AN ACT concerning motor vehicles; relating to commercial vehicles; registration and regulation; amending K.S.A. 2013 Supp. 8-129, 66-1,109 and 66-1,129 and repealing the existing sections.

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

Section 1. K.S.A. 2013 Supp. 8-129 is hereby amended to read as follows: 8-129. (a) Applications for the registration of a vehicle required to be registered shall be made by the owner, by mail, on-line, electronically or otherwise, in the office of the county treasurer of:

1. The county in which such owner resides; or
2. The county in which the owner has a bona fide place of business, if such vehicle is garaged in such county for a period exceeding 90 days. Such place of business shall not be an office or facility established or maintained solely for the purpose of obtaining registration.

A county treasurer shall be required to process applications for the registration of commercial vehicles if the county processes any applications for any other type of vehicle. Such applications for registration shall be made upon appropriate forms furnished by the department and every application shall contain the name of the owner, such owner's residence address or bona fide place of business, a brief description of the vehicle to be registered and such other information as may be required by the department. If the owner is not a resident of or does not have a bona fide place of business in this state, the owner may make application for registration in any county which the department shall designate, except that in the case of members of the armed forces of the United States, the application may be signed by the owner's spouse, parent, eldest brother or sister, in the order named. With reference to every foreign vehicle which has been registered outside of this state, the owner shall exhibit to the department the certificate of title and registration card, or other evidence of such former registration as may be in the applicant's possession or control, or such other evidence as will satisfy the department that the applicant is the lawful owner or possessor of the vehicle.

(b) The applicant for the registration of a vehicle required to be registered, upon the filing of the application, shall submit a statement certifying that such person has a certificate of title for the motor vehicle, showing the date and identification thereof, or file an application therefor,
as provided in this act.

(c) Any reference in article 1 of chapter 8 of the Kansas Statutes Annotated, and amendments thereto, to a county treasurer or office of a county treasurer performing any services associated with vehicle functions and receiving compensation for such services shall also include contractors that have contracted with the department to perform such services if the director of vehicles determines that a county treasurer has failed to:

(1) Comply with article 1 of chapter 8 of the Kansas Statutes Annotated, and amendments thereto, relating to vehicle functions;
(2) comply with rules and regulations promulgated pursuant to subsection (e); or
(3) enter into and abide by a contract with the department to ensure minimum standards and practices are maintained by the county treasurer in the performance of assigned vehicle functions.

(d) The department may appoint contractors to perform some or all of the vehicle functions agreed to by the department and the contractor to be performed. In circumstances involving vehicle registrations, the department shall be required to make the findings required by subsection (c) before contracting with a contractor that is not a county treasurer.

(e) The secretary of revenue may adopt rules and regulations in order to implement and administer the provisions of subsections (c) and (d) to:

(1) Enter into contracts with the county treasurers to perform vehicle functions;
(2) create minimum standards and practices for the performance of vehicle functions;
(3) require criminal background reviews of county treasurers and their staff that will be performing vehicle functions, if needed;
(4) establish and set the limits on the additional, non-statutory fees, if any, that a contractor may charge a person for services relating to vehicle functions; and
(5) create efficient and rapid administrative processes for suspending or revoking a treasurer's ability to perform vehicle functions on behalf of the department if such treasurer violates applicable laws, rules and regulations, or the treasurer's written contract with the department.

Any order of the department suspending or revoking a county treasurer's authorization to perform vehicle functions for the state of Kansas shall include requirements for the county treasurer's reinstatement.

Sec. 2. K.S.A. 2013 Supp. 66-1,109 is hereby amended to read as follows: 66-1,109. This act shall not require the following carriers to obtain a certificate, license or permit from the commission or file rates, tariffs, annual reports or provide proof of insurance with the commission:

