

{As Amended by House Committee of the Whole}

Session of 2014

House Substitute for SENATE BILL No. 273

By Committee on Transportation

3-21

1 AN ACT concerning motor vehicles; relating to commercial vehicles;  
2 ~~registration and~~ regulation; amending K.S.A. 2013 Supp. ~~8-129~~,66-  
3 1,109 and 66-1,129 and repealing the existing section.

4  
5 *Be it enacted by the Legislature of the State of Kansas:*

6 ~~Section 1. K.S.A. 2013 Supp. 8-129 is hereby amended to read as~~  
7 ~~follows: 8-129. (a) Applications for the registration of a vehicle required to~~  
8 ~~be registered shall be made by the owner, by mail, on-line, electronically,~~  
9 ~~or otherwise, in the office of the county treasurer of:~~

10 ~~(1) The county in which such owner resides; or~~

11 ~~(2) the county in which the owner has a bona fide place of business, if~~  
12 ~~such vehicle is garaged in such county for a period exceeding 90 days.~~  
13 ~~Such place of business shall not be an office or facility established or~~  
14 ~~maintained solely for the purpose of obtaining registration.~~

15 ~~A county treasurer shall be required to process applications for the~~  
16 ~~registration of commercial vehicles if the county processes any~~  
17 ~~applications for any other type of vehicle. Such applications for~~  
18 ~~registration shall be made upon appropriate forms furnished by the~~  
19 ~~department and every application shall contain the name of the owner,~~  
20 ~~such owner's residence address or bona fide place of business, a brief~~  
21 ~~description of the vehicle to be registered and such other information as~~  
22 ~~may be required by the department. If the owner is not a resident of or~~  
23 ~~does not have a bona fide place of business in this state, the owner may~~  
24 ~~make application for registration in any county which the department shall~~  
25 ~~designate, except that in the case of members of the armed forces of the~~  
26 ~~United States, the application may be signed by the owner's spouse, parent,~~  
27 ~~eldest brother or sister, in the order named. With reference to every foreign~~  
28 ~~vehicle which has been registered outside of this state, the owner shall~~  
29 ~~exhibit to the department the certificate of title and registration card, or~~  
30 ~~other evidence of such former registration as may be in the applicant's~~  
31 ~~possession or control, or such other evidence as will satisfy the department~~  
32 ~~that the applicant is the lawful owner or possessor of the vehicle.~~

33 ~~(b) The applicant for the registration of a vehicle required to be~~  
34 ~~registered, upon the filing of the application, shall submit a statement~~  
35 ~~certifying that such person has a certificate of title for the motor vehicle,~~  
36 ~~showing the date and identification thereof, or file an application therefor.~~

1 as provided in this act.

2 ~~(e) Any reference in article 1 of chapter 8 of the Kansas Statutes~~  
3 ~~Annotated, and amendments thereto, to a county treasurer or office of a~~  
4 ~~county treasurer performing any services associated with vehicle functions~~  
5 ~~and receiving compensation for such services shall also include contractors~~  
6 ~~that have contracted with the department to perform such services if the~~  
7 ~~director of vehicles determines that a county treasurer has failed to:~~

8 ~~(1) Comply with article 1 of chapter 8 of the Kansas Statutes~~  
9 ~~Annotated, and amendments thereto, relating to vehicle functions;~~

10 ~~(2) comply with rules and regulations promulgated pursuant to~~  
11 ~~subsection (c); or~~

12 ~~(3) enter into and abide by a contract with the department to ensure~~  
13 ~~minimum standards and practices are maintained by the county treasurer in~~  
14 ~~the performance of assigned vehicle functions.~~

15 ~~(d) The department may appoint contractors to perform some or all of~~  
16 ~~the vehicle functions agreed to by the department and the contractor to be~~  
17 ~~performed. In circumstances involving vehicle registrations, the~~  
18 ~~department shall be required to make the findings required by subsection~~  
19 ~~(c) before contracting with a contractor that is not a county treasurer.~~

20 ~~(e) The secretary of revenue may adopt rules and regulations in order~~  
21 ~~to implement and administer the provisions of subsections (c) and (d) to:~~

22 ~~(1) Enter into contracts with the county treasurers to perform vehicle~~  
23 ~~functions;~~

