Kansas Administrative Regulations

Kansas Corporation Commission

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

82-4-3d. Safety fitness procedures.

(a) With the following exceptions, 49 C.F.R. Part 385, as in effect on October 1, 2024, is hereby adopted by reference:

(1) 49 C.F.R. 385.1(a) and (b) shall be deleted.

(2) The following revisions shall be made to 49 C.F.R. 385.3:

(A) In the definition of "Applicable safety regulations or requirements," the phrase "49 CFR chapter III, subchapter B – Federal Motor Carrier Safety Regulations" shall be replaced by "49 C.F.R. 395, as adopted by K.A.R. 82-4-3a; 49 C.F.R. 382, as adopted by K.A.R. 82-4-3c; 49 C.F.R. 385, as adopted by K.A.R. 82-4-3d; 49 C.F.R. 390, as adopted by K.A.R. 82-4-3f; 49 C.F.R. 391, as adopted by K.A.R. 82-4-3g; 49 C.F.R. 392, as adopted by K.A.R. 82-4-3h; 49 C.F.R. 393, as adopted by K.A.R. 82-4-3i; 49 C.F.R. 396, as adopted by K.A.R. 82-4-3j; 49 C.F.R. 397, as adopted by K.A.R. 82-4-3k; 49 C.F.R. 398, as adopted by K.A.R. 82-4-3l; 49 C.F.R. 399, as adopted by K.A.R. 82-4-3m; 49 C.F.R. 387 as adopted by K.A.R. 82-4-3n; 49 C.F.R. 386, as adopted by K.A.R. 82-4-3o." The phrase "49 C.F.R. Parts 171, 172, 173, 177, 178 and 180 as adopted by K.A.R. 82-4-20" shall replace the phrase "49 C.F.R. chapter I, subchapter C — Hazardous Materials Regulations."

(B) In the definition of "CMV," 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."

(C) In the definition of "commercial motor vehicle," the phrase "§ 390.5 of this subchapter" shall be deleted and replaced with "49 C.F.R. 390.5 as adopted by K.A.R. 82-4-3f."

(D) In the definition of "HMRs," the phrase "49 C.F.R. Parts 171, 172, 173, 177, 178 and 180 as adopted by K.A.R. 82-4-20" shall replace the phrase "49 C.F.R. parts 171-

180."

(E) In the definition of "motor carrier operations in commerce," the phrase "or intrastate" shall be added after the word "interstate" in paragraphs (1) and (2).

(F) The definition of "Safety ratings," including paragraphs (1), (2), (3), and (4), shall be deleted.

(3) 49 C.F.R. 385.4 shall be deleted.

(4) The following revisions shall be made to 49 C.F.R. 385.5:

(A) The first paragraph shall be deleted and replaced by the following: "In cooperation with the FMCSA, special agents and authorized representatives shall conduct reviews in order to gather the information necessary for the FMCSA to issue a safety rating for a motor carrier. Information gathered shall include information necessary to demonstrate that the motor carrier has adequate safety management controls in place which comply with the applicable safety requirements to reduce the risk associated with:".

(B) In paragraph (a), the phrase "part 383 of this chapter" shall be deleted and replaced with "the Kansas uniform commercial drivers' license act, found at K.S.A. 8-2,125 et seq."

(C) In paragraph (b), the phrase "part 387 of this chapter" shall be deleted and replaced with "49 C.F.R. Part 387 as adopted by K.A.R. 82-4-3n."

(D) In paragraph (c), the phrase "part 391 of this chapter" shall be deleted and replaced with "49 C.F.R. Part 391 as adopted by K.A.R. 82-4-3g."

(E) In paragraph (d), the phrase "part 392 of this chapter" shall be deleted and replaced with "49 C.F.R. Part 392 as adopted by K.A.R. 82-4-3h."

(F) In paragraph (e), the phrase "part 393 of this chapter" shall be deleted and replaced with "49 C.F.R. Part 393 as adopted by K.A.R. 82-4-3i."

(G) In paragraph (f), the phrase "part 390 of this chapter" shall be deleted and replaced with "49 C.F.R. Part 390 as adopted by K.A.R. 82-4-3f."

(H) In paragraph (g), the phrase "part 395 of this chapter" shall be deleted and replaced with "49 C.F.R. Part 395 as adopted by K.A.R. 82-4-3a."

(I) In paragraph (h), the phrase “part 396 of this chapter” shall be deleted and replaced with “49 C.F.R. Part 396 as adopted by K.A.R. 82-4-3j.”

(J) In paragraph (i), the phrase “part 397 of this chapter” shall be deleted and replaced with “49 C.F.R. Part 397 as adopted by K.A.R. 82-4-3k.”

(K) In paragraph (j), the phrase “parts 170 through 177 of this title” shall be deleted and replaced with “49 C.F.R. Parts 171, 172, 173 and 177 as adopted by K.A.R. 82-4-20.”