(a) Transportation by motor carriers wholly within the corporate limits of a city or village in this state, or between contiguous cities or
villages in this state or in this and another state, or between any city or
village in this or another state and the suburban territory in this state within
three miles of the corporate limits, or between cities and villages in this
state and cities and villages in another state which are within territory
designated as a commercial zone by the relevant federal authority, except
that none of the exemptions specified in this subsection (a) shall apply to
wrecker carriers;
(b) a private motor carrier who operates within a radius of 25 miles beyond the corporate limits of its city or village of domicile, or who
operates between cities and villages in this state and cities and villages in
another state which are within territory designated as a commercial zone
by the relevant federal authority;
(c) the owner of livestock or producer of farm products transporting
livestock of such owner or farm products of such producer to market in a
motor vehicle of such owner or producer, or the motor vehicle of a
neighbor on the basis of barter or exchange for service or employment, or
to such owner or producer transporting supplies for the use of such owner
or producer in a motor vehicle of such owner or producer, or in the motor
vehicle of a neighbor on the basis of barter or exchange for service or
employment;
(d) (1) the transportation of children to and from school; (2) to motor
vehicles owned by schools, colleges, and universities, religious or
charitable organizations and institutions, or governmental agencies, when
used to convey students, inmates, employees, athletic teams, orchestras,
bands or other similar activities; or (3) motor vehicles owned by nonprofit
organizations meeting the qualification requirements of section 501(c) of
the internal revenue code of 1986, and amendments thereto, when
transporting property or materials belonging to the owner of the vehicle;
(e) a new vehicle dealer as defined by K.S.A. 8-2401, and
amendments thereto, when transporting property to or from the place of
business of such dealer;
(f) motor vehicles carrying tools, property or material belonging to
the owner of the vehicle and used in repair, building or construction work,
not having been sold or being transported for the purpose of sale;
(g) persons operating motor vehicles which have an ad valorem tax
situs in and are registered in the state of Kansas, and used only to transport
grain from the producer to an elevator or other place for storage or sale for
a distance of not to exceed 50 miles;
(h) the operation of hearses, funeral coaches, funeral cars or
ambulances by motor carriers;
(i) motor vehicles owned and operated by the United States, the
District of Columbia, any state, any municipality or any other political
subdivision of this state, including vehicles used exclusively for handling
U.S. mail, and the operation of motor vehicles used exclusively by organizations operating public transportation systems pursuant to 49 U.S.C. sections 5307, 5310 and 5311;

(j) any motor vehicle with a normal seating capacity of not more than the driver and 15 passengers while used for vanpooling or otherwise not-for-profit in transporting persons who, as a joint undertaking, bear or agree to bear all the costs of such operations, or motor vehicles with a normal seating capacity of not more than the driver and 15 passengers for not-for-profit transportation by one or more employers of employees to and from the factories, plants, offices, institutions, construction sites or other places of like nature where such persons are employed or accustomed to work;

(k) motor vehicles used to transport water for domestic purposes, as defined by subsection (c) of K.S.A. 82a-701, and amendments thereto, or livestock consumption;

(l) transportation of sand, gravel, slag stone, limestone, crushed stone, cinders, calcium chloride, bituminous or concrete mixtures, blacktop, dirt or fill material to a construction site, highway maintenance or construction project or other storage facility and the operation of ready-mix concrete trucks in transportation of ready-mix concrete;

(m) the operation of a vehicle used exclusively for the transportation of solid waste, as the same is defined by K.S.A. 65-3402, and amendments thereto, to any solid waste processing facility or solid waste disposal area, as the same is defined by K.S.A. 65-3402, and amendments thereto;

(n) the transporting of vehicles used solely in the custom combining business when being transported by persons engaged in such business;

(o) the operation of vehicles used for servicing, repairing or transporting of implements of husbandry, as defined in K.S.A. 8-1427, and amendments thereto, by a person actively engaged in the business of buying, selling or exchanging implements of husbandry, if such operation is within 100 miles of such person's established place of business in this state;

(p) transportation by taxi or bus companies operated exclusively within any city or within 25 miles of the point of its domicile in a city;

(q) a vehicle being operated with a dealer license plate issued under K.S.A. 8-2406, and amendments thereto, and in compliance with K.S.A. 8-136, and amendments thereto, and vehicles being operated with a full-privilege license plate issued under K.S.A. 8-2425, and amendments thereto;

(r) the operation of vehicles used for transporting materials used in the servicing or repairing of the refractory linings of industrial boilers;

(s) transportation of newspapers published at least one time each week;

(t) transportation of animal dung to be used for fertilizer;
(u) the operation of ground water well drilling rigs;
(v) the transportation of cotton modules from the field to the gin; and
(w) the transportation of custom harvested silage, including, but not
limited to, corn, wheat and milo.

