through K.A.R. 82-4-3k." The phrase "§177.823 of this title" shall be deleted and replaced by "49 C.F.R. 177.823 as adopted by K.A.R. 82-4-20."

(3) In 49 C.F.R. 397.3, the term "Department of Transportation" shall be deleted and replaced by "commission."

(4) In 49 C.F.R. 397.5 (a), the phrase "as defined by 49 C.F.R. 172.101 and adopted by K.A.R. 82-4-20" shall be added after "(explosive) material."

(5) In 49 C.F.R. 397.7(a), the phrase "as defined by 49 C.F.R. 172.101 and adopted by K.A.R. 82-4-20" shall be added after the words "Division 1.1, 1.2, or 1.3 materials."

(6) The following revisions shall be made to 49 C.F.R. 397.13:

(A) In paragraph (a), the phrase "as defined by 49 C.F.R. 172.101 and adopted by K.A.R. 82-4-20" shall be added after the ~~words~~ phrase "Division 2.1, Class 3, Divisions 4.1 and 4.2."

(B) In paragraph (b), the phrase "§177.823 of this title" shall be deleted and replaced by "49 C.F.R. 177.823 as adopted by K.A.R. 82-4-20."

(7) The following revisions shall be made to 49 C.F.R. 397.19:

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(A) In paragraph (a), the phrase "as defined by 49 C.F.R. 172.101 and adopted by K.A.R. 82-4-20" shall be added after the words "(explosive) materials."

(B) In paragraph (c)(2), the phrase "§177.817 of this title" shall be deleted and replaced by "49 C.F.R. 177.817 as adopted by K.A.R. 82-4-20."

(8) In 49 C.F.R. 397.61, the words "States and Indian Tribes are required to follow if they" shall be replaced with "Kansas shall follow if it chooses to."

(9) In 49 C.F.R. 397.63, the phrase "any State or Indian Tribe that" shall be replaced with "Kansas if it."

(10) The following revisions shall be made to 49 C.F.R. 397.65:

(A) The definitions of "Administrator" and "FMCSA" shall be deleted.

(B) In the definition of "Motor carrier," the definition portion shall be deleted and replaced with the following: "'Motor carrier' shall have the same definition as specified in 49 CFR 390.5 as adopted by K.A.R. 82-4-3f."

(C) In the definition of "Motor vehicle," the definition portion shall be deleted and replaced with the following: "'Motor vehicle' shall have the same definition as specified in 49 CFR 390.5 as adopted by K.A.R. 82-4-3f."

(D) In the definition of "Indian tribe," the text "~~dated October 25, 1994, which is hereby adopted by reference~~ as in effect on January 14, 2019" shall be added after "25 U.S.C. 450b."

(E) In the definition of "NRHM," the phrase "as adopted by K.A.R. 82-4-20" shall be added after "49 CFR 172.504."

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(F) In the definition of "Radioactive material," the phrase "as adopted by K.A.R. 82-4-20" shall be added after "49 CFR ~~173.403.~~ 173.403," "49 CFR 173.36," and "49 CFR 173.433."

~~(9)~~ (11) The following changes shall be made to 49 C.F.R. 397.67:

(A) In paragraph (b), the phrase "as adopted by K.A.R. 82-4-20" shall be added after "49 CFR 177.823."

(B) In paragraph (d), the phrase "as adopted by K.A.R. 82-4-20" shall be added after "49 CFR 173.50 and 173.53 respectively."

~~(10)~~ (12) 49 C.F.R. 397.69 shall be deleted.

~~(11)~~ (13) 49 C.F.R. 397.71 shall be deleted.

~~(12)~~ (14) 49 C.F.R. 397.73 shall be deleted.

~~(13)~~ (15) 49 C.F.R. 397.75 shall be deleted.

~~(14)~~ (16) 49 C.F.R. 397.77 shall be deleted.

~~(15)~~ (17) The following revisions shall be made to 49 C.F.R. 397.101:

(A) In paragraph (a), the phrase "as adopted by K.A.R. 82-4-20" shall be added after "49 CFR 172.403" and after "49 CFR part 172."

(B) In paragraph (b), the phrase "as adopted by K.A.R. 82-4-20" shall be added after "49 CFR 173.403."

(C) In paragraph (b)(2), the phrase "as adopted by K.A.R. 82-4-20" shall be added after "49 CFR 173.403."

(D) In the first sentence of paragraph (d), the phrase "as adopted by K.A.R. 82-4-20" shall be added after "49 CFR 173.403."

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(E) In paragraph (e)(1)(i), the phrase "as adopted by K.A.R. 82-4-20" shall be added after "49 CFR parts 172, 173, and 177."

(F) In paragraph (e)(2), the phrase "§ 391.51 of this subchapter" shall be deleted and replaced with "49 C.F.R. 391.51 as adopted by K.A.R. 82-4-3g."

