

STATE OF KANSAS
STATE CORPORATION COMMISSION

Notice of Public Hearing on Proposed Administrative Regulations

December 10, 2015

The State Corporation Commission (Commission) will conduct a public hearing at 10:00 a.m. on Tuesday, February 23, 2016, in the First Floor Hearing Room at the office of the State Corporation Commission, 1500 SW Arrowhead Road, Topeka, Kansas, to consider the adoption of proposed rules and regulations of the State Corporation Commission of the State of Kansas on a permanent basis.

This notice exceeds the 60-day notice requirement of the pending public hearing and shall constitute the beginning of the public comment period for the purpose of receiving written public comments on the proposed rules and regulations. A complete copy of the proposed regulations and economic impact statements may be found on the Kansas Corporation Commission website: <http://kcc.ks.gov>, or by contacting Michael Duenes: m.duenes@kcc.ks.gov.

All interested parties may submit written comments prior to the hearing to Michael Duenes, Litigation Counsel, State Corporation Commission, 1500 SW Arrowhead Road, Topeka, Kansas 66604, or by email to: m.duenes@kcc.ks.gov. All interested parties will be given a reasonable opportunity to present their views orally regarding the adoption of the proposed regulations during the public hearing. In order to provide all parties an opportunity to present their views, it may be necessary to ask that each participant limit any oral presentation to five (5) minutes.

Any individual with a disability may request an accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation to participate in the hearing should be made at least five (5) working days in advance of the hearing by contacting Danelle Harsin at (785) 271-3161 or the Kansas Relay Center at 1-800-766-3777. The main entrance located on the southwest side of the building is handicapped accessible. Handicapped parking is located on the southwest side of the State Corporation Commission's parking lot.

A summary of the proposed regulations and the economic impact for each are as follows: (Note: Statements indicating that a regulation is "not anticipated to have any economic impact" are intended to indicate that no economic impact on the State Corporation Commission, other state agencies, state employees, or the general public has been identified.)

K.A.R. 82-4-1

This regulation defines the terms used in Article 4 – Motor Carriers of Persons and Property. The proposed amendments to this regulation include edits to reflect minor grammatical and form corrections and recent updates to the Federal Motor Carrier Safety

Administration (FMCSA) regulations. The proposed amendments also add an explanation of “gross combination weight rating” and a definition of “medical waiver.” The Commission does not anticipate an economic impact resulting from the adoption of this proposed regulation.

K.A.R. 82-4-2a

This regulation provides for the authority of agents, employees, or representatives authorized by the Commission. In addition to minor grammatical and form corrections, the proposed regulation adds a new subsection (d) authorizing various “out of service” enforcement actions by Commission agents, employees, or representatives. The Commission does not anticipate an economic impact resulting from the adoption of this proposed regulation.

K.A.R. 82-4-3h

This regulation adopts relevant portions of the FMCSA regulations (49 C.F.R. Part 392) which establish the minimum duties and procedures for the driving of commercial motor vehicles. The proposed amendments to this regulation include edits to reflect minor grammatical and form corrections and recent updates to FMCSA regulations. The Commission does not anticipate an economic impact resulting from the proposed amendments to this regulation.

K.A.R. 82-4-3i

This regulation adopts relevant portions of the FMCSA regulations (49 C.F.R. Part 393) establishing the parts and accessories necessary for safe motor carrier operation. The proposed amendments to this regulation reflect minor grammatical and form corrections and recent updates to the FMCSA regulations. The proposed amendments also revise the section on “conspicuity systems,” adopt several new technical standards and streamline the adoption of various Federal Motor Vehicle Safety Standards (FMVSS). The Commission does not anticipate an economic impact resulting from the adoption of this proposed regulation.

K.A.R. 82-4-3j

This regulation adopts relevant portions of the FMCSA regulations (49 C.F.R. Part 396) governing the inspection, repair and maintenance of commercial motor vehicles. The proposed amendments to this regulation include minor grammatical and form corrections and recent updates to FMCSA regulations. The Commission does not anticipate an economic impact resulting from the adoption of this proposed regulation.

K.A.R. 82-4-3k

This regulation adopts relevant portions of the FMCSA regulations (49 C.F.R. Part 397) governing the transportation of hazardous materials with specific respect to driving and parking rules. The proposed amendments to this regulation reflect minor grammatical and

form corrections and recent updates to the FMCSA regulations. The proposed amendments to this regulation adopt K.S.A. 66-1,108's definitions for "motor carrier" and "motor vehicle." The proposed amendments also delete various portions of 49 C.F.R. Part 397 for lack of enforcement provisions. The Commission does not anticipate an economic impact resulting from the adoption of this proposed regulation.

K.A.R. 82-4-3n

This regulation adopts relevant portions of the FMCSA regulations (49 C.F.R. Part 387) establishing requirements for the minimum levels of financial responsibility for motor carriers. The proposed amendments to this regulation reflect minor grammatical and form corrections and recent updates to the FMCSA regulations. The Commission does not anticipate an economic impact resulting from the adoption of this proposed regulation.

K.A.R. 82-4-3o

This regulation adopts relevant portions of the FMCSA regulations (49 C.F.R. Part 386, Subpart F) establishing procedures relevant to imminent hazard with respect to motor carriers. The proposed amendments to this regulation include edits to reflect minor grammatical and form corrections and recent updates to FMCSA regulations. The proposed amendments to this regulation substitute Kansas procedures for certain federal procedures. The Commission does not anticipate an economic impact resulting from the adoption of this proposed regulation.

K.A.R. 82-4-8a

The Commission is proposing to revoke this regulation. The regulation is no longer needed in light of K.A.R. 82-4-3i's adoption of federal fire extinguisher requirements. The Commission does not anticipate an economic impact resulting from the revocation of this regulation.

K.A.R. 82-4-20

This regulation adopts relevant portions of the FMCSA regulations (49 C.F.R. Parts 171 [except 171.1(a) and 171.6], 172 [except 172.701 and 172.822], 173 [except 173.10 and 173.27], 177, 178, and 180), establishing the minimum requirements and standards to be observed in the transportation of hazardous materials by motor carriers and operators of commercial motor vehicles. The proposed amendments to this regulation include edits to reflect minor grammatical and form corrections, recent updates to the federal hazardous materials regulations, and necessary proof of compliance with federal hazardous materials filings. The proposed amendments adopt K.S.A. 66-1,108's definitions for "motor vehicle" and "person." The proposed amendments also require copies of certain hazardous materials applications and registrations mandated by various subparts of 49 C.F.R. Part 107 to be made available to the Commission. The Commission does not anticipate an economic impact resulting from the adoption of this proposed regulation.

82-4-1. Definitions. The following terms used in connection with the regulations of the state corporation commission governing motor carriers shall be defined as follows:

(a) “Affiliate” means a person or company controlling, controlled by, or under common control or ownership with another person or company.

(b) “Air mile” means nautical mile.

(c) “Authorized agent” and “authorized representative” mean any authorized special agent or employee of the commission, any member of the Kansas highway patrol, or any law enforcement officer in the state certified in the inspection of motor carriers and authorized in accordance with the requirements of the Kansas motor carrier safety program.

(d) “Certificate” means a document evidencing a certificate of convenience and necessity or a certificate of public service issued to an intrastate common carrier to operate motor vehicles as a common carrier.

(e) “Chameleon carrier” means a motor carrier continuing its motor carrier operation under a new USDOT or motor carrier identification (MCID) number for the purpose of avoiding a fine, penalty, federal out-of-service order, or commission order that was issued against the previously used USDOT or MCID number.

(f) “Commercial motor vehicle” means any of the following, except when used in 49 C.F.R. R. Part 382 as adopted by K.A.R. 82-4-3c:

(1) A vehicle that has a gross vehicle weight rating or gross combination weight rating, or a gross vehicle weight or gross combination weight, of 4,536 kg (10,001 pounds) or more, whichever is greater. Gross combination weight rating shall be the greater of the

following:

(A) A value specified by the manufacturer of the power unit, if the value is displayed on the federal motor vehicle safety standard (FMVSS) certification label required by the national highway traffic safety administration; or

(B) the sum of the gross vehicle weight ratings or the gross vehicle weights of the power unit and all towed units, or any combination of these, that produces the highest value, except that the gross combined weight rating of the power unit shall not be used to define a commercial motor vehicle if the power unit is not towing another vehicle;

(2) a vehicle designed or used to transport more than eight passengers, including the driver, for compensation;

(3) a vehicle that is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or

(4) a vehicle used in transporting material found by the secretary of transportation to be hazardous under 49 U.S.C. 5103 and transported in a quantity requiring placarding according to regulations prescribed by the secretary under 49 C.F.R. Part 172 as adopted in K.A.R. 82-4-20.

(g) “Commission” means Kansas corporation commission.

(h) “Conviction” means any of the following, whether or not the penalty is reduced, suspended, or resolved by means of a probationary agreement:

(1) An unvacated adjudication of guilt or a determination by a federal, state, or local court of original jurisdiction or by an authorized administrative tribunal that a person has violated or failed to comply with the law;

(2) an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court;

(3) a plea of guilty or nolo contendere accepted by the court;

(4) the payment of a fine or court cost; or

(5) violation of a condition of release without bail.

(i) "Director" means director of the transportation division of the commission.

(j) "Distance" means distance measured in air miles.

(1) Distances shall be computed from the corporate limits of incorporated communities and from the post office of unincorporated communities.

(2) If there is no post office in the unincorporated community, the distance shall be computed from the center of the business district.

(k) "Docketing" means entering a proposal in the organization files and then giving notice of the proposal to other carrier members of the organization and shipper subscribers.

(l) "Driveaway operation" and "towaway operation" mean any operation in which an empty or unladen motor vehicle with one or more sets of wheels on the surface of the roadway is being transported according to one of the following:

(1) Between a vehicle manufacturer's facilities;

(2) between a vehicle manufacturer and a dealership or purchaser;

(3) between a dealership, or other entity selling or leasing the vehicle, and a purchaser or lessee;

(4) to a motor carrier's terminal or repair facility for the repair of "disabling damage,"

as defined in 49 C.F.R. 390.5 as adopted by K.A.R. 82-4-3f, following a crash;

(5) to a motor carrier's terminal or repair facility for repairs associated with the failure of a vehicle component or system; or

(6) by means of a saddle-mount or towbar.

(m) "Driver" means any person who operates any commercial motor vehicle.

(n) "Entire direct case" shall include, for the purpose of this article, all testimony, exhibits, and other documentation offered in support of the proposed rates.

(o) "Express carrier" means a common carrier who carries packages or parcels, the maximum weight of which does not exceed 350 pounds for each package or parcel.

(p) "FHWA" means federal highway administration.

(q) "FMCSA" means federal motor carrier safety administration.

(r) "General increase" and "general decrease" mean a common motor carrier rate increase or decrease proposed as a general adjustment of substantially all the rates published in a tariff.

(s) "Hazardous material" means a substance or material that the U.S. secretary of transportation has determined is capable of posing an unreasonable risk to health, safety, and property when transported in commerce and has designated as hazardous under section 5103 of federal hazardous materials transportation law, 49 U.S.C. 5103. This term shall include hazardous substances, hazardous wastes, marine pollutants, elevated-temperature materials, materials designated as hazardous in the hazardous materials table in 49 C.F.R. 172.101 as adopted in K.A.R. 82-4-20, and materials that meet the criteria for hazard classes and divisions

in 49 C.F.R. Part 173, subpart C as adopted in K.A.R. 82-4-20.

(t) “Hazardous materials regulations” and “HMR” mean the federal hazardous material regulations as adopted in K.A.R. 82-4-20.

(u) “Industry average carrier cost information” means the average intrastate cost of the carriers who participate in an organization tariff and who have authority from the commission to transport the commodities indicated in the organization tariff.

(v) “Joint line rate” means a rate, charge, or allowance established by two or more common motor carriers of property or passengers that is applicable over the carriers’ lines and for which the transportation can be provided by these carriers.

(w) “License” means the document or registration receipt evidencing the registration of an interstate common motor carrier or interstate exempt motor carrier to operate motor vehicles in the state of Kansas in interstate commerce.

(x) “Licensed medical examiner” means a person who meets one of the following conditions:

- (1) Is licensed by the Kansas state board of healing arts to practice medicine and surgery, osteopathic medicine and surgery, or chiropractic;
- (2) is licensed by the Kansas state board of healing arts as a physician assistant; or
- (3) is licensed by the Kansas state board of nursing as a registered professional nurse qualified to practice as an advanced practice registered nurse.

(y) “Medical waiver” means “medical variance” as defined in K.A.R. 82-4-3f.

(z) “Motor carrier” means any corporation, limited liability company, partnership,

limited liability partnership, or individual subject to the provisions of the motor carrier laws of Kansas and under the jurisdiction of the Kansas corporation commission.