Sec. 3. K.S.A. 2013 Supp. 66-1,129 is hereby amended to read as
follows: 66-1,129. (a) The commission shall adopt rules and regulations
necessary to carry out the provisions of this act. No public motor carrier of
property, household goods or passengers or private motor carrier of
property shall operate or allow the operation of any motor vehicle on any
public highway in this state except within the provisions of the rules and
regulations adopted by the commission. Rules and regulations adopted by
the commission shall include:

(1) Every vehicle unit shall be maintained in a safe and sanitary
condition at all times.
(2) Every driver of a public or private motor carrier, except the driver
of a farm vehicle, operating as a carrier of intrastate commerce within this
state, shall be at least 18 years of age. All such drivers shall be competent
to operate the motor vehicle under such driver's charge.
(3) Minimum age requirements for every driver of a motor carrier,
operating as a carrier of interstate commerce, shall be consistent with
federal motor carrier regulations.
(4) Hours of service for operators of all motor carriers to which this
act applies shall be fixed by the commission.
(5) Accidents arising from or in connection with the operation of
motor carriers shall be reported to the commission within the time, in the
detail and in the manner as the commission requires.
(6) Every motor carrier shall have attached to each unit or vehicle
distinctive marking adopted by the commission.
(7) Motor carrier transportation requirements that are consistent with
continuation of the federal motor carrier safety assistance program and
other federal requirements concerning transportation of hazardous
materials.

(b) No rules and regulations adopted by the commission pursuant to
this section shall require the operator of any motor vehicle having a gross
vehicle weight rating or gross combination weight rating of not more than
10,000 pounds to submit to a physical examination, unless required by
federal laws or regulations.

(c) Any rules and regulations of the commission, adopted pursuant to
this section, shall not apply to the following, while engaged in the carriage
of intrastate commerce in this state:

(1) The owner of livestock or producer of farm products transporting
livestock of such owner or farm products of such producer to market in a
motor vehicle of such owner or producer, or the motor vehicle of a
neighbor on the basis of barter or exchange for service or employment, or
to such owner or producer transporting supplies for the use of such owner
or producer in or producer, or in the motor vehicle of a neighbor on the
basis of barter or exchange for service or employment.

(2) The transportation of children to and from school, or to motor
vehicles owned by schools, colleges, and universities, religious or
charitable organizations and institutions, or governmental agencies, when
used to convey students, inmates, employees, athletic teams, orchestras,
bands or other similar activities.

(3) (A) Except for motor vehicles under subparagraph (B), motor
vehicles, with a gross vehicle weight rating of 26,000 pounds or less,
carrying tools, property or material belonging to the owner of the vehicle,
and used in repair, building or construction work, not having been sold or
being transported for the purpose of sale, except vehicles transporting
hazardous materials which require placards.

(B) Except vehicles transporting hazardous materials which require
placards, motor vehicles, with a gross vehicle weight rating of 26,000
pounds or less: (i) Carrying tools, property or material belonging to the
owner of the vehicle and used in repair, building or construction work and
such within a radius of 125 miles of the principal place of business of the
motor carrier; or (ii) carrying tools, property or material are being
transported to or from an active construction site located within a radius of
25 to 125 miles of the principal place of business of the motor carrier, so
long as the motor carrier is not operating as a motor carrier for hire while
carrying such tools, property or material.

(4) Persons operating motor vehicles which have an ad valorem tax
situs in and are registered in the state of Kansas, and used only to transport
grain from the producer to an elevator or other place for storage or sale for
a distance of not to exceed 50 miles.

(5) The operation of hearses, funeral coaches, funeral cars or
ambulances by motor carriers.

(6) Motor vehicles owned and operated by the United States, the
District of Columbia, any state, any municipality or any other political
subdivisions of this state.

(7) Any motor vehicle with a normal seating capacity of not more
than 15 people, including the driver, while used for vanpooling or
otherwise not-for-profit in transporting persons who, as a joint
undertaking, bear or agree to bear all the costs of such operations, or motor
vehicles with a normal seating capacity of not more than 15 people,
including the driver, for not-for-profit transportation by one or more
employers of employees to and from the factories, plants, offices,
institutions, construction sites or other places of like nature where such
persons are employed or accustomed to work.
(8) The operation of vehicles used for servicing, repairing or transporting of implements of husbandry, as defined in K.S.A. 8-1427, and amendments thereto, by a person actively engaged in the business of buying, selling or exchanging implements of husbandry, if such operation is within 100 miles of such person's established place of business in this state, unless the implement of husbandry is transported on a commercial motor vehicle.

Sec. 4. K.S.A. 2013 Supp. 8-129, 66-1,109 and 66-1,129 are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the statute book.