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 Photo by Todd Caywood

State of Kansas

Pooled Money Investment Board**Notice of Investment Rates**

The following rates are published in accordance with K.S.A. 75-4210. These rates and their uses are defined in K.S.A. 12-1675(b)(c)(d) and K.S.A. 12-1675a(g).

Effective 1-23-23 through 1-29-23

Term	Rate
1-89 days	4.33%
3 months	4.61%
6 months	4.71%
12 months	4.66%
18 months	4.40%
2 years	4.13%

Scott Miller
Director of Investments

Doc. No. 050828

State of Kansas

Statewide Independent Living Council**Notice of Meeting**

The Statewide Independent Living Council of Kansas will have a board meeting at 10:00 a.m. February 2, 2023, via Zoom. For more information or accommodations please contact Kathy Cooper at kathy.cooper@silck.org.

Kathy Cooper
Executive Director
Statewide Independent Living Council of Kansas

Doc. No. 050833

State of Kansas

Kansas Guardianship Program**Notice of Meeting**

The Kansas Guardianship Program will conduct its governing board meeting by Zoom from 3:00 p.m. to 5:00 p.m. Friday, February 3, 2023. To join the Zoom meeting, contact Jean Krahn 24-hours in advance at 785-587-8555.

Jean Krahn
Executive Director
Kansas Guardianship Program

Doc. No. 050844

State of Kansas

Kansas Housing Resources Corporation**Notice of Hearing**

The Kansas Housing Resources Corporation (KHRC) will be conducting a virtual public hearing to receive comments for the development of the 2023 Weatherization State Plan Application. The 2023 State of Kansas Weatherization State Plan is anticipated to be similar to the 2022 Weatherization State Plan which can be found on the KHRC website at <https://kshousingcorp.org/weatherization-assistance/>. Instructions and requirements of the 2023 State Plan Application can be found at

<https://www.energy.gov/eere/wap/articles/weatherization-program-notice-23-1-program-year-2023-weatherization-grant>.

The hearing will be held virtually at 10:00 a.m. February 8, 2023, via Microsoft Teams; Meeting ID: 267 751 157 667; Passcode: WtzGDX. Comments and suggestions received will become part of the public record. Additionally, written comments may be submitted on the plan. All written comments must be received by 12:00 p.m. February 7, 2023. Please address comments to Scott Kuhn, Senior Weatherization Program Manager, at skuhn@kshousingcorp.org.

If you are in need of a sign language interpreter, large print, or other material for accommodations to participate in this meeting, you must notify KHRC at least one week prior to the meeting. Requests may be addressed to the Weatherization Program, KHRC, 611 S. Kansas Ave., Suite 300, Topeka, KS 66603-3803, by telephone at 1-800-752-4422, or via the Kansas relay service.

Ryan Vincent
Executive Director

Kansas Housing Resources Corporation

Doc. No. 050832

State of Kansas

Wichita State University**Notice of Intent to Lease Real Property**

Public notice is hereby given that Wichita State University (WSU), directly or through its affiliate corporation Wichita State Innovation Alliance, Inc., intends to lease, subject to all required state approvals, up to 1.22 acres of real property located on the northwest corner of the intersection of Fountain Avenue and 21st Street North, directly adjacent to the Wichita State University campus. This location would be designated for private development committed to supporting broadband infrastructure and Internet exchanges. The university is interested in leasing such ground to any individual, organization, or entity whose presence would advance WSU's vision or its mission as an educational, cultural, and economic driver for Kansas and the greater public good. WSU intends to lease such space for a mutually agreeable period of time, but extended terms and renewal options would be considered. Interested tenants must be willing to be a good fit with WSU's educational mission and identify anticipated benefits to the university, its students, and the surrounding community (i.e. applied learning, joint research, faculty start-up, WSU curriculum or program support, community benefit commitments, etc.), and must agree to the essential ground lease terms and restrictive covenants. Interested tenants will be evaluated on: proposal terms, demonstrated benefit to WSU and the surrounding community, design concepts, financial stability, and proposed use. Interested tenants will be responsible for all costs associated with the development and ongoing maintenance costs of any improvements. Rental rate shall be based on fair market value and negotiable based on term of lease, purpose/use of the improvement, and benefit to

(continued)

WSU. WSU will consider serious offers and inquiries from any financially qualified individual, group, organization. If interested, please contact Property Manager Crystal Stegeman at crystal.stegeman@wichita.edu. This publication is being published pursuant to K.S.A. 75-430a(d), to the extent applicable.

Crystal Stegeman
University Property Manager
Office of the Vice President for
Administration and Finance
Wichita State University

Doc. No. 050836

State of Kansas

Wichita State University

Notice of Intent to Lease Real Property

Public notice is hereby given that Wichita State University (WSU), directly or through its affiliate corporation Wichita State Innovation Alliance, Inc., intends to lease, subject to all required state approvals, up to four acres of real property located on the Wichita State University's campus designated as the "Innovation Campus," for the private development and operation of a partnership building or buildings. The university is interested in leasing such ground to any individual, organization, or entity whose presence on campus would advance the university's applied learning vision or its mission as an educational, cultural, and economic driver for Kansas and the greater public good. The university intends to lease such space for a mutually agreeable period of time up to sixty years, but extended terms and renewal options would be considered. Interested tenants must be willing to be a good fit with the university's educational mission and identify anticipated benefits to the university, its students, and the WSU community (i.e. applied learning, joint research, faculty start-up, WSU curriculum or program support, etc.), and must agree to the essential ground lease terms and restrictive covenants. Interested tenants will be evaluated on: proposal terms, demonstrated benefit to WSU, design concepts, financial stability, and proposed use. Interested tenants will be required to construct adjacent and adequate surface parking that will not be included in the leased ground. Rental rate shall be based on fair market value and negotiable based on term of lease, purpose/use of building improvement, and benefit to the university. The university will consider serious offers and inquiries with detailed proposal terms from any financially qualified individual, group, organization. If interested, please contact Senior Vice President for Industry and Defense Programs, Dr. John Tomblin at john.tomblin@wichita.edu or Property Manager Crystal Stegeman at crystal.stegeman@wichita.edu. This publication is being published pursuant to K.S.A. 75-430a(d), to the extent applicable.

Crystal Stegeman
University Property Manager
Office of the Vice President for
Administration and Finance

Doc. No. 050837

State of Kansas

Department of Administration Office of Facilities and Property Management

Notice of Commencement of Negotiations for Construction Manager At-Risk Services

Kansas State University's (K-State) College of Agriculture (COA) 2030 Facilities Master Plan established a strategic vision for prioritized investment in its main-campus, Agronomy North Farm, and North Campus teaching, research, and extension facilities. The main campus master plan recommended the creation of a new Global Center for Grain and Food Innovation and renovations to Call Hall and Weber Hall as the highest priority projects. The Global Center for Grain and Food Innovation will support the College of Agriculture's efforts to strengthen existing programs and support innovative initiatives underway to harness K-State's unique strengths in grain science and animal sciences and support transdisciplinary research and innovation in food product innovation, food safety, and food security. Call Hall and Weber Hall are home to Animal Sciences and Industry. The buildings comprise 211,022 GSF and were constructed in the late 1950's – early 1960's time frame. Following an addition to Weber Hall in 1988, the buildings have had limited renovations and the complex needs a comprehensive renovation to address deferred maintenance and teaching and research lab modernization.

An architectural/engineering program is available at <http://admin.ks.gov/offices/ofpm/dcc/arch-eng-programs>. For more information contact Ben Perry at 785-532-0379 or benperry@ksu.edu.

