Kansas Administrative Regulations

Kansas Corporation Commission

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

82-4-3f. General motor carrier safety regulations.

(a) With the following exceptions, 49 C.F.R. Part 390, as in effect on October 1, 2025, is hereby adopted by reference:

(1) The following revisions shall be made to 49 C.F.R. 390.3T:

(A) In paragraph (a), the phrase "or intrastate" shall be added after the word "interstate."

(B) In paragraph (a)(2), "49 CFR 386.12(c)" shall be deleted and replaced with "49 C.F.R. 386.12(c), as adopted by K.A.R. 82-4-3o."

(C) Paragraph (b) shall be deleted and replaced with the following: "The Kansas uniform commercial drivers' license act, found at K.S.A. 8-2,125 et seq., is applicable to every person who operates a commercial motor vehicle in interstate or intrastate commerce and to all employers of such persons."

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

(i) The phrase "Part 387 of this chapter, Minimum Levels of Financial Responsibility for Motor Carriers" shall be deleted and replaced with "49 C.F.R. Part 387 as adopted by K.A.R. 82-4-3n."

(ii) The phrase "§ 387.3 or § 387.27" shall be deleted and replaced with "49 C.F.R. 387.3 or 387.27 as adopted by K.A.R. 82-4-3n."

(E) In paragraphs (f)(1) and (6), the phrase "of this chapter" shall be replaced with "as adopted by K.A.R. 82-4-3g and K.A.R. 82-4-3h."

(F) Paragraph (g)(1) shall be deleted and replaced with the following: "(1) 49 C.F.R. Part 385, subparts A and E, as adopted by K.A.R. 82-4-3d, for carriers subject to the requirements of 49 C.F.R. 385.403, as adopted by K.A.R. 82-4-3d." In Paragraph (g)(2), the phrase "of this subchapter" shall be replaced with "as adopted by K.A.R. 82-4-3o." Paragraph (g)(3) shall be deleted and replaced with "49 C.F.R. Part 387, as adopted by

K.A.R. 82-4-3n, to the extent provided in 49 C.F.R. 387.3 as adopted by K.A.R. 82-4-3n." Paragraph (g)(4) shall be deleted.

(G) The following revisions shall be made to paragraph (h):

(i) Paragraph (1) shall be deleted.

(ii) Paragraph (2) shall be deleted and replaced with "49 C.F.R. Part 386, Subpart F as adopted by K.A.R. 82-4-3o."

(iii) Paragraph (4) shall be deleted and replaced with "49 C.F.R. Part 393 as adopted by K.A.R. 82-4-3i."

(iv) Paragraph (5) shall be deleted and replaced with "49 C.F.R. Part 396 as adopted by K.A.R. 82-4-3j."

(2) The following revisions shall be made to 49 C.F.R. 390.5T:

(A) In the definition of "commercial motor vehicle," the phrase "or intrastate" shall be inserted following the term "interstate."

(B) In the definition of "driving a commercial motor vehicle while under the influence of alcohol," the phrase "Table 1 to §383.51 or §392.5(a)(2) of this subchapter," shall be deleted and replaced with "K.S.A. 8-2,125 et seq. or 49 C.F.R. 392.5(a)(2) as adopted by K.A.R. 82-4-3h."

(C) In the definition of "employer," the phrase "or intrastate" shall be inserted following the term "interstate."

(D) In the definition of "exempt intracity zone," the following text shall be deleted: "of a municipality or the commercial zone of that municipality described in appendix F to subchapter B of this chapter. The term 'exempt intracity zone' does not include any municipality or commercial zone in the State of Hawaii." The deleted text shall be replaced by the following: "described in section 8 of 49 C.F.R. Subtitle B, Chapter III, Subchapter B, Appendix F, as adopted by K.A.R. 82-4-3f." The phrase "§ 391.62" shall be deleted and replaced with "49 C.F.R. 391.62 as adopted by K.A.R. 82-4-3g."

(E) In the definition of "exempt motor carrier," the phrase "Federal Motor Carrier Safety Administration (FMCSA) under 49 U.S.C. chapter 13506" shall be replaced by "Kansas Corporation Commission under K.S.A. 66-1,109 or the federal motor carrier regulations."

(F) In the definition of "farm vehicle driver," the phrase "§177.823 of this subtitle" shall be deleted and replaced with "49 C.F.R. 177.823 as adopted by K.A.R. 82-4-20."

(G) In the definition of "for-hire motor carrier," the term "for-hire" shall have the same meaning as that for the term "public."

(H) In the definition of "Hazardous material," the phrase "United States" shall be inserted immediately before the phrase "Secretary of Transportation."