(G) In paragraph (f), the phrase "as adopted by K.A.R. 82-4-20" shall be added after "49 CFR 173.22(c)."

~~(H) Paragraph (g) shall be deleted and replaced by the following: "Unless otherwise preempted, each motor carrier who accepts for transportation on a highway route a controlled quantity of Class 7 (radioactive) material, as defined by 49 C.F.R. 173.401(1), as adopted by K.A.R. 82-4-20, shall provide the following information to the director within 90 days following acceptance of the package:".~~

~~(I) In paragraph (g)(3), the phrase "as adopted by K.A.R. 82-4-20" shall be added after "49 CFR 172.202 and 172.203."~~

~~(16)~~ (18) ~~Except for paragraph (c),~~ In 49 C.F.R. 397.103, paragraphs (a), (b), (c)(1), and (c)(2) shall be deleted.

~~(17)~~ (19) ~~Subpart E of~~ 49 C.F.R. ~~Part 397~~ 397.201 to 49 C.F.R. 397.225 shall be deleted.

(20) All sections labeled "reserved" shall be deleted.

(b) As used in this regulation, each reference to a portion of 49 C.F.R. Part 397 shall mean that portion as adopted by reference in this regulation.

(c) Whenever the federal regulations adopted in this regulation refer to portions of the federal regulations or other operating standards that are not already adopted by reference in article 4 of the commission's regulations, the references shall not be applicable to this regulation unless otherwise specifically adopted. (Authorized by and implementing K.S.A. 2021 Supp. 66-

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1,112, K.S.A. 2021 Supp. 66-1,112g, and K.S.A. 66-1,129; effective, T-82-12-29-04, Dec. 29, 2004; effective April 29, 2005; amended Oct. 2, 2009; amended Sept. 20, 2013; amended May 6, 2016; amended July 26, 2019; amended P-_____.)

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82-4-3l. Transportation of migrant workers. (a) With the following exceptions, 49 C.F.R. Part 398, as in effect on October 1, ~~2015~~ 2018, is hereby adopted by reference:

(1) The following revisions shall be made to 49 C.F.R. 398.1:

(A) The following revisions shall be made to 49 C.F.R. 398.1(a):

(i) A period shall be placed after the word ''agriculture.''

(ii) The remainder of the paragraph shall be deleted and replaced by the following: ''For the purposes of 49 C.F.R. Part 398 only, the definition of 'agriculture' shall be the definition found in 29 U.S.C. 203(f), as in effect on ~~December 16, 2014~~ January 14, 2019~~, is hereby adopted by reference~~. For the purposes of 49 C.F.R. Part 398 only, the definition of 'employment in agriculture' shall be the same as the definition of 'agricultural labor' found in 26 U.S.C. 3121(g), as in effect on ~~August 31, 2006~~ January 14, 2019~~, which is hereby adopted by reference~~.''

(B) In paragraph (b), ~~the words~~ ''person, including any ~~'contract carrier by motor vehicle', but not including any 'common carrier by motor vehicle', who or which transports in interstate or foreign commerce~~ for-hire, non-exempt motor carrier conducting contract carriage operations as defined in 49 U.S.C. 13102(4)(B), but not including any for-hire non-exempt motor carrier subject to other requirements in 49 U.S.C. subtitle IV, part B besides contract carriage operations, who or which transports'' shall be deleted and replaced by ''motor carrier transporting.''

(C) In paragraph (d), the definition of ''motor vehicle'' shall be deleted.

(2) The following revisions shall be made to 49 C.F.R. 398.2:

(A) In paragraph (a), the phrase ''in interstate commerce, as defined in 49 C.F.R. 390.5'' shall be deleted and replaced by ''within the state of Kansas.''

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(B) In paragraph (b)(2), the phrase ''in interstate commerce, must comply with the applicable requirements of 49 CFR parts 385, 390, 391, 392, 393, 395, and 396'' shall be deleted and replaced by ''must comply with the applicable requirements of 49 C.F.R. Part 385, as adopted by K.A.R. 82-4-3d, 49 C.F.R. Part 390, as adopted by K.A.R. 82-4-3f, 49 C.F.R. Part 391, as adopted by K.A.R. 82-4-3g, 49 C.F.R. Part 392, as adopted by K.A.R. 82-4-3h, 49 C.F.R. Part 393, as adopted by K.A.R. 82-4-3i, 49 C.F.R. Part 395, as adopted by K.A.R. 82-4-3a, and 49 C.F.R. Part 396, as adopted by K.A.R. 82-4-3j.''

