

SENATE BILL No. 153

By Committee on Transportation

2-2

10 AN ACT concerning motor vehicles; concerning the regulation thereof;
11 relating to motor carriers; amending K.S.A. 2008 Supp. 66-1,108 and
12 66-1,109 and repealing the existing sections.
13

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

15 Section 1. K.S.A. 2008 Supp. 66-1,108 is hereby amended to read as
16 follows: 66-1,108. As used in this act:

17 (a) "Commission" means the corporation commission of the state of
18 Kansas;

19 (b) "gross combination vehicle weight rating" means the value spec-
20 ified by the manufacturer as the loaded weight of a combination (artic-
21 ulated) motor vehicle. In the absence of a value specified by the manu-
22 facturer, gross combination weight rating shall be determined by adding
23 the gross vehicle weight rating of the power unit and the total weight of
24 the towed unit and any load thereon;

25 (c) "gross vehicle weight rating" means the value specified by the
26 manufacturer as the loaded weight of a single motor vehicle;

27 (d) "ground water well drilling rigs" means any vehicle, machine,
28 tractor, trailer, semi-trailer or specialized mobile equipment propelled or
29 drawn by mechanical power and used on highways to transport water well
30 field operating equipment, including water well drilling and pump service
31 rigs equipped to access ground water;

32 (e) "household goods" means property and personal effects used or
33 to be used in a dwelling, when a part of the equipment or supply of such
34 dwelling and such other similar property, as the commission may provide
35 by rules and regulations, if the transportation of such effects or property
36 is:

37 (1) Arranged and paid for by the householder, including transporta-
38 tion of property from a factory or store when the property is purchased
39 by the householder with intent to use in such householder's dwelling; or
40 (2) arranged and paid for by another party.

41 (f) "Motor carrier" means any person operating as a for hire motor
42 carrier or a private motor carrier, and any of that person's agents, officers,
43 representatives, as well as employees responsible for hiring, supervising,

1 training, assigning or dispatching of drivers and employees concerned
2 with the installation, inspection and maintenance of motor vehicle equip-
3 ment or accessories or both;

4 (g) “motor vehicle” means any automobile, truck, trailer, semitrailer,
5 tractor, motor bus or any other self-propelled or motor-driven vehicle
6 used upon any of the public highways of the state for the purpose of
7 transporting persons or property;

8 (h) “person” means any individual, firm, partnership, limited liability
9 partnership, corporation, limited liability company, association or their
10 lessees, trustees or receivers;

11 (i) “private motor carrier” means a person who provides transporta-
12 tion of property or passengers, by commercial *motor* vehicle and is not a
13 for hire motor carrier;

14 (j) “public highways” means every public street, alley, road or high-
15 way or thoroughfare of any kind used by the public;

16 (k) “public motor carrier of household goods” means any person who
17 undertakes for hire to transport by *commercial* motor vehicle from place
18 to place, the household goods of others who may choose to employ or
19 contract with the motor carrier;

20 (l) “public motor carrier of passengers” means any person who un-
21 dertakes for hire to transport by *commercial* motor vehicle, from place to
22 place, persons who may choose to employ or contract with the motor
23 carrier; and

24 (m) “public motor carrier of property” means any person who un-
25 dertakes for hire to transport ~~commercial~~ by [**commercial**] motor vehi-
26 cle, from place to place, the property other than household goods of
27 others who may choose to employ or contract with the motor carrier.

28 Sec. 2. K.S.A. 2008 Supp. 66-1,109 is hereby amended to read as
29 follows: 66-1,109. This act shall not require the following carriers to obtain
30 a certificate, license or permit from the commission or file rates, tariffs,
31 annual reports or provide proof of insurance with the commission:

32 (a) Transportation by motor carriers wholly within the corporate lim-
33 its of a city or village in this state, or between contiguous cities or villages
34 in this state or in this and another state, or between any city or village in
35 this or another state and the suburban territory in this state within three
36 miles of the corporate limits, or between cities and villages in this state
37 and cities and villages in another state which are within territory desig-
38 nated as a commercial zone by the relevant federal authority, except that
39 none of the exemptions specified in this subsection (a) shall apply to
40 wrecker carriers ~~and none of such exemptions shall apply to motor car-~~
41 ~~riers of passengers, other than motor carriers of passengers operating as~~
42 ~~a part of the general transit system serving any such city or village in this~~
43 ~~or another state, operating on regular routes and time schedules between~~