~~(z)~~(aa) “Moving violation” means the commission or omission of an act by a person operating a motor vehicle that could result in injury or property damage and that is also a violation of a statute, ordinance, or regulation of this state or any other jurisdiction.

~~(aa)~~(bb) “Notice” means advance notification to shipper subscribers through an organization’s docket service.

~~(bb)~~(cc) “Organization” means a legal entity that administers an agreement approved under K.A.R. 82-4-69.

~~(ee)~~(dd) “Out-of-service” and “OOS,” when used to describe a driver, a commercial motor vehicle, or a motor carrier operation, mean that the driver, commercial motor vehicle, or motor carrier has ceased to operate or move pursuant to the statutes and regulations of the state of Kansas, the federal motor carrier safety administration regulations, or the industry standards specified ~~in~~ on pages 1-82 of the “North American standard out-of-service criteria,” ~~including the appendixes,~~ published by the commercial vehicle safety alliance, revised on April 1, ~~2011~~ 2014, and hereby adopted by reference.

~~(dd)~~(ee) “Ownership” means an equity holding in a business entity of at least five percent.

~~(ee)~~(ff) “Permit” means the document evidencing authority of a motor carrier to operate motor vehicles as a private carrier.

~~(ff)~~(gg) “PHMSA” means pipeline and hazardous materials safety administration of

the United States department of transportation.

~~(gg)~~(hh) “Principal place of business” means the location that is listed as the motor carrier’s address on the motor carrier’s MCS-150 form.

~~(hh)~~(ii) “Single line rate” means a rate, charge, or allowance established by a single common motor carrier of property or passengers that is applicable only over its line and for which the transportation can be provided by that carrier.

~~(ii)~~(jj) “Tariff publication” means the rates, charges, classification, ratings, or policies published by, for, or on behalf of common motor carriers of property or passengers.

~~(jj)~~(kk) “Transportation” means the movement of property and passengers and the loading, unloading, or storage incidental to this movement.

~~(kk)~~(ll) “USDOT” means the United States department of transportation.

(Authorized by and implementing K.S.A. ~~2012-2015~~ Supp. 66-1,112, K.S.A. 66-1,112g, K.S.A. ~~2012-2015~~ Supp. 66-1,129; effective Jan. 1, 1971; modified, L. 1981, Ch. 424, May 1, 1981; amended, T-83-45, Dec. 8, 1982; amended May 1, 1983; amended May 1, 1984; amended April 30, 1990; amended Sept. 16, 1991; amended July 6, 1992; amended May 10, 1993; amended Oct. 3, 1994; amended Jan. 30, 1995; amended Jan. 4, 1999; amended July 28, 2000; amended Nov. 14, 2011; amended Sept. 20, 2013; amended P-_____.)

82-4-2a. Authority of agents, employees, or representatives authorized by

commission. The special agents, agents, employees, or representatives authorized by the commission shall have the authority to perform the following:

- (a) Examine motor carrier equipment operating on the highways in this state;
- (b) enter upon any motor carrier's premises located in ~~the state of~~ Kansas and inspect and examine the motor carrier's records, books, and equipment located on the premises; ~~and~~
- (c) examine the manner of the motor carrier's conduct as it relates to the public safety and the operation of commercial motor vehicles in this state; ~~and~~
- (d) declare or place, or both, any commercial motor vehicle, driver, or motor carrier "out-of-service" for any "out-of-service" conditions as defined in K.A.R. 82-4-1(dd).

Authorized personnel shall declare and mark as out-of-service any commercial motor vehicle, driver, or motor carrier that by reason of its mechanical condition or loading would likely cause an accident or a breakdown or is in violation of any commission economic or safety regulations or "out-of-service" criteria as defined in K.A.R. 82-4-1(dd). An "out-of-service vehicle" sticker shall be used to mark each vehicle and any intermodal equipment as out-of-service. (Authorized by K.S.A. ~~2010-2014~~ Supp. 66-1,108a and K.S.A. ~~2010-2014~~ Supp. 66-1,108c; implementing K.S.A. ~~2010-2014~~ Supp. 66-1,108b; effective Nov. 14, 2011; amended P-_____.)

82-4-3h. Driving of commercial motor vehicles. (a) With the following exceptions, 49 C.F.R. R. Part 392, as in effect on October 1, ~~2012~~2013 and as amended by 78 fed. reg. 60226 ~~(2013)~~, is hereby adopted by reference:

(1) In 49 C.F.R. 392.2, the ~~words after the word~~ “jurisdiction,” ~~including the last sentence of this section,~~ shall be deleted and replaced by “~~of the~~ state of Kansas.”

(2) 49 C.F.R. 392.4 shall be revised as follows:

(A) Paragraph (a)(1) shall be deleted and replaced by the following: “(1) Any substance listed in schedule I of 21 C.F.R. 1308.11, which is hereby adopted by reference as in effect on April 1, ~~2011~~2013.”

(B) In paragraph (c), the phrase “§ 382.107 of this subchapter” shall be deleted and replaced by “49 C.F.R. 382.107, as adopted by K.A.R. 82-4-3c.”

(3) 49 C.F.R. 392.5 shall be revised as follows:

(A) In paragraph (a)(1), the phrase “§ 382.107 of this subchapter” shall be deleted and replaced by “49 C.F.R. 382.107, as adopted by K.A.R. 82-4-3c.”

(B) In paragraph (a)(3), the phrase “and hereby adopted by reference as in effect on July 1, ~~2011~~2012” shall be added after the phrase “26 U.S.C. 5052(a).”

(C) In paragraph (a)(3), the phrase “section 5002(a)(8), of such Code” shall be deleted and replaced by “26 U.S.C. 5002(a)(8), hereby adopted by reference as in effect on July 1, ~~2011~~2012.”

(D) In paragraph (d)(2), a period shall be placed after the phrase “affirmation of the order”; the remainder of the paragraph shall be deleted.

(E) Paragraph (e) shall be deleted and replaced by the following: “(e) Any driver who is subject to an out of service order may petition for reconsideration of that order in accordance with K.A.R. 82-1-235 and the provisions of the Kansas Judicial Review Act, found at K.S.A. 77-601 et seq.”

(4) In 49 C.F.R. 392.8, the phrase “§ 393.95 of this subchapter” shall be deleted and replaced by “49 C.F.R. 393.95, as adopted by K.A.R. 82-4-3i.”

(5) In 49 C.F.R. 392.9(a)(1), the phrase “§§ 393.100 through 393.136 of this subchapter” shall be deleted and replaced by “49 C.F.R. 393.100 through 393.136, as adopted by K.A.R. 82-4-3i.”

(6) The following revisions shall be made to 49 C.F.R. 392.9a:

(A) In paragraph (b), the last sentence shall be deleted.

(B) In paragraph (c), the phrase “5 U.S.C. 554 not later than 10 days after issuance of such order” shall be deleted and replaced with “K.A.R. 82-1-235 and the provisions of the Kansas Judicial Review Act, found at K.S.A. 77-601 et seq.”

(7) In 49 C.F.R. 392.9b, the phrase “49 U.S.C. 521” in paragraph (b) shall be deleted and replaced by “Kansas law.”

(8) 49 C.F.R. 392.10 shall be revised as follows:

(A) In paragraph (a)(4), the phrase “Parts 107 through 180 of this title” shall be deleted and replaced by “49 C.F.R. 107.105, 107.107, 107.502, 107.503, and Parts 171, 172, 173, 177, 178, and 180, all as adopted by K.A.R. 82-4-20.”

(B) In paragraph (a)(5), the phrase “§ 173.120 of this title” shall be deleted and

replaced by “49 C.F.R. 173.120, as adopted by K.A.R. 82-4-20.”

(C) In paragraph (a)(6), the phrase “subpart B of part 107 of this title” shall be deleted and replaced by “49 C.F.R. 107.105 and 107.107, both as adopted by K.A.R. 82-4-20.”

(D) In paragraph (b)(1), the phrase “§ 390.5 of this chapter” shall be deleted and replaced by “49 C.F.R. 390.5, as adopted by K.A.R. 82-4-3f.”

~~(8)~~(9) In 49 C.F.R. 392.11, the phrase “§ 392.10” shall be deleted and replaced with “49 C.F.R. R. 392.10 as adopted by K.A.R. 82-4-3h.”

~~(9)~~(10) The phrase “§ 393.95 of this subchapter” in 49 C.F.R. 392.22(b) shall be deleted and replaced by “49 C.F.R. 393.95, as adopted by K.A.R. 82-4-3i.”

~~(10)~~(11) In 49 C.F.R. 392.25, the phrase “§ 392.22(b)” shall be deleted and replaced with “49 C.F.R. 392.22(b) as adopted by K.A.R. 82-4-3h.”

~~(11)~~(12) In 49 C.F.R. 392.33, the phrase “subpart B of part 393 of this title” shall be deleted and replaced by “49 C.F.R. 393.9 through 393.33, as adopted by K.A.R. 82-4-3i.”

~~(12)~~(13) The following revisions shall be made to 49 C.F.R. 392.51:

(A) In paragraph (b), the phrase “as adopted by K.A.R. 82-4-20” shall be inserted after the phrase “Parts 171, 172, 173, and 178.”

(B) In paragraph (b), the phrase “hereby incorporated by reference as in effect on July 1, ~~2011~~2013” shall be inserted after the phrase “29 CFR 1910.106.”

~~(13)~~(14) 49 C.F.R. 392.62 shall be revised as follows:

(A) In paragraph (a), the phrase “§ 393.90 of this subchapter” shall be deleted and replaced by “49 C.F.R. 393.90, as adopted by K.A.R. 82-4-3i.”

(B) In paragraph (b), the phrase “§ 393.91 of this subchapter” shall be deleted and replaced by “49 C.F.R. 393.91, as adopted by K.A.R. 82-4-3i.”

~~(14)~~(15) In 49 C.F.R. 392.80(c), the phrase “as adopted by K.A.R. 82-4-3f” shall be inserted after the phrase “49 C.F.R. 390.5.”

~~(15)~~(16) In 49 C.F.R. 392.82, the first instance of the word “highway” shall be deleted and replaced by “highway as defined in K.A.R. 82-4-3f.”

(b) Whenever the federal regulations adopted in this regulation refer to portions of the federal regulations or other operating standards that are not already adopted by reference in article 4 of the commission’s regulations, the references shall not be applicable to this regulation unless otherwise specifically adopted. (Authorized by and implementing K.S.A. ~~2012~~2015 Supp. 66-1,112, K.S.A. 66-1,112g, and K.S.A. ~~2012~~2015 Supp. 66-1,129; effective, T-82-12-29-04, Dec. 29, 2004; effective April 29, 2005; amended Oct. 2, 2009; amended Sept. 20, 2013; amended P-_____.)

82-4-3i. Parts and accessories necessary for safe operation. (a)(1) With the following exceptions, 49 C.F.R. Part 393, as in effect on October 1, ~~2011~~2013, is hereby adopted by reference:

(1)(A) In 49 C.F.R. 393.1(a), the phrase “§ 390.5 of this title” in the first sentence shall be deleted and replaced with “49 C.F.R. 390.5 as adopted by K.A.R. 82-4-3f.” The phrase “§ 390.5” in the second sentence shall be deleted and replaced with “49 C.F.R. 390.5 as adopted by K.A.R. 82-4-3f.”

(2)(B) The following revisions shall be made to 49 C.F.R. 393.5:

(A)(i) The following ~~definition~~provision shall be added after the definition of “curb weight”: “DOT C-2, DOT C-3, and DOT C-4. These terms shall be ~~defined~~established by figure ~~29-12-1~~, found in 49 C.F.R. 571.108 ~~as in effect on October 1, 2011, and figure 29 is hereby adopted by reference.~~”

(B)(ii) In the definition of “heater,” the phrase “§177.834(l)(2) of this title” shall be deleted and replaced with “49 C.F.R. 177.834(l)(2) as adopted by K.A.R. 82-4-20.”

(C) ~~—~~ In the definition of “heavy hauler trailer,” the phrase “§393.106 of this title” shall be deleted and replaced with “49 C.F.R. 393.106 as adopted by K.A.R. 82-4-3i.”

(D) ~~—~~ In the definition of “low chassis vehicle,” the phrase “of § 571.224 in effect on the date of manufacture, or a subsequent edition” shall be deleted and replaced by “found in S5.1.1, S5.1.2, and S5.1.3 of 49 C.F.R. 571.224, as in effect on October 1, 2011, and hereby adopted by reference.”