To be considered, one (1) PDF file of the following should be provided: State of Kansas Professional Qualifications DCC Forms 051, 052, 053 and 054, and information regarding similar projects. Forms may be found at <https://admin.ks.gov/offices/ofpm/dcc/f-and-d>. State of Kansas Professional Qualifications DCC Form 050 for each firm and consultant should be provided at the end of each proposal. Please include your firm name, agency abbreviation, and an abbreviated project name in the title of the PDF document. Proposals should be less than 5Mb and follow the current State Building Advisory Commission guidelines for Phase I of the Construction Management at Risk process, which can be found in Part B – Chapter 7 of the Building Design and Construction Manual at <https://admin.ks.gov/offices/ofpm/dcc/bdcm>. Paper copies and flash drives containing copies of the proposals are not required.

Proposals should be sent to professional.qualifications@ks.gov. Proposals received after the date and time noted below will not be forwarded to the State Building Advisory Commission for review. If you have questions concerning the proposals, please contact Randy Riveland at 785-296-0749. The PDF proposal submissions shall be delivered to the attention of the State Building Advisory Commission by 2:00 p.m. on or before February 10, 2023.

The State of Kansas, as a matter of public policy, encourages anyone doing business with the State of Kansas to take steps to discourage human trafficking. If prospective bidders/vendors/contractors have any policies

or participate in any initiatives that discourage human trafficking, the prospective bidder/vendor/contractor is encouraged to submit same as part of their bid response.

Frank Burnam
 Director
 Office of Facilities and Property Management
 Department of Administration

Doc. No. 050829

State of Kansas

**Department of Administration
 Office of Facilities and Property Management**

**Notice of Commencement of Negotiations
 for Construction Manager At-Risk Services**

Notice is hereby given for the seeking of interest and qualifications for Construction Management At-Risk (CMAR) services for the Wichita State University (WSU) and University of Kansas Medical Center (KUMC) Health Sciences Education Center. The Health Science Education Center, a joint project between WSU and KUMC, is envisioned as an interprofessional healthcare learning environment within a biomedical corridor the heart of downtown Wichita, Kansas. Architectural programming has identified the need for a 470,000 square foot building complex that co-locates all the programs and clinics at KU School of Medicine, KU School of Pharmacy, WSU College of Health Professions, and WSU Tech Health Professions. The facility will consist of classrooms, research labs, simulation labs, faculty/staff office space, academic home space, and outward facing clinic space. The design will progress with space efficiency in mind and will continue to identify opportunities for collaboration. Although a final building site is still in progress, WSU and KUMC will focus on sites located adjacent to an existing parking structure as the current program does not include creating new parking. The anticipated total construction cost for the facility is approximately \$236 million with anticipated building occupancy in Fall 2026.

An architectural/engineering program is available at <http://admin.ks.gov/offices/ofpm/dcc/arch-eng-programs>. For more information contact Emily Patterson at 316-978-3444 or emily.patterson@wichita.edu; or David Rau at 913-945-5943 or drau2@kumc.edu.

To be considered, one (1) PDF file of the following should be provided: State of Kansas Professional Qualifications DCC Forms 051, 052, 053 and 054, and information regarding similar projects. Forms may be found at <https://admin.ks.gov/offices/ofpm/dcc/f-and-d>. State of Kansas Professional Qualifications DCC Form 050 for each firm and consultant should be provided at the end of each proposal. Please include your firm name, agency abbreviation, and an abbreviated project name in the title of the PDF document. Proposals should be less than 5Mb and follow the current State Building Advisory Commission guidelines for Phase I of the Construction Management at Risk process, which can be found in Part B – Chapter 7 of the Building Design and Construction Manual at <https://admin.ks.gov/offices/ofpm/dcc/bdcm>. Paper copies and flash drives containing copies of the proposals are not required.

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The State of Kansas, as a matter of public policy, encourages anyone doing business with the State of Kansas to take steps to discourage human trafficking. If prospective bidders/vendors/contractors have any policies or participate in any initiatives that discourage human trafficking, the prospective bidder/vendor/contractor is encouraged to submit same as part of their bid response.

Frank Burnam
 Director
 Office of Facilities and Property Management
 Department of Administration

Doc. No. 050831

State of Kansas

**Department of Administration
 Office of Procurement and Contracts**

Notice to Bidders

Sealed bids for items listed will be received by the Office of Procurement and Contracts until 2:00 p.m. on the date indicated. For more information, call 785-296-2376.

All bids are to be submitted via email only to procurement@ks.gov. For more information, please visit https://supplier.sok.ks.gov/psc/sokfsprdsup/SUPPLIER/ERP/c/SCP_PUBLIC_MENU_FL.SCP_PUB_BID_CMP_FL.GBL.

02/07/2023	EVT0008968	Waterline Extension – Cheney State Park
02/08/2023	EVT0008979	Preventative Maintenance – State Printing Plant
02/17/2023	EVT0008961	Retirement Plan Consultant
02/17/2023	EVT0008962	PVD Agri Guide
02/20/2023	EVT0008966	Grain Elevator Guide
02/21/2023	EVT0008967	Disciplinary Counsel
02/21/2023	EVT0008971	Lab Pipette Calibration, Maintenance and Certification
02/23/2023	EVT0008969	Home and Community Based Services (HCBS) Workforce Training

The above referenced bid documents can be downloaded at the following website:

https://supplier.sok.ks.gov/psc/sokfsprdsup/SUPPLIER/ERP/c/SCP_PUBLIC_MENU_FL.SCP_PUB_BID_CMP_FL.GBL

Additional files may be located at the following website (please monitor this website on a regular basis for any changes/addenda):

<https://admin.ks.gov/offices/procurement-contracts/bidding--contracts/additional-bid-opportunities>

**There are No Bids Under this
 Website Closing in this Week’s Ad**

(continued)

Information regarding prequalification, projects, and bid documents can be obtained at 785-296-8899 or <http://admin.ks.gov/offices/ofpm/dcc>.

Todd Herman
Director

Office of Procurement and Contracts
Department of Administration

Doc. No. 050840

State of Kansas

Board of Regents Universities

Notice to Bidders

The universities of the Kansas Board of Regents encourage interested vendors to visit the various universities' purchasing offices' websites for a listing of all transactions, including construction projects, for which the universities' purchasing offices, or one of the consortia commonly utilized by the universities, are seeking information, competitive bids, or proposals. The referenced construction projects may include project delivery construction procurement act projects pursuant to K.S.A. 76-7,125 et seq.

Emporia State University – Bid postings: <https://www.emporia.edu/about-emporia-state-university/business-office/purchasing>. Additional contact info: phone: 620-341-5137, email: purchaseorders@emporia.edu. Mailing address: Emporia State University Purchasing, Campus Box 4021, 1 Kellogg Cir., Emporia, KS 66801.

Fort Hays State University – Electronic bid postings: <http://www.fhsu.edu/purchasing/bids>. Additional contact info: phone: 785- 628-4251, email: purchasing@fhsu.edu. Mailing address: Fort Hays State University Purchasing Office, 601 Park St., Sheridan Hall 318, Hays, KS 67601.

Kansas State University – Bid postings: <https://dfs.ksucloud.net/rfq>. All bids must be submitted via Kansas State University's Vendor Bid Submission Secure File Upload portal, <https://www.k-state.edu/finsvcs/purchasing/bidsubmission.html>. Division of Financial Services/Purchasing, 2323 Anderson Ave., Kansas State University, Manhattan, KS 66506. Additional contact info: phone: 785-532- 6214, email: kspurch@k-state.edu.