- 1 ~~any city or village in this or another state, and the suburban territory in~~
2 ~~this state;~~
- 3 (b) a private motor carrier who operates within a radius of 25 miles
4 beyond the corporate limits of its city or village of domicile, or who op-
5 erates between cities and villages in this state and cities and villages in
6 another state which are within territory designated as a commercial zone
7 by the relevant federal authority;
- 8 (c) the owner of livestock or producer of farm products transporting
9 livestock of such owner or farm products of such producer to market in
10 a motor vehicle of such owner or producer, or the motor vehicle of a
11 neighbor on the basis of barter or exchange for service or employment,
12 or to such owner or producer transporting supplies for the use of such
13 owner or producer in a motor vehicle of such owner or producer, or in
14 the motor vehicle of a neighbor on the basis of barter or exchange for
15 service or employment;
- 16 ~~(d) persons operating motor vehicles used only to transport property~~
17 ~~when no common carrier is accessible, but when common carrier service~~
18 ~~is available then this last exemption is limited to the transportation of~~
19 ~~such property from origin to the nearest practicable common-carrier re-~~
20 ~~ceiving or loading point, or from a common-carrier unloading point by~~
21 ~~way of the shortest practicable route to destination, providing such motor~~
22 ~~vehicle does not pass a practicable delivery or receiving point of a com-~~
23 ~~mon carrier equipped to transport such load, or when used to transport~~
24 ~~property from the point of origin to point of destination thereof when~~
25 ~~the destination of such property is less distant from the point of origin~~
26 ~~thereof than the nearest practicable common-carrier receiving or loading~~
27 ~~point equipped to transport such load;~~
- 28 ~~(e)~~ (1) the transportation of children to and from school, or (2) to
29 motor vehicles owned by schools, colleges, and universities, religious or
30 charitable organizations and institutions, or governmental agencies, when
31 used to convey students, inmates, employees, athletic teams, orchestras,
32 bands or other similar activities;
- 33 ~~(f)~~ (e) a new vehicle dealer as defined by K.S.A. 8-2401, and amend-
34 ments thereto, when transporting property to or from the place of busi-
35 ness of such dealer;
- 36 ~~(g)~~ (f) motor vehicles carrying tools, property or material belonging
37 to the owner of the vehicle and used in repair, building or construction
38 work, not having been sold or being transported for the purpose of sale;
- 39 ~~(h)~~ (g) persons operating motor vehicles which have an ad valorem
40 tax situs in and are registered in the state of Kansas, and used only to
41 transport grain from the producer to an elevator or other place for storage
42 or sale for a distance of not to exceed 50 miles;
- 43 ~~(i)~~ (h) the operation of hearses, funeral coaches, funeral cars or am-

- 1 balances by motor carriers;
- 2 ~~(j)~~ (i) motor vehicles owned and operated by the United States, the
3 District of Columbia, any state, any municipality or any other political
4 subdivision of this state, including vehicles used exclusively for handling
5 U.S. mail, and the operation of motor vehicles used exclusively by organ-
6 izations operating public transportation systems pursuant to 49 U.S.C.
7 sections 5307, 5310 and 5311;
- 8 ~~(k)~~ (j) any motor vehicle with a normal seating capacity of not more
9 than the driver and 15 passengers while used for vanpooling or otherwise
10 not for profit in transporting persons who, as a joint undertaking, bear or
11 agree to bear all the costs of such operations, or motor vehicles with a
12 normal seating capacity of not more than the driver and 15 passengers
13 for not-for-profit transportation by one or more employers of employees
14 to and from the factories, plants, offices, institutions, construction sites
15 or other places of like nature where such persons are employed or ac-
16 customed to work;
- 17 ~~(l)~~ (k) motor vehicles used to transport water for domestic purposes,
18 as defined by subsection (c) of K.S.A. 82a-701, and amendments thereto,
19 or livestock consumption;
- 20 ~~(m)~~ (l) transportation of sand, gravel, slag stone, limestone, crushed
21 stone, cinders, calcium chloride, bituminous or concrete paving mixtures,
22 blacktop, dirt or fill material to a construction site, highway maintenance
23 or construction project or other storage facility and the operation of ready-
24 mix concrete trucks in transportation of ready-mix concrete;
- 25 ~~(n)~~ (m) the operation of a vehicle used exclusively for the transpor-
26 tation of solid waste, as the same is defined by K.S.A. 65-3402, and
27 amendments thereto, to any solid waste processing facility or solid waste
28 disposal area, as the same is defined by K.S.A. 65-3402, and amendments
29 thereto;
- 30 ~~(o)~~ (n) the transporting of vehicles used solely in the custom combin-
31 ing business when being transported by persons engaged in such business;
- 32 ~~(p)~~ (o) the operation of vehicles used for servicing, repairing or trans-
33 porting of implements of husbandry, as defined in K.S.A. 8-1427, and
34 amendments thereto, by a person actively engaged in the business of
35 buying, selling or exchanging implements of husbandry, if such operation
36 is within 100 miles of such person's established place of business in this
37 state;
- 38 ~~(q)~~ (p) transportation by taxi or bus companies operated exclusively
39 within any city or within 25 miles of the point of its domicile in a city;
- 40 ~~(r)~~ (q) a vehicle being operated with a dealer license plate issued
41 under K.S.A. 8-2406, and amendments thereto, and in compliance with
42 K.S.A. 8-136, and amendments thereto, and vehicles being operated with
43 a full-privilege license plate issued under K.S.A. 8-2425, and amendments

1 thereto;

2 ~~(s) any person operating a motor vehicle with a gross vehicle weight~~
3 ~~rating of 10,000 pounds or less, transporting property sold or to be sold~~
4 ~~by the owner or operator of such motor vehicle, except motor vehicles~~
5 ~~transporting hazardous materials which require placards;~~

6 ~~(t) (r) the operation of vehicles used for transporting materials used~~
7 ~~in the servicing or repairing of the refractory linings of industrial boilers;~~

8 ~~(u) (s) transportation of newspapers published at least one time each~~
9 ~~week;~~

10 ~~(v) (t) transportation of animal dung to be used for fertilizer; and~~

11 ~~(w) (u) the operation of ground water well drilling rigs.~~

12 *(v) the transportation of cotton modules from the field to the gin; and*

13 *(w) custom harvested silage, including, but not limited to, corn, wheat*
14 *and milo.*

15 Sec. 3. K.S.A. 2008 Supp. 66-1,108 and 66-1,109 are hereby
16 repealed.

17 Sec. 4. This act shall take effect and be in force from and after its
18 publication in the statute book.