~~(3) In 49 C.F.R. 398.3(b)(9), the phrase ''§ 398.3(b) of the Federal Motor Carrier Safety Regulations of the Federal Motor Carrier Safety Administration'' shall be deleted and replaced with ''49 C.F.R. 398.3(b) as adopted by K.A.R. 82-4-3l.''~~

~~(4)~~ (3) The following revisions shall be made to 49 C.F.R. 398.4:

(A) In paragraph (b), the words ''jurisdiction in which it is being operated, unless such laws, ordinances and regulations are at variance with specific regulations of this Administration which impose a greater affirmative obligation or restraint'' shall be deleted and replaced by ''state of Kansas.''

(B) In paragraph (k), the phrase ''part 393 of this subchapter'' shall be deleted and replaced by ''49 C.F.R. Part 393, as adopted by K.A.R. 82-4-3i.''

~~(5)~~ (4) The following revisions shall be made to 49 C.F.R. 398.5:

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(A) In paragraph (b), the phrase ''part 393 of this subchapter'' shall be deleted and replaced by ''49 C.F.R. Part 393, as adopted by K.A.R. 82-4-3i.''

(B) In paragraph (c), the phrase "as adopted by K.A.R. 82-4-3i" shall be inserted after ''part 393 of this subchapter.", ~~except § 393.44 of this subchapter'' shall be deleted and replaced by ''49 C.F.R. Part 393, as adopted by K.A.R. 82-4-3i.''~~

~~(6)~~ (5) The following revisions shall be made to 49 C.F.R. 398.8:

(A) In paragraph (a), the phrase ''Special Agents of the Federal Motor Carrier Safety Administration, as detailed in appendix B of chapter III of this title'' shall be deleted and replaced by ''any authorized representative of the commission, and any member of the Kansas highway patrol or any other law enforcement officer in the state who is certified in the inspection of motor carriers based on the motor carrier safety assistance program standards.''

(B) Paragraph (b) shall be deleted and replaced by the following: ''(b) Prescribed inspection report. A compliance report form approved by the commission shall be used to record findings from motor vehicles selected for final inspection by any authorized representative of the commission, and any member of the Kansas highway patrol or any other law enforcement officer in the state who has been certified in the inspection of motor carriers based on the motor carrier safety assistance program standards. ~~A compliance report form approved by the commission shall contain the following information:~~

~~''(1) The name, MCID number, and address of the motor carrier;~~

~~''(2) information regarding the inspection location;~~

~~''(3) the date of the inspection;~~

~~''(4) the name, birth date, license number, and employment status of the driver;~~

~~''(5) whether hazardous materials were being transported, and if so, what type;~~

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~~"(6) shipping information regarding the commodity transported;~~

~~"(7) identification of the vehicle used;~~

~~"(8) brake adjustment information;~~

~~"(9) identification of the alleged violations;~~

~~"(10) information regarding the authority under which the vehicle could be put out of service for alleged violations discovered during the inspection;~~

~~"(11) information regarding the individual who prepares the inspection report; and~~

~~"(12) a statement to be signed by the motor carrier that the violations have been corrected.~~"

(C) In paragraph (c)(1), the last sentence shall be deleted and replaced by the following: "A form approved by the commission shall be used to mark vehicles as 'out of service.' ~~An out of service form approved by the commission shall contain the following information:~~

~~"(i) A statement that the motor vehicle has been declared out of service;~~

~~"(ii) a statement that the out of service marking may be removed only under the conditions outlined in the out of service order or the accompanying vehicle inspection report;~~

~~"(iii) a statement that operation of the vehicle prior to making the required repairs will subject the motor carrier to civil penalties;~~

~~"(iv) the number and dates of the inspection; and~~

~~"(v) a place for the signature of the authorized individual making the inspection.~~"

(D) The following ~~revisions~~ revision shall be made to paragraph (c)(2):

~~(i) The phrase "on Form MCS-63" shall be deleted and replaced by "on a form approved by the commission for driver-equipment compliance reporting."~~

~~(ii)~~ The phrase "§ 393.52 of this subchapter" shall be deleted and replaced by "49 C.F.R. 393.52, as adopted by K.A.R. 82-4-3i."

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~~(E) In paragraph (c)(3), the phrase "on Form MCS-63" shall be deleted and replaced by "on a form approved by the commission for driver-equipment compliance reporting."~~

~~(F)~~ (E) Paragraph (c)(4) shall be deleted and replaced by the following: "The person or persons completing the repairs required by the out of service notice shall complete a form to certify repairs approved by the commission~~, which shall include the person's name and the name of the person's shop or garage as well as the date and time the repairs were completed~~. If the driver completes the required repairs, then the driver shall complete the same form."

~~(G) In paragraph (d)(1), the phrase "Forms MCS-63" shall be deleted and replaced by "the forms approved by the commission for driver-equipment compliance reporting."~~

~~(H)~~ (F) In paragraph (d)(1), the phrase "Federal Motor Carrier Safety Regulations" shall be deleted and replaced by the phrase "commission's regulations."