Pittsburg State University – Bid postings: <https://www.pittstate.edu/office/purchasing>. Additional contact info: phone: 620-235-4167, email: swburke@pittstate.edu. Mailing address: Pittsburg State University, Purchasing Office, 1701 S. Broadway, Pittsburg, KS 66762.

University of Kansas – Electronic bid postings: <http://www.procurement.ku.edu>. Due to Covid-19, the University of Kansas will not accept paper bids until further notice. Additional contact info: email: purchasing@ku.edu. Mailing address: University of Kansas, Procurement Department, 1246 W. Campus Rd., Room 20, Lawrence, KS 66045.

University of Kansas Medical Center – Electronic bid postings: <http://www.kumc.edu/finance/purchasing/bid-opportunities.html>. Additional contact info: phone: 913-588-1117. Email: hunkemoore@kumc.edu. Due to

Covid-19, the University of Kansas Medical Center will not be accepting paper bids until further notice.

Wichita State University – Bid postings: https://www.wichita.edu/services/purchasing/Bid_Documents/Bid_Documents.php. Additional contact info: phone: 316-978-3080, fax: 316-978-3738, email: purchasing.office@wichita.edu. Mailing address: Wichita State University, Office of Purchasing, 1845 Fairmount Ave., Campus Box 38, Wichita, KS 67260-0038.

Ephrom Marks
Assistant Director
Purchasing/Strategic Sourcing
University of Kansas

Doc. No. 050524

State of Kansas

Department of Health and Environment

Notice of Permit Modifications at Hazardous Waste Facilities

The Hazardous Waste Permits Section of the Bureau of Waste Management (BWM) has available for review a list of all approved permit modifications for Resource Conservation and Recovery Act (RCRA) permitted facilities that treat, store, or dispose of hazardous waste in Kansas. The list has been updated to reflect permit modifications approved in 2022 and is available for review at <https://www.kdhe.ks.gov/621/Hazardous-Waste-Public-Notices>.

The publication of this notice fulfills the requirement of a Memorandum of Agreement (MOA) between the Kansas Department of Health and Environment (KDHE) and the Environmental Protection Agency (EPA). The MOA establishes policies, responsibilities, and procedures for the State of Kansas's Hazardous Waste program authorized under Section 3006 of RCRA by EPA Region 7 Administrator on June 27, 2013.

For further information, please contact Maura O'Halloran, Chief, Hazardous Waste Permits Section, at 785-296-1609 or Maura.OHalloran@ks.gov.

Janet Stanek
Secretary
Department of Health and Environment

Doc. No. 050830

State of Kansas

Department of Health and Environment

Notice of Proposed Permit Renewal Action

The Kansas Department of Health and Environment (KDHE) received a Resource Conservation and Recovery Act (RCRA) permit renewal application for corrective action from the United States Department of the Army (USDOA), the owner of the Combined Arms Center, and Fort Leavenworth installation located at 290 Grant Ave., Leavenworth, Kansas. KDHE is providing notice of their intent to renew the USDOA RCRA permit, Environmental Protection Agency (EPA) identification number KS4213720499.

The permit requires the USDOA to continue implementation of corrective actions previously approved

by the EPA and includes general corrective action provisions to address any newly identified releases, solid waste management units, or areas of concern. The permit does not authorize any treatment, storage, or disposal of hazardous waste.

The draft permit is being considered for issuance under authority of the Kansas Statutes Annotated (K.S.A.) 65-3430 *et seq.* and Kansas Administrative Regulations (K.A.R.) 28-31-4 through 28-31-279a. Documents that support the draft permit conditions and all data submitted by the applicant are part of the administrative record.

State hazardous waste laws require that the public be given at least 45 days to review the administrative record for the draft permit prior to KDHE taking a final action. The purpose of having a public comment period is to ensure that interested parties have an opportunity to evaluate the conditions specified in the draft permit and to provide their input into the permit decision-making process. A copy of the administrative record which includes the draft permit, the fact sheet, the permit application, and all information pertaining to this permit action is available for public review from 8:00 a.m. to 5:00 p.m. (or during normal business hours) Monday through Friday, January 26, 2023 to March 13, 2023, at the following locations:

Kansas Department of Health and Environment
 Hazardous Waste Permits Section
 1000 SW Jackson, Suite 320
 Topeka, KS 66612
 Contact: Steve Sellmeyer
 785-296-1236

Leavenworth Public Library
 417 Spruce
 Leavenworth, KS 66048
 913-682-5666

Administrative records can also be accessed on the KDHE website at <https://www.kdhe.ks.gov/621/Hazardous-Waste-Public-Notices>.

Anyone wishing to comment on the draft permit should submit written comments postmarked no later than March 13, 2023 to the KDHE contact at the above listed address.

A public hearing has not been scheduled; however, any interested person may request a public hearing in writing which states the nature of the issues proposed to be raised in a public hearing. If written requests are received which indicate a significant degree of public interest in the draft permit, a public hearing will be scheduled, and advanced notice of hearing will be given to the public. After consideration of all comments received, the Secretary of KDHE will make a final decision to issue or deny the permit. Notice of the Secretary's decision will be given to the applicant, all persons who submitted written comments, those who commented at the public hearing, and those who requested notice of the final permit decision. If no comments are received during the public comment period, the permit will become effective immediately upon its issuance. If comments are received during the public comment period the permit will become effective 30 days after service of notice of the final permit decision to allow for public review of the department's response to comments and any revisions to the draft permit in ac-

cordance with 40 C.F.R. 124.15 and K.A.R. 28-31-124(c) (8). Any appeal of the final permit decision must be filed within 15 days after service of notice in accordance with K.S.A 65-3440 and K.S.A. 77-601 *et seq.*

Janet Stanek
 Secretary

Department of Health and Environment

Doc. No. 050835

State of Kansas

Department of Health and Environment

**Notice Concerning Kansas
 Environmental Use Controls Program**

In accordance with K.S.A. 65-1,233, the Kansas Department of Health and Environment (KDHE) reports the following summary on behalf of the Environmental Use Controls Program for calendar year 2022. During this annual reporting period, KDHE approved 16 environmental use control agreements pursuant to this act. The cumulative total for the program is 341 approved environmental use control agreements.

Janet Stanek
 Secretary

Department of Health and Environment

Doc. No. 050838

State of Kansas

Department of Health and Environment

**Notice Concerning Kansas Voluntary Cleanup
 and Property Redevelopment Program**

In accordance with K.S.A. 65-34,173, the Kansas Department of Health and Environment (KDHE) reports the following summary on behalf of the Voluntary Cleanup and Property Redevelopment Program for year 2022. During this annual reporting period, KDHE received 16 applications with a cumulative total of 792 applications. The categories of applicants include agriculture (31%), industry (19%), commercial (19%), oil and gas (25%), government (6%). A total of six sites were remediated in 2022 with a cumulative total of 156 sites remediated. A total of nine sites were issued No Further Action (NFA) Determination Letters in 2022. A cumulative total of 415 sites have been issued NFA letters.

Janet Stanek
 Secretary

Department of Health and Environment

Doc. No. 050839

State of Kansas

Department of Health and Environment

**Notice Concerning Kansas/Federal Water
 Pollution Control Permits and Applications**

In accordance with Kansas Administrative Regulations 28-16-57a through 63, 28-18-1 through 17, 28-18a-1 through 31 and 33, 28-16-150 through 154, 28-46-7, and

(continued)

the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, various draft water pollution control documents (permits, notices to revoke and reissue, notices to terminate) have been prepared and/or permit applications have been received for discharges to waters of the United States and the state of Kansas for the class of discharges described below.

