



Kansas Motor Carriers Association

Trucking Solutions Since 1936

Mark Munds
Groendyke Transport, Inc.
President

Brett Weis
Great Plains Trucking
Chairman of the Board

Gale Karlin
Golden Plains Trucking, Inc.
First Vice President

Kevin Hanschu
J & H Trucking, Inc.
Second Vice President

Darren Crouch
Sedona Trucking, Inc.
Treasurer

Larry "Doc" Criqui
Kansas Van & Storage
Criqui Corp.
Corporate Secretary

Mike Miller
Miller Trucking LTD
ATA State Vice President

Jason Hammes
Fairview Express LLC
ATA Alternate State VP

Kimberly Bonhart
United Parcel Service
Public Relations Chairman

Jane DeClue
DeClue Transport
ProTruck PAC Chairman

Jeff Robertson
TT & T Salvage & Towing, Inc
Foundation Chairman

Ed Heath
Assured Partners Company
Allied Industries Chairman

Ken Leicht
Miller Trucking LTD/Frito-Lay
Member Emeritus

Tom Whitaker
Executive Director

Legislative Testimony
by the
Kansas Motor Carriers Association
before the
House Transportation Committee
Representative Richard Proehl, Chairman
Tuesday, February 12, 2019

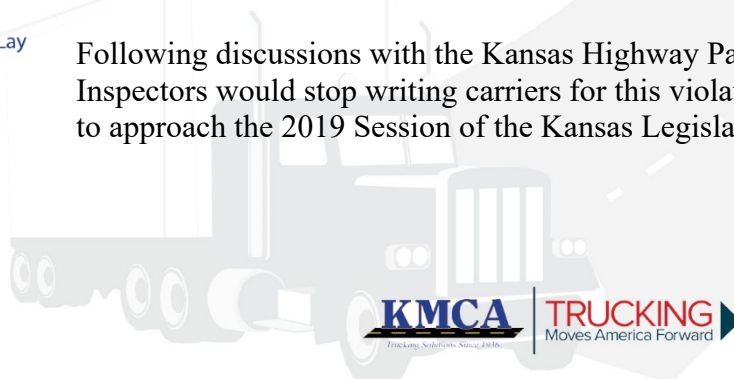
**MR. CHAIRMAN AND MEMBERS OF THE
HOUSE TRANSPORTATION COMMITTEE:**

Good Afternoon. I am Tom Whitaker, executive director of the Kansas Motor Carriers Association. We appear before you today representing our 860 member-firms and the highway transportation industry in support of House Bill No. 2127. The bill would eliminate vehicle marking requirements for trucks or truck tractors registered for a gross weight of more than 12,000 pounds from K.S.A. 8-143e.

Last year, our members operating in the Johnson County area were being written up for a violation of 8-143e on their vehicle inspection reports. These vehicles are mainly package delivery vehicles registered for 16,000 pounds gross vehicle weight. The vehicle registration statute requires that the name of the company, the city it's located in and the gross vehicle weight for which it's registered be displayed on both sides of the vehicle. K.S.A 8-143e has been on the books since 1955. Interstate trucks and truck tractors base plated in another state are not required to meet this requirement. As a matter of fact, Kansas is the only state in the lower 48 states to require this. All other states require compliance with the Federal Motor Carrier Safety Administration (FMCSA) rules pertaining to display of the motor carriers name and U.S. DOT number.

Currently, the Kansas Corporation Commission has adopted the FMCSA rules pertaining to vehicle marking. The adoption of the FMCSA rules is found in K.A.R. 82-4-8h. This rule applies to all interstate and intrastate for-hire vehicles over 10,000 pounds gross vehicle weight rating (GVWR) and interstate private carrier vehicles over 10,000 pounds GVWR. Intrastate private carriers are exempt from this regulation if the vehicle's GVWR is 26,000 pounds or less. In addition, farm trucks and truck tractors operating in intrastate commerce are exempt from the Kansas Corporation Commission regulations.

Following discussions with the Kansas Highway Patrol, Motor Carrier Safety Assistance Inspectors would stop writing carriers for this violation until KMCA had the opportunity to approach the 2019 Session of the Kansas Legislature to correct this duplicative statute.



Kansas law requires the Kansas Corporation Commission to adopt rules and regulations that are consistent with the Federal Motor Carrier Safety Assistance Program, which includes vehicle marking requirements. Legislative approval of House Bill No. 2127 will make Kansas consistent with the other 47 states and eliminate duplicative marking requirements for Kansas based trucks and truck tractors.

Mr. Chairman, the Kansas Motor Carriers Association strongly supports this Committee's positive action on House Bill No. 2127. We thank you for the opportunity to appear before you this morning and would be pleased to respond to any questions you may have.



§390.21T Marking of self-propelled CMVs and intermodal equipment.

(a) *General.* Every self-propelled CMV subject to this subchapter must be marked as specified in paragraphs (b), (c), and (d) of this section, and each unit of intermodal equipment interchanged or offered for interchange to a motor carrier by an intermodal equipment provider subject to this subchapter must be marked as specified in paragraph (g) of this section.

(b) *Nature of marking.* The marking must display the following information:

(1) The legal name or a single trade name of the motor carrier operating the self-propelled CMV, as listed on the motor carrier identification report (Form MCS-150) and submitted in accordance with §390.19T.

(2) The identification number issued by FMCSA to the motor carrier or intermodal equipment provider, preceded by the letters “USDOT.”

(3) If the name of any person other than the operating carrier appears on the CMV, the name of the operating carrier must be followed by the information required by paragraphs (b)(1) and (2) of this section and be preceded by the words “operated by.”

