Kansas Administrative Regulations

Kansas Corporation Commission

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

82-4-3g. Qualifications of drivers.

(a) With the following exceptions, 49 C.F.R. Part 391, as in effect on October 1, 2025, is hereby adopted by reference:

(1) The following revisions shall be made to 49 C.F.R. 391.2:

(A) In paragraph (c), the phrase "§ 390.5 of this chapter" shall be deleted and replaced with "49 C.F.R. 390.5 as adopted by K.A.R. 82-4-3f."

(B) In paragraph (d), 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."

(C) In paragraph (e), 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) The following revision shall be made to 49 C.F.R. 391.11: 49 C.F.R. 391.11(b)(1) shall apply only to commercial motor vehicle operations in interstate commerce.

(3) In 49 C.F.R. 391.13, the phrase "§§ 392.9(a) and 383.111(a)(16) of this subchapter" shall be deleted and replaced by "49 C.F.R. 392.9(a), as adopted by K.A.R. 82-4-3h, and 49 C.F.R. 383.111(a)(16), as referenced by K.S.A. 8-2,133."

(4) The following revisions shall be made to 49 C.F.R. 391.15:

(A) In paragraphs (c)(1)(i) and (c)(2)(iii), each instance of "§ 395.2 of this subchapter" shall be deleted and replaced by "49 C.F.R. 395.2, as adopted by K.A.R. 82-4-3a."

(B) In paragraph (c)(2)(i)(C), the phrase "or § 392.5(a)(2)" shall be deleted and replaced by "or 49 C.F.R. 392.5(a)(2), as adopted by K.A.R. 82-4-3h."

(C) In paragraphs (c)(2)(ii) and (iii), the phrase "as adopted by K.A.R. 82-4-3c" shall be added after the phrase "21 C.F.R. 1308.11 Schedule I."

(D) In paragraphs (e)(1), (e)(2)(i), and (e)(2)(ii), the phrase "§ 392.80(a) of this chapter" shall be deleted and replaced with "49 C.F.R. 392.80(a) as adopted by K.A.R. 82-4-3h."

(E) In paragraphs (f)(1), (f)(2)(i), and (f)(2)(ii), the phrase "§ 392.82(a) of this chapter" shall be deleted and replaced with "49 C.F.R. 392.82(a) as adopted by K.A.R. 82-4-3h."

(5) The following revisions shall be made to 49 C.F.R. 391.21:

(A) In paragraph (b)(10)(iv)(B), the term "DOT" shall be deleted and replaced by "commission," and the phrase "as adopted by K.A.R. 82-4-3b" shall be inserted after the phrase "49 C.F.R. Part 40."

(B) In paragraph (b)(11), the phrase "as defined by Part 383 of this subchapter" shall be deleted.

(6) The following changes shall be made to 49 C.F.R. 391.23:

(A) In paragraphs (a)(2), (i)(1), and (i)(2), the term "U.S." shall be inserted before the phrase "Department of Transportation." The phrase "or commission" shall be inserted after the phrase "Department of Transportation."

(B) Paragraph (c)(3) shall be deleted and replaced by the following: "Prospective employers shall submit a report noting any failure of a previous employer to respond to an inquiry into a driver's safety performance history to the commission.

"(A) Reports shall be addressed to the Director, Transportation Division, Kansas Corporation Commission, 1500 SW Arrowhead Road, Topeka, KS 66604.

"(B) Reports shall be submitted to the commission within 90 days after the inquiry was submitted to the previous employer.

"(C) Reports must be signed by the prospective employer submitting the report and must include the following information:

"(i) The name, address, and telephone number of the person who files the report;

"(ii) The name and address of the previous employer who has failed to respond to the inquiry into a driver's safety performance history;

"(iii) A concise but complete statement of the facts, including the date the inquiry was sent to the previous employer, the method by which the inquiry was sent, and the dates of any follow-up communications with the previous employer."

(C) In paragraphs (c)(4), (e), and (g)(1), the term "U.S." shall be inserted before the term "DOT" and the phrase "or commission" shall be inserted after the term "DOT."

(D) In paragraph (d)(2), the phrase "§ 390.15(b)(1) of this chapter" shall be deleted and replaced by "49 C.F.R. 390.15(b)(1), as adopted by K.A.R. 82-4-3f."

