

## 2016 Kansas Statutes

**66-1,142b. Civil penalties; motor carriers.** (a) Any person violating any statute, commission orders or rules and regulations adopted by the state corporation commission pursuant to the motor carrier act and other laws relevant to motor carriers shall be subject to a civil penalty of not less than \$100 and not more than \$1,000 for negligent violations, and not more than \$5,000 for intentional violations.

(b) In construing and enforcing a civil penalty in accordance with this section, any act, omission or failure of any officer, agent or other person acting for or employed by any motor carrier while acting within the scope of such person's employment, shall in every case be deemed the act, omission or failure of the motor carrier.

(c) Every day during which the person fails to comply with any order of the commission, or any applicable statute, rule or regulation, shall constitute a separate and distinct violation.

(d) Civil penalties shall be enforced and collected by an attorney for the corporation commission in the appropriate district court.

(e) For civil penalties of \$500 or less, the commission shall allow a duly authorized representative of the corporation or an attorney to enter an appearance and represent the corporation operating as a motor carrier under the provisions of this act.

(f) A civil penalty shall not be enforced under this section for a violation of an out-of-service order, if a civil penalty was enforced against a driver under K.S.A. 2016 Supp. 8-2,152(a), and amendments thereto, or against an employer under K.S.A. 2016 Supp. 8-2,152(b), and amendments thereto.

(g) Civil penalties shall be remitted in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, to the state treasurer. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the motor carrier license fee fund.

(h) The commission is granted the power, by general order or otherwise, to prescribe reasonable rules and regulations for the assessment of administrative civil penalties and sanctions for violations of any statute, commission orders or rules and regulations adopted by the commission.

**History:** L. 2001, ch. 92, § 2; L. 2004, ch. 152, § 8; L. 2006, ch. 54, § 8; L. 2015, ch. 13, § 1; Apr. 9.