(I) The following changes shall be made in the definition of "hazardous substance":

(i) Both instances of the phrase "§ 172.101" shall be deleted and replaced by "49 C.F.R. 172.101."

(ii) The first instance of the phrase "of this title" shall be deleted and replaced by "as adopted by K.A.R. 82-4-20."

(iii) 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."

(J) The definition of "medical examiner" shall be deleted and replaced by the following: "'Medical examiner' means an individual certified by FMCSA and listed on the national registry of certified medical examiners in accordance with 49 C.F.R. Part 390, Subpart D."

(K) In the definition of "medical variance," the phrase "part 381, subpart C, of this chapter or §391.64 of this chapter" shall be deleted and replaced with "K.A.R. 82-4-6d or 49 C.F.R. 391.64 as adopted by K.A.R. 82-4-3g." The phrase "§ 391.49 of this chapter" shall be deleted and replaced with "49 C.F.R. 391.49 as adopted by K.A.R. 82-4-3g."

(L) In the definition of "other terms," the phrase "or in the Kansas motor carrier regulations," shall be added after "this subchapter."

(M) The following revisions shall be made to the definition of "principal place of business":

(i) The phrase "parts 382, 387, 390, 391, 395, 396, and 397 of this subchapter" shall be deleted and replaced by "K.A.R. 82-4-3a, K.A.R. 82-4-3c, K.A.R. 82-4-3f, K.A.R. 82-4-3g, K.A.R. 82-4-3j, K.A.R. 82-4-3k, and K.A.R. 82-4-3n."

(ii) The first instance of the term "Federal" shall be deleted.

(iii) The phrase "of the Federal Motor Carrier Safety Administration" shall be deleted.

(N) In the definitions of "private motor carrier of passengers (business)" and "private motor carrier of passengers (nonbusiness)," the phrase "or intrastate" shall be inserted following the term "interstate."

(O) In the definition of "Secretary," "U.S." shall be inserted before "Secretary of Transportation."

(P) The definition of "Special agent" shall be deleted and replaced by the following: "Special agent or authorized representative means an authorized representative of the commission, and members of the 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."

(Q) In the definition of "use a hand-held mobile telephone," the phrase "as adopted by K.A.R. 82-4-3i" shall be inserted after the phrase "49 C.F.R. 393.93."

(3) In 49 C.F.R. 390.6, paragraph (b) shall be deleted and replaced with the following: "A driver who believes he or she was coerced to violate a regulation described in paragraph (a)(1) or (2) of this section may file a complaint with the National Consumer Complaint Database at http://nccdb.fmcsa.dot.gov."

(4) 49 C.F.R. 390.7 and 49 C.F.R. 390.9 shall be deleted.

(5) In 49 C.F.R. 390.11, the phrase "part 325 of subchapter A or in" shall be deleted.

(6) In 49 C.F.R. 390.13, the phrase "violate the rules of this chapter" shall be deleted and replaced by "operate in Kansas in a manner which violates any order, decision, or regulation of the commission."

(7) The following revision shall be made to 49 C.F.R. 390.15:

(A) In paragraph (a)(1), the phrase "of the Federal Motor Carrier Safety Administration, an authorized State or local enforcement agency representative or authorized third party representative" shall be deleted.

(8) The following revisions shall be made to 49 C.F.R. 390.19T:

(A) In paragraph (a)(1), the phrase "interstate commerce" shall be deleted and replaced by "Kansas."

(B) In paragraph (a)(2), the phrase "49 C.F.R. 385.401 to 385.423 as adopted by K.A.R. 82-4-3d," shall replace "49 C.F.R. part 385, subpart E."

(C) Paragraph (b) shall be deleted and replaced by the following: "The Form MCS-150 shall contain the following information:

"(1) The USDOT number assigned to the carrier;

"(2) the legal name of the motor carrier;

"(3) the trade or 'doing business as' name of the motor carrier, if applicable;

"(4) the street address of the motor carrier, including city, state, and zip code;

"(5) the mailing address of the motor carrier, including city, state, and zip code;

"(6) the motor carrier's principal telephone number and facsimile number;

"(7) whether the motor carrier conducts intrastate only carriage of hazardous materials or intrastate carriage of non-hazardous materials;

"(8) the motor carrier's mileage, rounded to the nearest 10,000, for the last calendar year;

"(9) the type of operations the motor carrier conducts;

"(10) the classification of cargo that the motor carrier transports;

"(11) the hazardous materials transported by the motor carrier;

"(12) the type of equipment owned or leased or both for transporting property or passengers;

"(13) the number of drivers that operate within a 100-mile radius of the carrier's principal place of business;

"(14) the number of drivers that operate outside a 100-mile radius of the carrier's principal place of business;

"(15) the number of drivers with commercial drivers' licenses;

"(16) the total number of drivers; and

"(17) for Kansas-based, intrastate carriers, a signed and dated statement with the signatory's printed name and title, certifying that the signatory is familiar with the commission's safety regulations and that the information contained in the report is accurate."