(E)(iii) The definition of “manufactured home” shall be deleted and replaced by the

following: “Manufactured home means a structure as defined by K.S.A. 58-4202(a), ~~as in effect April 21, 2005 and amendments thereto, and hereby adopted by reference.~~” ~~The term shall also include structures that meet the requirements of K.S.A. 58-4202(a) except the size requirements.~~ These structures shall be considered manufactured homes when the manufacturer files with the transportation division a certification that it intends that these structures shall be considered manufactured homes. The manufacturer shall also certify that, if at any time it manufactures structures it does not intend to be manufactured homes, it shall identify those structures by a permanent serial number placed on the structure during the first stage of production and that the series of serial numbers for such structures shall be distinguishable on the structures and in its records from the series of serial numbers used for manufactured homes.”

~~(F)~~(iv) The following definition shall be added after the definition of “manufactured home”: “Optically combined. This term refers to two or more lights that share the same body and have one lens totally or partially in common.”

~~(G)~~(v) The definition for “reflective material” shall be deleted. and replaced with the following: “A material conforming to federal specification L-S-300c, ‘sheeting and tape, reflective: non-exposed lens,’ as in effect on March 20, 1979 and as adopted by reference, meeting the performance standard in either table 1 or table 1A of SAE standard J594f, ‘reflex reflectors,’ as revised in January 1977 and as adopted by reference.”

~~(H)~~ — In the definition of “special purpose vehicle,” the phrase “of § 571.224 (paragraphs S5.1.1 through S5.1.3), in effect on the date of manufacture or a subsequent edition” shall be deleted and replaced by “found in S5.1.1, S5.1.2, and S 5.1.3 of 49 C.F.R. 571.224, as adopted by reference above.”

~~(3)~~(C) 49 C.F.R. 393.7 shall be deleted.

~~(4)~~(D) The following ~~revisions~~revision shall be made to 49 C.F.R. 393.11:

(A) The last sentence of paragraph (a)(1) shall be deleted and replaced with the following: “All commercial motor vehicles must, at a minimum, meet the requirements of Subpart B of 49 C.F.R. Part 393 in effect at the time of manufacture. For vehicles manufactured prior to the earliest effective date of Subpart B of 49 C.F.R. Part 393, all commercial motor vehicles must, at a minimum, meet the requirements of Subpart B of 49 C.F.R. Part 393 as of the earliest effective date of Subpart B of 49 C.F.R. Part 393.”

~~(B)~~ In paragraph (a)(2), the phrase “§393.11(b)” shall be deleted and replaced with “49 C.F.R. 393.11(b) as adopted by K.A.R. 82-4-3i.”

~~(C)~~ In the note following table 1, the phrase “§393.22 and §5.4 of 49 C.F.R. 571.108” shall be deleted and replaced with “49 C.F.R. 393.22 as adopted by K.A.R. 82-4-3i.”

~~(D)~~ In footnote 7 of table 1, the phrase “§393.11” shall be deleted and replaced with “49 C.F.R. 393.11 as adopted by K.A.R. 82-4-3i.”

~~(E)~~ In footnote 8 of table 1, the phrase “§393.22” shall be deleted and replaced with “49 C.F.R. 393.22 as adopted by K.A.R. 82-4-3i.”

~~(F)~~ In footnote 12 of table 1, the phrase “§392.22(a)” shall be deleted and replaced with “49 C.F.R. 392.22(a) as adopted by K.A.R. 82-4-3i.”

~~(G)~~ In footnote 15 of table 1, the phrase “Section 393.11” shall be deleted and replaced with “49 C.F.R. 393.11 as adopted by K.A.R. 82-4-3i.”

~~(5)~~(E) The following ~~revisions~~revision shall be made to 49 C.F.R. 393.13:

(A) In paragraph (a), the phrase “§ 390.5 of this subchapter” shall be deleted and replaced by “49 C.F.R. 390.5, as adopted by K.A.R. 82-4-3f.” The last two sentences of paragraph (a) shall be deleted.

~~(B) Paragraph (b) shall be deleted and replaced by the following: “(b) Retroreflective sheeting and reflex reflectors. Unless otherwise preempted by federal law, motor carriers shall retrofit their trailers with a conspicuity system that meets the following requirements:~~

~~“(1) Conspicuity systems. Each trailer not exempted from the commission’s safety regulations found in Article 4 of these regulations shall be equipped with either retroreflective sheeting that meets the requirements of paragraph (B), reflex reflectors that meet the requirements of paragraph (C), or a combination of retroreflective sheeting and reflex reflectors that meets the requirements of paragraph (D).~~

~~“(2) Retroreflective sheeting.~~

~~“(A) Construction. Retroreflective sheeting shall consist of a smooth, flat, transparent exterior film with retroreflective elements embedded or suspended beneath the film so as to form a nonexposed retroreflective optical system.~~

~~“(B) Performance requirements. Retroreflective sheeting shall meet the minimum photometric performance requirements specified in Figure 29 as found in 49 C.F.R. 571.108, and adopted by reference below.~~

~~“(C) Sheeting pattern. Retroreflective sheeting shall be applied in a pattern of alternating white and red color segments to the sides and rear of each trailer, and to the rear of each truck tractor, and in white to the upper rear corners of each trailer and truck tractor as specified in this paragraph, and, as appropriate, as shown in figures 30-1 through 30-4, or figure~~

31 found in 49 C.F.R. 571.108. Figures 30 through 30-4 and figure 31, as found in 49 C.F.R. 571.108 and as in effect on October 1, 2011, are hereby adopted by reference.

“(D)—— Sheeting length. Except for a segment that is trimmed to clear obstructions or lengthened to provide red sheeting near red lamps, each white or red segment shall have a length of 300 mm plus or minus 150 mm. Neither white nor red sheeting shall represent more than two-thirds of the aggregate of any continuous strip marking the width of a trailer, or any continuous or broken strip marking its length.

“(E)—— Sheeting width. Retroreflective sheeting shall have a width of not less than 50 mm for grade DOT-C2 sheeting, 75 mm for grade DOT-C3 sheeting, or 100 mm for grade DOT-C4 sheeting.

“(F)—— Sheeting retroreflection. The coefficients for retroreflection of each segment of red or white sheeting shall not be less than the minimum values specified in Figure 29 as adopted above for grades DOT-C2, DOT-C3, and DOT-C4.

“(G)—— Location. Retroreflective sheeting shall be applied to each trailer and truck tractor as specified in paragraphs (c) and (d) below, but need not be applied to discontinuous surfaces such as outside ribs, stake post pickets on platform trailers, and external protruding beams, or to items of equipment such as door hinge and lamp bodies on trailers and body joints, stiffening beads, drip rails and rolled surfaces on truck tractors. The edge of white sheeting shall not be located closer than 75 mm to the edge of the luminous lens area of any red or amber lamp that is required by K.A.R. 82-4-3i. The edge of red sheeting shall not be located closer than 75 mm to the edge of the luminous lens area of any amber lamp that is required by K.A.R. 82-4-3i.

“(H)—— Certification. In order to demonstrate that the retroreflective sheeting meets the

standards of paragraphs (B)(i) and (ii), the letters DOT C2, DOT C3, or DOT C4, as appropriate, shall appear at least once on the exposed surface of each white or red segment of reflective sheeting, and at least once every 300 mm on the retroreflective sheeting that is white only. The characters shall not be less than 3 mm high, and shall be permanently stamped, etched, molded, or printed in indelible ink.

~~“(3) — Reflex Reflectors. Each trailer or truck tractor to which paragraph (b)(2)(C) applies that does not conform with either paragraph (B) or paragraph (D) shall be equipped with reflex reflectors as set forth in this paragraph.~~

~~“(A) — Visibility of reflector by color.~~

~~“(i) — Red reflex reflector. Each red reflex reflector shall provide, at an observation angle of 0.2 degree, not less than 33 millicandelas per lux at any light entrance angle between 30 degrees left and 30 degrees right, including an entrance angle of 0 degree, and not less than 75 millicandelas per lux at any light entrance angle between 45 degrees left and 45 degrees right.~~

~~“(ii) — White reflex reflector. Each white reflex reflector shall also provide at an observation angle of 0.2 degree, not less than 1,250 millicandelas per lux at any light angle of 0.2 degree, not less than 1,250 millicandelas per lux at any light entrance angle between 30 degrees left and 30 degrees right, including an entrance angle of 0 degree, and not less than 33 millicandelas per lux at any light entrance angle between 45 degrees left and 45 degrees right. A white reflex reflector complying with this paragraph when tested in a horizontal orientation may be installed in all orientations specified for rear upper locations in paragraphs (viii) element 2, and (x), element 2 above if, when tested in a vertical orientation, it provides an observation angle of 0.2 degree not less than 1,680 millicandelas per lux at a light entrance angle of 0 degree, not~~

~~less than 1,120 millicandelas per lux at any light entrance angle from 10 degrees down to 10 degrees up, and not less than 560 millicandelas per lux at any light entrance angle from 20 degrees right to 20 degrees left.~~

~~“(B)——Certification. In order to demonstrate that the retroreflective sheeting meets the standards of K.A.R. 82-4-3i, the letters DOT-C shall appear on the exposed surface of each reflex reflector. The letters shall not be less than 3 mm high, and shall be permanently stamped, etched, molded, or printed in indelible ink.~~

~~“(4)——Combination of sheeting and reflectors. Each trailer to which paragraph (b)(1) applies may use a combination of retroreflective materials as long as they are located as specified by paragraphs (c) and (d) below.”~~

~~(6)(F)~~ In 49 C.F.R. 393.17(c)(1), the phrase “under § 392.30” shall be deleted.

~~(7)(G)~~ In 49 C.F.R. 393.19, the phrase “§393.11” shall be deleted and replaced with “49 C.F.R. R. 393.11 as adopted by K.A.R. 82-4-3i.”

~~(8)(H)~~ The following revisions shall be made to 49 C.F.R. 393.24:

~~(A)——In paragraph (a), the phrase “§ 393.11(a)” shall be deleted and replaced with “49 C.F.R. 393.11(a) as adopted by K.A.R. 82-4-3i.”~~

~~(B)(i)~~ In paragraph (b), the parenthetical sentence shall be deleted.

~~(C)(ii)~~ Paragraph (d) shall be deleted.

~~(9)(I)~~ In 49 C.F.R. 393.25(c) and (e), the ~~parenthetical~~ last sentence shall be deleted and replaced with the following: “The aforementioned documents are hereby adopted by reference.”

~~(10)(J)~~ The following revisions shall be made to 49 C.F.R. 393.26:

~~(A)~~ In paragraph (a), the phrase “§ 393.11” shall be deleted and replaced with “49 C.F.R. 393.11 as adopted by K.A.R. 82-4-3i.”

~~(B)~~(i) In paragraph (c), the parenthetical sentence shall be deleted and replaced with the following: “The aforementioned documents are hereby adopted by reference.”

~~(C)~~ In paragraph (d), the phrase “part 393” shall be deleted and replaced with “49 C.F.R. Part 393 as adopted by K.A.R. 82-4-3i.”

~~(D)~~(ii) In paragraph (d)(4), the phrase “§ 177.823 of this title” shall be deleted and replaced by “49 C.F.R. 177.823, as adopted by K.A.R. 82-4-20.”

~~(H)~~(K) In 49 C.F.R. 393.28, the clause “which is hereby adopted by reference,” shall be inserted after the phrase “October 1981,” and the ~~parenthetical~~ last sentence shall be deleted.

~~(I)~~(L) The following revisions shall be made to 49 C.F.R. 393.40:

~~(A)~~ In paragraphs (b)(1), (b)(2) and (b)(3), the phrase “§§ 393.42, 393.48, 393.49, 393.51, and 393.52 of this subpart” shall be deleted and replaced with “49 C.F.R. 393.42, 393.48, 393.49, 393.51, and 393.52 as adopted by K.A.R. 82-4-3i.”

~~(B)~~ In paragraphs (b)(4) and (b)(5), the phrase “§§ 393.42, 393.48, 393.49 and 393.52 of this subpart” shall be deleted and replaced with “49 C.F.R. 393.42, 393.48, 393.49 and 393.52 as adopted by K.A.R. 82-4-3i.”

~~(C)~~ In paragraph (c), the phrase “§ 393.41” shall be deleted and replaced with “49 C.F.R. 393.41 as adopted by K.A.R. 82-4-3i.”

~~(D)~~ In paragraph (d)(3), the phrase “§ 393.40(e)” shall be deleted and replaced with “49 C.F.R. 393.40(e) as adopted by K.A.R. 82-4-3i.” The phrase “§ 393.43” shall be deleted and

replaced with “49 C.F.R. 393.43 as adopted by K.A.R. 82-4-3i.”

(E) — In paragraph (e), the phrase “§§ 393.43 and 393.52” shall be deleted and replaced with “49 C.F.R. 393.43 and 393.52 as adopted by K.A.R. 82-4-3i.”

