

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) “Director” means director of the transportation division of the commission.

(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.

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

(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.

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

(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.

(l) "FHWA" means federal highway administration.

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

(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.

(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.

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

(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.

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(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.

(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.

(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.

(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.

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

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

(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

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safety alliance. The “North American standard out-of-service criteria,” revised on ~~April 1, 2023~~
April 1, 2024, is hereby adopted by reference with the following exceptions:

- (1) The policy statements on pages 3, 17, 18, 73, 77, and 81 shall be deleted.
- (2) The section titled “drivers operating in the state of Alaska (395.1(h))” on page 12 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 13, 14, 15, 16, 76 and 78, 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.”
- (9) All sections labeled “reserved” shall be deleted.
- (y) “Ownership” means an equity holding in a business entity of at least five percent.
- (z) “Permit” means the document evidencing authority of a motor carrier to operate motor vehicles as a private carrier.
- (aa) “PHMSA” means pipeline and hazardous materials safety administration of the United States department of transportation.

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(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. 2023 Supp. 66-1,112, K.S.A. 2023 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 Feb. 10, 2023; amended, T-82-12-29-23, Dec. 29, 2023; amended April 26, 2024, 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, ~~2018~~ 2022, 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.”

(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.

(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~~ regarding 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 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) (vi) 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(e))” 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) (ii) 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(e))” shall be deleted.

(v) In paragraph (a)(5), “(see 40.265(e))” shall be deleted.

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

(vii) (v) 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.

(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.

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

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(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.

(17) Subparts Q and R shall be deleted.

(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~~ 2023 Supp. 66-1,112, K.S.A. ~~2021~~ 2023 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 Feb. 10, 2023; 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, 2018 2022, 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, 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.”~~

~~(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.”

(D) In paragraph (d)(1), the phrase “part 655 of this title” shall be replaced with “49 CFR Part 655.”

(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. 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 “those substances identified in § 40.85 of this title” shall be deleted and replaced by “marijuana metabolites, cocaine metabolites, amphetamines, opioids and phencyclidine (PCP).”

(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, or the Kansas Corporation Commission.”

(F) In the definition of “negative return-to-duty test result,” the phrase “, as described in 40.305 of this title” shall be deleted.

(G)(i) In paragraph (1) of the definition of “refuse to submit,” “(see § 40.61(a) of this title)” shall be deleted.

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(ii) In paragraphs (2) and (3) of the definition of “refuse to submit,” “(see § 40.63(c) of this title)” shall be deleted.

(iii) In paragraph (4) of the definition of “refuse to submit,” “(see §§ 40.67(l) and 40.69(g) of this title)” shall be deleted.

(iv) In paragraph (5) of the definition of “refuse to submit,” “(see § 40.193(d)(2) of this title)” shall be deleted.

(v) In paragraph (7) of the definition of “refuse to submit,” the phrase “under § 40.193(d) of this title” shall be deleted.

(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.

(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.”

(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.”

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

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(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, 2019~~ October 1, 2022, 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.”

(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.”

(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~~ or fewer persons which is constructed either on a truck chassis or with special features for occasional off-road operation.”.

(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)~~ (c) through (h) shall be deleted.

(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.”

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(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 “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.

(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.

(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 “K.A.R. 82-4-3b.”

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

(A) In paragraph (g), the phrase “in accordance with § 40.323(a)(2) of this title” shall be deleted and replaced by “pursuant to a court order.”

(B) In paragraph (h), the phrase “as outlined in § 40.321(b) of this title” shall be deleted.

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

(19) In 49 C.F.R. 382.413 the phrases “§ 40.25 of this title” and “§ 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.”

~~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.”~~

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(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.”

(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.”

(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.”

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

(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.”

(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.”

(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.”

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(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)(8) through(11).”

(iii) In paragraph (b)(1)(v), the phrase “in accordance with 40.307, 40.309, and ~~40.211~~ 40.311 of this title” shall be deleted.

(iv) In paragraph (b)(3), the phrase “as adopted by K.A.R. ~~82-4-3a~~ 82-4-3b” 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) and (d) shall be deleted.

(30) In 49 C.F.R. 382.713 (c), the phrase “as adopted by K.A.R. 82-4-3b” shall be inserted after “part 40 of this title.”

