

HOUSE BILL No. 2236

By Committee on Transportation

2-1

1 AN ACT concerning motor carriers; relating to drivers of taxis, limousines
2 and for-hire vehicles, required training; amending K.S.A. 2016 Supp.
3 66-1,109 and 66-1,129 and repealing the existing sections.
4

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

6 New Section 1. (a) On and after January 1, 2018, the driver of any
7 taxi, limousine or other for-hire vehicle providing a ride, regardless of
8 whether the ride was hailed by phone, internet or on the street and using a
9 vehicle designed to transport not more than 16 passengers, including the
10 driver, shall be required to obtain a permit under the provisions of this
11 section.

12 As used in this subsection, the term "driver" shall include transportation
13 network company drivers as defined by K.S.A. 2016 Supp. 8-2702, and
14 amendments thereto.

15 (b) The state corporation commission shall issue a permit to any
16 person who submits an application to the commission and demonstrates
17 successful completion of an approved safety and training course as set
18 forth in this section. The permit shall expire on December 31 unless
19 otherwise renewed for the next succeeding year subject to the provisions
20 of this section.

21 (c) Prior to January 1, 2018, the state corporation commission shall
22 adopt rules and regulations establishing procedures and standards for the
23 creation of an approved safety and training course. Such standards shall
24 include: (1) The requirement that drivers receive training on the safety and
25 handling of passengers; (2) general guidelines for courses which are
26 compatible with the industry standard for safety and handling of
27 passengers; (3) qualifications of instructors; and (4) a requirement that the
28 course be certified or sponsored by the state corporation commission. Any
29 person wanting to be certified by the state corporation commission as an
30 instructor shall submit to the state corporation commission an application
31 on the form required by the state corporation commission.

32 (d) The cost of the safety and training course required by this section
33 shall be paid by the applicant. The following shall constitute evidence of
34 successful completion of an approved safety and training course:

35 (1) Evidence of completion of the course, on the form provided by
36 rules and regulations adopted by the state corporation commission; or

1 (2) an affidavit from the instructor or organization that conducted or
 2 taught such course attesting to the completion of the course by the
 3 applicant.

4 (e) Any driver who fails to obtain a permit imposed upon such driver
 5 by this section shall be deemed guilty of a misdemeanor and, upon
 6 conviction, shall be subject to a fine of not less than \$250 nor more than
 7 \$300 for each offense committed.

8 Sec. 2. K.S.A. 2016 Supp. 66-1,109 is hereby amended to read as
 9 follows: 66-1,109. This act shall not require the following carriers to
 10 obtain a certificate, license or permit from the commission or file rates,
 11 tariffs, annual reports or provide proof of insurance with the commission:

12 (a) *Except as otherwise provided by section 1, and amendments*
 13 *thereto*, transportation by motor carriers wholly within the corporate limits
 14 of a city or village in this state, or between contiguous cities or villages in
 15 this state or in this and another state, or between any city or village in this
 16 or another state and the suburban territory in this state within three miles
 17 of the corporate limits, or between cities and villages in this state and cities
 18 and villages in another state which are within territory designated as a
 19 commercial zone by the relevant federal authority, except that none of the
 20 exemptions specified in this subsection (a) shall apply to wrecker carriers;

21 (b) a private motor carrier who operates within a radius of 25 miles
 22 beyond the corporate limits of its city or village of domicile, or who
 23 operates between cities and villages in this state and cities and villages in
 24 another state which are within territory designated as a commercial zone
 25 by the relevant federal authority. For the purpose of this subsection,
 26 "domicile" shall mean the principal place of business of a motor carrier;

27 (c) the owner of livestock or producer of farm products transporting
 28 livestock of such owner or farm products of such producer to market in a
 29 motor vehicle of such owner or producer, or the motor vehicle of a
 30 neighbor on the basis of barter or exchange for service or employment, or
 31 to such owner or producer transporting supplies for the use of such owner
 32 or producer in a motor vehicle of such owner or producer, or in the motor
 33 vehicle of a neighbor on the basis of barter or exchange for service or
 34 employment;

35 (d) (1) the transportation of children to and from school; (2) to motor
 36 vehicles owned by schools, colleges, and universities, religious or
 37 charitable organizations and institutions, or governmental agencies, when
 38 used to convey students, inmates, employees, athletic teams, orchestras,
 39 bands or other similar activities; or (3) motor vehicles owned by nonprofit
 40 organizations meeting the qualification requirements of section 501(c) of
 41 the internal revenue code of 1986, and amendments thereto, when
 42 transporting property or materials belonging to the owner of the vehicle;

43 (e) a new vehicle dealer as defined by K.S.A. 8-2401, and

1 amendments thereto, when transporting property to or from the place of
2 business of such dealer;

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

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

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

12 (i) motor vehicles owned and operated by the United States, the
13 District of Columbia, any state, any municipality or any other political
14 subdivision of this state, including vehicles used exclusively for handling
15 U.S. mail, and the operation of motor vehicles used exclusively by
16 organizations operating public transportation systems pursuant to 49
17 U.S.C. §§ 5307, 5310 and 5311;

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

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

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

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

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

40 (o) the operation of vehicles used for servicing, repairing or
41 transporting of implements of husbandry, as defined in K.S.A. 8-1427, and
42 amendments thereto, by a person actively engaged in the business of
43 buying, selling or exchanging implements of husbandry, if such operation

1 is within 100 miles of such person's established place of business in this
2 state;

3 (p) *except as otherwise provided by section 1, and amendments*
4 *thereto*, transportation by taxi or bus companies operated exclusively
5 within any city or within 25 miles of the point of its domicile in a city. For
6 the purpose of this subsection, "domicile" shall mean the principal place of
7 business of a motor carrier;