(F) — In paragraph (f)(1), the phrase “§ 393.40(a)” shall be deleted and replaced with “49 C.F.R. 393.40(a) as adopted by K.A.R. 82-4-3i.” The phrase “§ 393.52(b)” shall be deleted and replaced with “49 C.F.R. 393.52(b) as adopted by K.A.R. 82-4-3i.”

(G) — In paragraph (f)(2), the phrase “§ 393.40(f)(1)” shall be deleted and replaced with “49 C.F.R. 393.40(f)(1) as adopted by K.A.R. 82-4-3i.” The phrase “§ 393.52(b)” shall be deleted and replaced with “49 C.F.R. 393.52(b) as adopted by K.A.R. 82-4-3i.”

(H) — In paragraph (f)(3), the phrase “§ 393.40(f)(1)” shall be deleted and replaced with “49 C.F.R. 393.40(f)(1) as adopted by K.A.R. 82-4-3i.” The phrase “§393.44 and §393.52(b)” shall be deleted and replaced with “49 C.F.R. 393.44 and 393.52(b), both as adopted by K.A.R. 82-4-3i.”

(13) — In 49 C.F.R. 393.42(b)(1) and (b)(2), the phrase “§393.52” shall be deleted and replaced with “49 C.F.R. 393.52 as adopted by K.A.R. 82-4-3i.”

(14) — In 49 C.F.R. 393.43(c), the phrase “§ 393.49” shall be deleted and replaced with “49 C.F.R. 393.49 as adopted by K.A.R. 82-4-3i.”

(15) — In 49 C.F.R. 393.45, the phrase “and hereby adopted by reference” shall be added following “49 C.F.R. 571.106” in paragraph (a).

(16) — In 49 C.F.R. 393.47(e), the parenthetical sentence shall be deleted and replaced with “which is hereby adopted by reference.”

(M) The parenthetical statement in 49 C.F.R. 393.42(b)(2) shall be deleted.

~~(17)~~(N) The following ~~revisions~~revision shall be made to 49 C.F.R. 393.48:

~~(A)~~ In paragraph (c)(1), the phrase “§ 390.5” shall be deleted and replaced with “49 C.F.R. 390.5 as adopted by K.A.R. 82-4-3f.”

~~(B)~~ In paragraph (c)(2), the phrase “§ 393.42(b)” shall be deleted and replaced with “49 C.F.R. 393.42(b) as adopted by K.A.R. 82-4-3i.”

~~(C)~~ In paragraph (d)(4), the phrase “§393.40” shall be deleted and replaced by “49 C.F.R. 393.40 as adopted by K.A.R. 82-4-3i.”

~~(18)~~ The following revisions shall be made to 49 C.F.R. 393.49:

~~(A)~~ In paragraph (a), the phrase “§393.44” shall be deleted and replaced with “49 C.F.R. 393.44 as adopted by K.A.R. 82-4-3i.”

~~(B)~~ In paragraph (c), the phrase “§ 393.48(d)” shall be deleted and replaced with “49 C.F.R. 393.48(d) as adopted by K.A.R. 82-4-3i.”

~~(19)~~(O) The note following 49 C.F.R. 393.51 (b) shall be deleted.

~~(20)~~(P) In 49 C.F.R. 393.62(d)(1), the parenthetical sentence at the end of the paragraph shall be deleted and replaced with “This Pages 1-37 of this document is~~are~~ hereby incorporated by reference.”

~~(21)~~(Q) 49 C.F.R. 393.67(c)(3) shall be deleted, ~~and replaced by~~ “Threads. At least four full threads must be in engagement in each fitting.”

~~(22)~~(R) The following revisions shall be made to 49 C.F.R. 393.71:

~~(A)~~(i) Paragraph (h)(8) ~~and the related footnote shall be deleted.~~ In paragraph (h)(8), the

phrase “Society of Automotive Engineers Standard No. J684c, ‘Trailer Couplings and Hitches--Automotive Type,’ July 1970” shall be deleted and replaced with “society of automotive engineers standard no. J684c, ‘trailer couplings and hitches--automotive type,’ dated July 1970, which is hereby adopted by reference.”

~~(B)~~(ii) In paragraph (h)(9), the phrase “requirements of the Federal Motor Carrier Safety Administration” shall be deleted and replaced by “Federal and Kansas requirements.”

~~(C)~~(iii) In paragraph (m)(8), the phrase “requirements of the Federal Motor Carrier Safety Administration” shall be deleted and replaced by “Federal and Kansas requirements.”

~~(23)~~(S) The following ~~revisions~~revision shall be made to 49 C.F.R. 393.75:

(A) In paragraphs (g)(1) and (g)(2), the clause “that are labeled pursuant to 24 C.F.R. 3282.362(c)(2)(i)” shall be deleted and replaced by “built.”

~~(B)~~—— In paragraph (g)(1), the phrase “Or, in the absence of such a marking, more than 18 percent over the load rating specified in any of the publications of any of the organizations listed in FMVSS No. 119 (49 CFR 571.119, S5.1(b))” shall be deleted.

~~(C)~~In paragraph (g)(2), the phrase “or, in the absence of such a marking, the load rating specified in any of the publications of any of the organizations listed in FMVSS No. 119 (49 CFR 571.119, S5.1(b))” shall be deleted.

~~(24)~~(T) 49 C.F.R. 393.77(b)(15) shall be deleted.

(U) In 49 C.F.R. ~~393.77(a)(15)(i)~~393.77(c), the phrase “§ 177.834(1) of this title” shall be deleted and replaced by “49 C.F.R. 177.834(a) as adopted by K.A.R. 82-4-20.”

~~(25)~~(V) The following ~~revisions~~revision shall be made to 49 C.F.R. 393.86(a)(1):

~~(A)~~ In the first sentence, the clause “that meets the requirements of Federal Motor Vehicle Safety Standard No. 223 (49 CFR 571.223) in effect at the time the vehicle was manufactured” shall be deleted.

(B) The ~~second~~third sentence shall be deleted.

~~(C)~~ Both instances of the phrase “§390.5” shall be deleted and replaced with “49 C.F.R. 390.5 as adopted by K.A.R. 82-4-3f.”

~~(D)~~ The phrase “393.5” shall be deleted and replaced with “49 C.F.R. 393.5 as adopted by K.A.R. 82-4-3i.”

~~(26)~~ In 49 C.F.R. 393.90, the phrase “of the Federal Motor Carrier Safety Administration’s regulations” shall be deleted.

~~(27)~~(W) In 49 C.F.R. 393.94, paragraph (c)(4) shall be deleted and replaced by the following: “Set the sound level meter to the A-weighting network, ‘fast’ meter response.”

~~(28)~~(X) The following revisions shall be made to 49 C.F.R. 393.95:

~~(A)~~(i) In paragraph (a)(1)(i), the phrase “§177.823 of this title” shall be deleted and replaced with “49 C.F.R. 177.823 as adopted by K.A.R. 82-4-20.”

~~(B)~~(ii) In paragraph (a)(5), “Appendix A, Appendix B, Appendix H, Appendix I, Appendix J, Appendix L, Appendix O, and Appendix P, all as in effect on July 1, 2012, which are hereby adopted by reference” shall be added after the phrase “under 40 CFR Part 82, Subpart G.”

~~(C)~~ In paragraph (f)(1), the clause “that conform to the requirements of Federal Motor Vehicle Safety Standard No. 125, § 571.125 of this title” shall be deleted.

~~(D)~~(iii) In paragraph (j), the period at the end of the second sentence shall be deleted and replaced with the clause “which is hereby adopted by reference.” The parenthetical sentence following the second sentence shall be deleted.

~~(29)~~—The following revisions shall be made to 49 C.F.R. 393.102:

~~(A)~~—In paragraph (b), the phrase “Sec. 393.106(b)” shall be deleted and replaced with “49 C.F.R. 393.106(b) as adopted by K.A.R. 82-4-3i.”

~~(B)~~—In paragraph (c)(3), the phrase “§§ 393.104 through 393.136” shall be deleted and replaced with “49 C.F.R. 393.104 through 393.136 as adopted by K.A.R. 82-4-3i.”

~~(30)~~(Y) The following revisions shall be made to 49 C.F.R. 393.104~~(e)~~ and its corresponding table:

~~(A)~~—In paragraphs (a) and (c), the phrase “§ 393.102” shall be deleted and replaced with “49 C.F.R. 393.102 as adopted by K.A.R. 82-4-3i.”

~~(B)~~Paragraph (e) shall be deleted.

~~(i)~~ In paragraph (e)(1), the phrase “Standard Specification for Strapping, Flat Steel and Seals, American Society for Testing and Materials (ASTM) D3953-97, February 1998” shall be deleted and replaced with ““standard specification for strapping, flat steel and seals,” American society for testing and materials (ASTM) D 3953-97, February 1998.” This specification is hereby adopted by reference.

~~(ii)~~ In paragraph (e)(2), the phrase “National Association of Chain Manufacturers’ Welded Steel Chain Specifications, dated September 28, 2005” shall be deleted and replaced with “pages 3-13 of the national association of chain manufacturers’ ‘welded steel chain

specifications,' dated September 28, 2005.' These pages are hereby adopted by reference.

(iii) In paragraph (e)(3), the phrase "Web Sling and Tiedown Association's Recommended Standard Specification for Synthetic Web Tiedowns, WSTDA-T1, 1998" shall be deleted and replaced with "pages 4-23 of the web sling & tiedown association's 'recommended standard specification for synthetic web tiedowns,' WSTDA-T1, revised 1998." These pages are hereby adopted by reference.

(iv) In paragraph (e)(5)(i), the phrase "PETRS-2, Polyester Fiber Rope, three-Strand and eight-Strand Constructions, January 1993" shall be deleted and replaced with "CI 1304-96, 'polyester (PET) fiber rope: 3-strand and 8-strand constructions,' October 1998, which is hereby adopted by reference."

(v) In paragraph (e)(5)(ii), the phrase "PPRS-2, Polypropylene Fiber Rope, three-Strand and eight-Strand Constructions, August 1992" shall be deleted and replaced with "CI 1301-07, 'polypropylene fiber rope: 3-strand laid and 8-strand plaited constructions,' May 2007, which is hereby adopted by reference."

(vi) In paragraph (e)(5)(iii), the phrase "CRS-1, Polyester/Polypropylene Composite Rope Specifications, three-Strand and eight-Strand Standard Construction, May 1979" shall be deleted and replaced with "CI 1302A-96, 'polyester/polyolefin dual fiber rope: 3-strand construction,' which is hereby adopted by reference."

(vii) In paragraph (e)(5)(iv), the phrase "NRS-1, Nylon Rope Specifications, three-Strand and eight-Strand Standard Construction, May 1979" shall be deleted and replaced with "CI 1303-06, 'nylon (polyamide) fiber rope: 3-strand laid and 8-strand plaited constructions,' October 2006, which is hereby adopted by reference."

(viii) In paragraph (e)(5)(v), the phrase “C-1, Double Braided Nylon Rope Specifications DBN, January 1984” shall be deleted and replaced with “CI 1310-09, ‘nylon (polyamide) fiber rope: high performance double braid construction,’ May 2009, which is hereby adopted by reference.”

~~(31) In 49 C.F.R. 393.106(a), the phrase “§ 393.116 through § 393.136” shall be deleted and replaced with “49 C.F.R. 393.116 through 393.136 as adopted by K.A.R. 82 4 3i.”~~

~~(32) In 49 C.F.R. 393.110(a), the phrase “§ 393.106” shall be deleted and replaced with “49 C.F.R. 393.106 as adopted by K.A.R. 82 4 3i.”~~

~~(33) In 49 C.F.R. 393.116(b)(3)(i), the phrase “as adopted by K.A.R. 82 4 3i” shall be added after the phrase “49 CFR 393.5.”~~

~~(34) In 49 C.F.R. 393.116, 393.118, 393.120, 393.122, 393.124, 393.126, 393.136(a)(2) and 393.136(a)(3), the phrase “§§ 393.100 through 393.114” shall be deleted and replaced with “49 C.F.R. 393.100 through 393.114 as adopted by K.A.R. 82 4 3i.”~~

~~(35) In 49 C.F.R. 393.128, the phrase “§ 393.130 of this part” shall be deleted and replaced with “49 C.F.R. 393.130 as adopted by K.A.R. 82 4 3i.”~~

~~(36) The following revisions shall be made to 49 C.F.R. 393.130(a):~~

~~(A) The phrase “§ 393.128” shall be deleted and replaced with “49 C.F.R. 393.128 as adopted by K.A.R. 82 4 3i.”~~

~~(B) The phrase “§§ 393.100 through 393.114” shall be deleted and replaced with “49 C.F.R. 393.100 through 393.114 as adopted by K.A.R. 82 4 3i.”~~

(2) As used in this regulation, each reference to a portion of 49 C.F.R. Part 393 shall

mean that portion as adopted by reference in this regulation.