(E) In paragraph (d)(2)(i), the phrase "§ 390.5 of this chapter" shall be deleted and replaced by "49 C.F.R. 390.5, as adopted by K.A.R. 82-4-3f."

(F) In paragraph (d)(2)(ii), the phrase "§ 390.15(b)(2)" shall be deleted and replaced by "49 C.F.R. 390.15(b)(2), as adopted by K.A.R. 82-4-3f."

(G) In paragraph (e), the phrase ", as adopted by K.A.R. 82-4-3b" shall be added at the end of the last sentence.

(H) In paragraph (e)(1), the phrase "part 382 of this chapter" shall be deleted and replaced by "49 C.F.R. part 382, as adopted by K.A.R. 82-4-3c." The phrase ", as adopted by K.A.R. 82-4-3b" shall be inserted at the end of the last sentence.

(I) In paragraph (e)(2), the phrase "§ 382.605 of this chapter" shall be deleted and replaced by "49 C.F.R. 382.605, as adopted by K.A.R. 82-4-3c." The phrase "part 40, subpart O" shall be deleted and replaced by "or prescribed by a substance abuse professional certified by the U.S. DOT."

(J) In paragraph (e)(3), the phrase "§ 382.605" shall be deleted and replaced with "referral pursuant to 49 C.F.R. 382.605, as adopted by K.A.R. 82-4-3c." The phrase "49 CFR part 40, subpart O" shall be deleted and replaced by "or a referral by substance abuse professional certified by the U.S. DOT."

(K)(1) In paragraph (f), the term "consent meeting the requirements of §40.321(b) of this title" shall be deleted and replaced by "specific written consent, meaning a statement signed by the employee that he or she agrees to the release of a particular piece of information to a particular, explicitly identified, person or organization at a particular time,".

(L) In paragraph (j)(6), the following changes shall be made:

(i) In the first sentence, the comma following the phrase "safety performance information" shall be deleted, and the following text shall be inserted at the end of the first sentence: "if the previous employer is an interstate motor carrier, the driver may submit a complaint."

(ii) The term "§ 386.12" shall be deleted and replaced with "K.A.R. 82-4-3g(a)(6)(B)."

(iii) The following sentence shall be inserted at the end of the paragraph: "If the motor carrier is a Kansas-based interstate motor carrier, or an intrastate motor carrier, the driver may submit such report in writing to Director, Transportation Division, Kansas Corporation Commission, 1500 SW Arrowhead Road, Topeka, KS 66604."

(M) In paragraph (m)(2), the phrase "part 383 of this chapter" shall be deleted and replaced with "the Kansas uniform commercial drivers' license act, found at K.S.A. 8-2,125 et seq."

(N) In paragraph (m)(2)(i)(A), the phrase "in accordance with § 383.71(b)(1)(g) of this chapter" shall be deleted.

(O) In paragraph (m)(2)(i)(C), the phrase "in accordance with § 383.73(b)(5) of this chapter" shall be deleted.

(P) In paragraph (m)(3)(i)(A), the phrase "in accordance with § 383.71(b)(1) and (g) of this chapter" shall be deleted.

(7) The following revision shall be made to 49 C.F.R. 391.25: In paragraph (b)(1), the phrase "Federal Motor Carrier Safety Regulations in this subchapter or Hazardous Materials Regulations (49 CFR chapter 1, subchapter C)" shall be deleted and replaced by "Federal Motor Carrier Safety Regulations or Hazardous Materials Regulations, as adopted by article 4 of the commission's regulations, occurring in interstate commerce."

(8) The following revision shall be made to 49 C.F.R. 391.31: In 49 C.F.R. 391.31(c)(1), the phrase "§ 392.7 of this subchapter" shall be deleted and replaced with "49 C.F.R. 392.7 as adopted by K.A.R. 82-4-3h."

(9) The following revision shall be made to 49 C.F.R. 391.33: In paragraph (a)(1), the phrase "§ 383.5 of this subchapter" shall be deleted and replaced by "K.S.A. 8-234b and amendments thereto."

