

Before the House Committee on Agriculture and Natural Resources

Tuesday February 14, 2023
Opposition Testimony

Submitted by Mike Hoeme, Director of Transportation On behalf of the Staff of the Kansas Corporation Commission

Chairman Rahjes, Vice Chair Moser, Ranking Minority Member Carlin, and members of the Committee, thank you for the opportunity to provide Opposition testimony on behalf of the staff of the Kansas Corporation Commission (Commission).

HB 2160 proposes to amend K.S.A. 8-1906. As drafted it would exempt the farmer/producer, regulated private and public (for-hire) motor carriers from the current load securement requirements outlined in the statute.

The federal motor carrier safety regulations (FMCSRs) § 350.305 provide the states guidance on what specific variances from the FMCSRs are allowed for state laws and regulations applicable to intrastate commerce and are not subject to federal jurisdiction. It also states that a state may retain those exemptions from its motor carrier safety laws and regulations that were in effect before April 1988, are still in effect, and apply to specific industries operating in intrastate commerce, provided the scope of the original exemption has not been amended.

Currently, farmers operating in intrastate commerce are exempt from both the state and federal motor carrier safety regulations (FMCSRs) under K.S.A. 66-1,129 (c)(1). Exempting the farmer/producer from the load securement requirements in K.S.A. 8-1906 will not create an incompatibility or noncompliance issue with the federal motor carrier safety administration (FMCSA).

However, expanding an exemption for the regulated private and public motor carriers will have a negative impact and cause a noncompliance issue with the FMCSA which could jeopardize both the motor carrier safety assistance program (MCSAP) grant funding and the states federal-aid highway Funds as outlined in the Kansas Highway Patrol's (KHPs) testimony.

The Transportation Division of the Commission is charged with maintaining and updating the motor carrier regulations and statutes and to ensure Kansas maintains consistency and compatibility with the federal regulations. In our conversations with the Committee chair and other members we have proposed options for exempting farmers/producers from certain load securement requirements that would not jeopardize federal funds. However, as written we do not support this bill because it would put us into non-compliance with federal requirements.

Thank you for the opportunity to provide opposition testimony with regard to House Bill 2160.