

# **Kansas Administrative Regulations**

## **Kansas Department of Transportation**

### **Article 45.—Escort Vehicles, Escort Vehicle Service Providers, and Escort Vehicle Operators**

#### **36-45-10. Determination of registration revocation or denial; registration committee.**

The procedures specified in this regulation shall be followed for each determination to revoke or deny any EVSP registration.

(a) Determination of registration revocation or denial.

(1) The registration of an EVSP shall be revoked or denied by the EVSP registrar for failing to comply with any provision of this article of the department's regulations or any other applicable law.

(2) If the registration of an EVSP is revoked or denied by the EVSP registrar, the EVSP registrar shall provide written notice of the revocation or denial to the EVSP. Each notice of revocation or denial shall be sent by certified mail to the EVSP no more than 15 business days from the date the EVSP registrar revokes or denies the registration of the EVSP.

(b) Appeals of registration revocation or denial.

(1) Each EVSP whose EVSP registration is revoked or denied shall be entitled to an appeal if the EVSP files a written appeal with the EVSP registrar and the appeal is received by the EVSP registrar, either electronically or by U.S. mail, within 30 days of notification of the registration revocation or denial.

(2) Each appeal shall be filed on a form provided by the department. The appeal form for EVSP registration revocation or denial shall be available on the department's web site. Upon the request of the EVSP, the EVSP registrar shall provide a paper copy of the appeal form by certified mail.

(3) If an EVSP files an appeal of a revocation of registration according to this regulation, the EVSP registration shall be valid, pending final determination of revocation by the EVSP registration committee.

(4) If an EVSP files an appeal of a denial of registration according to this regulation, the EVSP registration shall be deemed invalid, pending a final determination of the denial by the EVSP registration committee.

(5) If an EVSP fails to file an appeal according to this regulation, the revocation or denial determination by the EVSP registrar shall become final, upon expiration of the appeal period.

(c) Registration committee.

(1) A committee of at least three members shall be established by the secretary to act as an appellate body to hear and determine appeals concerning revocations and denials of EVSP registrations. The members of the registration committee shall be appointed by the secretary and shall serve at the pleasure of the secretary.

(2) The registration committee shall be chaired by the EVSP registrar. The EVSP registrar shall be a non-voting member of the committee.

(d) Decisions of registration committee.

(1) If an appeal is filed according to this regulation, the EVSP registration committee shall make a final determination to revoke, deny, or reinstate the EVSP registration.

(2) Pursuant to K.S.A. 77-601 et seq. and amendments thereto, the decisions of the registration committee shall not be subject to further administrative review by any officer or committee of the department.

(3) If the registration committee determines that the EVSP registration of the appealing EVSP should not have been revoked or denied, the registration of the EVSP shall be reinstated, effective immediately.

(4) If the registration committee affirms the revocation of the EVSP registration of the appealing EVSP, the EVSP shall not register with the secretary for one year from the original date of the initial revocation made by the EVSP registrar.

(5) If the registration committee affirms the denial of the EVSP registration, the EVSP shall not register with the secretary until the EVSP remedies the cause or causes for the denial.

(Authorized by K.S.A. 2019 Supp. 8-1921 and K.S.A. 68-404; implementing K.S.A. 2019 Supp. 8-1911 and K.S.A. 2019 Supp. 8-1921; effective, T-36-8-28-20, Aug. 28, 2020; effective Dec. 18, 2020.)

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