The proposed actions concerning the draft documents are based on staff review, applying the appropriate standards, regulations, and effluent limitations of the state of Kansas and the Environmental Protection Agency. The final action will result in a Federal National Pollutant Discharge Elimination System Authorization and/or a Kansas Water Pollution Control permit being issued, subject to certain conditions, revocation, and reissuance of the designated permit or termination of the designated permit.

Public Notice No. KS-AG-23-016/018

Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
Culwell Ranch Theron Culwell 2827 Road 34 McDonald, KS 67745	SE/4 of Section 14 T01S, R37W Cheyenne County	Upper Republican River Basin

Kansas Permit No. A-URCN-B006

The proposed action is to reissue an existing state permit for an existing facility for 700 head (350 animal units) of cattle 700 pounds or less. There will be no change in the operation or permitted number of animal units from the previous permit. This facility has an approved Waste Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Brett Jennings 803 1400th Rd. Oberlin, KS 67749	SE/4 of Section 20 T04S, R28W Decatur County	Upper Republican River Basin

Kansas Permit No. A-URDC-B011

The proposed action is to reissue an existing state permit for an existing facility for 500 head (500 animal units) of cattle weighing greater than 700 pounds. There will be no change in the operation or permitted number of animal units from the previous permit. This facility has an approved Waste Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Lowry Ranch Calvin Lowry 1369 W. US-36 Hwy. Prairie View, KS 67664	SW/4 of Section 33 T02S, R20W Phillips County	Solomon River Basin

Kansas Permit No. A-SOPL-B011

The proposed action is to reissue an existing state permit for an existing facility for 999 head (999 animal units) of cattle more than 700 pounds. There will be no change in the operation or permitted number of animal units from the previous permit. This facility has an approved Waste Management Plan on file with KDHE.

Public Notice No. KS-EG-23-001

In accordance with K.A.R. 28-46-7 and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, draft permits have been prepared for the use of the well(s) described below within the State of Kansas.

Name and Address of Applicant

Wheatland Electric Cooperative
1820 W. Kansas Ave.
Garden City, KS 67846

Permit No. KS-01-055-003, KS-01-055-004, and KS-01-055-005

Legal Description: NW/4 of Section 13, Township
24 South, Range 33 West of
Finney County, Kansas

Well Number

Well #1: Latitude 37.973677,
Longitude -100.894935

Well #2: Latitude 37.973265,
Longitude -100.894939

Well #3: Latitude 37.972853,
Longitude -100.89494

The proposed action is to reissue one Class I Injection Well permit, and issue two new Class I Injection well permits. The renewal applications for permits pertain to one active Class I disposal Well #1 (Permit # KS-01-055-003), and two wells to be drilled, Well #2 (KS No. 01-055-004) and Well #3 (KS No. 01-055-005). Well #1 injects non-hazardous wastewater into the Arbuckle formation through a perforated liner at a depth of 5770 feet to 6475 feet (TVD) with a directional extension of 1380 feet horizontally. Proposed Wells #2 and #3 will inject non-hazardous wastewater into the Arbuckle formation through a perforated liner at an approximate depth of 5725 feet to 6475 feet True Vertical Depth (TVD) with a directional extension of up to 1380 feet horizontally. All construction, monitoring, and operation of these wells has or will meet the requirements that apply to Class I injection wells as outlined in the Kansas Underground Injection Control Regulations, K.A.R. 28-46-1 through 28-46-44. The applicant must agree to all conditions.

Persons wishing to comment on or object to the draft documents and/or permit applications must submit their comments in writing to the Kansas Department of Health and Environment (KDHE) if they wish to have the comments or objections considered in the decision-making process. All written comments regarding the draft documents, application or registration notices received on or before February 25, 2023, will be considered in the formulation of the final determination regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-23-016/018, KS-EG-23-001) and name of the applicant/permittee when preparing comments.

All comments received will be responded to at the time the Secretary of Health and Environment issues a determination regarding final agency action on each draft document/application. If response to any draft document/application indicates significant public interest, a public hearing may be held in conformance with K.A.R. 28-16-61 (28-46-21 for UIC). A request for public hearing must be submitted in writing and shall state the nature of the issues proposed to be raised during the hearing.

Comments or objections for agricultural related draft documents, permit applications, registrations or actions should be submitted to the attention of Paige Drury, Livestock Waste Management Section at the KDHE, Bureau of Environmental Field Services (BEFS), 1000 SW Jackson, Suite 430, Topeka, KS 66612. Comments or objections for all other proposed permits or actions should be sent to Michael Beezhold at the KDHE, Bureau of Water, 1000 SW Jackson St., Suite 420, Topeka, KS 66612.

All draft documents/applications and the supporting information including any comments received are on file and may be inspected at the offices of the KDHE. For agricultural related draft documents or applications an appointment can be scheduled, or copies requested by contacting Mirina Landry at 1000 SW Jackson St., Suite 430, Topeka, KS 66612, telephone 785-296-0076 or email at kdhe.feedlots@ks.gov. For all other proposed permits or actions an appointment can be scheduled, or copies requested by contacting Neal Niceswanger, Bureau of Water, 1000 SW Jackson St., Suite 420, Topeka, KS 66612, telephone 785-296-6804 or email at Neal.Niceswanger@ks.gov. These documents are available upon request at the copying cost assessed by KDHE. Application information and components of plans and specifications for all new and expanding swine facilities are available at <http://www.kdhe.ks.gov/livestock>. Division of Environment offices are open from 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays.

Janet Stanek
Secretary

Department of Health and Environment

Doc. No. 050834

State of Kansas

Department of Transportation

Notice of Intent to Conduct Environmental Assessment

Public notice is hereby given that the Kansas Department of Transportation (KDOT), in cooperation with the Federal Highway Administration (FHWA), will prepare an Environmental Assessment (EA) for a proposal to provide a feasible solution that addresses the deficiencies of the existing Route 92 Centennial Bridge over the Missouri River, located in Leavenworth County, Kansas and Platte County, Missouri. The Missouri Department of Transportation is also serving as a partner on the study.

The project limits are defined as the portion of Route 92 from just west of the Sherman Avenue/Route 92 intersection within the City of Leavenworth on the Kansas side of the Missouri River to just east of the Route 92/Spur Route 45 intersection on the Missouri side of the river. The total length of the project limits is approximately 1.4 miles.

Within the EA, FHWA and KDOT will evaluate a 'No Action' alternative as well as rehabilitation and replacement alternatives. The EA will analyze the potential social, economic, and environmental impacts resulting from the proposed project. The following issues will be specifically analyzed as part of the EA: impacts to the aquatic ecosystem; impacts to cultural resources; impacts to threatened and endangered species; impacts to floodplains; impacts to transportation; impacts to parks/recreation; environmental justice; and socioeconomics. This includes direct, indirect, and cumulative impacts. Other Federal approvals or permits that may be required include a Section 404 permit and Section 408 permit from the U.S. Army Corps of Engineers (USACE), Section 106 consultation for historic resources, a floodplain develop-

ment permit from the City of Leavenworth, Kansas and Platte County, Missouri, as well as water resource and floodplain permits from the Kansas Division of Water Resources and the Missouri State Emergency Management Agency.

A scoping and coordination process will be initiated that involves appropriate federal, state, and local agencies, as well as stakeholders and the public. This will continue throughout the study to engage the local and regional community, to obtain public input and to keep the public informed. Coordination meetings will be held as needed with affected/concerned local, state, tribal, and federal governmental entities. Public meetings will be held to gather input and share findings on the EA. The EA will be made available for public and agency review and comment prior to the final public meeting.