24 ~~(2) create minimum standards and practices for the performance of~~  
25 ~~vehicle functions;~~

26 ~~(3) require criminal background reviews of county treasurers and~~  
27 ~~their staff that will be performing vehicle functions, if needed;~~

28 ~~(4) establish and set the limits on the additional, non-statutory fees, if~~  
29 ~~any, that a contractor may charge a person for services relating to vehicle~~  
30 ~~functions; and~~

31 ~~(5) create efficient and rapid administrative processes for suspending~~  
32 ~~or revoking a treasurer's ability to perform vehicle functions on behalf of~~  
33 ~~the department if such treasurer violates applicable laws, rules and~~  
34 ~~regulations, or the treasurer's written contract with the department.~~

35 ~~Any order of the department suspending or revoking a county~~  
36 ~~treasurer's authorization to perform vehicle functions for the state of~~  
37 ~~Kansas shall include requirements for the county treasurer's reinstatement.~~

38 ~~Sec. 2. {Section 1.} K.S.A. 2013 Supp. 66-1,109 is hereby amended~~  
39 ~~to read as follows: 66-1,109. This act shall not require the following~~  
40 ~~carriers to obtain a certificate, license or permit from the commission or~~  
41 ~~file rates, tariffs, annual reports or provide proof of insurance with the~~  
42 ~~commission:~~

43 (a) Transportation by motor carriers wholly within the corporate

1 limits of a city or village in this state, or between contiguous cities or  
2 villages in this state or in this and another state, or between any city or  
3 village in this or another state and the suburban territory in this state within  
4 three miles of the corporate limits, or between cities and villages in this  
5 state and cities and villages in another state which are within territory  
6 designated as a commercial zone by the relevant federal authority, except  
7 that none of the exemptions specified in this subsection (a) shall apply to  
8 wrecker carriers;

9 (b) a private motor carrier who operates **{a motor vehicle with a**  
10 **gross vehicle weight rating of 26,000 pounds or less}** within a radius of  
11 ~~25~~ 125 miles beyond the corporate limits of its city or village of domicile,  
12 or who operates between cities and villages in this state and cities and  
13 villages in another state which are within territory designated as a  
14 commercial zone by the relevant federal authority;

15 (c) the owner of livestock or producer of farm products transporting  
16 livestock of such owner or farm products of such producer to market in a  
17 motor vehicle of such owner or producer, or the motor vehicle of a  
18 neighbor on the basis of barter or exchange for service or employment, or  
19 to such owner or producer transporting supplies for the use of such owner  
20 or producer in a motor vehicle of such owner or producer, or in the motor  
21 vehicle of a neighbor on the basis of barter or exchange for service or  
22 employment;

23 (d) (1) the transportation of children to and from school; (2) to motor  
24 vehicles owned by schools, colleges, and universities, religious or  
25 charitable organizations and institutions, or governmental agencies, when  
26 used to convey students, inmates, employees, athletic teams, orchestras,  
27 bands or other similar activities; or (3) motor vehicles owned by nonprofit  
28 organizations meeting the qualification requirements of section 501(c) of  
29 the internal revenue code of 1986, and amendments thereto, when  
30 transporting property or materials belonging to the owner of the vehicle;

31 (e) a new vehicle dealer as defined by K.S.A. 8-2401, and  
32 amendments thereto, when transporting property to or from the place of  
33 business of such dealer;

34 (f) motor vehicles carrying tools, property or material belonging to  
35 the owner of the vehicle and used in repair, building or construction work,  
36 not having been sold or being transported for the purpose of sale;

37 (g) persons operating motor vehicles which have an ad valorem tax  
38 situs in and are registered in the state of Kansas, and used only to transport  
39 grain from the producer to an elevator or other place for storage or sale for  
40 a distance of not to exceed 50 miles;

41 (h) the operation of hearses, funeral coaches, funeral cars or  
42 ambulances by motor carriers;

43 (i) motor vehicles owned and operated by the United States, the

1 District of Columbia, any state, any municipality or any other political  
2 subdivision of this state, including vehicles used exclusively for handling  
3 U.S. mail, and the operation of motor vehicles used exclusively by  
4 organizations operating public transportation systems pursuant to 49  
5 U.S.C. sections 5307, 5310 and 5311;