(b) As used in this regulation, each reference to any of the following federal motor vehicle safety standards (FMVSS) shall mean that standard in 49 C.F.R. Part 571, as in effect on October 1, 2013, which standards are hereby adopted by reference:

- (1) FMVSS 103, 49 C.F.R. 571.103;
- (2) FMVSS 104, 49 C.F.R. 571.104, sections S4.1 and 4.2.2 only;
- (3) FMVSS 105, 49 C.F.R. 571.105, sections S5.3 and 5.5 only;
- (4) FMVSS 106, 49 C.F.R. 571.106;
- (5) FMVSS 108, 49 C.F.R. 571.108;
- (6) FMVSS 111, 49 C.F.R. 571.111;
- (7) FMVSS 119, 49 C.F.R. 571.119, section S5.1(b) only;
- (8) FMVSS 121, 49 C.F.R. 571.121, sections S5.1.6.1(b), 5.1.6.2(a), 5.1.6.2(b), 5.2.3.2 and 5.2.3.3 only;
- (9) FMVSS 125, 49 C.F.R. 571.125;
- (10) FMVSS 205, 49 C.F.R. 571.205, section S6 only;
- (11) FMVSS 223, 49 C.F.R. 571.223; and
- (12) FMVSS 224, 49 C.F.R. 571.224, sections S5.1.1, 5.1.2, and 5.1.3 only.

(c) Whenever the federal regulations adopted in this regulation refer to portions of the federal regulations or other operating standards that are not already adopted by reference in article 4 of the commission's regulations, the references shall not be applicable to this regulation unless otherwise specifically adopted. (Authorized by and implementing K.S.A. ~~2012-2015~~ Supp. 66-1,112, K.S.A. 66-1,112g, and K.S.A. ~~2012-2015~~ Supp. 66-1,129, ~~as amended by L.~~

~~2013, ch. 14, sec. 3~~; effective, T-82-12-29-04, Dec. 29, 2004; effective April 29, 2005; amended
Oct. 2, 2009; amended Nov. 14, 2011; amended Sept. 20, 2013; amended P-_____
_____.)

82-4-3j. Inspection, repair, and maintenance. (a) With the following exceptions, 49 C.F.R. R. Part 396, as in effect on October 1, ~~2011~~2013, is hereby adopted by reference:

(1) In 49 C.F.R. 396.1(c), the phrase “49 CFR 390.5” shall be deleted and replaced by “49 C.F.R. 390.5 as adopted by K.A.R. 82-4-3j.”

(2) In 49 C.F.R. 396.3(a)(1), the phrase “part 393 of this subchapter” shall be deleted and replaced by “49 C.F.R. Part 393, as adopted by K.A.R. 82-4-3i.”

~~(2)~~(3) The following revisions shall be made to 49 C.F.R. 396.9:

(A) In paragraph (a), the phrase “Every special agent of the FMCSA (as defined in appendix B to this subchapter)” shall be deleted and replaced by “Any authorized representative of the commission, and any member of the Kansas highway patrol or any other law enforcement officer in the state who is certified in the inspection of motor carriers based on the motor carrier safety assistance program standards.”

(B) In paragraph (b), the sentence after “Prescribed inspection report” shall be deleted and replaced by the following sentence: “Motor vehicle inspections conducted by authorized personnel as described in paragraph (a) shall be made on forms approved by the Kansas highway patrol.”

(C) In paragraph (c)(1), the term “‘Out of Service Vehicle’ sticker” shall mean “a form approved by the Kansas highway patrol,~~as described in K.A.R. 82-4-31(a)(6)(C).~~” The phrase “§ 385.811(d)” shall be deleted and replaced with “49 C.F.R. 385.811(d) as adopted by ~~K.A.R. 82-4-3d.~~”

(D) ~~In paragraph (c)(2), the term “Driver Vehicle Examination Report” shall mean the form described in K.A.R. 82-4-31(a)(6)(B).~~

(E) In paragraph (d)(3)(ii), the phrase “issuing agency” shall be deleted and replaced by “the state’s lead Motor Carrier Safety Assistance Program agency.”

~~(3)~~(4) The following revisions shall be made to 49 C.F.R. 396.15(a):

(A) The phrase “§ 396.3” shall be deleted and replaced with “49 C.F.R. 396.3 as adopted by K.A.R. 82-4-3j.”

(B) The phrase “§ 396.11” shall be deleted and replaced with “49 C.F.R. 396.11 as adopted by K.A.R. 82-4-3j.”

(C) The phrase “§ 396.17” shall be deleted and replaced with “49 C.F.R. 396.17 as adopted by K.A.R. 82-4-3j.”

~~(4)~~(5) The following revisions shall be made to 49 C.F.R. 396.17:

(A) In paragraph (a), the phrase “of this subchapter” shall be deleted and replaced by “of this subchapter and as in effect on October 1, ~~2011~~2013, which is hereby adopted by reference.”

(B) In paragraph (b), the phrase “§ 396.23” shall be deleted and replaced with “49 C.F.R. 396.23 as adopted by K.A.R. 82-4-3j.”

(C) In paragraph (c)(1), the phrase “§ 396.21(a)” shall be deleted and replaced with “49 C.F.R. 396.21(a) as adopted by K.A.R. 82-4-3j.”

(D) In paragraph (c)(2)(iv), the phrase “§ 396.17” shall be deleted and replaced with “49 C.F.R. 396.17 as adopted by K.A.R. 82-4-3j.”

(E) In paragraph (d), the phrase “§ 396.23(b)(1)” shall be deleted and replaced with “49 C.F.R. 396.23(b)(1) as adopted by K.A.R. 82-4-3j.”

(F) In paragraph (e), the phrase “§ 396.19” shall be deleted and replaced with “49

C.F.R. 396.19 as adopted by K.A.R. 82-4-3j.”

(G) In the first sentence of paragraph (f), the phrase “of this subchapter” shall be deleted and replaced with “as adopted by K.A.R. 82-4-3j.” In the second sentence, the phrase “§ 396.23(b)(1)” shall be deleted and replaced with “49 C.F.R. 396.23(b)(1) as adopted by K.A.R. 82-4-3j.”

(H) In paragraph (g), the phrase “to this subchapter” shall be deleted and replaced with “as adopted by K.A.R. 82-4-3j.”

(I) In paragraph (h), the ~~words phrase~~ “penalty provisions of 49 U.S.C. 521(b)” shall be deleted and replaced by “civil penalties provided by K.S.A. 66-1,142b, K.S.A. 66-1,142c, and other applicable penalties.”

~~(5)~~(6) The following revisions shall be made to 49 C.F.R. 396.19:

(A) In paragraph (a), the phrase “§ 396.17(d) or (e)” shall be deleted and replaced with “49 C.F.R. 396.17(d) or (e) as adopted by K.A.R. 82-4-3j.”

(B) In paragraph (a)(1), the phrase “part 393 and appendix G of this subchapter” shall be deleted and replaced with “49 C.F.R. Part 393 as adopted by K.A.R. 82-4-3i and ~~appendix G~~ 49 C.F.R. Chapter III, Subchapter B, Appendix G as adopted by K.A.R. 82-4-3j.”

~~(6)~~(7) The following revisions shall be made to 49 C.F.R. 396.21:

(A) In paragraph (a)(5), the phrase “to this subchapter” shall be deleted and replaced with the phrase “as adopted by K.A.R. 82-4-3j.”

(B) In paragraphs (b)(2) and (3), the word “Federal” shall be deleted.

~~(7)~~(8) The following revisions shall be made to 49 C.F.R. 396.23:

(A) The following revisions shall be made to paragraph (a):

(i) In the first sentence, the phrase “§ 396.17” shall be deleted and replaced with “49 C.F.R. 396.17 as adopted by K.A.R. 82-4-3j.”

(ii) In the third sentence, the phrase “to this subchapter” shall be deleted and replaced with “as adopted by K.A.R. 82-4-3j.”

(iii) Appendix G, as adopted in this regulation, shall not include the sections titled “Comparison of Appendix G, and the New North American Uniform Driver-Vehicle Inspection Procedure (North American Commercial Vehicle Critical Safety Inspection Items and Out-of-Service Criteria)” and “Differences Between the Out-of-Service Criteria & FMCSA’s Annual Inspection.”

(iv) In the last sentence, the phrase “§ 396.21(a)” shall be deleted and replaced with “49 C.F.R. 396.21(a) as adopted by K.A.R. 82-4-3j.”

(B) The following revisions shall be made to paragraph (b)(1):

(i) The phrase “by the Administrator” shall be deleted.

(ii) The phrase “§ 396.17” shall be deleted and replaced with “49 C.F.R. 396.17 as adopted by K.A.R. 82-4-3j.”

(C) In paragraph (b)(2), ~~the term “FMCSA” shall be deleted and replaced by “transportation division of the Kansas corporation commission.”~~ the phrase “§ 396.17” shall be deleted and replaced with “49 C.F.R. 396.17 as adopted by K.A.R. 82-4-3j.”

(b) Whenever the federal regulations adopted in this regulation refer to portions of the federal regulations or other operating standards that are not already adopted by reference in article 4 of the commission’s regulations, the references shall not be applicable to this regulation unless otherwise specifically adopted. (Authorized by and implementing K.S.A. 2012-2015

Supp. 66-1,112, K.S.A. 66-1,112g, and K.S.A. ~~2012-2015~~ Supp. 66-1,129, ~~as amended by L.~~
~~2013, ch. 14, sec. 3~~; effective, T-82-12-29-04, Dec. 29, 2004; effective April 29, 2005; amended
Oct. 2, 2009; amended Sept. 20, 2013; amended P-_____.)

82-4-3k. Transportation of hazardous materials; driving and parking rules. (a) With the following exceptions, 49 C.F.R. Part 397, as in effect on October 1, ~~2011~~2013, is hereby adopted by reference:

(1) In 49 C.F.R. 397.1(a), the phrase “§177.823 of this title” shall be deleted and replaced by “49 C.F.R. 177.823 as adopted by K.A.R. 82-4-20.”

(2) In 49 C.F.R. 397.2, the phrase “the rules in parts 390 through 397, inclusive, of this subchapter” shall be deleted and replaced by “K.A.R. 82-4-3a and K.A.R. 82-4-3f through K.A.R. 82-4-3k.” The phrase “§177.823 of this title” shall be deleted and replaced by “49 C.F.R. 177.823 as adopted by K.A.R. 82-4-20.”

(3) In 49 C.F.R. 397.3, the term “Department of Transportation” shall be deleted and replaced by “commission.”

(4) In 49 C.F.R. 397.5 (a), the phrase “as defined by 49 C.F.R. 172.101 and adopted by K.A.R. 82-4-20” shall be added after “(explosive) material.”

(5) In 49 C.F.R. 397.7(a), the phrase “as defined by 49 C.F.R. 172.101 and adopted by K.A.R. 82-4-20” shall be added after the words “Division 1.1, 1.2, or 1.3 materials.”

(6) The following revisions shall be made to 49 C.F.R. 397.13:

(A) In paragraph (a), the phrase “as defined by 49 C.F.R. 172.101 and adopted by K.A.R. 82-4-20” shall be added after the words “Division 2.1, Class 3, Divisions 4.1 and 4.2.”

(B) In paragraph (b), the phrase “§177.823 of this title” shall be deleted and replaced by “49 C.F.R. 177.823 as adopted by K.A.R. 82-4-20.”

(7) In 49 C.F.R. 397.17(d), the phrase “§§ 397.5 and 397.7” shall be deleted and replaced with “49 C.F.R. 397.5 and 397.7 as adopted by K.A.R. 82-4-3k.”

(8) The following revisions shall be made to 49 C.F.R. 397.19:

(A) In paragraph (a), the phrase “as defined by 49 C.F.R. 172.101 and adopted by K.A.R. 82-4-20” shall be added after the words “(explosive) materials.”

(B) In paragraph (a)(1), the phrase “this part” shall be deleted and replaced with “49 C.F.R. Part 397 as adopted by K.A.R. 82-4-3k.”

(C) In paragraph (c)(2), the phrase “§ ~~177.823~~177.817 of this title” shall be deleted and replaced by “49 C.F.R. ~~177.823~~177.817 as adopted by K.A.R. 82-4-20.”

(D) In paragraph (c)(3), the phrase “§ 397.67” shall be deleted and replaced with “49 C.F.R. 397.67 as adopted by K.A.R. 82-4-3k.”

(9) The following revisions shall be made to 49 C.F.R. 397.65:

(A) The definitions of “Administrator,” and “FMCSA,” ~~“Motor carrier,” and “Motor vehicle”~~ shall be deleted.

(B) In the definition of “Motor carrier,” the definition portion shall be deleted and replaced with the following: “‘Motor carrier’ shall have the same definition as specified in K.S.A. 66-1,108.”