To confirm that the full range of issues related to the proposed action are addressed and significant issues defined, comments and suggestions are invited from all interested parties. Comments or questions concerning the proposed action and the EA should be directed to KDOT at:

Kansas Department of Transportation:
Attn: Thomas Hussa, P.E., Road Design Leader
Dwight D. Eisenhower State Office Building
700 SW Harrison St.
Topeka, KS 66603-3745
785-296-1393
thomas.hussa@ks.gov

Calvin Reed
Interim Secretary
Department of Transportation

Doc. No. 050841

State of Kansas

Department of Transportation

Notice to Contractors

Electronic copies of the letting proposals and plans are available on the Kansas Department of Transportation (KDOT) website at <https://kdotapp.ksdot.org/Proposal/Proposal.aspx>. The website will allow the contractor to request approval from KDOT to bid as a prime contractor and be included on the "Bid Holders List," or to be included on the "Non-Bid Holders List" as a subcontractor/supplier. KDOT's approval is required to bid as a prime contractor. To bid as a prime contractor, KDOT needs to be notified of the intent to bid no later than the close of business on the Monday preceding the scheduled letting date. Failure to obtain prior approval to bid as a prime contractor on any projects listed below will be reason to reject your bid. The Secretary reserves the right to reject bids that do not comply with all requirements for preparing a bidding proposal as specified in the 2015 edition of the Kansas Department of Transportation *Standard Specifications for State Road and Bridge Construction*.

KDOT will only accept electronic internet proposals using the Bid Express website at <https://bidx.com/ks/main> until 1:00 p.m. (Central Time) on letting day. The KDOT bid letting will be conducted remotely by audio broadcast only at 3:00 p.m. (Central Time) on letting day. For the

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conference call information see <https://www.ksdot.org/bureaus/burconsmain/lettinginfo.asp>. KDOT has tested the process, but in the event of an unforeseen issue, KDOT will provide updates.

Each bidder shall certify that such person, firm, association, or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with the submitted bid. This certification shall be in the form of a required contract provision provided by the state to each prospective bidder. Failure to complete the required contract provision and certify the completeness of the preceding statement when electronically signing the proposal will make the bid nonresponsive and not eligible for award consideration.

Projects for the February 15, 2023, letting.

District One – Northeast

Doniphan – 22 C-4999-01 – Bridge over Peters Creek on old Highway US-36 located 2.0 miles east of Troy, bridge replacement, 0.2 mile. (Federal Funds)

Lyon – 56 C-5145-01 – Bridge over Troublesome Creek on J Road located 3.5 miles south and 3.0 miles east of Americus, bridge replacement, 0.1 mile. (Federal Funds)

Nemaha – 9-66 KA-3885-01 – K-9, bridge #016 over Spring Creek Drainage located 6.5 miles east of the K-9/K-62 junction, bridge replacement. (Federal Funds)

Riley – 77-81 KA-3922-01 – US-77, bridge #039 over Mill Creek located 1.6 miles north of the north US-77/US-24 junction, bridge replacement. (Federal Funds)

District Two – North Central

Ellsworth – 156-27 KA-3939-01 – K-156, bridge #026 over Oak Creek located 1.1 miles northeast of K-140, bridge replacement. (Federal Funds)

District Four – Southeast

Cherokee – 11 U-2401-01 – W. Country Road, from S. High School Avenue to S. Kansas Avenue and E. Maple Street, from S. Tennessee Avenue to US-69 in Columbus, pedestrian and bicycle paths, 0.8 mile. (Federal Funds)

Woodson – 54-104 KA-6458-01 – US-54, located 0.6 mile east of Longhorn Road near Yates Center (one location only), guard fence. (State Funds)

District Five – South Central

Edwards – 50-24 KA-5779-01 – US-50, from 1.4 miles east of the US-50/RS 953 junction (at the east end of existing passing lanes) east 0.8 mile, grading and surfacing, 0.8 mile. (Federal Funds)

Pawnee – 56-73 KA-6454-01 – US-56, at three locations beginning a half mile northeast of Gunkel Parkway northeast to 0.1 mile southwest of 180th Avenue in Garfield, guard fence, 0.5 mile. (State Funds)

District Six – Southwest

Ford – 50-29 KA-3234-02 – US-50, from 1.6 miles east of the east US-50/US-283 junction east 1.5 miles, grading and surfacing, 1.5 miles. (Federal Funds)

Ford – 50-29 KA-5780-01 – US-50, from 1.4 miles east of the US-50/RS 257 junction east 2.2 miles, grading and surfacing, 2.2 miles. (Federal Funds)

Calvin Reed
Interim Secretary
Department of Transportation

Doc. No. 050808

State of Kansas

Department of Transportation

Notice to Consulting Firms

The Kansas Department of Transportation (KDOT) is seeking a qualified consulting firm or team of firms to perform professional services for the project described in Table 1 below. Interested consultants must email a proposal to KDOT.DesignContracts@ks.gov by 12:00 p.m. (Central Time) February 3, 2023, to be considered for selection.

Consultant Prequalification

Interested consulting firms must be prequalified by KDOT or otherwise demonstrate qualification in categories:

- 211 Highway Design–Major Facility
- 222 Standard Span Bridge Design
- 231 Traffic Control Analysis and Design
- 325 Hydraulic and Hydrologic Studies
- 401 Landscape Seeding and Erosion Control

If a firm is not currently prequalified by KDOT, a proposal may still be submitted. Firms not prequalified must also provide documentation that demonstrates the firm is qualified for each specified category listed in this notice for the project. Firms must use the KDOT prequalification form to provide this documentation. KDOT 1050 Prequalification Category Definitions (Blue Book) can be found at <http://www.ksdot.org/descons.asp>. Consultants may create a team to meet the prequalification requirements. All firms doing business with KDOT must be registered and in good standing under the laws of the State of Kansas at the time of contracting and must comply with applicable state and federal laws, rules, and regulations.

Table 1: Background and Scope of Project

Project Number	Background and Scope of Project
KA-6537-01	Construct shoulders, improve side slopes, and extend structures as needed on US-56 in Rice County.

Table 2: Project Summary

Project Number	Route and Scope	Length (mi)	Project Termini
KA-6537-01	056-080 Shoulder widening and bridge replacement	14.471	From the east city limits of Lyons, Kansas (17th Road) east to the Rice/McPherson County line.
Project Number	Structure BR#, Structure Scope, Structure Size and Type		
KA-6537-01	In consultation with KDOT, determine whether to extend or replace existing bridge-sized RCB structures and perform necessary hydraulic analysis and documentation. Near the crossing of the Little Arkansas River, in the vicinity of Bridge 80-014, perform 2-D Hydraulic Analysis of entire floodplain to determine type, size and location of proposed replacement bridge structure and possible replacement or removal of other nearby structures.		

Anticipated Consultant Scope

KDOT anticipates the following to be included in the consultant's scope: Discovery Phase Services, Preliminary Design Service, Final Design Service, Environmental Documentation Preparation (Permitting), Letting and Construction Phase Service, and 3D Electronic Deliverables Preparation.

Current expectations for consultant scope are detailed below. The scope included herein may not be all-inclusive. A scoping meeting will take place after consultant selection is made.

Project Management

- Develop and communicate Project Management Plan and Quality Assurance Plan.
- Perform quality control checks according to Quality Assurance Plan.
- Provide electronic plan files compliant with KDOT Graphic Standards Manual, including CAD conformance checks and ControlCAD indexed DGN files with ProjectWise attributes.
- Provide bi-annual construction cost estimates and at major project milestones.