(5) The first paragraph of 49 C.F.R. 385.7 shall be deleted and replaced by the following: “In cooperation with the FMCSA, special agents and authorized representatives shall conduct reviews in order to gather the information necessary for the FMCSA to determine and issue an appropriate safety rating for a motor carrier. Information gathered shall be information the FMCSA may consider in assessing a safety rating, including:”.

(6) 49 C.F.R. 385.9 through 49 C.F.R. 385.19 shall be deleted.

(7) 49 C.F.R. 385.101 through 49 C.F.R. 385.119 shall be deleted.

(8) 49 C.F.R. 385.301 through 385.337 shall be deleted.

(9) The following changes shall be made to 49 C.F.R. 385.402:

(A) Paragraph (a) shall be deleted and replaced with the following: “The definitions in 49 C.F.R. Parts 390 and 385, as adopted by K.A.R. 82-4-3f and 82-4-3d, respectively, shall apply to Subpart E of 49 C.F.R. Part 385, as adopted by K.A.R. 82-4-3d, unless otherwise specifically noted.”

(B) The phrase “§171.8 of this title” shall be deleted and replaced by “49 C.F.R. 171.8 as adopted by K.A.R. 82-4-20.”

(C) The phrase “§172.101 of this title” shall be deleted and replaced by “49 C.F.R. 172.101 as adopted by K.A.R. 82-4-20.”

(D) The term “FMCSA” shall be deleted and replaced by “the commission.”

(10) The following revisions shall be made to 49 C.F.R. 385.403:

(A) In paragraph (a), the phrase “§ 173.403 of this title” shall be deleted and replaced by “49 C.F.R. 173.403 as adopted by K.A.R. 82-4-20.”

(B) In paragraph (b), the phrase “part 172 of this title” shall be deleted and replaced with “49 C.F.R. Part 172 as adopted by K.A.R. 82-4-20.”

(C) The following revisions shall be made to paragraphs (c) and (d):

(i) The phrase “§ 171.8 of this title” shall be deleted and replaced with “49 C.F.R. 171.8 as adopted by K.A.R. 82-4-20.”

(ii) The phrase “§ 173.116(a) or § 173.133(a) of this title” shall be deleted and replaced with “49 C.F.R. 173.116(a) or 173.133(a) as adopted by K.A.R. 82-4-20.”

(D) The following revisions shall be made to paragraph (e):

(i) The phrase “§ 171.8 of this title” shall be deleted and replaced with “49 C.F.R. 171.8 as adopted by K.A.R. 82-4-20.”

(ii) The phrase “§ 173.116(a)” shall be deleted and replaced with “49 C.F.R. 173.116(a) as adopted by K.A.R. 82-4-20.”

(11) The following shall be inserted after the last sentence in 49 C.F.R. 385.405T(b): “All Kansas-based interstate motor carriers and all Kansas intrastate motor carriers transporting hazardous materials are required to obtain a hazardous materials safety permit from the FMCSA and are subject to FMCSA jurisdiction for hazardous materials safety requirements as set forth in 49 C.F.R. 385.401 through 385.423, and in 49 C.F.R. Parts 171, 172, 173, 177, 178 and 180, as adopted by K.A.R. 82-4-20.”

(12) In 49 C.F.R. 385.411, “385.405” shall be replaced with “385.405T.”

(13) In 49 C.F.R. 385.415(a)(2), the phrase “as adopted by K.A.R. 82-4-3k” shall be inserted after each instance of “of this chapter.”

(14) In 49 C.F.R. 385.419T, the phrase “as adopted by K.A.R. 82-4-3f” shall be inserted after each instance of “of this chapter.”

(15) The following changes shall be made to 49 C.F.R. 385.421T:

(A) In 49 C.F.R. 385.421T(a)(1), the phrase “as adopted by K.A.R. 82-4-3f” shall be inserted after “of this chapter.”

(B) In 49 C.F.R. 385.421T(a)(8), the phrase “as adopted by K.A.R. 82-4-3n” shall be inserted after “of this chapter.”

(C) In 49 C.F.R. 385.421T(a)(10), the phrase “in accordance with §386.83 or §386.84 of this chapter” shall be deleted.

(16) 49 C.F.R. 385.501 through 385.1019, including appendices A and B, shall be deleted.

(17) All sections marked “reserved” shall be deleted.

(b) As used in this regulation, each reference to a portion of 49 C.F.R. Part 385 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 K.S.A. 2025 Supp. 66-1,112, K.S.A. 2025 Supp. 66-1,112g, K.S.A. 66-1,129; implementing K.S.A. 2025 Supp. 66-1,112, K.S.A. 2025 Supp. 66-1,112g, K.S.A. 66-1,129, and K.S.A. 66-1,142a; effective, T-82-12-29-04, Dec. 29, 2004; effective April 29, 2005; amended Oct. 2, 2009; amended Oct. 22, 2010; amended Sept. 20, 2013; amended July 26, 2019; amended Feb. 10, 2023; amended July 6, 2026.)

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