

**STATE OF KANSAS**  
**STATE CORPORATION COMMISSION**

**Notice of Public Hearing on Proposed Administrative Regulation**  
**K.A.R. 82-4-3a**

September 24, 2020

The State Corporation Commission (Commission) will conduct a public hearing at 10:00 a.m. on Thursday, December 3, 2020, to consider the adoption of the proposed regulation K.A.R. 82-4-3a on a permanent basis. In response to concerns related to COVID-19, the public hearing of the Commission shall be held by video conference. Anyone desiring to participate in the public hearing video conference must pre-register at: [https://zoom.us/meeting/register/tJwtdO2orDMoEtazAHyurS21y\\_aGHjEotdpJ](https://zoom.us/meeting/register/tJwtdO2orDMoEtazAHyurS21y_aGHjEotdpJ). The meeting will also be audio streamed live on the Kansas Corporation Commission website (<https://kcc.ks.gov>).

This notice exceeds the 60-day notice requirement of the pending public hearing and shall constitute the beginning of the public comment period for the purpose of receiving written public comments on the proposed rule and regulation. A complete copy of the proposed regulation, economic impact statement and online comment form may be found on the Kansas Corporation Commission website: <http://kcc.ks.gov>, or by contacting Ahsan Latif: [a.latif@kcc.ks.gov](mailto:a.latif@kcc.ks.gov).

All interested parties may submit written comments prior to the hearing to Ahsan Latif, Litigation Counsel, State Corporation Commission, 1500 SW Arrowhead Road, Topeka, Kansas 66604, or by email to: [a.latif@kcc.ks.gov](mailto:a.latif@kcc.ks.gov). All interested parties will be given a reasonable opportunity to present their views orally regarding the adoption of the proposed regulation during the public hearing. In order to provide all parties an opportunity to present their views, it may be necessary to ask that each participant limit any oral presentation to five (5) minutes.

Any individual with a disability may request an accommodation in order to participate in the public hearing and may request the proposed regulation and economic impact statement in an accessible format. Requests for accommodation to participate in the hearing should be made at least five (5) working days in advance of the hearing by contacting Dennis Peerenboom at (785) 271-3161 or the Kansas Relay Center at 1-800-766-3777.

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

**K.A.R. 82-4-3a. Hours of service.**

This existing regulation adopts relevant portions of the Federal Motor Carrier Safety Administration (“FMCSA”) regulations (49 C.F.R. Part 395) which establish the hours of service requirements to be followed by motor carriers and their employees. The proposed amendments to this regulation include changes that modify the rules governing how drivers calculate on-duty time in the following four scenarios:

- Short-haul movements – the driving mileage radius and driving times for these movements are extended as follows: Driving mileage radius extends from 100 air miles to 150 air miles; Driving time is extended from 12 hours to 14 hours.
- Adverse Driving Conditions - drivers encountering “adverse driving conditions” will have an extra two hours to operate before having to go off-duty.
- 30-Minute Break provision - the 30-minute break provision is modified to require the break after eight hours of driving time (instead of just on-duty time) and allows an on-duty/not driving period to qualify as the required break.
- Sleeper Berth provision – modifications to this provision allow drivers to split the 10-hour off-duty period as long as one off-duty period is at least two hours long and the other involves at least 7 consecutive hours in the sleeper berth.

In 2017, the FMCSA amended its regulations to require the use of Electronic Logging Devices. After several years in use, the FMCSA is responding to feedback from the industry by modifying the way certain activities are recorded for hours of service. To provide uniform enforcement with the FMCSA, the Commission’s proposed amendments would cause K.A.R. 82-4-3a to mirror the federal rules.

### **K.A.R. 82-4-3a: Economic Impact Summary**

The Transportation Division of the Commission anticipates the modification of certain hours of service rules will be a benefit to the motor carrier industry, but is unable to put a dollar figure on that benefit. Government agencies and the general public should see no economic impact from the changes in this regulation.