(C) In the definition of “Motor vehicle,” the definition portion shall be deleted and replaced with the following: “‘Motor vehicle’ shall have the same definition as specified in K.S.A. 66-1,108.”

(D) In the definition of “Indian tribe,” the text “as in effect on January 7, 2003, which is hereby adopted by reference” shall be added after “25 U.S.C. 450b.”

~~(E)~~ (E) In the definition of “NRHM,” the phrase “as adopted by K.A.R. 82-4-20” shall be added after “49 CFR 172.504.”

~~(D)~~ (F) In the definition of “Radioactive material,” the phrase “as adopted by K.A.R. 82-4-20” shall be added after “49 CFR 173.403.”

(10) The following changes shall be made to 49 C.F.R. 397.67:

(A) In paragraph (b), the phrase “as adopted by K.A.R. 82-4-20” shall be added after “49 CFR 177.823.”

(B) In paragraph (d), the phrase “as adopted by K.A.R. 82-4-20” shall be added after “49 CFR 173.50 and 173.53 respectively.”

~~(11) The following revisions shall be made to 49 C.F.R. 397.69:~~

~~(A) In the first sentence of paragraph (a), the phrase “§ 397.71” shall be deleted and replaced with “49 C.F.R. 397.71 as adopted by K.A.R. 82-4-3k.”~~

~~(B) Paragraphs (b), (c) and (d) shall be deleted. 49 C.F.R. 397.69 shall be deleted.~~

~~(12) The following revisions shall be made to 49 C.F.R. 397.71:~~

~~(A) In paragraph (b), the word “Federal” shall be deleted.~~

~~(B) Paragraph (b)(1)(ii) and the related footnote shall be deleted.~~

~~(C) Paragraph (b)(5) shall be deleted.~~

~~(D) In paragraph (b)(8), the phrase “§397.73” shall be deleted and replaced with “49 C.F.R. 397.73 as adopted by K.A.R. 82-4-3k.” 49 C.F.R. 397.71 shall be deleted.~~

~~(13) The following revisions shall be made to 49 C.F.R. 397.73:~~

~~(A) Paragraph (a) and its related footnote shall be deleted and replaced by the following: “Information on NRHM routing designations shall be made available to the public by the States and Indian tribes in the form of maps, lists, road signs, or a combination thereof. If~~

~~road signs are used, those signs and their placements must comply with all applicable laws.”~~

(B) ~~Paragraph (b) shall be deleted and replaced by the following: “Each state or Indian tribe, through its routing agency, shall provide information identifying all NRHM routing designations which exist within their jurisdiction to the director of the transportation division, Kansas corporation commission, 1500 S.W. Arrowhead Road, Topeka, KS 66604. Information on any changes or new NRHM routing designations shall be furnished within 60 days after establishment to the director.” 49 C.F.R. 397.73 shall be deleted.~~

(14) The following revisions shall be made to 49 C.F.R. 397.75:

(A) ~~Unless otherwise noted in this subsection, the word “Administrator” shall be deleted and replaced by “commission.”~~

(B) ~~Paragraph (b)(1) shall be deleted and replaced by the following: “Be submitted to the director of the transportation division, Kansas corporation commission, 1500 S.W. Arrowhead Road, Topeka, KS 66604.”~~

(C) ~~In paragraph (b)(7), the word “Federal” shall be deleted.~~

(D) ~~In paragraph (c)(2), the word “Federal” shall be deleted and replaced by “Kansas.”~~

(E) ~~In paragraph (g), the last sentence shall be deleted. 49 C.F.R. 397.75 shall be deleted.~~

(15) 49 C.F.R. 397.77 shall be deleted.

(16) The following revisions shall be made to 49 C.F.R. 397.101:

(A) In paragraph (a), the phrase “as adopted by K.A.R. 82-4-20” shall be added after “49 CFR 172.403” and after “49 CFR part 172.”

(B) In paragraph (b), the phrase “as adopted by K.A.R. 82-4-20” shall be added after “49 CFR 173.403(~~t~~).”

(C) In paragraph (b)(1), the phrase “§ 397.103” shall be deleted and replaced with “49 C.F.R. 397.103 as adopted by K.A.R. 82-4-3k.”

(D) In paragraph (b)(2), the phrase “as adopted by K.A.R. 82-4-20” shall be added after “49 CFR 173.403(~~t~~) and (~~y~~).”

(E) In the first sentence of paragraph (d), the phrase “as adopted by K.A.R. 82-4-20” shall be added after “49 CFR 173.403(~~t~~)” and “49 CFR 173.403(i).”

(F) In paragraph (e)(1)(i), the phrase “as adopted by K.A.R. 82-4-20” shall be added after “49 CFR parts 172, 173, and 177.”

(G) In paragraph (e)(2), the phrase “§ 391.51 of this subchapter” shall be deleted and replaced with “49 C.F.R. 391.51 as adopted by K.A.R. 82-4-3g.”

(H) In paragraph (f), the phrase “as adopted by K.A.R. 82-4-20” shall be added after “49 CFR 173.22(c).”

(I) Paragraph (g) shall be deleted and replaced by the following: “Unless otherwise preempted, each motor carrier who accepts for transportation on a highway route a controlled quantity of Class 7 (radioactive) material, as defined by 49 C.F.R. 173.401(1), as adopted by K.A.R. 82-4-20, shall provide the following information to the director within 90 days following acceptance of the package:”.

(J) In paragraph (g)(3), the phrase “as adopted by K.A.R. 82-4-20” shall be added after “49 CFR 172.202 and 172.203.”

(17) ~~The following revisions shall be made to 49 C.F.R. 397.103:~~

(A) ~~———— In the first sentence of paragraph (a), the phrase “as defined in § 397.201(e)” shall be deleted. The words ““Guidelines for Selecting Preferred Highway Routes for Highway Route Controlled Quantity Shipments of Radioactive Materials,” or an equivalent” shall be deleted and replaced by “a.”~~

(B) ~~———— Paragraph (c)(1) shall be deleted and replaced by the following: “The state gives written notice to the director.”~~

(C) ~~———— In paragraph (c)(2), the term “FMCSA” shall be deleted and replaced by “director.”~~

(D) ~~———— Paragraph (d) shall be deleted and replaced by the following: “A list of state-designated preferred routes shall be available from the director upon request.”~~ Except for paragraph (c), 49 C.F.R. 397.103 shall be deleted.

(18) Subpart E of 49 C.F.R. Part 397 shall be deleted.

(b) Whenever the federal regulations adopted in this regulation refer to portions of the federal regulations or other operating standards that are not already adopted by reference in article 4 of the commission’s regulations, the references shall not be applicable to this regulation unless otherwise specifically adopted. (Authorized by and implementing K.S.A. ~~2012-2015~~ Supp. 66-1,112, K.S.A. 66-1,112g, and K.S.A. ~~2012-2015~~ Supp. 66-1,129, ~~as amended by L. 2013, ch. 14, sec. 3~~; effective, T-82-12-29-04, Dec. 29, 2004; effective April 29, 2005; amended Oct. 2, 2009; amended Sept. 20, 2013; amended P-_____.)

82-4-3n. Minimum levels of financial responsibility for motor carriers. (a) With the following exceptions, 49 C.F.R. Part 387, as in effect on October 1, ~~2011~~2013 and as amended by 78 fed. reg. 60226, 60233-60234 (2013), is hereby adopted by reference:

(1) The following revisions shall be made to 49 C.F.R. 387.3:

(A) In paragraph (a), the phrase “for-hire” shall be deleted and replaced by “public.”

(B) In paragraph (c)(1), the phrase “as adopted by K.A.R. 82-4-20” shall be inserted after the phrase “49 CFR 173.403.”

(2) The following revisions shall be made to 49 C.F.R. 387.5:

(A) The term “for-hire” in the definition of “for-hire carriage” shall be deleted and replaced by “public.”

(B) The definition of “motor carrier” shall be deleted.

(C) The definition of “State” shall be deleted and replaced by “state of Kansas.”

(3) The following revisions shall be made to 49 C.F.R. 387.7:

(A) In paragraph (a), the phrase “§ 387.9 of this subpart” shall be deleted and replaced with “49 C.F.R. 387.9 as adopted by K.A.R. 82-4-3n.”

(B) ~~Paragraph~~ 49 C.F.R. 387.7(b)(3) shall be deleted.

(C) The following revisions shall be made to paragraph (d)(3):

(i) The phrase “under §387.309” shall be deleted.

(ii) The phrase “part 385 of this chapter” shall be deleted and replaced by “49 C.F.R. 385 as adopted by K.A.R. 82-4-3d.”

~~(D) In paragraph (g), the term “United States” shall be deleted and replaced by “state of Kansas.”~~

(4) The following revisions shall be made to 49 C.F.R. 387.9:

(A) In the first sentence, the phrase “§ 387.7 of this subpart” shall be deleted and replaced with “49 C.F.R. 387.7 as adopted by K.A.R. 82-4-3n.”

(B) The term “for-hire” shall be deleted and replaced by “public” in the “schedule of limits—public liability.”

(5) The following revisions shall be made to 49 C.F.R. 387.11:

(A) In paragraphs (b) and (d), the words “any State in which the motor carrier operates” shall be deleted and replaced by “the state of Kansas.”

(B) In paragraph (c), the words “any State in which business is written” shall be deleted and replaced by “the state of Kansas.”

(6) The following revisions shall be made to 49 C.F.R. 387.15:

(A) The phrase “§ 387.7 of this subpart” shall be deleted and replaced with “49 C.F.R. 387.7 as adopted by K.A.R. 82-4-3n.”

(B) The phrase “§ 387.7(b)(3) of this subpart” shall be deleted and replaced with “49 C.F.R. 387.7(b)(3) as adopted by K.A.R. 82-4-3n.”

(C) The definition of “motor vehicle” shall be deleted in illustration I.

(7) 49 C.F.R. 387.17 shall be deleted.

(8) In 49 C.F.R. 387.25 and 49 C.F.R. 387.27(a), the term “for-hire” shall be deleted and replaced by “public.”

(9) The following revisions shall be made to 49 C.F.R. 387.29:

(A) The phrase “~~as used in~~ this subpart” shall be deleted and replaced with “Subpart B of 49 C.F.R. Part 387 as adopted by K.A.R. 82-4-3n.”

(B) In the definition of “for-hire carriage,” the term “for-hire” shall be deleted and replaced by “public.”

(C) The definition of “motor carrier” shall be deleted.

(D) In the definition of “seating capacity,” the phrase “(measured in accordance with SEA Standards J1100(a))” shall be deleted.

(10) The following revisions shall be made to 49 C.F.R. 387.31:

(A) In paragraph (a), the phrase “§ 387.33 of this subpart” shall be deleted and replaced with “49 C.F.R. 387.33 as adopted by K.A.R. 82-4-3n.”

(B) In paragraph (b)(3), the phrase “§ 387.35 of this subpart” shall be deleted and replaced with “49 C.F.R. 387.35 as adopted by K.A.R. 82-4-3n.”

(C) The following revisions shall be made to paragraph (e)(2):

(i) The phrase “for-hire” shall be deleted and replaced with “public.”

(ii) The phrase “FMCSA” shall be deleted and replaced with “commission.”

(iii) The phrase “subpart C of this part” shall be deleted and replaced with “K.A.R. 82-4-3n.”

(D) In paragraph (f), the phrase “within the United States” shall be deleted and replaced by “in the state of Kansas.”

(E) In paragraph (g), the phrase “the United States” shall be deleted and replaced by “the state of Kansas.”

(11) The following revisions shall be made to 49 C.F.R. 387.33:

(A) The phrase “§ 387.31 of this subpart” shall be deleted and replaced with “49 C.F.R. 387.31 as adopted by K.A.R. 82-4-3n.”

(B) The term “for hire” shall be deleted and replaced by “public” in the schedule of limits.

(12) In paragraphs (b), (c), and (d) of 49 C.F.R. 387.35, the words “in any State in which the motor carrier operates” shall be deleted and replaced by “in the state of Kansas.”

(13) The following revisions shall be made to 49 C.F.R. 387.39:

(A) The phrase “prescribed by the FMCSA and approved by the OMB” shall be deleted and replaced with “approved by the commission.”

(B) The phrase “§ 387.31 of this subpart” shall be deleted and replaced with “49 C.F.R. 387.31 as adopted by K.A.R. 82-4-3n.”

(C) The phrase “§ 387.31(b)(3) of this subpart” shall be deleted and replaced with “49 C.F.R. 387.31(b)(3) as adopted by K.A.R. 82-4-3n.”

(14) 49 C.F.R. 387.41 shall be deleted.

(15) The following revisions shall be made to 49 C.F.R. 387.301:

(A) The following revisions shall be made to paragraph (a)(1):

(i) The phrase “FMCSA” shall be deleted and replaced with “commission.”