Road Design

- Develop Preliminary Plans to Field Check.
- Develop Final Plans for Construction.
- Perform roadway geometric design, drainage design, interchange analysis, and roadside safety analysis.
- Visit the project site location.

Bridge Design

- Field Check
 - In consultation with KDOT, determine whether to extend or replace existing bridge-sized RCB structures and perform necessary hydraulic analysis and documentation.
 - Near the crossing of the Little Arkansas River, in the vicinity of Bridge 80-014, perform 2-D Hydraulic Analysis of entire floodplain to determine type, size and location of proposed replacement bridge structure and possible replacement or removal of other nearby structures.
- Final Design
 - Provide final plans for construction for all bridge-sized structures, to include structure removals, box extensions, box replacements, and span-bridge replacements.

Traffic Engineering

- Traffic Control Plans: This project will require traffic to be carried through construction.
- Develop permanent signing and pavement marking plans.

Activities to be performed by KDOT include:

- Engineering Survey
- Environmental Services
 - Asbestos and lead paint testing.
 - Permit application.
 - Technical data to support these activities will be required from the consultant immediately after field check.
- Permits will include NPDES – Storm Water Runoff Permit in which KDOT will require from consultant:

- Total project site area in acres.
- Total disturbed area in acres (from Seeding Plans).
- Impervious area in square feet (existing and proposed).
- Above information needs to be provided by consultant (90) days prior to letting.
- Utility coordination, if required.
- Geotechnical services including soil investigations, bridge foundation geology, pavement field investigation and design, and surfacing recommendations.

Anticipated Schedule and Key Dates

1. Proposals are due by or before 12:00 p.m. (Central Time) February 3, 2023.
2. Ranking of proposals is expected to occur on or around February 7, 2023. Negotiations with the most highly ranked firm are expected to begin on or around February 14, 2023. An executed agreement is anticipated around February 27, 2023.
3. The program fiscal year for this project is FY2027 (July 2026–June 2027).
4. Important dates in Discovery Phase:
 - a. PLNMR: February 22, 2023
 - b. FDCHK: November 23, 2023
 - c. PLROW: February 7, 2024
 - d. UTILP: July 31, 2024
 - e. PLNTE: November 14, 2025
 - f. PLCOM: July 17, 2026

Instructions for Proposal

1. No cost or pricing information shall be submitted with the proposal. Proposals including cost or pricing information will be considered non-responsive and withdrawn from further consideration.
2. The consultant's proposal must not exceed 4 pages total (including any cover letter, index, etc.). All pages shall be standard letter size (8.5" x 11"). Any page larger than standard letter size will be counted as two or more pages depending on size.
3. A single PDF (2MB maximum size) of the proposal including all attachments must be emailed to KDOT.DesignContracts@ks.gov by the proposal due date and time.
4. The subject line of the email and the PDF file name must read:
 - a. "KA-6537-01 Rice County _FIRM NAME"
5. The proposal must be accompanied by Special Attachments No. 8 ("Tax Clearance Certificate") and No. 10 ("Policy Regarding Sexual Harassment"). If you need a Tax Clearance Certificate, you can request one at <https://www.ksrevenue.gov/taxclearance.html>. Allow 2-3 business days for processing. Both attachments are required for every firm involved in a multi-consultant team.
6. The outline in Table 3 below describes the expected proposal organization and content sections.
7. Table 4 lists the evaluation criteria and associated weights which will be used to make a selection.
8. Depending on the number of responses received, KDOT may elect to shortlist (based on proposals) to no more than 3-5 firms and hold in-person interviews prior to final selection (which may be based

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on both proposal and interview content). If KDOT deems them necessary, interview evaluation criteria will be distributed to shortlisted consultant teams in advance.

Table 3: Proposal Content

Section	Description of Intent	Page Limit
Cover Letter		1 Page
Project Approach	Demonstrate a unique approach to accomplish the design efficiently and to a high standard. Include cost-effective and optimized solutions to address the anticipated improvements in the design. Include unique qualifications or experience related to the project approach.	
Approach to Schedule	Describe the approach to accomplish the scope of services within the schedule requirements. Include anticipated key milestone dates and availability of staff.	
Approach to Quality Control	Describe methods or procedures your firm will use to provide all drawings, reports and other services with professional quality and technical accuracy.	
Qualifications and Experience	For key personnel to be assigned to the project provide names, office location, qualifications, education, training, and expertise. Identify their area(s) of responsibility and percent of their time dedicated to the project. List work for which you do not have in-house capability and name the firm you propose to subcontract with.	
Past Performance	Describe team’s past performance with respect to ability to meet project schedules; quality of work; and ability to control costs on similar transportation projects, especially those performed for KDOT. Include three references and contact information.	
Familiarity with KDOT and Project Area	Describe team’s familiarity with KDOT’s design process and standards. Describe familiarity with the project area and any identified special site conditions.	

Table 4: Evaluation Factors

Evaluation Factor	Weight
Qualifications and experience of project manager and other key project team members proposed for services	15%
Project approach	15%
Approach and commitment to meet advertised schedule	15%
Past performance history for similar projects/services for KDOT	25%
Approach to quality control	10%
The quality and completeness of the response	10%
Understanding of KDOT Technical Policies	10%

Contract Terms and Conditions

A standard KDOT agreement for engineering and technical services will be used for professional services projects. The following special attachments will need to

be provided by the selected consultant and all subconsultants with the signed work order following negotiations and will become attachments to the contract.

- Special Attachment No. 8 (“Tax Clearance Certificate”)
- Special Attachment No. 10 (“Policy Regarding Sexual Harassment”)

Special Contract Conditions

This project will be managed by KDOT.

Questions

All questions regarding this Request for Proposals shall be emailed to KDOT.DesignContracts@ks.gov.

Questions can be submitted until January 25, 2023; answers will be provided to all prequalified consultants on January 30, 2023.

Marcia Turner, P.E.
 Contracts Manager
 Division of Engineering and Design
 Department of Transportation

Doc. No. 050821

State of Kansas

Department of Transportation

Notice to Consulting Firms

The Kansas Department of Transportation (KDOT) is seeking a qualified consulting firm or team of firms to perform professional services for the project(s) described in Table 1 below. Interested consultants must email a proposal to KDOT.DesignContracts@ks.gov by 12:00 p.m. (Central Time) February 3, 2023, to be considered for selection.

Consultant Prequalification

Interested consulting firms must be prequalified by KDOT or otherwise demonstrate qualification in categories:

- 211 Highway Design–Major Facility
- 222 Standard Span Bridge Design
- 231 Traffic Control Analysis and Design
- 325 Hydraulic and Hydrologic Studies
- 401 Landscape Seeding and Erosion Control

If a firm is not currently prequalified by KDOT, a proposal may still be submitted. Firms not prequalified must also provide documentation that demonstrates the firm is qualified for each specified category listed in this notice for the project. Firms must use the KDOT prequalification form to provide this documentation. KDOT 1050 Prequalification Category Definitions (Blue Book) can be found at <http://www.ksdot.org/descons.asp>. Consultants may create a team to meet the prequalification requirements. All firms doing business with KDOT must be registered and in good standing under the laws of the State of Kansas at the time of contracting and must comply with applicable state and federal laws, rules, and regulations.

Table 1: Background and Scope of Project

Project Number	Background and Scope of Project
KA-6867-01	Clear zone improvements plus the replacement of Bridges 011, 012, 013, and Culvert 515, including reconstruction of the US-160/US-183 intersection.