(D) In paragraph (d), the term "agency's" shall be deleted and replaced by "FMCSA's." The following sentence shall be inserted after the last sentence in paragraph (d): "Kansas-based motor carriers may file the completed Form MCS-150

online at fmcsa.dot.gov or with the Kansas Corporation Commission at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604."

(E) In paragraph (g), "the penalties prescribed in 49 U.S.C. 521(b)(2)(B)" shall be deleted and replaced by "civil penalties as provided in K.S.A. 66-1,142b."

(F) Paragraph (h) shall be deleted.

(9) The following revisions shall be made to 49 C.F.R. 390.21T:

(A) In paragraph (a), each instance of "subject to subchapter B of this chapter" shall be deleted.

(B) Paragraph (e)(2)(iii)(C) shall be deleted and replaced by the following: "A statement that the lessor cooperates with all relevant special agents and authorized representatives to provide the identity of customers who operate the rental commercial motor vehicles; and."

(C) The last sentence of paragraph (e)(2)(iv) shall be deleted.

(10) The following changes shall be made to 49 C.F.R. 390.23:

(A) In paragraphs (a), (a)(1)(i)(B), and (a)(2)(i)(B), the phrase "Parts 390 through 399 of this chapter" shall be deleted and replaced by "K.A.R. 82-4-3a, and K.A.R. 82-4-3f through K.A.R. 82-4-3m."

(B) In paragraph (b), both instances of the phrase "parts 390 through 399 of this chapter" shall be deleted and replaced by "K.A.R. 82-4-3a, and K.A.R. 82-4-3f through K.A.R. 82-4-3m."

(C) In paragraph (c), the phrase "§§ 395.3(a) and (c) and 395.5(a) of this chapter" shall be deleted and replaced by "49 C.F.R. 395.3(a) and (c) and 49 C.F.R. 395.5(a), all as adopted by K.A.R. 82-4-3a."

(11) 49 C.F.R. 390.27 shall be deleted.

(12) The following revisions shall be made to 49 C.F.R. 390.29(b):

(A) The phrase "of the Federal Motor Carrier Safety Administration" shall be deleted.

(B) The word "Federal" appearing in the last sentence shall be deleted and replaced with "government-declared."

(13) In 49 C.F.R. 390.33 and 49 C.F.R. 390.35, all references to "part 325 of subchapter A" shall be deleted.

(14) 49 C.F.R. 390.37 shall be deleted.

(15) The following revisions shall be made to 49 C.F.R. 390.38:

(A) In paragraph (a)(1), the phrase "49 CFR part 365 or" shall be deleted.

(B) In paragraph (a)(2), the phrase "49 CFR part 391" shall be deleted and replaced with "49 C.F.R. part 391 as adopted by K.A.R. 82-4-3g."

(C) In paragraph (a)(3), the phrase "49 CFR part 392" shall be deleted and replaced with "49 C.F.R. part 392 as adopted by K.A.R. 82-4-3h."

(D) In paragraph (a)(4), the phrase "49 CFR parts 393 and 396" shall be deleted and replaced with "49 C.F.R. part 393 as adopted by K.A.R. 82-4-3i and 49 C.F.R. part 396 as adopted by K.A.R. 82-4-3j."

(E) In paragraph (a)(5), the phrase "49 CFR part 395" shall be deleted and replaced with "49 C.F.R. part 395 as adopted by K.A.R. 82-4-3a."

(16) The following revisions shall be made to 49 C.F.R. 390.39:

(A) In paragraph (a)(1), the phrase "49 CFR Part 383 or controlled substances and alcohol use and testing in 49 CFR Part 382" shall be deleted and replaced with "the Kansas uniform commercial drivers' license act, found at K.S.A. 8-2,125 et seq. or controlled substances and alcohol testing in 49 C.F.R. Part 382 as adopted by K.A.R. 82-4-3c."

(B) In paragraph (a)(2), the phrase "49 CFR Part 391, Subpart E, Physical Qualifications and Examinations" shall be deleted and replaced with "49 C.F.R. 391.41 to 391.49 as adopted by K.A.R. 82-4-3g."

(C) In paragraph (a)(3), the phrase "49 CFR Part 395, Hours of Service of Drivers" shall be deleted and replaced with "49 C.F.R. Part 395 as adopted by K.A.R. 82-4-3a."

