
Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 66-1,108b is hereby amended to read as follows:

66-1,108b. The state corporation commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in 49 C.F.R. § 390.5, as in effect on July 1, 2017, or any later version as established in rules and regulations adopted by the state corporation commission, doing business or procuring business in Kansas, and is empowered to do all things necessary and convenient for the exercise of such power, authority and jurisdiction. The commission shall have general supervision of all motor carriers operating in this state. The commission shall inquire into any neglect or violations of the laws pertaining to the regulation of motor carriers of this state by any motor carrier or any person retaining the transportation services of that motor carrier. From time to time, the commission shall carefully examine and inspect the condition of each motor carrier, its equipment, the manner of its conduct and its management with reference to the public safety and convenience. Nothing in this section shall be construed as relieving any motor carrier from responsibility or liability for damage to person or property.

Sec. 2. K.S.A. 66-1,110 is hereby amended to read as follows: 66-1,110. All "public motor carriers of property, of household goods or of passengers" as defined in this act are hereby declared to be common carriers within the meaning of the public utility laws of this state, and are hereby declared to be affected with a public interest and subject to this act and to the laws of this state, including the regulation of all rates and charges now in force or that hereafter may be enacted, pertaining to public utilities and common carriers as far as applicable, and not in conflict.

Sec. 3. K.S.A. 66-1,112g is hereby amended to read as follows: 66-1,112g. The commission shall issue permits to private and public motor carriers of property, household goods or passengers and require the filing of annual and other reports, and such additional data as may be required by
the commission in carrying out the provisions of this act. The commission may adopt rules and regulations relating to private motor carriers of property.

Sec. 4. K.S.A. 66-1,112h is hereby amended to read as follows: 66-1,112h. Upon the request of the holder of any private carrier permit or interstate license, while serving in the armed forces of the United States, the commission is hereby authorized to grant to such holder a suspension of such permit or license for such period and upon such terms and conditions as the commission may determine, except that nothing herein shall be construed to limit the authority of the commission to cancel or revoke a permit or license for violations of statutes or rules and regulations which have occurred prior to or during such suspension.

Sec. 5. K.S.A. 66-1,112j is hereby amended to read as follows: 66-1,112j. Upon failure to comply with the provisions of the motor carrier law or other laws of the state relating to motor carriers, or upon failure to comply with motor carrier rules and regulations of the commission, or rules and regulations of the state property valuation department, the department of revenue relating to taxation of motor carriers, or the port of entry board relating to motor carriers, the commission may suspend or completely revoke, at any time, any permit, certificate or interstate license after notice and an opportunity to be heard has been given to the grantee in accordance with the provisions of the Kansas administrative procedure act.

Sec. 6. K.S.A. 66-1,115 is hereby amended to read as follows: 66-1,115. It shall be unlawful for any private or public motor carrier to operate as a carrier of property, household goods or passengers within this state either in intrastate commerce or in interstate commerce without first having obtained from the commission a license or permit or without being registered pursuant to federal statutes. An application shall be made to the commission in writing stating such information as the commission may request. Upon receipt of such information and on compliance with the rules and regulations and payment of fees, the commission shall issue a license or permit to such applicant.

Sec. 7. K.S.A. 66-1,117 is hereby amended to read as follows: 66-1,117. The corporation commission shall prescribe forms of applications for certificates, permits and licenses for the use of prospective applicants and shall make regulations for the filing thereof. The commission may use a presiding officer from the office of administrative hearings as a presiding officer for any hearing that may be required concerning any application for a certificate, permit or license and the presiding officer shall make written findings and recommendations to the commission.

Sec. 8. K.S.A. 66-1,119 is hereby amended to read as follows: 66-1,119. No public motor carrier authorized by this act to operate shall change, abandon or discontinue any service established by this act or
operations under any certificate of convenience and necessity issued for
carriers of household goods or passengers without consent of the
commission after written application. Failure of any motor carrier to
annually renew its authority, certificate or permit in a timely manner shall
result in a termination of that motor carrier's authority by operation of law.
A list of applications for changes to, abandonments of or discontinuances
of any authority, as well as any abandonments of authority by operation of
law for failure to renew, shall be published on the commission's web site.

Sec. 9. K.S.A. 66-1,119a is hereby amended to read as follows: 66-
1,119a. No public motor carrier authorized under the provisions of the
motor carrier act to operate shall by contract, lease, agreement or any other
means made with any person, partnership, association or corporation, lease
or assign any authority or operating rights to perform any transportation
service or operations authorized or assign any territory granted by any
certificate of convenience and necessity or certificate of public service by
a permit issued to such motor carrier. When the relevant federal agency
has issued an order approving and authorizing a pooling agreement
between two or more motor carriers covering points and places in this
state, nothing herein shall be construed as prohibiting, invalidating or
otherwise affecting any agreement between such motor carriers insofar as
it relates to service or operations between the same points and places in
intrastate commerce within this state. Any such order shall be filed with
the corporation commission, and such agreement shall not be effective
unless the commission finds that the proposed service or any part thereof
is proposed to be performed by the applicants and that the applicants are
fit, willing and able to perform such service or fit, knowledgeable and in
compliance with the commission's safety rules and regulations and liability
and cargo insurance requirements. If the commission makes such findings,
the commission shall approve such agreement, except that if the
commission finds that the proposed service is inconsistent with the public
convenience and necessity, the commission shall not approve the
agreement.