~~(31)~~ In 49 C.F.R. 382.715, paragraph (b) shall be deleted.

~~(31)~~ ~~(32)~~ 49 C.F.R. 382.717 through 382.721 shall be deleted.

~~(32)~~ ~~(33)~~ 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)~~ ~~(34)~~ 49 C.F.R. 382.725 and 49 C.F.R. 382.727 shall be deleted.

(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.

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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 and implementing K.S.A. ~~2021~~ 2023 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 Feb. 10, 2023; amended P-_____.)

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82-4-3i. Parts and accessories necessary for safe operation. (a) With the following exceptions, 49 C.F.R. Part 393, as in effect on October 1, ~~2018~~ 2022, is hereby adopted by reference:

(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.”

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

(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.”

(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.”

(C) The definition of “manufactured home” shall be deleted and replaced ~~by~~ with 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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(D) The following definition shall be added after the definition of “~~manufactured home~~” “Multi-piece windshield”: “Optically combined. This term refers to two or more lights that share the same body and have one lens totally or partially in common.”

(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.”

~~(G)~~ (4) 49 C.F.R. 393.7 shall be deleted.

(4) (5) The following 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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~~(5)~~ (6) 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.

~~(6)~~ (7) The following revisions shall be made to 49 C.F.R. 393.24:

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

(B) Paragraph (d) shall be deleted.

~~(7)~~ (8) 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.”

~~(8)~~ (9) The following revisions shall be made to 49 C.F.R. 393.26:

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

(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.”

~~(9)~~ (10) 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.

~~(10)~~ (11) 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.”

~~(11)~~ (12) 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.”

~~(12)~~ (13) The note following 49 C.F.R. 393.51 (b) shall be deleted.

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~~(13)~~ (14) 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.”

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

(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.”

(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.”

(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.”

~~(15)~~ (16) The following 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 (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.”

~~(16)~~ (17) 49 C.F.R. 393.77(b)(15) shall be deleted.

~~(17)~~ (18) 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)~~ (19) 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.”

~~(19)~~ (20) The following revisions shall be made to 49 C.F.R. 393.86:

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(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.” and “571.108.”

~~(20)~~ (21) Each reference to 49 C.F.R. Part 571 shall be followed by the phrase “as adopted by K.A.R. 82-4-3i.”

~~(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.”

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

(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.”

(B) In paragraph (f)(1), the phrase “as adopted by K.A.R. 82-4-3i” shall be inserted after “571.125.”

(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.”

(D) In paragraph (j), the second sentence and the parenthetical sentence following it shall be deleted.

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

(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.

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(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.

(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 4-14 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.

(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.”

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

(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.”

(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-

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06, 'nylon (polyamide) fiber rope: 3-strand laid and 8-strand plaited constructions,' October 2006, excluding any guidelines, which is hereby adopted by reference.”

(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.”

(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, ~~2018~~ 2021, 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 S5.1, 5.2, 5.3, 5.5, 6, and 7 only;
- (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, sections S5.1, 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.

(c) As used in this regulation, each reference to 49 C.F.R. Part 571 shall be followed by the phrase “as adopted by K.A.R. 82-4-3i.”

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

(e) (e) 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.

(f) (f) All sections marked “reserved” shall be deleted.

(g) (g) 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~~ 2023 Supp. 66-1,112, K.S.A. ~~2021~~ 2023 Supp. 66-1,112g, and K.S.A. 2023 Supp. 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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82-4-30a. 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 December 27, 2022, 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)(7);

(B) 49 U.S.C. 14504a(c) 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 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. Part 367, as in effect on ~~October 1, 2022~~ October 1, 2023 and as amended by ~~88 fed. reg. 40723-40724 (2023)~~ 89 fed. reg. 51275-51276 (2024), 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 Kansas unless the carrier is registered in the carrier's base state as defined in paragraph (a)(1). (Authorized by K.S.A. 2023 Supp. 66-1,112; implementing K.S.A. 66-1,108b, K.S.A. 2023 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-82-10-18-22, Oct. 18, 2022; amended Feb. 10, 2023, amended, T-82-12-29-23, December 29, 2023, amended April 26, 2024, amended P- _____.)

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