~~(I) In paragraph (d)(2), the phrase "'Motor Carrier Certification of Action Taken' on Form MCS-63" and the phrase "Form MCS-63" shall be deleted and replaced by "form approved by the commission for driver-equipment reporting."~~

(b) As used in this regulation, each reference to a portion of 49 C.F.R. Part 398 shall mean that portion as adopted by reference in this regulation.

(c) Whenever the federal regulations adopted in this regulation refer to portions of the federal regulations or other operating standards that are not already adopted by reference in article 4 of the commission's regulations, the references shall not be applicable to this regulation unless otherwise specifically adopted. (Authorized by and implementing K.S.A. 66-1,112, K.S.A. 66-1,112g, K.S.A. 66-1,129~~, and K.S.A. 66-1,142a~~; effective, T-82-12-29-04, Dec. 29, 2004; effective April 29, 2005; amended Oct. 2, 2009; amended Sept. 20, 2013; amended July 26, 2019; amended P-_____.)

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82-4-3m. Employee safety and health standards. (a)~~(1)~~ With the following exceptions, 49 C.F.R. Part 399, as in effect on October 1, ~~2015~~ 2018, is hereby adopted by reference:

~~(A)~~ (1) 49 C.F.R. 399.201 shall be deleted.

~~(B)~~ (2) In 49 C.F.R. 399.205, the definition of ''person'' shall be deleted.

~~(C)~~ (3) In 49 C.F.R. 399.209, paragraph (b) shall be deleted.

~~(2) Appendix G to 49 C.F.R. Chapter III, Subchapter B, as in effect on October 1, 2015, is hereby adopted by reference, except as follows:~~

~~All text following standards 1 through 13, which begins with the heading ''Comparison of Appendix G, and the new North American Uniform Driver-Vehicle Inspection Procedure (North American Commercial Vehicle Critical Safety Inspection Items and Out-Of-Service Criteria),'' shall be deleted.~~

(4) All sections marked "reserved" shall be deleted.

(b) As used in this regulation, each reference to a portion of 49 C.F.R. Part 399 shall mean that portion as adopted by reference in this regulation.

(c) Whenever the federal regulations adopted in this regulation refer to portions of the federal regulations or other operating standards that are not already adopted by reference in article 4 of the commission's regulations, the references shall not be applicable to this regulation unless otherwise specifically adopted. (Authorized by and implementing K.S.A. 2021 Supp. 66-1,112, K.S.A. 2021 Supp. 66-1,112g, and K.S.A. 66-1,129; effective, T-82-12-29-04, Dec. 29, 2004; effective April 29, 2005; amended Oct. 2, 2009; amended Sept. 20, 2013; amended July 26, 2019; amended P-_____.)

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82-4-3n. Minimum levels of financial responsibility for motor carriers. (a) With the following exceptions, 49 C.F.R. Part 387, as in effect on October 1, ~~2015~~ 2018, is hereby adopted by reference:

(1) The following revisions shall be made to 49 C.F.R. 387.3:

(A) In paragraph (a), the phrase ''for-hire'' shall be deleted and replaced by ''public.''

(B) In ~~paragraph~~ paragraphs (c)(1) and (c)(2), the phrase ''as adopted by K.A.R. 82-4-20'' shall be inserted after the phrase ''49 CFR 173.403.''

(2) The following revisions shall be made to 49 C.F.R. 387.5:

(A) The term ''for-hire'' in the definition of ''for-hire carriage'' shall be deleted and replaced by ''public.''

(B) The definition of ''motor carrier'' shall be deleted.

(C) The definition of "State" shall be deleted and replaced by "state of Kansas."

(3) The following revisions shall be made to 49 C.F.R. 387.7:

(A) 49 C.F.R. 387.7(b)(3) shall be deleted.

(B) The following revisions shall be made to paragraph (d)(3):

(i) The phrase ''under §387.309'' shall be deleted.

(ii) The phrase ''part 385 of this chapter'' shall be deleted and replaced by ''49 C.F.R. 385 as adopted by K.A.R. 82-4-3d.''

(C) In paragraph (g), the term ''United States'' shall be deleted and replaced by ''state of Kansas.''

(4) The following revisions shall be made to 49 C.F.R. 387.9: The term ''for-hire'' shall be deleted and replaced by ''public'' in the ''schedule of limits—public liability.'' All

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references to 49 C.F.R. parts 171, 172 and 173 shall mean those parts as adopted by K.A.R. 82-4-20.