Sec. 10. K.S.A. 66-1,126 is hereby amended to read as follows: 66-
1,126. Any person who shall operate as any carrier to which this act
applies without first obtaining a—certificate, permit or license or in
violation of any of the terms thereof, or who fails to make any return or
report required by this act or by the commission, or who denies to the
commission access to such carrier's books or records, or who fails to
comply with any commission order requiring the payment of a penalty,
orders requiring the cease and desist of certain operations or orders placing
a motor carrier out of service, shall be guilty of a misdemeanor and shall
be punished as provided in K.S.A. 66-1,130, and amendments thereto.

Sec. 11. K.S.A. 66-1,129a is hereby amended to read as follows: 66-
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1,129a. (a) The commission, at any time for good cause shown, may suspend the operation of any motor carrier subject to economic or safety rules and regulations adopted by the commission. Upon notice and an opportunity to be heard in accordance with the provisions of the Kansas administrative procedure act, the commission may revoke, amend, initiate sanctions or fine any motor carrier who has a certificate, license or permit issued by the commission or is subject to the safety rules and regulations adopted by the commission. Any motor carrier suspended prior to a hearing must be afforded the opportunity of a hearing on the matter. If such a hearing is requested, the hearing shall be held within 10 days of the request.

(b) The director of the commission's transportation division, at any time for good cause shown, may request the Kansas highway patrol to impound a motor carrier's vehicle or vehicles when that motor carrier has:

(1) Failed to comply with an out-of-service order;
(2) failed to comply with a cease or desist order;
(3) failed to obtain commission authority to operate;
(4) failed to pay a commission-assessed civil penalty; or
(5) has otherwise failed to comply with a commission order. Any motor carrier whose vehicle is impounded prior to a hearing must be afforded the opportunity of a hearing on the matter. If such a hearing is requested, the hearing shall be held within 10 days of the request.

(c) The commission is authorized to enter into any contracts or agreements necessary with the superintendent of the Kansas highway patrol, in order to provide facilities and personnel to accomplish the impounding of vehicles.

(d) If the owner of a motor vehicle which has been impounded pursuant to this section refuses to pay any towing, impoundment, storage or other fees relating to the impoundment of such vehicle or fails to take possession of such vehicle within 30 days following the date of the expiration of the impoundment period, such vehicle shall be deemed abandoned and the vehicle may be disposed of by the person having possession of such vehicle.

(1) If the person having possession of such vehicle is a public agency, disposition of such vehicle shall be in compliance with the procedures for notice and public auction provided by paragraph (2) of subsection (a) of K.S.A. 8-1102(a)(2), and amendments thereto.

(2) If the person having possession of such vehicle is not a public agency, disposition of such vehicle shall be in compliance with K.S.A. 8-1103 through 8-1108, and amendments thereto.

(3) For the purposes of disposing of a vehicle that has been impounded by the state corporation commission under the authority granted by section subsection (b), if the state corporation commission is in
possession of the vehicle, the state corporation commission shall be
considered a public agency for the purpose of disposing of an abandoned
vehicle under the provisions of K.S.A. 8-1102, and amendments thereto.
(e) Notwithstanding the provisions of subsection (c)(3) of K.S.A. 8-
1102(c)(3), and amendments thereto, the proceeds from the sale of any
vehicle impounded at the direction of the director of the division of
transportation of the state corporation commission, received pursuant to
subsection (b), except for reimbursement of expenses of the impoundment
and sale, by any public agency, including the state corporation
commission, shall be deposited in the state treasury in accordance with
K.S.A. 75-4215, and amendments thereto, and shall be credited to the state
general fund.
Sec. 12. K.S.A. 66-1,142d is hereby amended to read as follows: 66-
1,142d. Contract Motor carriers transporting property, household goods or
passengers holding permits or certificates issued by the commission under
the former authority of K.S.A. 66-1,112a, 66-1,112b or 66-1,112c, and
amendments thereto prior to their repeal, shall now be considered as
holding certificates of convenience and necessity to transport such
household goods and passengers as originally granted to that motor carrier
by the commission. Contract motor carriers transporting property other
than household goods or transporting passengers and holding permits
issued by the commission under the former authority of K.S.A. 66-1,112a,
66-1,112b or 66-1,112c, and amendments thereto, shall now be considered
as holding certificates of public service to transport such property other
than household goods or transporting passengers as originally granted to
that motor carrier by the commission. Contract motor carriers with rates
and tariffs on file with the commission under the authority of K.S.A. 66-
1,112 and 66-1,112f, and amendments thereto, shall be considered public
motor carriers with the same rates and tariffs on file with the commission
permits.
Sec. 13. K.S.A. 66-1,108b, 66-1,110, 66-1,112g, 66-1,112h, 66-
1,112j, 66-1,114, 66-1,114b, 66-1,115, 66-1,115a, 66-1,117, 66-1,118, 66-
1,119, 66-1,119a, 66-1,126, 66-1,129a and 66-1,142d are hereby repealed.
Sec. 14. This act shall take effect and be in force from and after its
publication in the statute book.