

STATE OF KANSAS
STATE CORPORATION COMMISSION

Notice of Public Hearing on Proposed Administrative Regulations

November 7, 2024

The State Corporation Commission (Commission) will conduct a public hearing at 10:00 a.m. on Thursday, November 7, 2024, via Zoom, to consider the adoption of the 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, economic impact statements and online comment form may be found on the State Corporation Commission website: <http://kcc.ks.gov/your-opinion-matters>. Public comments will be accepted through 5 p.m. on November 6. Comments may be submitted online or by contacting Ahsan Latif at ahsan.latif@ks.gov or by letter to Ahsan Latif, Litigation Counsel, State Corporation Commission, 1500 SW Arrowhead Road, Topeka, Kansas 66604.

All interested parties may participate in the Zoom meeting by registering on the State Corporation Commission website <https://www.kcc.ks.gov/your-opinion-matters> prior to noon on November 6. The meeting will also be broadcast on our YouTube channel at <https://www.youtube.com/@kansascorporationcommission>. No registration is required for viewing.

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 Jared Harsin at (785) 271-3161 or the Kansas Relay Center at 1-800-766-3777.

A summary of the proposed regulations and their economic impact is 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 – Definitions.

The proposed amendments to this regulation, which defines the terms used in “Article 4 – Motor Carriers of Persons and Property,” includes updating the definition of “out-of-service” and “OOS” to include the latest version of the North American Standard

Out-of-Service Criteria. The proposed amendments are not anticipated to have an economic impact.

K.A.R. 82-4-3b – Procedures for transportation workplace drug and alcohol testing programs.

This regulation adopts portions of the Federal Motor Carrier Safety Administration (“FMCSA”) regulations (49 C.F.R. Part 40) governing the procedures for workplace drug and alcohol testing programs relevant to motor carriers. The proposed amendments also include edits to reflect minor grammar and form corrections as well as the most recent updates to FMCSA regulations. The proposed amendments are not anticipated to have an economic impact.

K.A.R. 82-4-3c – Testing for controlled substances and alcohol use.

This regulation adopts portions of the FMCSA regulations (49 C.F.R. Part 382) governing the procedures involved in testing for controlled substances and alcohol use. The amendments include edits to reflect minor grammar and form corrections and the most recent updates to FMCSA regulations. The proposed amendments are not anticipated to have an economic impact.

K.A.R. 82-4-3i – Parts and accessories necessary for safe operation.

This regulation adopts portions of the FMCSA regulations (49 C.F.R. Part 393) governing the parts and accessories necessary for the safe operation of commercial motor vehicles. The proposed amendments to this regulation include edits to reflect minor grammar and form corrections, deletions, and additions required to reflect the most recent updates to FMCSA regulations. The proposed amendments are not anticipated to have an economic impact.

K.A.R. 82-4-30a. Applications for interstate registration.

This existing regulation adopts relevant portions of the FMCSA regulations (49 C.F.R. Part 367) and Unified Carrier Registration (UCR) Act (49 U.S.C. 14504a) which together establish the rules and registration fees owed by carriers based in Kansas that operate interstate. The proposed changes to this regulation allows the Kansas Corporation Commission and Kansas Highway Patrol to enforce the updated fee schedule approved for use in 2024. The proposed amendments are anticipated to have an economic impact in that fees have increased by \$9 for most carriers.