(5) The following revisions shall be made to 49 C.F.R. 387.11:

(A) The following text shall be deleted and replaced by "the state of Kansas":

(i) In ~~paragraphs~~ paragraph (a), "each State in which the motor carrier operates"; and

(ii) in paragraphs (b), (c), and (d), ~~the words~~ ''any State in which the motor carrier operates." ~~shall be deleted and replaced by ''the state of Kansas.''~~

(B) In paragraph (c), the words ''any State in which business is written'' shall be deleted and replaced by ''the state of Kansas.''

(6) ~~The following revision shall be made to 49 C.F.R. 387.15: The definition of ''motor vehicle'' shall be deleted in illustration I.~~

~~(7)~~ 49 C.F.R. 387.17 shall be deleted.

~~(8)~~(7) In 49 C.F.R. 387.19, the phrase "as adopted by K.A.R. 82-4-3f" shall be inserted after "390.5 of this subchapter."

~~(9)~~(8) In 49 C.F.R. 387.25 and 49 C.F.R. 387.27(a), the term ''for-hire'' shall be deleted and replaced by ''public.''

(9) The following revisions shall be made to 49 C.F.R. 387.29:

(A) In the definition of ''for-hire carriage,'' the term ''for-hire'' shall be deleted and replaced by ''public.''

(B) The definition of ''motor carrier'' shall be deleted.

(C) In the definition of ''seating capacity,'' the phrase ''(measured in accordance with SEA Standards J1100(a))'' shall be deleted.

(10) The following revisions shall be made to 49 C.F.R. 387.31:

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(A) The following revisions shall be made to paragraph (e)(2):

(i) The phrase ''for-hire'' shall be deleted and replaced with ''public.''

(ii) The phrase ''FMCSA'' shall be deleted and replaced with ''commission.''

~~(iii) The phrase ''subpart C of this part'' shall be deleted and replaced with ''K.A.R. 82-4-3n.''~~

(B) In paragraph (f), the phrase ''within the United States'' shall be deleted and replaced by ''in the state of Kansas.''

(C) In paragraph (g), the phrase ''the United States'' shall be deleted and replaced by ''the state of Kansas.''

(11) The following revision shall be made to 49 C.F.R. 387.33T: The term ''for hire'' shall be deleted and replaced by ~~''public''~~ ~~in the schedule of limits.~~ "public."

(12) The following changes shall be made to 49 C.F.R. 387.35:

(A) In paragraph (a) of 49 C.F.R. 387.35, "in each state in which the motor carrier operates" shall be deleted and replaced with "in the state of Kansas."

(B) In paragraphs (b), (c), and (d) of 49 C.F.R. 387.35, the words ''in any State in which the motor carrier operates'' shall be deleted and replaced by ''in the state of Kansas.''

(13) The following revision shall be made to 49 C.F.R. 387.39: The phrase ''prescribed by the FMCSA and approved by the OMB'' shall be deleted and replaced with ''approved by the commission.''

(14) 49 C.F.R. 387.41 shall be deleted.

(15) The following revisions shall be made to 49 C.F.R. 387.301T:

(A) The following revision shall be made to paragraph (a)(1): The phrase ''FMCSA'' shall be followed by ~~deleted and replaced with~~ ''or commission.''

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(B) In paragraph (b), the phrase ''FMCSA'' shall be ~~deleted and replaced~~ followed by ''or commission.'' The last sentence in paragraph (b) shall be deleted.

(C) In paragraph (c), the phrase ''FMCSA in accordance with the requirements of section 13906 of title 49 of the U.S. Code,'' shall be ~~deleted and replaced~~ followed by ''or commission.''

(16) The following ~~revision~~ revisions shall be made to 49 C.F.R. 387.303T:

(A) In paragraph (b)(3), the word "Federal" shall be inserted before "Department of Transportation."

(B) Paragraph (b)(4) shall be deleted.

(17) 49 C.F.R. 387.307 through 49 C.F.R. 387.323T shall be deleted.

(18) In 49 C.F.R. 387.401(c), the term "motor vehicle" shall be deleted and replaced with "motor vehicle as defined in 49 C.F.R. 390.5 as adopted by K.A.R. 82-4-3f."

(19) ~~The following revisions shall be made to 49 C.F.R. 387.403:~~

~~(A) In paragraph (a), the term ''FMCSA'' shall be deleted and replaced with "the commission."~~

~~(B) In paragraph (b), the term ''FMCSA'' shall be deleted and replaced with "commission."~~

~~(20)~~ The following revisions shall be made to 49 C.F.R. 387.407(b): The ~~first instance of the~~ term ''FMCSA'' shall be ~~deleted and replaced with~~ followed by "or commission." The phrase ''FMCSA (or the Department of Transportation, where applicable)'' shall be followed by ~~deleted and replaced with~~ ''or commission.''

~~(21)~~(20) 49 C.F.R. 387.409 through 49 C.F.R. 387.419T shall be deleted.