8 (q) a vehicle being operated with a dealer license plate issued under
9 K.S.A. 8-2406, and amendments thereto, and in compliance with K.S.A. 8-
10 136, and amendments thereto, and vehicles being operated with a full-
11 privilege license plate issued under K.S.A. 8-2425, and amendments
12 thereto;

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

15 (s) transportation of newspapers published at least one time each
16 week;

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

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

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

20 (w) the transportation of custom harvested silage, including, but not
21 limited to, corn, wheat and milo; and

22 (x) private motor carriers domiciled in Kansas operating commercial
23 motor vehicles (CMV) with a gross vehicle weight (GVW), gross vehicle
24 weight rating (GVWR), gross combination weight (GCW), or gross
25 combination weight rating (GCWR) of 10,001 to 26,000 pounds and
26 registered pursuant to K.S.A. 8-126 et seq., and amendments thereto. This
27 exception does not apply to commercial motor vehicles, regardless of
28 weight, which are designed or used to transport 16 or more passengers,
29 including the driver, or intrastate public (for hire) motor carriers of
30 property or passengers, or any motor vehicles which are used in the
31 transportation of hazardous materials and required to be placarded
32 pursuant to 49 C.F.R. part 172, subpart F. For the purpose of this
33 subsection, "domicile" shall mean the principal place of business of a
34 motor carrier or a permanent location in Kansas for a vehicle or vehicles
35 annually registered in Kansas.

36 Sec. 3. K.S.A. 2016 Supp. 66-1,129 is hereby amended to read as
37 follows: 66-1,129. (a) The commission shall adopt rules and regulations
38 necessary to carry out the provisions of this act. No public motor carrier of
39 property, household goods or passengers—~~or~~, private motor carrier of
40 property, *after December 31, 2017, or any motor carrier operating any*
41 *taxi, limousine or other for-hire vehicle* shall operate or allow the
42 operation of any motor vehicle on any public highway in this state except
43 within the provisions of the rules and regulations adopted by the

1 commission. Rules and regulations adopted by the commission shall
2 include:

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

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

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

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

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

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

19 (7) Motor carrier transportation requirements that are consistent with
20 continuation of the federal motor carrier safety assistance program and
21 other federal requirements concerning transportation of hazardous
22 materials.

23 (b) No rules and regulations adopted by the commission pursuant to
24 this section shall require the operator of any motor vehicle having a gross
25 vehicle weight rating or gross combination weight rating of not more than
26 10,000 pounds to submit to a physical examination, unless required by
27 federal laws or regulations.

28 (c) The provisions of 49 C.F.R. parts 390-399 adopted by reference in
29 the rules and regulations of the commission shall not apply to the
30 following, while engaged in the carriage of intrastate commerce:

31 (1) The owner of livestock or producer of farm products transporting
32 livestock of such owner or farm products of such producer to market in a
33 motor vehicle of such owner or producer, or the motor vehicle of a
34 neighbor on the basis of barter or exchange for service or employment, or
35 to such owner or producer transporting supplies for the use of such owner
36 or producer in or producer, or in the motor vehicle of a neighbor on the
37 basis of barter or exchange for service or employment.

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

43 (3) Private motor carriers domiciled in Kansas operating commercial

1 motor vehicles (CMV) with a gross vehicle weight (GVW), gross vehicle
2 weight rating (GVWR), gross combination weight (GCW), or gross
3 combination weight rating (GCWR) of 10,001 to 26,000 pounds and
4 registered pursuant to K.S.A. 8-126 et seq., and amendments thereto. Such
5 carriers shall comply with 49 C.F.R. part 393, subpart I (load securement)
6 and subpart F (coupling devices), as adopted by K.A.R. 82-4-3i; and 49
7 C.F.R. part 396.17 (annual inspection), as adopted by K.A.R. 82-4-3j. Any
8 deficiencies related to the above regulations discovered roadside or any
9 defects identified at the time of the annual inspection shall be corrected
10 prior to returning the commercial motor vehicle to operational status. This
11 exception does not apply to commercial motor vehicles, regardless of
12 weight, which are designed or used to transport 16 or more passengers,
13 including the driver, or intrastate public (for hire) motor carriers of
14 property or passengers, or any motor vehicles which are used in the
15 transportation of hazardous materials and required to be placarded
16 pursuant to 49 C.F.R. part 172, subpart F. For the purpose of this
17 subsection "domicile" shall mean the principal place of business of a
18 motor carrier or a permanent location in Kansas for a vehicle or vehicles
19 annually registered in Kansas.

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

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

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

29 (7) Any motor vehicle with a normal seating capacity of not more
30 than 15 people, including the driver, while used for vanpooling or
31 otherwise not-for-profit in transporting persons who, as a joint
32 undertaking, bear or agree to bear all the costs of such operations, or motor
33 vehicles with a normal seating capacity of not more than 15 people,
34 including the driver, for not-for-profit transportation by one or more
35 employers of employees to and from the factories, plants, offices,
36 institutions, construction sites or other places of like nature where such
37 persons are employed or accustomed to work.

38 (8) The operation of vehicles used for servicing, repairing or
39 transporting of implements of husbandry, as defined in K.S.A. 8-1427, and
40 amendments thereto, by a person actively engaged in the business of
41 buying, selling or exchanging implements of husbandry, if such operation
42 is within 100 miles of such person's established place of business in this
43 state, unless the implement of husbandry is transported on a commercial

1 motor vehicle.

2 Sec. 4. K.S.A. 2016 Supp. 66-1,109 and 66-1,129 are hereby
3 repealed.

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