6 (j) any motor vehicle with a normal seating capacity of not more than  
7 the driver and 15 passengers while used for vanpooling or otherwise not-  
8 for-profit in transporting persons who, as a joint undertaking, bear or agree  
9 to bear all the costs of such operations, or motor vehicles with a normal  
10 seating capacity of not more than the driver and 15 passengers for not-for-  
11 profit transportation by one or more employers of employees to and from  
12 the factories, plants, offices, institutions, construction sites or other places  
13 of like nature where such persons are employed or accustomed to work;

14 (k) motor vehicles used to transport water for domestic purposes, as  
15 defined by subsection (c) of K.S.A. 82a-701, and amendments thereto, or  
16 livestock consumption;

17 (l) transportation of sand, gravel, slag stone, limestone, crushed stone,  
18 cinders, calcium chloride, bituminous or concrete mixtures, blacktop, dirt  
19 or fill material to a construction site, highway maintenance or construction  
20 project or other storage facility and the operation of ready-mix concrete  
21 trucks in transportation of ready-mix concrete;

22 (m) the operation of a vehicle used exclusively for the transportation  
23 of solid waste, as the same is defined by K.S.A. 65-3402, and amendments  
24 thereto, to any solid waste processing facility or solid waste disposal area,  
25 as the same is defined by K.S.A. 65-3402, and amendments thereto;

26 (n) the transporting of vehicles used solely in the custom combining  
27 business when being transported by persons engaged in such business;

28 (o) the operation of vehicles used for servicing, repairing or  
29 transporting of implements of husbandry, as defined in K.S.A. 8-1427, and  
30 amendments thereto, by a person actively engaged in the business of  
31 buying, selling or exchanging implements of husbandry, if such operation  
32 is within 100 miles of such person's established place of business in this  
33 state;

34 (p) transportation by taxi or bus companies operated exclusively  
35 within any city or within 25 miles of the point of its domicile in a city;

36 (q) a vehicle being operated with a dealer license plate issued under  
37 K.S.A. 8-2406, and amendments thereto, and in compliance with K.S.A. 8-  
38 136, and amendments thereto, and vehicles being operated with a full-  
39 privilege license plate issued under K.S.A. 8-2425, and amendments  
40 thereto;

41 (r) the operation of vehicles used for transporting materials used in  
42 the servicing or repairing of the refractory linings of industrial boilers;

43 (s) transportation of newspapers published at least one time each

1 week;

2 (t) transportation of animal dung to be used for fertilizer;

3 (u) the operation of ground water well drilling rigs;

4 (v) the transportation of cotton modules from the field to the gin; and

5 (w) the transportation of custom harvested silage, including, but not  
6 limited to, corn, wheat and milo.

7 Sec. ~~3~~ {2.} K.S.A. 2013 Supp. 66-1,129 is hereby amended to read as  
8 follows: 66-1,129. (a) The commission shall adopt rules and regulations  
9 necessary to carry out the provisions of this act. No public motor carrier of  
10 property, household goods or passengers or private motor carrier of  
11 property shall operate or allow the operation of any motor vehicle on any  
12 public highway in this state except within the provisions of the rules and  
13 regulations adopted by the commission. Rules and regulations adopted by  
14 the commission shall include:

15 (1) Every vehicle unit shall be maintained in a safe and sanitary  
16 condition at all times.

17 (2) Every driver of a public or private motor carrier, except the driver  
18 of a farm vehicle, operating as a carrier of intrastate commerce within this  
19 state, shall be at least 18 years of age. All such drivers shall be competent  
20 to operate the motor vehicle under such driver's charge.

21 (3) Minimum age requirements for every driver of a motor carrier,  
22 operating as a carrier of interstate commerce, shall be consistent with  
23 federal motor carrier regulations.

24 (4) Hours of service for operators of all motor carriers to which this  
25 act applies shall be fixed by the commission.

26 (5) Accidents arising from or in connection with the operation of  
27 motor carriers shall be reported to the commission within the time, in the  
28 detail and in the manner as the commission requires.

29 (6) Every motor carrier shall have attached to each unit or vehicle  
30 distinctive marking adopted by the commission.