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(b) As used in this regulation, each reference to a portion of 49 C.F.R. Part 387 shall mean that portion as adopted by reference in this regulation.

(c) Whenever the federal regulations adopted in this regulation refer to portions of the federal regulations or other operating standards that are not already adopted by reference in article 4 of the commission's regulations, the references shall not be applicable to this regulation unless otherwise specifically adopted. (Authorized by and implementing K.S.A. 2021 Supp. 66-1,112, K.S.A. 2021 Supp. 66-1,112g~~, K.S.A. 66-1,128~~, and K.S.A. 66-1,129; effective Oct. 22, 2010; amended Sept. 20, 2013; amended May 6, 2016; amended July 26, 2019; amended P-_____.)

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82-4-3o. Imminent hazard. (a) With the following exceptions, 49 C.F.R. Part 386, Subpart F, as in effect on October 1, ~~2015~~ 2018, is hereby adopted by reference:

(1) 49 C.F.R. 386.71 shall be deleted.

(2) The following revisions shall be made to 49 C.F.R. 386.72:

(A) In paragraph (a), the first sentence shall be deleted and replaced by the following sentence: "Whenever it is determined that an imminent hazard exists as a result of the transportation by motor vehicle of a particular hazardous material, the director of the commission's transportation division may request an emergency suspension order from the commission for the purposes of suspending or restricting the transportation by motor vehicle of the hazardous material or for such other order as is necessary to eliminate or mitigate the imminent hazard."

(B) Paragraph (b)(1) shall be deleted and replaced by the following text: "Whenever it is determined that a violation of the Kansas motor carrier statutes or administrative regulations, as amended, or a combination of such violations, poses an imminent hazard to safety, the commission ~~may~~ shall order:"

(C) In paragraph (b)(1)(i), the phrase "as provided by 49 U.S.C. 521(b)(5)" shall be deleted and replaced by "in Kansas."

(D) In paragraph (b)(1)(ii), the phrase "as provided by 49 U.S.C. 521(b)(5) and 49 U.S.C. 31151(a)(3)(I)" shall be deleted and replaced by "in Kansas."

(E) In paragraph (b)(4), the second sentence of the paragraph shall be deleted and replaced by the following sentence: "Administrative hearings shall be ~~held in accordance with the Kansas Administrative Procedure Act~~ held pursuant to K.S.A. 77-537 and K.S.A. 77-542 and the commission's administrative regulations."

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(3) In 49 C.F.R. 386.72 (b)(6), the phrase "in subpart G of this part" shall be deleted and replaced by "by Kansas law."

(4) In 49 C.F.R. 386.73, paragraph (j) shall be deleted.

(b) As used in this regulation, each reference to a portion of 49 C.F.R. Part 386, Subpart F shall mean that portion as adopted by reference in this regulation.

(c) As used in this regulation, the term "FMCSA" shall mean "FMCSA or Commission."

(d) Whenever the federal regulations adopted in this regulation refer to portions of the federal regulations or other operating standards that are not already adopted by reference in article 4 of the commission's regulations, the references shall not be applicable to this regulation unless otherwise specifically adopted. (Authorized by and implementing K.S.A. 66-1,112, K.S.A. 66-1,112g, and K.S.A. 66-1,129; effective Oct. 22, 2010; amended Sept. 20, 2013; amended May 6, 2016; amended July 26, 2019; amended P-_____.)

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82-4-20. Transportation of hazardous materials by motor vehicles. (a) The federal regulations adopted by reference in this regulation shall govern the transportation of hazardous materials in Kansas in commerce to the extent that the regulations pertain to the transportation of hazardous materials by commercial motor vehicle.

(b) Copies of all applications for special permits pursuant to 49 C.F.R. Part 107, Subpart B, registrations of cargo tank and cargo tank motor vehicle manufacturers, assemblers, repairers, inspectors, testers, and design-certifying engineers pursuant to 49 C.F.R. Part 107, Subpart F, and registrations of persons who offer transportation or transport hazardous materials pursuant to 49 C.F.R. Part 107, Subpart G shall be made available to the commission for proof of compliance with federal hazardous materials regulations.

(c) The following federal regulations, as in effect on October 1, ~~2015~~ 2018, are hereby adopted by reference:

(1) 49 C.F.R. Part 171~~, except 171.1(a) and 171.6;~~ with the following exceptions:

(A) 49 C.F.R. 171.1(a) and the paragraph that precedes it;

(B) 49 C.F.R. 171.1(f);

(C) 49 C.F.R. 171.6 and 171.7; and

(D) 49 C.F.R. 171.14, 171.17, and 171.18;

(2) 49 C.F.R. Part 172, including the appendices, except 172.102, 172.701, 172.804, 172.820, and 172.822;

(3) 49 C.F.R. Part 173, including the appendices, except 173.10, ~~and~~ 173.27, 173.31 and 171.314;

(4) 49 C.F.R. Part 177;

(5) 49 C.F.R. Part 178, including the appendices, except 178.46(e), (h) and (i); and

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(6) 49 C.F.R. Part 180, including the appendices, with the following exceptions:

(A) Any references to 49 C.F.R. 171.7; and

(B) 180.501 through 180.519.

