Kansas Administrative Regulations

Kansas Corporation Commission

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

82-4-3h. Driving of commercial motor vehicles.

(a) With the following exceptions, 49 C.F.R. Part 392, as in effect on October 1, 2023, is hereby adopted by reference:

(1) In 49 C.F.R. 392.1(b), 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."

(2) In 49 C.F.R. 392.2, the words "jurisdiction in which it is being operated" shall be deleted and replaced by "state of Kansas."

(3) The following changes shall be made to 49 C.F.R. 392.4:

(A) Paragraph (a)(1) shall be deleted and replaced with "any Schedule I substance listed in 21 C.F.R. 1308.11, as adopted by reference in K.A.R. 82-4-3c."

(B) In paragraph (c) of 49 C.F.R. 392.4, the phrase "§ 382.107 of this subchapter" shall be deleted and replaced by "49 C.F.R. 382.107, as adopted by K.A.R. 82-4-3c."

(4) 49 C.F.R. 392.5 shall be revised as follows:

(A) In paragraph (a)(1), the phrase "§ 382.107 of this subchapter" shall be deleted and replaced by "49 C.F.R. 382.107, as adopted by K.A.R. 82-4-3c."

(B) In paragraph (a)(3), the phrase "as in effect as of July 1, 2008" shall be added after the phrase "26 U.S.C. 5052(a)."

(C) In paragraph (a)(3), the phrase "section 5002(a)(8), of such Code" shall be deleted and replaced by "26 U.S.C. 5002(a)(8), as in effect as of July 1, 2008."

(D) In paragraph (d)(2), a period shall be placed after the phrase "affirmation of the order"; the remainder of the paragraph shall be deleted.

(E) Paragraph (e) shall be deleted and replaced by the following: "(e) Any driver who is subject to an out-of-service order may petition for reconsideration of that order in accordance with K.A.R. 82-1-235 and file a subsequent petition for judicial review that conforms with the provisions of the Kansas Judicial Review Act, found at K.S.A. 77-601 et seq."

(5) In 49 C.F.R. 392.8, the phrase "§ 393.95 of this subchapter" shall be deleted and replaced by "49 C.F.R. 393.95, as adopted by K.A.R. 82-4-3i."

(6) In 49 C.F.R. 392.9(a)(1), the phrase "§ 393.100 through 393.136 of this subchapter" shall be deleted and replaced by "49 C.F.R. 393.100 through 393.136, as adopted by K.A.R. 82-4-3i."

(7) The following revisions shall be made to 49 C.F.R. 392.9a:

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

(B) In paragraph (c), the phrase "in accordance with 5 U.S.C. 554 not later than 10 days after issuance of such order" shall be deleted and replaced with "by filing a Petition for Reconsideration pursuant to K.A.R. 82-1-235 and filing a subsequent petition for judicial review that conforms with the provisions of the Kansas Judicial Review Act, found at K.S.A. 77-601 et seq."

(8) In 49 C.F.R. 392.9b, the phrase "49 U.S.C. 521" in paragraph (b) shall be deleted and replaced by "Kansas law."

(9) 49 C.F.R. 392.10 shall be revised as follows:

(A) In paragraphs (a)(3) and (4), "U.S." shall be inserted before "Department of Transportation."

(B) In paragraph (a)(4), "the Hazardous Materials Regulations of the Department of Transportation, parts 107 through 180 of this title" shall be deleted and replaced by "49 C.F.R. 390.5 which is adopted in K.A.R. 82-4-3f and materials listed in 49 C.F.R. part 172 as adopted by K.A.R. 82-4-20."

(C) In paragraph (a)(5), the phrase "§ 173.120 of this title" shall be deleted and replaced by "49 C.F.R. 173.120, as adopted by K.A.R. 82-4-20."

(D) In paragraph (a)(6), the phrase "subpart B of part 107 of this title" shall be deleted and replaced by "49 C.F.R. part 107."

(E) In paragraph (b)(1), the phrase "§ 390.5 of this chapter" shall be deleted and replaced by "49 C.F.R. 390.5, as adopted by K.A.R. 82-4-3f."

(10) The phrase "§ 382.501(a) of this subchapter" in 49 C.F.R. 392.15 shall be deleted and replaced by "49 C.F.R. 382.501(a), as adopted by K.A.R. 82-4-3c."

(11) The phrase "§ 393.95 of this subchapter" in 49 C.F.R. 392.22(b) shall be deleted and replaced by "49 C.F.R. 393.95, as adopted by K.A.R. 82-4-3i."

(12) In 49 C.F.R. 392.33(a), the phrase "subpart B of part 393 of this title" shall be deleted and replaced by "49 C.F.R. 393.9 to 393.33, as adopted by K.A.R. 82-4-3i."

(13) The following changes shall be made to 49 C.F.R. 392.51:

(A) In the introductory paragraph, the phrase "as adopted by K.A.R. 82-4-20" shall be added after "see 49 CFR 171.8."

(B) In 49 C.F.R. 392.51(b), the phrase "as adopted by K.A.R. 82-4-20" shall be inserted after the phrase "Parts 171, 172, 173, and 178."

(14) 49 C.F.R. 392.62 shall be revised as follows:

(A) In paragraph (a), the phrase "§ 393.90 of this subchapter" shall be deleted and replaced by "49 C.F.R. 393.90, as adopted by K.A.R. 82-4-3i."

(B) In paragraph (b), the phrase "§ 393.91 of this subchapter" shall be deleted and replaced by "49 C.F.R. 393.91, as adopted by K.A.R. 82-4-3i."

(15) In 49 C.F.R. 392.80(c), the phrase "as adopted by K.A.R. 82-4-3f" shall be inserted after the phrase "49 C.F.R. 390.5."

(16) All sections labeled "reserved" shall be deleted.

(b) As used in this regulation, each reference to a portion of 49 C.F.R. Part 392 shall mean that portion as adopted by reference in this regulation.

(c) 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. 2024 Supp. 66-1,112, K.S.A. 2024 Supp. 66-1,112g, and K.S.A. 66-1,129; effective, T-82-12-29-04, Dec. 29, 2004; effective April 29, 2005; amended Oct. 2, 2009; amended Sept. 20, 2013; amended May 6, 2016; amended July 26, 2019; amended Feb. 10, 2023; amended, T-82-12-30-24, Dec. 30, 2024; amended April 4, 2025.)

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