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MEMORANDUM

To: House Committee on Transportation
From: Office of Revisor of Statutes
Date: January 26, 2021
Subject: Bill Brief – HB 2007

HB 2007 provides comprehensive changes to the motor carrier laws and certain changes to the State Corporation Commission’s (otherwise known as the Kansas Corporation Commission or KCC) regulation of motor carriers.

Current law provides in K.S.A. 66-1,114 and 66-1,114b that it is unlawful for any public motor carrier to operate as a carrier of household goods, passengers or other property in intrastate commerce without first obtaining a certificate of convenience and necessity or certificate of public service from the KCC. Public motor carriers are generally defined as any for-hire motor carriers, and the KCC has jurisdiction over their operation. The KCC currently has the authority to hold an administrative hearing to determine whether public motor carriers should be granted a certificate. The public motor carrier is required to submit testimony that the carrier is fit, knowledgeable, able to serve and in compliance with KCC safety regulations.

Many of the changes throughout the bill are simply updating and repealing old provisions that no longer apply for motor carrier licensing and regulation. Federal law has preempted many areas of these laws, so the bill strikes those particular provisions.

Some of the more substantive changes occur in Sections 8 and 9. Those sections repeal provisions related to the KCC’s administrative hearing process upon a motor carrier applying to operate in Kansas. Instead, K.S.A. 66-1,114 and 66-1,114b now do not require an administrative hearing except for situations where a motor carrier is denied a certificate. This hearing will be governed in accordance with the Kansas Administrative Procedure Act.

The bill goes on to repeal K.S.A. 66-1,118, 66-1,119, 66-1,140 and 66-1,142d. K.S.A. 66-1,118 and 66-1,119 deal with a motor carrier assigning or transferring their certificate to another motor carrier and disallowing a motor carrier from abandoning or changing their service

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without getting consent from the KCC. K.S.A. 66-1,140 provides procedures for occasional or temporary trips for trucks and truck tractors throughout the state. K.S.A. 66-142d deals with the regulation of contract motor carriers. As stated above, HB 2007 fully repeals those four statutes.

If enacted, the provisions of HB 2007 become effective July 1, 2020.