Kansas Administrative Regulations

Kansas Corporation Commission

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

82-4-3j. Inspection, repair, and maintenance.

(a) With the following exceptions, 49 C.F.R. Part 396 including appendix A, as in effect on October 1, 2022, is hereby adopted by reference:

(1) In 49 C.F.R. 396.1 (c), the phrase "49 CFR 390.5" shall be deleted and replaced with "49 C.F.R. 390.5 as adopted by K.A.R. 82-4-3f." In paragraph (d), 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. 396.3(a)(1), the phrase "part 393 of this subchapter" shall be deleted and replaced by "49 C.F.R. Part 393, as adopted by K.A.R. 82-4-3i."

(3) The following revisions shall be made to 49 C.F.R. 396.9:

(A) In paragraph (a), the phrase "Every special agent of the FMCSA (as defined in appendix B to this subchapter)" shall be deleted and replaced by "Any authorized representative of the commission, and any member of the Kansas highway patrol or any other law enforcement officer in the state who is certified in the inspection of motor carriers based on the motor carrier safety assistance program standards."

(B) In paragraph (b), the sentence after "Prescribed inspection report" shall be deleted and replaced by the following sentence: "Motor vehicle inspections conducted by authorized personnel as described in paragraph (a) shall be made on forms approved by the Kansas highway patrol."

(C) In paragraph (c)(1), the term "'Out of Service Vehicle' sticker" shall mean a form approved by the Kansas highway patrol.

(D) In paragraph (c)(2) "Driver Vehicle Examination Report" means a "motor vehicle inspection conducted by authorized personnel on forms approved by the Kansas highway patrol."

(E) In paragraph (d)(3)(ii), the phrase "issuing agency" shall be deleted and replaced by "the state's lead Motor Carrier Safety Assistance Program agency."

(4) In paragraph (h) of 49 C.F.R. 396.17, the phrase "penalty provisions of 49 U.S.C. 521(b)" shall be deleted and replaced by "civil penalties provided by K.S.A. 66-1,142b, K.S.A. 66-1,142c, and other applicable penalties."

(5) The following revision shall be made to 49 C.F.R. 396.19: In paragraph (a)(1), the phrase "part 393" shall be deleted and replaced with "49 C.F.R. Part 393 as adopted by K.A.R. 82-4-3i."

(6) In paragraphs (b)(2) and (3) of 49 C.F.R. 396.21, the word "Federal" shall be deleted.

(7) In appendix A to part 396, each reference to a portion of 49 C.F.R. Part 393 shall mean that section as adopted by K.A.R. 82-4-3i.

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

(b) As used in this regulation, each reference to a portion of 49 C.F.R. Part 396 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. 66-1,112, K.S.A. 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-82-12-29-23, Dec. 29, 2023; amended April 26, 2024.)

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