

Kansas Administrative Regulations

Kansas Corporation Commission

Article 4.—Motor Carriers of Persons and Property

82-4-3o. Imminent hazard.

(a) With the following exceptions, 49 C.F.R. Part 386, Subpart F, as in effect on October 1, 2025, is hereby adopted by reference:

(1) 49 C.F.R. 386.71 shall be deleted.

(2) The following revisions shall be made to 49 C.F.R. 386.72:

(A) In paragraph (a), the first sentence shall be deleted and replaced by the following sentence: "Whenever it is determined that an imminent hazard exists as a result of the transportation by motor vehicle of a particular hazardous material, the director of the commission's transportation division may request an emergency suspension order from the commission for the purposes of suspending or restricting the transportation by motor vehicle of the hazardous material or for such other order as is necessary to eliminate or mitigate the imminent hazard."

(B) Paragraph (b)(1) shall be deleted and replaced by the following text: "Whenever it is determined that a violation of the Kansas motor carrier statutes or administrative regulations, as amended, or a combination of such violations, poses an imminent hazard to safety, the commission shall order:"

(C) In paragraph (b)(1)(i), the phrase "as provided by 49 U.S.C. 521(b)(5)" shall be deleted and replaced by "in Kansas."

(D) In paragraph (b)(1)(ii), the phrase "as provided by 49 U.S.C. 521(b)(5) and 49 U.S.C. 31151(a)(3)(I)" shall be deleted and replaced by "in Kansas."

(E) In paragraph (b)(4), the second sentence of the paragraph shall be deleted and replaced by the following sentence: "Administrative hearings shall be held pursuant to K.S.A. 77-537 and K.S.A. 77-542 and the commission's administrative regulations."

(3) In 49 C.F.R. 386.72(b)(6), the phrase "in subpart G of this part" shall be deleted and replaced by "by Kansas law."

(4) In 49 C.F.R. 386.73, paragraph (j) shall be deleted.

(b) As used in this regulation, each reference to a portion of 49 C.F.R. Part 386, Subpart F shall mean that portion as adopted by reference in this regulation.

(c) As used in this regulation, the term "FMCSA" shall mean "FMCSA or Commission."

(d) 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 Oct. 22, 2010; 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 *****