(ii) The phrase “§387.303” shall be deleted and replaced by “49 C.F.R. 387.303 as adopted by K.A.R. 82-4-3n.”

(iii) The phrase “§387.303(b)(2)” shall be deleted and replaced by “49 C.F.R. 387.303(b)(2) as adopted by K.A.R. 82-4-3n.”

(B) In paragraph (a)(2), the phrase “§387.303(b)(2)” shall be deleted and replaced by “49 C.F.R. 387.303(b)(2) as adopted by K.A.R. 82-4-3n.”

(C) In paragraph (b), the phrase “FMCSA” shall be deleted and replaced by

“commission,” and the phrase “§387.303” shall be deleted and replaced by “49 C.F.R. 387.303 as adopted by K.A.R. 82-4-3n.” The last sentence in paragraph (b) shall be deleted.

(D) In paragraph (c), the phrase “FMCSA in accordance with the requirements of section 13906 of title 49 of the U.S. Code,” shall be deleted and replaced by “commission.”

(16) The following revisions shall be made to 49 C.F.R. 387.303:

(A) In paragraph (b)(1), the phrase “§387.301(a)(1)” shall be deleted and replaced by “49 C.F.R. 387.301(a)(1) as adopted by K.A.R. 82-4-3n.”

(B) In paragraph (b)(2), the phrase “§387.301(a)(2)” shall be deleted and replaced by “49 C.F.R. 387.301(a)(2) as adopted by K.A.R. 82-4-3n.”

(C) Paragraph (b)(4) shall be deleted.

(17) 49 C.F.R. 387.307 through 49 C.F.R. 387.323 shall be deleted.

(18) In 49 C.F.R. 387.401(c), the term “motor vehicle” shall be deleted and replaced with “motor vehicle as defined in K.S.A. 66-1,108, and amendments thereto.”

(19) The following revisions shall be made to 49 C.F.R. 387.403:

(A) In paragraph (a), the term “FMCSA” shall be deleted and replaced with “the commission,” and the phrase “§387.405” shall be deleted and replaced by “49 C.F.R. 387.405 as adopted by K.A.R. 82-4-3n.”

(B) In paragraph (b), the term “FMCSA” shall be deleted and replaced with “commission,” and the phrase “§387.405” shall be deleted and replaced by “49 C.F.R. 387.405 as adopted by K.A.R. 82-4-3n.” The phrase “as adopted by K.A.R. 82-4-3n” shall be added after the phrase “49 C.F.R. 387.303(b)(2).”

(C) In paragraph (c), the phrase “§ 387.405” shall be deleted and replaced with “49

C.F.R.387.405 as adopted by K.A.R. 82-4-3n.” The phrase “§ 387.307” shall be deleted and replaced with “49 C.F.R. 387.307 as adopted by K.A.R. 82-4-3n.”

~~(19)~~(20) In 49 C.F.R. 387.405, the phrase “as adopted by K.A.R. 82-4-3n” shall be added after the phrase “49 CFR 387.303.”

~~(20)~~(21) The following revisions shall be made to 49 C.F.R. 387.407:

(A) In paragraph (a), the phrase “§387.405” shall be deleted and replaced by “49 C.F.R. 387.405 as adopted by K.A.R. 82-4-3n.” The phrase “49 CFR part 387, subpart C,” shall be deleted and replaced with “Subpart C of 49 C.F.R. Part 387, as adopted by K.A.R. 82-4-3n.”

(B) The first instance of the term “FMCSA” shall be deleted and replaced with “commission.” The phrase “FMCSA (or the Department of Transportation, where applicable)” shall be deleted and replaced with “commission.”

~~(21)~~(22) 49 C.F.R. 387.409 through 49 C.F.R. 387.419 shall be deleted.

(b) Whenever the federal regulations adopted in this regulation refer to portions of the federal regulations or other operating standards that are not already adopted by reference in article 4 of the commission’s regulations, the references shall not be applicable to this regulation unless otherwise specifically adopted. (Authorized by and implementing K.S.A. ~~2012-2015~~ Supp. 66-1,112, K.S.A. 66-1,112g, K.S.A. ~~2012-2015~~ Supp. 66-1,128, and K.S.A. ~~2012-2015~~ Supp. 66-1,129, as amended by L. 2013, ch. 14, sec. 3; effective Oct. 22, 2010; amended Sept. 20, 2013; amended P-_____.)

82-4-30. Imminent hazard. (a) With the following exceptions, 49 C.F.R. Part 386, Subpart F, as in effect on October 1, ~~2014~~2013, is hereby adopted by reference:

(1) 49 C.F.R. 386.71 shall be deleted.

(2) The following revisions shall be made to 49 C.F.R. 386.72:

(A) In paragraph (a), the first sentence shall be deleted and replaced by the following sentence: “Whenever it is determined that an imminent hazard exists as a result of the transportation by motor vehicle of a particular hazardous material, the director of the commission’s transportation division may request an emergency suspension order from the commission for the purposes of suspending or restricting the transportation by motor vehicle of the hazardous material or for such other order as is necessary to eliminate or mitigate the imminent hazard.”

(B) ~~In paragraph (b)(1), the phrase “the Director of the Office of Enforcement and Compliance or a Division Administrator, or his or her delegate” shall be deleted and replaced by “the commission.”~~ Paragraph (b)(1) shall be deleted and replaced by the following text: “Whenever it is determined that a violation of the Kansas motor carrier statutes or administrative regulations, as amended, or a combination of such violations, poses an imminent hazard to safety, the commission may order:”

(C) ~~In paragraph (b)(1)(i), the phrase “as provided by 49 U.S.C. 521(b)(5)” shall be deleted and replaced by “in the state of Kansas.”~~ Paragraph (b)(1)(i) shall be deleted and replaced by the following text: “A commercial motor vehicle out-of-service, or an employer to cease all or part of the employer’s commercial motor vehicle operations in Kansas.”

(D) In paragraph (b)(1)(ii), the phrase “as provided by 49 U.S.C. 521(b)(5) and 49

U.S.C. 31151(a)(3)(I)” shall be deleted-and replaced by “in Kansas.”

(E) In paragraph (b)(4), ~~the words “in accordance with 5 U.S.C. 544, except that such review shall occur” shall be deleted.~~ the phrase “employer, intermodal equipment provider or driver employee” shall be deleted. The second sentence of the paragraph shall be deleted and replaced by the following sentence: “Administrative hearings shall be held in accordance with the Kansas Administrative Procedure Act and the commission’s administrative regulations.”

(F) — In paragraph (b)(4), the words “as provided by section 213(b) of the Motor Carrier Safety Act of 1984 (49 U.S.C. 521 (b)(5))” shall be deleted.

(3) 49 C.F.R. 386.72(b)(6) shall be deleted.

(b) Whenever the federal regulations adopted in this regulation refer to portions of the federal regulations or other operating standards that are not already adopted by reference in article 4 of the commission’s regulations, the references shall not be applicable to this regulation unless otherwise specifically adopted. (Authorized by and implementing K.S.A. ~~2012-2015~~ Supp. 66-1,112, K.S.A. 66-1,112g, and K.S.A. ~~2012-2015~~ Supp. 66-1,129; effective Oct. 22, 2010; amended Sept. 20, 2013; amended P-_____.)

82-4-8a. (Authorized by and implementing K.S.A. 2012 Supp. 66-1,129, as amended by L. 2013, ch. 14, sec. 3; effective May 1, 1981; amended May 1, 1984; amended April 30, 1990; amended May 10, 1993; amended July 14, 2000; amended Nov. 14, 2011; amended Sept. 20, 2013; revoked P-_____.)

82-4-20. Transportation of hazardous materials by motor vehicles. (a) The federal regulations adopted by reference in this regulation shall govern the transportation of hazardous materials in Kansas in commerce to the extent that the regulations pertain to the transportation of hazardous materials by commercial motor vehicle.

(b) Copies of all applications for special permits pursuant to 49 C.F.R. Part 107, Subpart B, registrations of cargo tank and cargo tank motor vehicle manufacturers, assemblers, repairers, inspectors, testers, and design-certifying engineers pursuant to 49 C.F.R. Part 107, Subpart F, and registrations of persons who offer for transportation or transport hazardous materials pursuant to 49 C.F.R. Part 107, Subpart G shall be made available to the commission for proof of compliance with federal hazardous materials regulations.

(c) The following federal regulations, as in effect on October 1, ~~2011~~2013, are hereby adopted by reference:

(1) ~~49 C.F.R. 107.105, 107.107, 107.502, and 107.503;~~

~~(2)~~ 49 C.F.R. Part 171, except 171.1(a) and 171.6;

~~(3)~~(2) 49 C.F.R. Part 172, except 172.701 and 172.822;

~~(4)~~(3) 49 C.F.R. Part 173, except 173.10, and 173.27, ~~and 173.31;~~

~~(5)~~(4) 49 C.F.R. Part 177;

~~(6)~~(5) 49 C.F.R. Part 178; and

~~(7)~~(6) 49 C.F.R. Part 180.

~~(e)~~(d) When used in any provision adopted from ~~49 C.F.R. 107.502 and 107.503 and~~ 49 C.F.R. Parts 171, 172, 173, 177, 178, and 180, the following substitutions shall be made

unless otherwise specified:

(1) The terms “administrator,” “associate administrator,” and “regional administrator” shall be replaced with “director as defined in K.A.R. 82-4-1.”

(2) The term “commercial motor vehicle” shall be replaced with “commercial motor vehicle as defined in K.A.R. 82-4-1.”

(3) The term “competent authority” shall mean “the Kansas corporation commission or any other Kansas agency or federal agency that is responsible, under its law for the control or regulation of some aspect of hazardous materials transportation.”

(4) The terms “Department of Transportation,” “DOT,” and “department” shall be replaced with “commission as defined in K.A.R. 82-4-1.”

(5) The term “motor vehicle” shall be replaced with “motor vehicle as defined in K.S.A. 66-1,108, and amendments thereto.”

(6) The term “person” shall be replaced with “person as defined in K.S.A. 66-1,108, and amendments thereto.”

(7) The term “the United States” shall be replaced with “the state of Kansas.”

~~(d)~~(e) Carriers transporting hazardous materials in intrastate commerce shall be subject to the packaging provisions as provided in K.S.A. 66-1,129b, and amendments thereto.

~~(e)~~(f) Whenever the adopted federal hazardous materials regulations refer to portions of the federal hazardous materials regulations that are not included under subsection (a), those references shall not be applicable to this regulation. (Authorized by K.S.A. ~~2012-2015~~ Supp. 66-1,112, K.S.A. 66-1,112g, K.S.A. ~~2012-2015~~ Supp. 66-1,129, and K.S.A. 2015 Supp. 66-1,129b;

implementing K.S.A. ~~2012-2015~~ Supp. 66-1,112, K.S.A. ~~2012-2015~~ Supp. 66-1,129, and K.S.A. 2015 Supp. 66-1,129b; effective Jan. 1, 1971; amended May 1, 1981; amended May 1, 1984; amended May 1, 1985; amended May 1, 1987; amended May 1, 1988; amended April 30, 1990; amended Sept. 16, 1991; amended July 6, 1992; amended May 10, 1993; amended Oct. 3, 1994; amended Jan. 30, 1995; amended Jan. 4, 1999; amended July 14, 2000; amended Jan. 31, 2003; amended Oct. 2, 2009; amended Nov. 14, 2011; amended Sept. 20, 2013; amended P-_____.)

**KANSAS CORPORATION COMMISSION
ECONOMIC IMPACT STATEMENT
K.A.R. 82-4-1; -2a; -3h; -3i; -3j; -3k; -3n; -3o; -8a; -20**

K.A.R. 82-4-1

I. Summary of Proposed Regulation, Including Its Purpose

This existing regulation defines the terms used in Article 4 – Motor Carriers of Persons and Property. The proposed amendments to this regulation include edits to reflect minor grammatical and form corrections and recent updates to the Federal Motor Carrier Safety Administration (FMCSA) regulations.

II. Reason or Reasons the Proposed Regulation is Required, Including Whether or Not the Regulation is Mandated by Federal Law and Whether or Not the Regulation Exceeds the Requirements of Applicable Federal Law

This regulation establishes the definitions of the key terms used in the Kansas motor carrier safety rules and regulations. In addition to minor grammatical and form corrections, the proposed amendments to this regulation add an explanation of “gross combination weight rating” and a definition of “medical waiver.”

III. Environmental Benefit Statement

The Commission does not anticipate a direct environmental benefit on the industry, agency, other governmental agencies, or the general public.

IV. Anticipated Economic Impact

The Commission does not anticipate an economic impact resulting from the adoption of this proposed regulation.

K.A.R. 82-4-2a

I. Summary of Proposed Regulation, Including Its Purpose

This existing regulation provides for the authority of agents, employees, or representatives authorized by the Commission.

