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Executive Director

Legislative Testimony

by the

Kansas Motor Carriers Association

Presented To The

Senate Transportation Committee

Senator Mike Petersen, Chairman

Thursday, February 19, 2015

In Support of Senate Bill No. 150

MR. CHAIRMAN AND MEMBERS OF THE SENATE TRANSPORTATION COMMITTEE:

I am Tom Whitaker, executive director of the Kansas Motor Carriers Association. I appear here this morning representing our 930 member-firms and the Kansas trucking industry in support of Senate Bill No. 150. The legislation before you will allow an officer of a corporation or counsel for such corporation to represent the corporation before the Kansas Corporation Commission (KCC) in matters concerning motor carrier civil penalties of \$500.00 or less. Current KCC regulations require an attorney to represent a corporation before the Commission.

KMCA requested SB 150 to address a situation involving a motor carrier, who is incorporated, attempting to discuss a \$150.00 KCC civil penalty for an out-of-service violation received from the Kansas Highway Patrol during a roadside inspection. When the motor carrier contacted the KCC concerning the civil penalty, it was determined that the motor carrier was incorporated and in order to discuss the issue, he must be represented by counsel. This doesn't make sense for a \$150.00 civil penalty.

KMCA contacted the KCC to find a solution for the requirement for counsel to represent a corporation. We understand the KCC's concerns that all officers, directors and stockholders of a corporation be protected from individual actions by an officer or employee of a corporation appearing before the Commission. The agreed upon solution is before you in SB 150.

Mr. Chairman, we respectfully request one technical amendment. On lines 23 and 24 of SB 150, we request the words "an officer" be stricken and replaced with "a duly authorized representative." This amendment will protect a corporate entity from a renegade board member. The KCC and KMCA have agreed to this minor change.

SB 150 creates a "small claims" process for motor carriers contesting small civil penalties before the KCC without the expense of hiring an attorney. We appreciate the KCC Transportation Division's staff and attorney's willingness to work with KMCA in finding a solution for our situation and ask the Senate Transportation Committee to act favorably on SB 150. Thank you for allowing KMCA to appear, I would be pleased to respond to questions.