Kansas Administrative Regulations

Kansas Corporation Commission

Article 4.—Motor Carriers of Persons and Property—Motor Carriers

82-4-3i. Parts and accessories necessary for safe operation.

(a) With the following exceptions, 49 C.F.R. Part 393, as in effect on October 1, 2022, is hereby adopted by reference:

(1) In 49 C.F.R. 393.1(a), the phrases "§ 390.5 of this title" and "in § 390.5" shall be replaced with "49 C.F.R. § 390.5 as adopted by K.A.R. 82-4-3f."

(2) In 49 C.F.R. 393.1 (e), the phrase "49 CFR 390.38(b)" shall be deleted and replaced with "49 C.F.R. 390.38(b) as adopted by K.A.R. 82-4-3f."

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

(A) The following provision shall be added after the definition of "curb weight": "DOT C-2, DOT C-3, and DOT C-4. These terms shall be established by figure 12-1, found in 49 C.F.R. 571.108 as adopted in K.A.R. 82-4-3i."

(B) 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) The definition of "manufactured home" shall be deleted and replaced with the following: "Manufactured home means a structure as defined by K.S.A. 58-4202(a), and amendments thereto. 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 those structures shall be distinguishable on the structures and in its records from the series of serial numbers used for manufactured homes."

(D) The following definition shall be added after the definition of "Multi-piece windshield": "Optically combined. This term refers to two or more lights that share the same body and have one lens totally or partially in common."

(E) The definition for "reflective material" shall be deleted and replaced by the following: "Reflective material means a material conforming to federal specification L-S-300c, 'sheeting and tape, reflective: nonexposed lens,' as in effect on March 20, 1979 and as hereby 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 hereby adopted by reference."

(F) In the definition of "special purpose vehicle," the phrase "as adopted by K.A.R. 82-4-3i" shall be inserted after "571.224."

(4) 49 C.F.R. 393.7 shall be deleted.

(5) The following revisions shall be made to 49 C.F.R. 393.11:

(A) The phrase "as adopted by K.A.R. 82-4-3i" shall be inserted after each instance of "571.108."

(B) 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."

(C) In footnote 12, the phrase "as adopted by K.A.R. 82-4-3h" shall be inserted after "392.22(a)."

(6) The following revision shall be made to 49 C.F.R. 393.13: 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.

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

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

(B) Paragraph (d) shall be deleted.

(8) In 49 C.F.R. 393.25(c) and (e), the last sentence shall be deleted and replaced with the following: "The aforementioned documents are hereby adopted by reference."

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

(A) In paragraph (c), the parenthetical sentence shall be deleted and replaced with the following: "The aforementioned documents are hereby adopted by reference."

(B) 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."

(10) 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 last sentence shall be deleted.

(11) In 49 C.F.R. 393.45(a), the phrase "as adopted by K.A.R. 82-4-3i" shall be inserted after "571.106."

(12) The following revision shall be made to 49 C.F.R. 393.48: 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."

(13) The note following 49 C.F.R. 393.51 (b) shall be deleted.

(14) In 49 C.F.R. 393.62(d)(1), the parenthetical sentence at the end of the paragraph shall be deleted and replaced with "Pages 1-37 of this document are hereby incorporated by reference."

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

(A) 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) 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) In paragraph (m)(8), the phrase "requirements of the Federal Motor Carrier Safety Administration" shall be deleted and replaced by "Federal and Kansas requirements."

(16) The following revisions shall be made to 49 C.F.R. 393.75:

(A) In paragraphs (g) and (h)(2), the phrase "as adopted by K.A.R. 82-4-3i" shall be inserted after "571.119."

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

(17) 49 C.F.R. 393.77(b)(15) shall be deleted.

(18) In 49 C.F.R. 393.77(c), the phrase "§ 177.834(l) of this title" shall be deleted and replaced by "49 C.F.R. 177.834(l) as adopted by K.A.R. 82-4-20."

(19) In 49 C.F.R. 393.80(a) and (b), the phrase "as adopted by K.A.R. 82-4-3i" shall be inserted after "571.111."

(20) The following revisions shall be made to 49 C.F.R. 393.86:

(A) In paragraph (a)(1), the third sentence shall be deleted.

(B) In paragraph (a)(6), the phrase "as adopted by K.A.R. 82-4-3i" shall be inserted after "571.223" and "571.108."

(21) 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."

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

(A) 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) In paragraph (f)(1), the phrase "as adopted by K.A.R. 82-4-3i" shall be inserted after "571.125."

(C) In paragraph (f)(2), the phrase "§ 392.22" shall be deleted and replaced by "49 C.F.R. 392.22 as adopted by K.A.R. 82-4-3h."

(D) In paragraph (j), the second sentence and the parenthetical sentence following it shall be deleted.

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

(A) 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.

(B) 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.

(C) 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 4-14 of the web sling & tie down association's 'recommended standard specification for web tie downs,' WSTDA-T-1, revised 2015." These pages are hereby adopted by reference.

(D) 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, excluding any guidelines, which is hereby adopted by reference."

(E) 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, excluding any guidelines, which is hereby adopted by reference."

(F) 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,' April 1999, excluding any guidelines, which is hereby adopted by reference."

(G) 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, excluding any guidelines, which is hereby adopted by reference."

(H) In paragraph (e)(5)(v), the phrase "C-1, Double Braided Nylon Rope Specification DBN, January 1984" shall be deleted and replaced with "CI 1310-09, 'nylon (polyamide) fiber rope: high performance double braid construction,' May 2009, excluding any guidelines, which is hereby adopted by reference."

(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, 2021, 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, S4.1.1, and 4.2.2 only;

(3) FMVSS 105, 49 C.F.R. 571.105, sections S5.1, 5.2, 5.3, 5.5, 6, and 7 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, sections S5.1, S6.5, and S6.5(e) only;

(8) FMVSS 121, 49 C.F.R. 571.121;

(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.

(c) As used in this regulation, each reference to 49 C.F.R. Part 571 shall be followed by the phrase "as adopted by K.A.R. 82-4-3i."

(d) All standards referenced in this regulation that are not otherwise adopted shall be included for reference only.

(e) 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.

(f) All sections marked "reserved" shall be deleted.

(g) 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. 2023 Supp. 66-1,112, K.S.A. 2023 Supp. 66-1,112g, and K.S.A. 2023 Supp. 66-1,129; 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 May 6, 2016; amended July 26, 2019; amended Feb. 10, 2023; amended Dec. 6, 2024.)

***** Authenticated Kansas Administrative Regulation *****