II. Reason or Reasons the Proposed Regulation is Required, Including Whether or Not the Regulation is Mandated by Federal Law and Whether or Not the Regulation Exceeds the Requirements of Applicable Federal Law

This regulation establishes the authority of agents, employees, or representatives authorized by the Commission. In addition to minor grammatical and form corrections, the proposed regulation adds a new subsection (d) authorizing various “out of service” enforcement actions by Commission agents, employees, or representatives.

III. Environmental Benefit Statement

The Commission does not anticipate a direct environmental benefit on the industry, agency, other governmental agencies, or the general public.

IV. Anticipated Economic Impact

The Commission does not anticipate an economic impact resulting from the adoption of this proposed regulation.

K.A.R. 82-4-3h

I. Summary of Proposed Regulation, Including Its Purpose

This existing regulation adopts relevant portions of the FMCSA regulations (49 C.F.R. 392) which establish the minimum duties and procedures for the driving of commercial motor vehicles. The proposed amendments to this regulation include edits to reflect minor grammatical and form corrections and recent updates to FMCSA regulations.

II. Reason or Reasons the Proposed Regulation is Required, Including Whether or Not the Regulation is Mandated by Federal Law and Whether or Not the Regulation Exceeds the Requirements of Applicable Federal Law

The proposed amendments to this existing regulation are necessary to ensure compatibility with the federal regulations. The proposed amendments do not exceed the requirements of applicable federal law.

III. Environmental Benefit Statement

The Commission does not anticipate a direct environmental benefit on the industry, agency, other governmental agencies, or the general public.

IV. Anticipated Economic Impact

The Commission does not anticipate an economic impact resulting from the proposed amendments to this regulation. Adoption of this regulation permits the Commission the ability to enforce the existing regulation as required by state and federal law.

If this proposed regulation is not adopted, the Commission will become non-compliant with its requirement to maintain substantial compliance with the Federal Motor Carrier Safety Regulations pursuant to 49 C.F.R. Part 350. This non-compliance would carry the following monetary consequences on both existing and future funding:

- All MCSAP Basic and Incentive funding would be suspended. No additional grant funds could be applied for; and
- Multiple state agencies (KDOR, KCC, KDOT, KHP) currently hold the following grants: MCSAP, CVISN, HP, PRISM, SaDIP and New Entrant. In addition to future

applications being denied, any remaining money in these account balances would not be able to be vouchered against.

Additional federal funding currently received in the approximate amount of \$51 million annually would be penalized by a 4% reduction the first year (approximately \$2 million), 8% the second year (approximately \$4 million), increasing an additional 8% per year until no further funds could be apportioned.

K.A.R. 82-4-3i

I. Summary of Proposed Regulation, Including Its Purpose

This existing regulation adopts relevant portions of the FMCSA regulations (49 C.F.R. Part 393) establishing the parts and accessories necessary for safe motor carrier operation. The proposed amendments to this regulation reflect minor grammatical and form corrections and recent updates to the FMCSA regulations.

II. Reason or Reasons the Proposed Regulation is Required, Including Whether or Not the Regulation is Mandated by Federal Law and Whether or Not the Regulation Exceeds the Requirements of Applicable Federal Law

The proposed amendments to this existing regulation are necessary to ensure compatibility with the federal regulations. In addition to minor grammatical and form corrections, the proposed amendments to this regulation revise the section on “conspicuity systems,” adopt several new technical standards and streamline the adoption of various Federal Motor Vehicle Safety Standards (FMVSS). The proposed amendments do not exceed the requirements of applicable federal law.

III. Environmental Benefit Statement

The Commission does not anticipate a direct environmental benefit on the industry, agency, other governmental agencies, or the general public.

IV. Anticipated Economic Impact

The Commission does not anticipate an economic impact resulting from the adoption of this proposed regulation. Adoption of this regulation permits the Commission the ability to enforce the existing regulation as required by state and federal law.

If this proposed regulation is not adopted, the Commission will become non-compliant with its requirement to maintain substantial compliance with the Federal Motor Carrier Safety Regulations pursuant to 49 C.F.R. Part 350. This non-compliance would carry the same monetary consequences as explained under section IV. for K.A.R. 82-4-3h above.

K.A.R. 82-4-3j

I. Summary of Proposed Regulation, Including Its Purpose

This existing regulation adopts relevant portions of the FMCSA regulations (49 C.F.R. Part 396) governing the inspection, repair and maintenance of commercial motor vehicles. The proposed

amendments to this regulation include minor grammatical and form corrections and recent updates to FMCSA regulations.

II. Reason or Reasons the Proposed Regulation is Required, Including Whether or Not the Regulation is Mandated by Federal Law and Whether or Not the Regulation Exceeds the Requirements of Applicable Federal Law

The proposed amendments to this existing regulation are necessary to ensure compatibility with federal regulations. The proposed amendments do not exceed the requirements of applicable federal law.

III. Environmental Benefit Statement

The Commission does not anticipate a direct environmental benefit on the industry, agency, other governmental agencies, or the general public.

IV. Anticipated Economic Impact

The Commission does not anticipate an economic impact resulting from the adoption of this proposed regulation. Adoption of this regulation permits the Commission the ability to enforce the existing regulation as required by state and federal law.

If this proposed regulation is not adopted, the Commission will become non-compliant with its requirement to maintain substantial compliance with the Federal Motor Carrier Safety Regulations pursuant to 49 C.F.R. Part 350. This non-compliance would carry the same monetary consequences as explained under section IV. for K.A.R. 82-4-3h above.

K.A.R. 82-4-3k

I. Summary of Proposed Regulation, Including Its Purpose

This existing regulation adopts relevant portions of the FMCSA regulations (49 C.F.R. Part 397) governing the transportation of hazardous materials with specific respect to driving and parking rules. The proposed amendments to this regulation reflect minor grammatical and form corrections and recent updates to the FMCSA regulations.

II. Reason or Reasons the Proposed Regulation is Required, Including Whether or Not the Regulation is Mandated by Federal Law and Whether or Not the Regulation Exceeds the Requirements of Applicable Federal Law

The proposed amendments to this existing regulation are necessary to ensure compatibility with federal regulations. In addition to minor grammatical and form corrections, the proposed amendments to this regulation adopt K.S.A. 66-1,108's definitions for "motor carrier" and "motor vehicle." The proposed amendments also delete various portions of 49 C.F.R. Part 397 for lack of enforcement provisions. The proposed amendments do not exceed the requirements of applicable federal law.

III. Environmental Benefit Statement

The Commission does not anticipate a direct environmental benefit on the industry, agency, other governmental agencies, or the general public.

IV. Anticipated Economic Impact

The Commission does not anticipate an economic impact resulting from the adoption of this proposed regulation. Adoption of this regulation permits the Commission the ability to enforce the existing regulation as required by state and federal law.

If this proposed regulation is not adopted, the Commission will become non-compliant with its requirement to maintain substantial compliance with the Federal Motor Carrier Safety Regulations pursuant to 49 C.F.R. Part 350. This non-compliance would carry the same monetary consequences as explained under section IV. for K.A.R. 82-4-3h above.

K.A.R. 82-4-3n

I. Summary of Proposed Regulation, Including Its Purpose

This existing regulation adopts relevant portions of the FMCSA regulations (49 C.F.R. Part 387) establishing requirements for the minimum levels of financial responsibility for motor carriers. The proposed amendments to this regulation reflect minor grammatical and form corrections and recent updates to the FMCSA regulations.

II. Reason or Reasons the Proposed Regulation is Required, Including Whether or Not the Regulation is Mandated by Federal Law and Whether or Not the Regulation Exceeds the Requirements of Applicable Federal Law

The proposed amendments to this existing regulation are necessary to ensure compatibility with the federal regulations. The proposed amendments do not exceed the requirements of applicable federal law.

III. Environmental Benefit Statement

The Commission does not anticipate a direct environmental benefit on the industry, agency, other governmental agencies, or the general public.

IV. Anticipated Economic Impact

The Commission does not anticipate an economic impact resulting from the adoption of this proposed regulation. Adoption of this regulation permits the Commission the ability to enforce the existing regulation as required by state and federal law.

If this proposed regulation is not adopted, the Commission will become non-compliant with its requirement to maintain substantial compliance with the Federal Motor Carrier Safety Regulations pursuant to 49 C.F.R. Part 350. This non-compliance would carry the same monetary consequences as explained under section IV. for K.A.R. 82-4-3h above.

K.A.R. 82-4-3o

I. Summary of Proposed Regulation, Including Its Purpose

This existing regulation adopts relevant portions of the FMCSA regulations (49 C.F.R. Part 386, Subpart F) establishing procedures relevant to imminent hazard with respect to motor carriers. The proposed amendments to this regulation include edits to reflect minor grammatical and form corrections and recent updates to FMCSA regulations.

II. Reason or Reasons the Proposed Regulation is Required, Including Whether or Not the Regulation is Mandated by Federal Law and Whether or Not the Regulation Exceeds the Requirements of Applicable Federal Law

The proposed amendments to this existing regulation are necessary to ensure compatibility with the federal regulations. In addition to minor grammatical and form corrections, the proposed amendments to this regulation substitute Kansas procedures for certain federal procedures. The proposed amendments do not exceed the requirements of applicable federal law.

III. Environmental Benefit Statement

The Commission does not anticipate a direct environmental benefit on the industry, agency, other governmental agencies, or the general public.

IV. Anticipated Economic Impact

The Commission does not anticipate an economic impact resulting from the adoption of this proposed regulation. Adoption of this regulation permits the Commission the ability to enforce the existing regulation as required by state and federal law.

If this proposed regulation is not adopted, the Commission will become non-compliant with its requirement to maintain substantial compliance with the Federal Motor Carrier Safety Regulations pursuant to 49 C.F.R. Part 350. This non-compliance would carry the same monetary consequences as explained under section IV. for K.A.R. 82-4-3h above.

K.A.R. 82-4-8a

I. Summary of Proposed Regulation, Including Its Purpose

This existing regulation establishes the minimum requirements for safety equipment and accessories, specifically pertaining to fire extinguishers. The Commission proposes to revoke this regulation in its entirety because the existing regulation is superfluous in light of the Commission's adoption of federal fire extinguisher regulations through K.A.R. 82-4-3i.

II. Reason or Reasons the Proposed Regulation is Required, Including Whether or Not the Regulation is Mandated by Federal Law and Whether or Not the Regulation Exceeds the Requirements of Applicable Federal Law

The regulation is no longer needed in light of K.A.R. 82-4-3i.

III. Environmental Benefit Statement.

The Commission does not anticipate that the revocation of this regulation will have a direct environmental benefit on the industry, agency, other governmental agencies, or the general public.

IV. Anticipated Economic Impact.

The Commission does not anticipate an economic impact resulting from the revocation of this regulation.

K.A.R. 82-4-20

I. Summary of Proposed Regulation, Including Its Purpose

This existing regulation establishes the minimum requirements and standards to be observed in the transportation of hazardous materials by motor carriers and operators of commercial motor vehicles. The proposed amendments to this regulation include edits to reflect minor grammatical and form corrections, recent updates to the federal hazardous materials regulations, and necessary proof of compliance with federal hazardous materials filings.

II. Reason or Reasons the Proposed Regulation is Required, Including Whether or Not the Regulation is Mandated by Federal Law and Whether or Not the Regulation Exceeds the Requirements of Applicable Federal Law

The proposed amendments to this existing regulation are necessary to ensure compatibility with the federal regulations. In addition to minor grammatical and form updates, the proposed amendments adopt K.S.A. 66-1,108's definitions for "motor vehicle" and "person." The proposed amendments also require copies of certain hazardous materials applications and registrations mandated by various subparts of 49 C.F.R. Part 107 to be made available to the Commission. The proposed amendments do not exceed the requirements of applicable federal law.

III. Environmental Benefit Statement

The Commission does not anticipate a direct environmental benefit on the industry, agency, other governmental agencies, or the general public.

IV. Anticipated Economic Impact

The Commission does not anticipate an economic impact resulting from the adoption of this proposed regulation. Adoption of this regulation permits the Commission the ability to enforce the existing regulation as required by state and federal law.

If this proposed regulation is not adopted, the Commission will become non-compliant with its requirement to maintain substantial compliance with the Federal Motor Carrier Safety Regulations pursuant to 49 C.F.R. Part 350. This non-compliance would carry the same monetary consequences as explained under section IV. for K.A.R. 82-4-3h above.

Description of Less Costly Methods Considered Addressing these Amendments

The proposed amendments to the above regulations do not create any cost to motor carriers or other state agencies, and thus, there are no less costly methods to be considered.

Report on Public Hearing and Comments on Proposed Administrative Regulations

This section will be updated after the regulations have been presented to the Joint Committee on Rules and Regulations and at the scheduled public hearing.