

## **Updating Kansas Corporation Commission Motor Carrier Regulation; House Sub. for SB 26**

**House Sub. for SB 26** updates statutes related to the regulatory authority of the Kansas Corporation Commission (KCC) with regard to motor carriers.

The bill updates provisions related to procedures to be used by the KCC in the following ways:

- Authorizes orders and decisions of the KCC to be served on motor carriers by electronic mail (email) if authorized by the motor carrier or by first class mail, rather than only by first class mail, except certain orders related to show-cause proceedings (which, under continuing law, must be served by certified mail). A motor carrier could revoke the authorization to receive orders and decisions *via* email; the bill then requires the KCC to serve any subsequent orders or decisions by mail (Section 1 [KSA 66-1,105]);
- Removes requirements for the KCC to prescribe a uniform system and class of accounts and to require certain reports (Section 5 [KSA 66-1,112]);
- Removes requirements for the KCC to require annual and other reports from private motor carriers of property (Section 6 [KSA 66-1,112g]);
- Removes requirements for a hearing upon the filing of an application for a certificate of convenience and necessity (Section 8 [KSA 66-1,114]);
- Removes references to a 30-day interim certificate of public service (no longer in current use) and a protest procedure related to a certificate of public service (Section 9 [KSA 66-1,114b]);
- Provides an opportunity for a hearing upon denial of a certificate to be conducted in accordance with the Kansas Administrative Procedure Act (Sections 8 and 9 [KSA 66-1,114 and 66-1,114b]);
- Removes references to requirements for cargo insurance no longer required by the KCC (Sections 8 and 9 [KSA 66-1,114 and 66-1,114b]); and
- Removes authority related to certain vehicles used by motor carriers temporarily within the state (Section 13 [KSA 66-1,140]).

The bill clarifies motor carriers are subject to state regulation to the extent not preempted by federal law (Section 3 [KSA 66-1,110]).

The bill clarifies the KCC shall establish rate-making procedures for all holders of a certificate of convenience and necessity, rather than for all motor common carriers (Section 5 [KSA 66-1,112]).

The bill removes terms not in current use in the statutes, such as “local cartage carrier” (Section 4 [KSA 66-1,111]), “State Property Valuation Department” (Section 7 [KSA 66-1,112j]), “Port of Entry Board” (Section 7 [KSA 66-1,112j]), and “state police regulations” (Section 10 [KSA 66-1,116]). It also removes a definition for “ground water well drilling rigs” (Section 2 [KSA 66-1,108]), which is defined in KAR 82-4-1, and a reference to a statute repealed by the bill (Section 12 [KSA 66-1,141]).

The bill removes requirements related to types of regulation no longer allowable under federal law, including rate-making for changes in commodity classifications (Section 5 [KSA 66-1,112]), consent of the KCC for a motor carrier to change or discontinue any service or operations (Section 11 [KSA 66-,119]), assignment or transfer of certain types of certificates (Section 13 [KSA 66-1,118]), operating territories (Section 13 [KSA 66-1,119a]), and contract carriers (Section 13 [KSA 66-1,142d]).