(d) When used in any provision adopted from 49 C.F.R. Parts 171, 172, 173, 177, 178, and 180, the following substitutions shall be made unless otherwise specified:

(1) The terms "administrator," "associate administrator," and "regional administrator" shall be replaced with "or director as defined in K.A.R. 82-4-1."

(2) The term "competent authority" shall mean "the Kansas corporation commission or any other Kansas agency or federal agency that is responsible, under its law, for the control or regulation of some aspect of hazardous materials transportation."

(3) The terms "Department of Transportation," "DOT," and "department" shall be replaced with "commission as defined in K.A.R. 82-4-1."

(4) The term "the United States" shall be replaced with "the state of Kansas."

(e) Carriers transporting hazardous materials in intrastate commerce shall be subject to the packaging provisions as provided in K.S.A. 66-1,129b, and amendments thereto.

(f) As used in this regulation, each reference to a portion of 49 C.F.R. Parts 171, 172, 173, 177, 178, and 180 shall mean that portion as adopted by reference in this regulation.

(g) Whenever the federal regulations adopted in this regulation refer to portions of the federal regulations adopted in article 4 of the commission's regulations, the reference shall be to the version of those federal regulations as adopted in article 4.

(h) All standards in documents adopted in this regulation that are not otherwise adopted shall be included for reference only.

(i) All sections marked "reserved" shall be deleted.

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(j) Whenever the adopted federal hazardous materials regulations refer to portions of the federal hazardous materials regulations that are not included under subsection (a), those references shall not be applicable to this regulation. (Authorized by K.S.A. 2021 Supp. 66-1,112, K.S.A. 2021 Supp. 66-1,112g, K.S.A. 66-1,129, and K.S.A. 66-1,129b; implementing K.S.A. 2021 Supp 66-1,112, K.S.A. 66-1,129, and K.S.A. 66-1,129b; effective Jan. 1, 1971; amended May 1, 1981; amended May 1, 1984; amended May 1, 1985; amended May 1, 1987; amended May 1, 1988; amended April 30, 1990; amended Sept. 16, 1991; amended July 6, 1992; amended May 10, 1993; amended Oct. 3, 1994; amended Jan. 30, 1995; amended Jan. 4, 1999; amended July 14, 2000; amended Jan. 31, 2003; amended Oct. 2, 2009; amended Nov. 14, 2011; amended Sept. 20, 2013; amended May 6, 2016; amended July 26, 2019; amended P-_____.)

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82-4-27. Applications for certificates of convenience and necessity and certificates of public service. (a) Each application for a certificate of convenience and necessity or a certificate of public service shall be typewritten or printed on forms furnished by the commission. An original and two copies shall be filed and shall contain the following information:

(1) The address of the applicant's principal office or place of business and the applicant's residential address;

(2) a list of each motor vehicle, by make, year, and vehicle identification number (VIN), to be used by the applicant. If buses are to be used, the seating capacity of each bus shall be included;

(3) the commodity or commodities listed on form MCSA-1 that the applicant intends to transport; and

(4) evidence of compliance with the requirements of K.A.R. 82-4-26(b).

(b) In order to demonstrate that each applicant is fit, willing, and able to serve, the applicant shall attend an educational seminar on motor carrier operations conducted by the commission, in compliance with both of the following requirements:

(1) The person attending the seminar shall be the employee of the applicant responsible for the applicant's safety functions.

(2) The person responsible for the applicant's safety functions shall submit written verification on a form provided by the commission to verify that person's attendance at the seminar.

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(c) If the commission deems a hearing necessary in order to evaluate an application for a certificate of public service, the applicant shall file testimony that details how the applicant is fit, knowledgeable of, and in compliance with all applicable safety regulations. (Authorized by K.S.A. 66-1,112 and 66-1,117; implementing K.S.A. 66-1,114, 66-1,114b, and 66-1,117; effective Jan. 1, 1971; amended May 1, 1981; amended May 1, 1984; amended May 1, 1987; amended Sept. 16, 1991; amended Oct. 3, 1994; amended Jan. 4, 1999; amended Jan. 31, 2003; amended Oct. 22, 2010; amended Sept. 20, 2013; amended July 26, 2019; amended P-_____.)