31 (7) Motor carrier transportation requirements that are consistent with  
32 continuation of the federal motor carrier safety assistance program and  
33 other federal requirements concerning transportation of hazardous  
34 materials.

35 (b) No rules and regulations adopted by the commission pursuant to  
36 this section shall require the operator of any motor vehicle having a gross  
37 vehicle weight rating or gross combination weight rating of not more than  
38 10,000 pounds to submit to a physical examination, unless required by  
39 federal laws or regulations.

40 (c) Any rules and regulations of the commission, adopted pursuant to  
41 this section, shall not apply to the following, while engaged in the carriage  
42 of intrastate commerce in this state:

43 (1) The owner of livestock or producer of farm products transporting

1 livestock of such owner or farm products of such producer to market in a  
2 motor vehicle of such owner or producer, or the motor vehicle of a  
3 neighbor on the basis of barter or exchange for service or employment, or  
4 to such owner or producer transporting supplies for the use of such owner  
5 or producer in or producer, or in the motor vehicle of a neighbor on the  
6 basis of barter or exchange for service or employment.

7 (2) The transportation of children to and from school, or to motor  
8 vehicles owned by schools, colleges, and universities, religious or  
9 charitable organizations and institutions, or governmental agencies, when  
10 used to convey students, inmates, employees, athletic teams, orchestras,  
11 bands or other similar activities.

12 (3) (A) Except for motor vehicles under subparagraph (B), motor  
13 vehicles, with a gross vehicle weight rating of 26,000 pounds or less,  
14 carrying tools, property or material belonging to the owner of the vehicle,  
15 and used in repair, building or construction work, not having been sold or  
16 being transported for the purpose of sale, except vehicles transporting  
17 hazardous materials which require placards.

18 (B) Except vehicles transporting hazardous materials which require  
19 placards, motor vehicles, with a gross vehicle weight rating of 26,000  
20 pounds or less;: (i) Carrying tools, property or material belonging to the  
21 owner of the vehicle ~~and used in repair, building or construction work and~~  
22 ~~such~~ *within a radius of 125 miles of the principal place of business of the*  
23 *motor carrier; or (ii) carrying tools, property or material—~~are being~~*  
24 ~~transported~~ *to or from an active construction site located within a radius of*  
25 *25 125 miles of the principal place of business of the motor carrier, so*  
26 *long as the motor carrier is not operating as a motor carrier for hire while*  
27 *carrying such tools, property or material.*

28 (4) Persons operating motor vehicles which have an ad valorem tax  
29 situs in and are registered in the state of Kansas, and used only to transport  
30 grain from the producer to an elevator or other place for storage or sale for  
31 a distance of not to exceed 50 miles.

32 (5) The operation of hearses, funeral coaches, funeral cars or  
33 ambulances by motor carriers.

34 (6) Motor vehicles owned and operated by the United States, the  
35 District of Columbia, any state, any municipality or any other political  
36 subdivisions of this state.

37 (7) Any motor vehicle with a normal seating capacity of not more  
38 than 15 people, including the driver, while used for vanpooling or  
39 otherwise not-for-profit in transporting persons who, as a joint  
40 undertaking, bear or agree to bear all the costs of such operations, or motor  
41 vehicles with a normal seating capacity *of* not more than 15 people,  
42 including the driver, for not-for-profit transportation by one or more  
43 employers of employees to and from the factories, plants, offices,

1 institutions, construction sites or other places of like nature where such  
2 persons are employed or accustomed to work.

3 (8) The operation of vehicles used for servicing, repairing or  
4 transporting of implements of husbandry, as defined in K.S.A. 8-1427, and  
5 amendments thereto, by a person actively engaged in the business of  
6 buying, selling or exchanging implements of husbandry, if such operation  
7 is within 100 miles of such person's established place of business in this  
8 state, unless the implement of husbandry is transported on a commercial  
9 motor vehicle.

10 Sec. ~~4.~~ {3.} K.S.A. 2013 Supp. ~~8-129,~~ 66-1,109 and 66-1,129 are  
11 hereby repealed.

12 Sec. ~~5.~~ {4.} This act shall take effect and be in force from and after its  
13 publication in the statute book.