Kansas Administrative Regulations

Kansas Corporation Commission

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

82-4-3k. Transportation of hazardous materials; driving and parking rules.

(a) With the following exceptions, 49 C.F.R. Part 397, as in effect on October 1, 2025, is hereby adopted by reference:

(1) In 49 C.F.R. 397.1(a), 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."

(2) In 49 C.F.R. 397.2, the phrase "the rules in parts 390 through 397, inclusive, of this subchapter" shall be deleted and replaced by "K.A.R. 82-4-3a and K.A.R. 82-4-3f through K.A.R. 82-4-3k." 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."

(3) In 49 C.F.R. 397.3, the term "Department of Transportation" shall be deleted and replaced by "commission."

(4) In 49 C.F.R. 397.5(a), the phrase "as defined by 49 C.F.R. 172.101 and adopted by K.A.R. 82-4-20" shall be added after "(explosive) material."

(5) In 49 C.F.R. 397.7(a), the phrase "as defined by 49 C.F.R. 172.101 and adopted by K.A.R. 82-4-20" shall be added after the words "Division 1.1, 1.2, or 1.3 materials."

(6) The following revisions shall be made to 49 C.F.R. 397.13:

(A) In paragraph (a), the phrase "as defined by 49 C.F.R. 172.101 and adopted by K.A.R. 82-4-20" shall be added after the phrase "Division 2.1, Class 3, Divisions 4.1 and 4.2."

(B) In paragraph (b), 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."

(7) The following revisions shall be made to 49 C.F.R. 397.19:

(A) In paragraph (a), the phrase "as defined by 49 C.F.R. 172.101 and adopted by K.A.R. 82-4-20" shall be added after the words "(explosive) materials."

(B) In paragraph (c)(2), the phrase "§177.817 of this title" shall be deleted and replaced by "49 C.F.R. 177.817 as adopted by K.A.R. 82-4-20."

(8) In 49 C.F.R. 397.61, the words "States and Indian Tribes are required to follow if they" shall be replaced with "Kansas shall follow if it chooses to."

(9) In 49 C.F.R. 397.63, the phrase "any State or Indian Tribe that" shall be replaced with "Kansas if it."

(10) The following revisions shall be made to 49 C.F.R. 397.65:

(A) The definitions of "Administrator" and "FMCSA" shall be deleted.

(B) In the definition of "Motor carrier," the definition portion shall be deleted and replaced with the following: "'Motor carrier' shall have the same definition as specified in 49 CFR 390.5 as adopted by K.A.R. 82-4-3f."

(C) In the definition of "Motor vehicle," the definition portion shall be deleted and replaced with the following: "'Motor vehicle' shall have the same definition as specified in 49 CFR 390.5 as adopted by K.A.R. 82-4-3f."

(D) In the definition of "Indian tribe," the text "as in effect on January 6, 2025" shall be added after "25 U.S.C. 450b."

(E) In the definition of "NRHM," the phrase "as adopted by K.A.R. 82-4-20" shall be added after "49 CFR 172.504."

(F) In the definition of "Radioactive material," the phrase "as adopted by K.A.R. 82-4-20" shall be added after "49 CFR 173.403," "49 CFR 173.36," and "49 CFR 173.433."

(11) The following changes shall be made to 49 C.F.R. 397.67:

(A) In paragraph (b), the phrase "as adopted by K.A.R. 82-4-20" shall be added after "49 CFR 177.823."

(B) In paragraph (d), the phrase "as adopted by K.A.R. 82-4-20" shall be added after "49 CFR 173.50 and 173.53 respectively."

(12) 49 C.F.R. 397.69 shall be deleted.

(13) 49 C.F.R. 397.71 shall be deleted.

(14) 49 C.F.R. 397.73 shall be deleted.

(15) 49 C.F.R. 397.75 shall be deleted.

(16) 49 C.F.R. 397.77 shall be deleted.

(17) The following revisions shall be made to 49 C.F.R. 397.101:

(A) In paragraph (a), the phrase "as adopted by K.A.R. 82-4-20" shall be added after "49 CFR 172.403" and after "49 CFR part 172."

(B) In paragraph (b), the phrase "as adopted by K.A.R. 82-4-20" shall be added after "49 CFR 173.403."

(C) In paragraph (b)(2), the phrase "as adopted by K.A.R. 82-4-20" shall be added after "49 CFR 173.403."

(D) In the first sentence of paragraph (d), the phrase "as adopted by K.A.R. 82-4-20" shall be added after "49 CFR 173.403."

(E) In paragraph (e)(1)(i), the phrase "as adopted by K.A.R. 82-4-20" shall be added after "49 CFR parts 172, 173, and 177."

(F) In paragraph (e)(2), the phrase "§ 391.51 of this subchapter" shall be deleted and replaced with "49 C.F.R. 391.51 as adopted by K.A.R. 82-4-3g."

(G) In paragraph (f), the phrase "as adopted by K.A.R. 82-4-20" shall be added after "49 CFR 173.22(c)."

(18) In 49 C.F.R. 397.103, paragraphs (a), (b), (c)(1), and (c)(2) shall be deleted.

(19) 49 C.F.R. 397.201 to 49 C.F.R. 397.225 shall be deleted.

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

(b) As used in this regulation, each reference to a portion of 49 C.F.R. Part 397 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. 2021 Supp. 66-1,112, K.S.A. 2021 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 (tech.) Aug. 6, 2026.)

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