

## HOUSE BILL No. 2032

By Representative Huff

1-10

---

9 AN ACT concerning the state corporation commission; relating to motor  
10 carriers; amending K.S.A. 2004 Supp. 66-1,129 and repealing the ex-  
11 isting section.  
12

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

14 Section 1. K.S.A. 2004 Supp. 66-1,129 is hereby amended to read as  
15 follows: 66-1,129. (a) The commission shall adopt rules and regulations  
16 necessary to carry out the provisions of this act. No public motor carrier  
17 of property, household goods or passengers or private motor carrier of  
18 property shall operate or allow the operation of any motor vehicle on any  
19 public highway in this state except within the provisions of the rules and  
20 regulations adopted by the commission. Rules and regulations adopted  
21 by the commission shall include:

22 (1) Every vehicle unit shall be maintained in a safe and sanitary con-  
23 dition at all times.

24 (2) Every driver of a public motor carrier, operating as a carrier of  
25 intrastate commerce within this state, shall be at least 18 years of age.  
26 Every driver of a private motor carrier, operating as a carrier of intrastate  
27 commerce within this state, shall be at least 16 years of age. All such  
28 drivers shall be competent to operate the motor vehicle under such  
29 driver's charge.

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

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

35 (5) Accidents arising from or in connection with the operation of mo-  
36 tor carriers shall be reported to the commission within the time, in the  
37 detail and in the manner as the commission requires.

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

40 (7) Motor carrier transportation requirements that are consistent  
41 with continuation of the federal motor carrier safety assistance program  
42 and other federal requirements concerning transportation of hazardous  
43 materials.

- 1 (b) No rules and regulations adopted by the commission pursuant to  
2 this section shall require the operator of any motor vehicle having a gross  
3 vehicle weight rating or gross combination weight rating of not more than  
4 10,000 pounds to submit to a physical examination, unless required by  
5 federal laws or regulations.
- 6 (c) Any rules and regulations of the commission, adopted pursuant  
7 to this section, shall not apply to the following, while engaged in the  
8 carriage of intrastate commerce in this state:
- 9 (1) The owner of livestock or producer of farm products transporting  
10 livestock of such owner or farm products of such producer to market in  
11 a motor vehicle of such owner or producer, or the motor vehicle of a  
12 neighbor on the basis of barter or exchange for service or employment,  
13 or to such owner or producer transporting supplies for the use of such  
14 owner or producer in or producer, or in the motor vehicle of a neighbor  
15 on the basis of barter or exchange for service or employment.
- 16 (2) The transportation of children to and from school, or to motor  
17 vehicles owned by schools, colleges, and universities, religious or chari-  
18 table organizations and institutions, or governmental agencies, when used  
19 to convey students, inmates, employees, athletic teams, orchestras, bands  
20 or other similar activities.
- 21 (3) ~~(A) Except for motor vehicles under subparagraph (B) Except~~  
22 ~~vehicles transporting hazardous materials which require placards, motor~~  
23 ~~vehicles, with a gross vehicle weight rating of 26,000 pounds or less, car-~~  
24 ~~rying tools, property or material belonging to the owner of the vehicle,~~  
25 ~~and used in repair, building or construction work, not having been sold~~  
26 ~~or being transported for the purpose of sale, except vehicles transporting~~  
27 ~~hazardous materials which require placards.~~
- 28 ~~(B) Except vehicles transporting hazardous materials which require~~  
29 ~~placards, motor vehicles, with a gross vehicle weight rating of 26,000~~  
30 ~~pounds or less, carrying tools, property or material belonging to the owner~~  
31 ~~of the vehicle and used in repair, building or construction work and such~~  
32 ~~tools, property or material are being transported to or from an active~~  
33 ~~construction site located within a radius of 25 miles of the principal place~~  
34 ~~of business of the motor carrier.~~
- 35 (4) Persons operating motor vehicles which have an ad valorem tax  
36 situs in and are registered in the state of Kansas, and used only to trans-  
37 port grain from the producer to an elevator or other place for storage or  
38 sale for a distance of not to exceed 50 miles.
- 39 (5) The operation of hearses, funeral coaches, funeral cars or am-  
40 bulances by motor carriers.
- 41 (6) Motor vehicles owned and operated by the United States, the  
42 District of Columbia, any state, any municipality or any other political  
43 subdivisions of this state.

- 1       (7) Any motor vehicle with a normal seating capacity of not more  
2 than the driver and 15 passengers while used for vanpooling or otherwise  
3 not-for-profit in transporting persons who, as a joint undertaking, bear or  
4 agree to bear, all the costs of such operations, or motor vehicles with a  
5 normal seating capacity not more than the driver and 15 passengers for  
6 not-for-profit transportation by one or more employers of employees to  
7 and from the factories, plants, offices, institutions, construction sites or  
8 other places of like nature where such persons are employed or accus-  
9 tomed to work.
- 10       (8) Motor vehicles used to transport water for domestic purposes, as  
11 defined by subsection (c) of K.S.A. 82a-701, and amendments thereto, or  
12 livestock consumption.
- 13       (9) The operation of vehicles used for servicing, repairing or trans-  
14 porting of implements of husbandry, as defined in K.S.A. 8-1427, and  
15 amendments thereto, by a person actively engaged in the business of  
16 buying, selling or exchanging implements of husbandry, if such operation  
17 is within 100 miles of such person's established place of business in this  
18 state, unless the implement of husbandry is transported on a commercial  
19 motor vehicle.
- 20       Sec. 2. K.S.A. 2004 Supp. 66-1,129 is hereby repealed.
- 21       Sec. 3. This act shall take effect and be in force from and after its  
22 publication in the statute book.