Table 2: Project Summary

Project Number	Route and Scope	Length (mi)	Project Termini
KA-6867-01	183-017 Clear Zone Improvements	6.815	From the north city limits of Coldwater, Kansas north to the Comanche/Kiowa County line.
Project Number	Structure BR#, Structure Scope, Structure Size and Type		
KA-6867-01	BR#011; Replacement; Existing 2 at 7 foot spans 24 feet long BR#012; Replacement; Existing 4 at 8 foot spans 24 feet long BR#013; Replacement; Existing 3 at 7 foot spans 24 feet long Culvert 515; Replacement; Existing 2 cell 8 feet x 3 feet x 46 feet RCB		

Anticipated Consultant Scope

KDOT anticipates the following to be included in the consultant’s scope: Preliminary Design Service, Final Design Service, Environmental Documentation Preparation (Permitting), Letting and Construction Phase Service, and 3D Electronic Deliverables Preparation.

Current expectations for consultant scope are detailed below. The scope included herein may not be all-inclusive. A scoping meeting will take place after consultant selection is made.

Project Management

- Develop and communicate Project Management Plan and Quality Assurance Plan.
- Perform quality control checks according to Quality Assurance Plan.
- Provide electronic plan files compliant with KDOT Graphic Standards Manual, including CAD conformance checks and ControlCAD indexed DGN files with ProjectWise attributes.
- Provide bi-annual construction cost estimates and at major project milestones.

Road Design

- Develop Preliminary Plans to Field Check.
- Develop Final Plans for Construction.
- Perform roadway geometric design, drainage design, interchange analysis, and roadside safety analysis.
- Visit the project site location.

Bridge Design

- Field Check
 - Replace existing box culverts with structures that extend past the clear zone and perform necessary hydraulic analysis and documentation.
- Final Design
 - Provide final plans for construction for all bridge-sized and 10-20-foot structures.

Traffic Engineering

- Traffic Control Plans: This project will require traffic to be carried through construction.
- Develop permanent signing and pavement marking plans.

Activities to be performed by KDOT include:

- Engineering Survey
- Environmental Services
 - Asbestos and lead paint testing.
 - Permit application.
 - Technical data to support these activities will be required from the consultant immediately after field check.
- Permits will include NPDES – Storm Water Runoff Permit in which KDOT will require from consultant:

- Total project site area in acres.
- Total disturbed area in acres (from Seeding Plans).
- Impervious area in square feet (existing and proposed).
- Above information needs to be provided by consultant (90) days prior to letting.
- Utility coordination, if required.
- Geotechnical services including soil investigations, bridge foundation geology, pavement field investigation and design, and surfacing recommendations.

Anticipated Schedule and Key Dates

1. Proposals are due by or before 12:00 p.m. (Central Time) February 3, 2023.
2. Ranking of proposals is expected to occur on or around February 7, 2023. Negotiations with the most highly ranked firm are expected to begin on or around February 14, 2023. An executed agreement is anticipated around February 28, 2023.
3. The program fiscal year for this project is FY2026 (July 2025–June 2026).
4. Important dates in Discovery Phase:
 - a. Notice to Proceed: June 5, 2023
 - b. PLNMR: August 25, 2023
 - c. FDCHK: February 9, 2024
 - d. PLROW: March 8, 2024
 - e. PLNTE: December 17, 2024
 - f. PLCOM: July 18, 2025
 - g. LETTING: November 19, 2025

Instructions for Proposal

1. No cost or pricing information shall be submitted with the proposal. Proposals including cost or pricing information will be considered non-responsive and withdrawn from further consideration.
2. The consultant’s proposal must not exceed 4 pages total (including any cover letter, index, etc.). All pages shall be standard letter size (8.5” x 11”). Any page larger than standard letter size will be counted as two or more pages depending on size.
3. A single PDF (2MB maximum size) of the proposal including all attachments must be emailed to KDOT.DesignContracts@ks.gov by the proposal due date and time.
4. The subject line of the email and the PDF file name must read:
 - a. “KA-6867_ClearZoneImprovement_FIRM NAME”
5. The proposal must be accompanied by Special Attachments No. 8 (“Tax Clearance Certificate”) and No. 10 (“Policy Regarding Sexual Harassment”). If you need a Tax Clearance Certificate, you can request one at <https://www.ksrevenue.gov/taxclearance.html>. Allow 2-3 business days for processing. Both attachments are required for every firm involved in a multi-consultant team.
6. The outline in Table 3 below describes the expected proposal organization and content sections.
7. Table 4 lists the evaluation criteria and associated weights which will be used to make a selection.
8. Depending on the number of responses received, KDOT may elect to shortlist (based on proposals)

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to no more than 3-5 firms and hold in-person interviews prior to final selection (which may be based on both proposal and interview content). If KDOT deems them necessary, interview evaluation criteria will be distributed to shortlisted consultant teams in advance.

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Project Approach	Demonstrate a unique approach to accomplish the design efficiently and to a high standard. Include cost-effective and optimized solutions to address the anticipated improvements in the design. Include unique qualifications or experience related to the project approach.	
Approach to Schedule	Describe the approach to accomplish the scope of services within the schedule requirements. Include anticipated key milestone dates and availability of staff.	
Approach to Quality Control	Describe methods or procedures your firm will use to provide all drawings, reports and other services with professional quality and technical accuracy.	
Qualifications and Experience	For key personnel to be assigned to the project provide names, office location, qualifications, education, training, and expertise. Identify their area(s) of responsibility and percent of their time dedicated to the project. List work for which you do not have in-house capability and name the firm you propose to subcontract with.	
Past Performance	Describe team’s past performance with respect to ability to meet project schedules; quality of work; and ability to control costs on similar transportation projects, especially those performed for KDOT. Include three references and contact information.	
Familiarity with KDOT and Project Area	Describe team’s familiarity with KDOT’s design process and standards. Describe familiarity with the project area and any identified special site conditions.	

Table 4: Evaluation Factors

Evaluation Factor	Weight
Qualifications and experience of project manager and other key project team members proposed for services	15%
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Past performance history for similar projects/services for KDOT	25%
Approach to quality control	10%
The quality and completeness of the response	10%
Understanding of KDOT Technical Policies	10%

Contract Terms and Conditions

A standard KDOT agreement for engineering and technical services will be used for professional services projects. The following special attachments will need to

be provided by the selected consultant and all subconsultants with the signed work order following negotiations and will become attachments to the contract.

- Special Attachment No. 8 (“Tax Clearance Certificate”)
- Special Attachment No. 10 (“Policy Regarding Sexual Harassment”)

Special Contract Conditions

This project will be managed by KDOT Road Design.

Questions

All questions regarding this Request for Proposals shall be emailed to KDOT.DesignContracts@ks.gov.

Questions can be submitted until January 25, 2023; answers will be provided to all prequalified consultants on January 30, 2023.

Marcia Turner, P.E.
Contracts Manager
Division of Engineering and Design
Department of Transportation

Doc. No. 050822

State of Kansas

Department of Transportation

Notice to Consulting Firms

The Kansas Department of Transportation (KDOT) is seeking a qualified consulting firm or team of firms to perform professional services for the project(s) described in Table 1 below. Interested consultants must email a proposal to KDOT.DesignContracts@ks.gov by 12:00 p.m. (Central Time) February 3, 2023, to be considered for selection.

Consultant Prequalification

Interested consulting firms must be prequalified by KDOT or otherwise demonstrate qualification in categories:

- 211 Highway Design–Major Facility
- 222 Standard Span Bridge Design
- 231 Traffic Control Analysis and Design
- 401 Landscape Seeding and Erosion Control

If a firm is not currently prequalified by KDOT, a proposal may still be submitted. Firms not prequalified must also provide documentation that demonstrates the firm is qualified for each specified category listed in this notice for the project. Firms must use the KDOT prequalification form to provide this documentation. KDOT 1050 Prequalification Category Definitions (Blue Book) can be found at <http://www.ksdot.org/descons.asp>. Consultants may create a team to meet the prequalification requirements. All firms doing business with KDOT must be registered and in good standing under the laws of the State of Kansas at the time of contracting and must comply with applicable state and federal laws, rules, and regulations.