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82-4-30a. Applications for interstate registration. (a)(1) For the purposes of this regulation, "base state" shall have one of the following meanings:

(A) The meaning assigned to "base-state" in 49 U.S.C. 14504a(a)(2), as adopted in paragraph (a)(2) of this regulation; or

(B) if an entity does not have a principal place of business, office, or operating facility in any participating state, the participating state chosen by the entity that is nearest to the location of the entity's principal place of business or any participating state within the entity's FMCSA region.

(2) 49 U.S.C. 14504a, as in effect on January 14, 2019, is hereby adopted by reference, except for the following portions:

(A) In 49 U.S.C. 14504a(a), the following:

(i) The phrase "and section 14506 (except as provided in paragraph (5))";

(ii) 49 U.S.C. 14504a(a)(3);

(iii) 49 U.S.C. 14504a(a)(5)(B); and

(iv) 49 U.S.C. 14504a(a)~~(6) through~~ (7);

(B) 49 U.S.C. 14504a(c) ~~through (e)~~ and (d);

(C) in 49 U.S.C. 14504a(f), 49 U.S.C. 14504a(f)(1)(B) through (E); and

(D) 49 U.S.C. 14504a(g) through (j).

(3) Each interstate motor carrier designating Kansas as the carrier's base state and operating in interstate commerce over the highways of ~~this state~~ Kansas under authority issued by the relevant federal agency shall file the uniform application for registration issued by the relevant federal agency. The carrier shall file this application for registration with the transportation division of the state corporation commission.

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(b) Each interstate motor carrier designating Kansas as the carrier's base state shall pay a fee to the state corporation commission through the national registration system. This fee shall be in accordance with the fee schedule in ~~49 C.F.R 367.60, as in effect on October 1, 2019 and as amended by 85 fed. reg. 8198 (2020)~~ 49 C.F.R. Part 367, as in effect on October 1, 2021 and as amended by 87 fed. reg. 53694-53695 (2022), which is hereby adopted by reference~~.~~ except for all sections marked "reserved."

(c) An interstate regulated motor carrier shall not operate in interstate commerce over the highways of ~~this state~~ Kansas unless the carrier is registered in the carrier's base state as defined in paragraph (a)(1). (Authorized by K.S.A. 2021 Supp. 66-1,112; implementing K.S.A. 66-1,108b, K.S.A. 2021 Supp. 66-1,116, and K.S.A. 66-1,139; modified, L. 1981, ch. 424, May 1, 1981; amended Oct. 3, 1994; amended Jan. 4, 1999; amended July 14, 2000; amended Jan. 31, 2003; amended, T-82-10-8-07, Oct. 8, 2007; amended, T-82-12-10-07, Dec. 10, 2007; amended July 18, 2008; amended, T-82-5-12-10, May 12, 2010; amended Oct. 8, 2010; amended July 26, 2019; amended, T-82-10-27-20, Oct. 27, 2020; amended Feb. 19, 2021; amended, T-_____, _____; amended P-_____.)

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82-4-50. Passenger carriers. (a) With the following exceptions, 49 C.F.R. Part 374, as in effect on October 1, ~~2015~~ 2018, is hereby adopted by reference:

(1) Each occurrence of the phrase "49 U.S.C. subtitle IV, part B" shall be deleted and replaced by "commission rules and regulations."

(2) Each occurrence of the phrase "or foreign" shall be deleted.

(3) In 49 C.F.R. 374.111, the phrase "or Commission" shall be inserted after "Secretary."

(4) In 49 C.F.R. 374.307, each occurrence of the word "Secretary" shall be deleted and replaced by "commission rules and regulations."

~~(3) In 49 C.F.R. 374.307(g), the phrase "notwithstanding 49 CFR 370.9," shall be deleted.~~

~~(4)~~ (5) 49 C.F.R. 374.315 shall be deleted.

~~(5)~~ (6) In 49 C.F.R. 374.401~~(a)~~, the phrase "49 U.S.C. 13501" shall be deleted and replaced by "commission rules and regulations."

~~(6)~~ (7) In 49 C.F.R. 374.403, the term "FMCSA" shall be followed by "and Kansas Corporation Commission."

(8) In 49 C.F.R. 374.501, the phrase "authorized under 49 U.S.C. 13506 ~~[49 U.S.C. 10932(c)]~~" shall be deleted.

~~(7)~~ (9) In 49 C.F.R. 374.503, the phrase ''or intrastate'' shall be added after the word ''interstate.''

~~(8)~~ (10) In 49 C.F.R. 374.505, paragraphs (c) and (d) shall be deleted.

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(b) As used in this regulation, each reference to a portion of 49 C.F.R. Part 374 shall mean that portion as adopted by reference in this regulation. (Authorized by and implementing K.S.A. 66-1,112; effective Jan. 1, 1971; amended May 1, 1981; amended July 26, 2019; amended P-_____.)

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