(4) Other identifying information may be displayed on the vehicle if it is not inconsistent with the information required by this paragraph (b).

(c) *Size, shape, location, and color of marking.* The marking must—

(1) Appear on both sides of the self-propelled CMV;

(2) Be in letters that contrast sharply in color with the background on which the letters are placed;

(3) Be readily legible, during daylight hours, from a distance of 50 feet (15.24 meters) while the CMV is stationary; and

(4) Be kept and maintained in a manner that retains the legibility required by paragraph (c)(3) of this section.

(d) *Construction and durability.* The marking may be painted on the CMV or may consist of a removable device, if that device meets the identification and legibility requirements of paragraph (c) of this section, and such marking must be maintained as required by paragraph (c)(4) of this section.

(e) *Rented property-carrying commercial motor vehicles.* A motor carrier operating a self-propelled property-carrying commercial motor vehicle under a rental agreement having a term not in excess of 30 calendar days meets the requirements of this section if:

(1) The CMV is marked in accordance with the provisions of paragraphs (b) through (d) of this section; or

(2) The CMV is marked as set forth in paragraphs (e)(2)(i) through (iv) of this section:

(i) The legal name or a single trade name of the lessor is displayed in accordance with paragraphs (c) and (d) of this section.

(ii) The lessor's identification number preceded by the letters "USDOT" is displayed in accordance with paragraphs (c) and (d) of this section.

(iii) The rental agreement entered into by the lessor and the renting motor carrier conspicuously contains the following information:

(A) The name and complete physical address of the principal place of business of the renting motor carrier;

(B) The identification number issued the renting motor carrier by the FMCSA, preceded by the letters "USDOT," if the motor carrier has been issued such a number. In lieu of the identification number required in this paragraph (e)(2)(iii)(B), the following may be shown in the rental agreement:

(1) Information which indicates whether the motor carrier is engaged in "interstate" or "intrastate" commerce; and

(2) Information which indicates whether the renting motor carrier is transporting hazardous materials in the rented CMV; and

(C) The sentence: "This lessor cooperates with all Federal, State, and local law enforcement officials nationwide to provide the identity of customers who operate this rental CMV".

(iv) The rental agreement entered into by the lessor and the renting motor carrier is carried on the rental CMV during the full term of the rental agreement. See the leasing regulations at 49 CFR part 376 for information that should be included in all leasing documents.

(f) *Leased and interchanged passenger-carrying commercial motor vehicles.* A motor carrier operating a leased or interchanged passenger-carrying commercial motor vehicle meets the requirements of this section if:

(1) The passenger-carrying CMV is marked in accordance with the provisions of paragraphs (b) through (d) of this section, except that marking is required only on the right (curb) side of the vehicle; and

(2) The passenger-carrying CMV is marked with a single placard, sign, or other device affixed to the right (curb) side of the vehicle on or near the front passenger door. The placard, sign or device must display the legal name or a single trade name of the motor carrier operating the CMV and the motor carrier's USDOT number, preceded by the words "Operated by."

(g) *Driveaway services.* In driveaway services, a removable device may be affixed on both sides or at the rear of a single driven vehicle. In a combination driveaway operation, the device may be affixed on both sides of any one unit or at the rear of the last unit. The removable device must display the legal name or a single trade name of the motor carrier and the motor carrier's USDOT number.

(h) *Intermodal equipment.* (1) The requirements for marking intermodal equipment apply to each intermodal equipment provider, as defined in §390.5T, that interchanges or offers for interchange intermodal equipment to a motor carrier.

(2) Each unit of intermodal equipment interchanged or offered for interchange to a motor carrier by an intermodal equipment provider subject to this subchapter must identify the intermodal equipment provider.

(3) The intermodal equipment provider must be identified by its legal name or a single trade name and the identification number issued by FMCSA, preceded by the letters "USDOT."

(4) The intermodal equipment must be identified as follows, using any one of the following methods:

(i) The identification marking must appear on the curb side of the item of equipment. It must be in letters that contrast sharply in color with the background on which the letters are placed. The letters must be readily legible, during daylight hours, from a distance of 50 feet (15.24 meters) while the CMV is stationary; and be kept and maintained in a manner that retains this legibility; or

(ii) The identification marking must appear on a label placed upon the curb side of the item of equipment. The label must be readily visible and legible to an inspection official during daylight hours when the vehicle is stationary. The label must be a color that contrasts sharply with the background on which it is placed, and the letters must also contrast sharply in color with the background of the label. The label must be kept and maintained in a manner that retains this legibility; or

(iii) The USDOT number of the intermodal equipment provider must appear on the interchange agreement so that it is clearly identifiable to an inspection official. The interchange agreement must include additional information to identify the specific item of intermodal equipment (such as the Vehicle Identification Number (VIN) and 4-character Standard Carrier Alpha Code (SCAC) code and 6-digit unique identifying number); or

(iv) The identification marking must be shown on a document placed in a weathertight compartment affixed to the frame of the item of intermodal equipment. The color of the letters used in the document must contrast sharply in color with the background of the document. The document must include additional information to identify the specific item of intermodal equipment (such as the VIN and 4-character SCAC code and 6-digit unique identifying number).

(v) The USDOT number of the intermodal equipment provider is maintained in a database that is available via real-time internet and telephonic access. The database must:

(A) Identify the name and USDOT number of the intermodal equipment provider responsible for the intermodal equipment, in response to an inquiry that includes:

(i) SCAC plus trailing digits; or

(ii) License plate number and State of license; or

(iii) VIN of the item of intermodal equipment.

(B) Offer read-only access for inquiries on individual items of intermodal equipment, without requiring advance user registration, a password, or a usage fee.

[82 FR 5316, Jan. 17, 2017]