

**Before the Senate Transportation Committee
Comments by the
Staff of the Kansas Corporation Commission
March 13, 2013**

House Bill 2177

Chairman Petersen and Members of the Committee:

My name is Mike Hoeme. I am the Director of Transportation for the Kansas Corporation Commission. My division administers and ensures compliance with the economic and safety statutes and regulations governing motor carrier operations. I am appearing today on behalf of the KCC Staff in support of HB2177.

HB2177 amends K.S.A. 66-1,114b concerning Certificates of Convenience and Necessity; K.S.A. 66-1,129, the safety rules and regulations; and K.S.A.66-1,129b the Transportation of Certain Hazardous Materials. All but one of the changes are the result of a Federal Motor Carrier Safety Administrations (FMCSA) 2010 legislative audit that identified several inconsistencies with the federal regulations, and the only other change removes the dated local wrecker permit language from K.S.A. 66-1,114b. To this extent, our bill is best characterized as “clean-up” and involves no policy issues.

It is also important to note that, subsequent to the introduction of this bill, an amendment was made on the House floor to add what is now Section One, relating to K.S.A. 8-2,127. While the Commission did not propose this amendment, it does not oppose the amendment, as this amendment changes a portion of the CDL act to conform to recent federal legislation (MAP-21).

K.S.A. 66-1,129. (a) The commission shall adopt rules and regulations necessary to carry out the provisions of this act. No public motor carrier of property, household goods or passengers or private motor carrier of property shall operate or allow the operation of any motor vehicle on any public highway in this state except in accordance with the provision of the rules and regulations adopted by the commission. Rules and regulations adopted by the commission shall include:

(1) Every vehicle shall be maintained in a safe and sanitary condition at all times.

(2) Ever driver of a public or private motor carrier, except the driver of a farm vehicle, operating as a carrier of intrastate commerce within this state, shall be at least 18 years of age. All such drivers shall be competent to operate the motor vehicle under such driver's charge.

(7) Any motor vehicle with a normal seating capacity of not more than ~~the driver and 15 passengers~~ people, including the driver, while used for vanpooling or otherwise not-for-profit in transporting persons who, as a joint undertaking, bear or agree to bear all the costs of such operations, or motor vehicles with a normal seating capacity not more than ~~the driver and 15 passengers~~ people, including the driver, for not-for-profit transportation by one or more employers of employees to and from the factories, plants, offices, institutions, construction sites or other places of like nature where such persons are employed or accustomed to work.

(8) ~~Motor vehicles used to transport water for domestic purposes, as defined by subsection (c) of K.S.A. 82a-701, and amendments thereto, or livestock consumption.~~ K.S.A. 66-1,129b. ~~(a)~~The provisions of 49 C.F.R. 173.5-agricultural operations; 49 C.F.R. 173.6-materials of trade; and 49 C.F.R. 173.8-exceptions for nonspecification packagings used in intrastate transportation, in effect on the effective date of this act, or any later version as adopted by the commission in rules and regulations, are hereby adopted.

~~(b) The following materials are authorized to be transported by intrastate farmers in nonspecification bulk packagings:~~

- ~~(1) Agricultural products specified in 49 C.F.R. 173.5 (b)(2); and~~
- ~~(2) flammable liquid petroleum distillates.~~

~~(c) Nonbulk packagings permanently secured to a transport vehicle and protected against leakage or damage in the event of an overturn, having a capacity of less than 450 liters (119 gallons) or less are authorized for the transportation of flammable liquid petroleum distillates.~~

~~(d) Except as authorized in subsections (b) and (c), the packagings must otherwise comply with the applicable requirements of 49 C.F.R. 171 through 180.~~

This concludes my testimony. Thank you for the opportunity to appear before you today. I am happy to entertain any questions you may have.