(10) The following revisions shall be made to 49 C.F.R. 391.41:

(A) The following revisions shall be made to paragraph (a)(2)(i)(A):

(i) The phrase "part 383 of this chapter" shall be deleted and replaced with "the Kansas uniform commercial drivers' license act, found at K.S.A. 8-2,125 et seq."

(ii) The phrase "in accordance with 49 CFR 383.71(h)" shall be deleted.

(B) In paragraph (a)(2)(i)(A), the phrase "part 383 of this chapter" shall be deleted and replaced with "the Kansas uniform commercial drivers' license act, found at K.S.A. 8-2,125, et seq."

(C) In paragraph (a)(2)(ii), the phrase "in accordance with § 383.71(h) of this chapter" and in paragraph (a)(2)(iii), the phrase "by § 383.71(h) of this chapter" shall be deleted.

(D) In paragraph (a)(2)(ii), the phrase "part 383 of this chapter" shall be deleted and replaced with "the Kansas uniform commercial drivers' license act, found at K.S.A. 8-2,125 et seq."

(E) In paragraph (b)(11), the clause "when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5 1951" shall be deleted.

(F) In paragraph (b)(12)(i), the phrase "as adopted by K.A.R. 82-4-3c" shall be added after the phrase "21 CFR 1308.11 Schedule I."

(G) In paragraph (b)(12)(ii), the phrase "as adopted by K.A.R. 82-4-3c" shall be inserted after "in 21 CFR part 1308" and "in § 382.107."

(11) The following changes shall be made to 49 C.F.R. 391.43:

(A) The following revision shall be made to paragraph (a): "Federal Motor Carrier Safety Administration's" shall be inserted before "National Registry of Certified Medical Examiners," and the phrase "under subpart D of part 390 of this chapter" shall be deleted.

(B) The editorial note found after paragraph (i) shall be deleted.

(C) In paragraph (i), the phrase "an authorized Federal, State, or local enforcement agency representative," shall be deleted and replaced by "the director of the transportation division of the commission."

(12) The following revisions shall be made to 49 C.F.R. 391.47:

(A) Paragraph (b)(8) shall be deleted.

(B) In paragraph (b)(9), the words "or intrastate" shall be inserted following the word "interstate."

(C) In paragraphs (c) and (d), the phrase "Director, Office of Carrier, Driver and Vehicle Safety Standards (MC-PS)" shall be deleted and replaced by the phrase "director of the commission's transportation division."

(D) The last two sentences of paragraph (e) shall be deleted and replaced by the following sentence: "Petitions for reconsideration in accordance with K.A.R. 82-1-235 may be filed with the Commission after which a petition for judicial review in accordance with K.S.A. 77-601 may be filed in the appropriate Kansas District Court."

(E) In paragraph (f), the first two occurrences of the phrase "Director, Office of Carrier, Driver and Vehicle Safety Standards (MC-PS)" shall be deleted and replaced by the phrase "director of the commission's transportation division." The clause "or until the Director, Office of Carrier, Driver and Vehicle Safety Standards (MC-PS) orders otherwise" shall be deleted and replaced with "orders otherwise."

(13) The following revisions shall be made to 49 C.F.R. 391.49:

(A) The phrase "Division Administrator, FMCSA" in paragraph (a) and the phrase "Division Administrator/State Director, FMCSA" in paragraphs (g), (h), (j)(1), and (k) shall be deleted and replaced by "director of the commission's transportation division."

(B) The remainder of paragraph (b)(2) after "The application must be addressed to" shall be deleted and replaced by ": Director of the Transportation Division, Kansas Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, KS 66604."

(C) In paragraph (b)(3), "field service center, FMCSA, for the state in which the driver has legal residence" shall be deleted and replaced by "director of the commission's transportation division at the address provided in paragraph (b)(2)."

(D) Paragraph (c)(2)(i) shall be deleted.

(E) The phrase "Medical Program Specialist, FMCSA service center" in paragraph (e)(1), the words "Medical Program Specialist, FMCSA for the State in which the carrier's principal place of business is located" in paragraph (e)(1)(i), and the words "Medical Program Specialist, FMCSA service center, for the State in which the driver has legal residence" in paragraph (e)(1)(ii) shall be deleted and replaced by "director of the transportation division of the commission."