(D) In paragraph (a)(4), the phrase "49 CFR Part 396, Inspection, Repair, and Maintenance" shall be deleted and replaced with "49 C.F.R. Part 396 as adopted by K.A.R. 82-4-3j."

(E) Paragraph (b) shall be deleted.

(F) In paragraph (c), the phrase "in §§383.3(d)(1), 383.3(e), 383.3(f), 391.2(a), 391.2(b), 391.2(c), 391.67, 395.1(e)(1), 395.1(e)(2), 395.1(h), 395.1(i), and 395.1(k) of this chapter" shall be replaced by "contained in these rules and regulations."

(17) The following revisions shall be made to 49 C.F.R. 390.40T:

(A) In paragraph (c), the phrase "§ 396.3(a)(1)" shall be deleted and replaced with "49 C.F.R. 396.3(a)(1) as adopted by K.A.R. 82-4-3j."

(B) In paragraph (e), the phrase "§ 396.11 of this chapter" shall be deleted and replaced with "49 C.F.R. 396.11 as adopted by K.A.R. 82-4-3j."

(C) In paragraph (f), the phrase "§ 396.3(b)(3) of this chapter" shall be deleted and replaced with "49 C.F.R. 396.3(b)(3) as adopted by K.A.R. 82-4-3j."

(D) In paragraph (g), the phrase "§ 396.17 of this chapter" shall be deleted and replaced with "49 C.F.R. 396.17 as adopted by K.A.R. 82-4-3j."

(E) In paragraph (j), the phrase "as defined in § 386.72(b)(3) of this chapter" shall be deleted and replaced with "as defined in K.A.R. 82-4-3o."

(18) The following revisions shall be made to 49 C.F.R. 390.42:

(A) In paragraph (a), the phrase "listed in §392.7(b) of this subchapter" shall be deleted and replaced by "specified in K.A.R. 82-4-3h."

(B) In paragraph (b), the phrase "in § 396.11(b)(1) of this chapter" shall be deleted and replaced by "49 C.F.R. 396.11(b)(1) as adopted by K.A.R. 82-4-3h."

(19) The following revisions shall be made to 49 C.F.R. 390.44:

(A) The following revisions shall be made to paragraph (a):

(i) The phrase "listed in §392.7(b) of this chapter" shall be deleted and replaced by "listed in 49 C.F.R. 392.72(b), as adopted by K.A.R. 82-4-3h."

(ii) The phrase "pursuant to §392.7(b)" shall be deleted and replaced by "listed in 49 C.F.R. 386.72(b), as adopted by K.A.R. 82-4-3o."

(B) The following revisions shall be made to paragraph (b):

(i) The phrase "listed in §392.7(b) of this chapter" shall be deleted and replaced by "listed in 49 C.F.R. 386.72(b), as adopted by K.A.R. 82-4-3o."

(ii) The phrase "with §392.7(b)" shall be deleted and replaced by "with K.A.R. 82-4-3h."

(C) The following revisions shall be made to paragraph (c):

(i) The term "FMCSA" shall be deleted and replaced by "the commission."

(ii) The phrase "49 U.S.C. 31151 or the implementing regulations in this subchapter regarding interchange of intermodal equipment by contacting the appropriate FMCSA Field Office" shall be deleted and replaced by "K.A.R. 82-4-3a through K.A.R. 82-4-3o

and K.A.R. 82-4-20 by filing a written complaint with the commission by: fax - 785-271-3124; email: transportation@kcc.ks.gov; or by mail addressed to: 1500 SW Arrowhead Rd, Topeka, KS 66604-3124. The commission may also be contacted by phone number: 785.271.3145, select option one."

(20) 49 C.F.R. 390.46 shall be deleted.

(21) 49 C.F.R. Part 390, Subpart D shall be deleted.

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

(b) Section 8 of 49 C.F.R., Subtitle B, Chapter III, Subchapter B, Appendix F, as in effect on October 1, 2025, is hereby adopted by reference.

(c) As used in this regulation, each reference to a portion of 49 C.F.R. Part 390 shall mean that portion as adopted by reference in this regulation.

(d) As used in this regulation, the phrases "subpart B of this chapter" and "this subchapter" shall be replaced with "this subchapter as adopted by K.A.R. 82-4-3a and K.A.R. 82-4-3c through K.A.R. 82-4-3o."

(e) 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 Oct. 8, 2010; amended Nov. 14, 2011; amended Sept. 20, 2013; amended June 12, 2015; amended July 26, 2019; amended Feb. 10, 2023; amended (tech.) Aug. 6, 2026.)

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