(F) In paragraph (i), the words between "submitted to the" and "The SPE certificate renewal application" shall be deleted and replaced by "director of the transportation division of the commission."

(G) In paragraph (j)(1), the first two sentences shall be deleted.

(H) The following revisions shall be made to paragraph (j)(2):

(i) The words "State Director, FMCSA, for the State where the driver applicant has legal residence" shall be deleted and replaced by "director of the transportation division of the commission."

(ii) The phrase "subchapter B of the Federal Motor Carrier Safety Regulations (FMCSRs)" shall be deleted.

(iii) The term "FMCSRs" shall be deleted and replaced by "commission's regulations regarding motor carrier safety."

(14) The following revisions shall be made to 49 C.F.R. 391.51:

(A) In paragraph (b)(7)(ii), the phrase "defined at § 384.105 of this chapter" shall be deleted and replaced by ", meaning a report generated from the CDLIS driver record meeting the requirements for access to CDLIS information."

(B) The following revisions shall be made to paragraph (b)(8):

(i) The phrase "Field Administrator, Division Administrator, or State Director" shall be deleted and replaced by "the director of the transportation division of the commission."

(ii) The phrase "or under K.A.R. 82-4-6d" shall be added after "part 381 of this chapter."

(C) Paragraph (d)(5) shall be deleted and replaced with the following: "Any medical waiver issued by the commission, including a Skill Performance Evaluation Certificate issued in accordance with 49 C.F.R. 391.49, or the Medical Exemption letter issued by a Federal medical program in accordance with 49 C.F.R. Part 381."

(15) The following revision shall be made to 49 C.F.R. 391.61: The phrase "§ 390.5 of this subchapter" shall be deleted and replaced with "49 C.F.R. 390.5 as adopted by K.A.R. 82-4-3f."

(16) The following revisions shall be made to 49 C.F.R. 391.62:

(A) In paragraph (c), the phrase ", as adopted by K.A.R. 82-4-3f" shall be added after the phrase "49 C.F.R. 390.5."

(B) In paragraph (d), the phrase "under regulations issued by the Secretary under 49 U.S.C. chapter 51" shall be deleted and replaced by "under the regulations adopted by K.A.R. 82-4-20."

(C) In paragraph (e)(1), the phrase "Federal Motor Carrier Safety Regulations contained in this subchapter" shall be deleted and replaced by "commission's motor carrier regulations found in Article 4."

(17) The following revision shall be made to 49 C.F.R. 391.63: In paragraph (a), the phrase "§ 390.5 of this subchapter" shall be deleted and replaced with "49 C.F.R. 390.5 as adopted by K.A.R. 82-4-3f."

(18) 49 C.F.R. 391.64 shall be revised as follows:

(A) In paragraph (a)(2)(iii), the phrase "an authorized agent of the FMCSA" shall be deleted and replaced by "the director of the transportation division of the commission."

(B) In paragraphs (a)(2)(v) and (b)(3), the phrase "duly authorized federal, state or local enforcement official" shall be deleted and replaced by the phrase "any authorized representative of the commission, and any member of the Kansas highway patrol or any other law enforcement officer in the state who has been certified in the inspection of motor carriers based on the motor carrier safety assistance program standards."

(19) The form set out in 49 C.F.R. 391.65 shall be revised as follows:

(A) The phrase "as adopted by K.A.R. 82-4-3f" shall be added after the phrase "§ 390.5."

(B) The phrase "of the Federal Motor Carrier Safety Regulations" shall be deleted and replaced by the phrase "as adopted by K.A.R. 82-4-3g."

(20) The following revision shall be made to 49 C.F.R. 391.67: The phrase "§ 390.5 of this subchapter" shall be deleted and replaced with "49 C.F.R. 390.5 as adopted by K.A.R. 82-4-3f."

(21) The following revision shall be made to 49 C.F.R. 391.69: The phrase "§ 390.5 of this subchapter" shall be deleted and replaced by "49 C.F.R. 390.5, as adopted by K.A.R. 82-4-3f."

(22) Appendix A shall be deleted.

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

(b) As used in this regulation, each reference to a portion of 49 C.F.R. Part 391 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 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 *****