Table 1: Background and Scope of Project

Project Number	Background and Scope of Project
KA-6876-01	Clear zone improvements including grading, blunt end rail structure extensions for Bridge 016 and Culverts 505 and 506, and reinforced concrete box extensions.

Table 2: Project Summary

Project Number	Route and Scope	Length (mi)	Project Termini
KA-6876-01	160-017 Clear Zone Improvements	2.320	From 2.8 miles west of US-160/US-183/K-1 junction east to 0.5 mile west of the US-160/US-183/K-1 junction in Comanche County.
Project Number	Structure BR#, Structure Scope, Structure Size and Type		
KA-6876-01	Culvert 505; Extension; Existing 2-7 feet x 7 feet x 32.5 feet RCB BR#016; Extension; Existing 2 at 7 foot spans 20.2 feet long Culvert 506; Extension; Existing 10 feet x 9 feet x 46 feet RCB 3 Reinforced Concrete Boxes; Extension; Existing 4 feet x 4 feet x 54 feet RCB; 6 feet x 5 feet x 54 feet RCB; 4 feet x 4 feet x 70 feet RCB		

Anticipated Consultant Scope

KDOT anticipates the following to be included in the consultant’s scope: Preliminary Design Services, Final Design Services, Environmental Documentation Preparation (Permitting), and Letting and Construction Phase Services, and 3D Electronic Deliverables Preparation.

Current expectations for consultant scope are detailed below. The scope included herein may not be all-inclusive. A scoping meeting will take place after consultant selection is made.

Project Management

- Develop and communicate Project Management Plan and Quality Assurance Plan.
- Perform quality control checks according to Quality Assurance Plan.
- Provide electronic plan files compliant with KDOT Graphic Standards Manual, including CAD conformance checks and ControlCAD indexed DGN files with ProjectWise attributes.
- Provide bi-annual construction cost estimates and at major project milestones.

Road Design

- The Consultant shall propose and design extensions to existing RCBs.
- Develop preliminary plans to field check.
- Develop final plans for construction.
- Perform roadway geometric design, drainage design, and roadside safety analysis.
- Run the roadside safety analysis program for the culverts greater than eight feet in height and present findings to KDOT.
- Visit the project site locations.

Bridge Design

- The consultant shall propose and design extensions to the existing bridge-sized box structures that are called for by the RSAP process in the Road Design Scope.
- Each existing and extended structure will be hydraulically evaluated using the HY-8 Culvert Hydraulics program and results documented in the current version of Hydraulic Assessment Checklist (HAC).
- Develop preliminary plans to field check for Bridge 017-0016 and Culverts 017-C505 and 017-C506.
- Develop final plans for construction.

Traffic Engineering

- Develop permanent signing and pavement marking plans.

- Traffic control plans: Traffic to be carried through staged construction.

Activities to be performed by KDOT include:

- Engineering survey (project is currently being surveyed; anticipated completion is late December 2022).
- Development of existing right of way.
- Environmental services, including lead and asbestos testing and permit application.
- Utility coordination, if required.
- Geotechnical services including soil investigations, bridge foundation geology, pavement field investigation and design, and surfacing recommendations.

*Note: Technical data to support these activities will be required from the consultant immediately after field check.

Permits will include NPDES – Storm Water Runoff Permit in which KDOT will require the following from consultant:

- Total project site area in acres.
- Total distributed area in acres (from Seeding Plans).
- Impervious area in square feet (existing and proposed).
- Above information needs to be provided by consultant (90) days prior to letting.

Anticipated Schedule and Key Dates

1. Proposals are due by or before 12:00 p.m. (Central Time) February 3, 2023.
2. Ranking of proposals is expected to occur on or around February 7, 2023. Negotiations with the most highly ranked firm are expected to begin on or around February 14, 2023. An executed agreement is anticipated around February 25, 2023.
3. The program fiscal year for this project is FY2026 (July 2025–June 2026).
4. Important dates in Discovery Phase:
 - a. Notice to Proceed: April 20, 2023
 - b. PLNMR: July 12, 2023
 - c. FDCHK: December 27, 2023
 - d. PLROW: January 25, 2024
 - e. PLNTE: January 14, 2025
 - f. PLCOM: August 15, 2025
 - g. LETTING: December 17, 2025

Instructions for Proposal

1. No cost or pricing information shall be submitted with the proposal. Proposals including cost or pricing information will be considered non-responsive and withdrawn from further consideration.
2. The consultant’s proposal must not exceed 4 pages total (including any cover letter, index, etc.). All pages shall be standard letter size (8.5” x 11”). Any page larger than standard letter size will be counted as two or more pages depending on size.
3. A single PDF (2MB maximum size) of the proposal including all attachments must be emailed to KDOT.DesignContracts@ks.gov by the proposal due date and time.
4. The subject line of the email and the PDF file name must read:
 - a. “KA-6876-01_ClearZoneImprovement_FIRM NAME”

(continued)

5. The proposal must be accompanied by Special Attachments No. 8 (“Tax Clearance Certificate”) and No. 10 (“Policy Regarding Sexual Harassment”). If you need a Tax Clearance Certificate, you can request one at <https://www.ksrevenue.gov/taxclearance.html>. Allow 2-3 business days for processing. Both attachments are required for every firm involved in a multi-consultant team.
6. The outline in Table 3 below describes the expected proposal organization and content sections.
7. Table 4 lists the evaluation criteria and associated weights which will be used to make a selection.
8. Depending on the number of responses received, KDOT may elect to shortlist (based on proposals) to no more than 3-5 firms and hold in-person interviews prior to final selection (which may be based on both proposal and interview content). If KDOT deems them necessary, interview evaluation criteria will be distributed to shortlisted consultant teams in advance.

Table 3: Proposal Content

Section	Description of Intent	Page Limit
Cover Letter		1 Page
Project Approach	Demonstrate a unique approach to accomplish the design efficiently and to a high standard. Include cost-effective and optimized solutions to address the anticipated improvements in the design. Include unique qualifications or experience related to the project approach.	
Approach to Schedule	Describe the approach to accomplish the scope of services within the schedule requirements. Include anticipated key milestone dates and availability of staff.	
Approach to Quality Control	Describe methods or procedures your firm will use to provide all drawings, reports and other services with professional quality and technical accuracy.	
Qualifications and Experience	For key personnel to be assigned to the project provide names, office location, qualifications, education, training, and expertise. Identify their area(s) of responsibility and percent of their time dedicated to the project. List work for which you do not have in-house capability and name the firm you propose to subcontract with.	
Past Performance	Describe team’s past performance with respect to ability to meet project schedules; quality of work; and ability to control costs on similar transportation projects, especially those performed for KDOT. Include three references and contact information.	
Familiarity with KDOT and Project Area	Describe team’s familiarity with KDOT’s design process and standards. Describe familiarity with the project area and any identified special site conditions.	

Table 4: Evaluation Factors

Evaluation Factor	Weight
Qualifications and experience of project manager and other key project team members proposed for services	15%
Project approach	15%
Approach and commitment to meet advertised schedule	15%
Past performance history for similar projects/services for KDOT	25%
Approach to quality control	10%
The quality and completeness of the response	10%
Understanding of KDOT Technical Policies	10%

Contract Terms and Conditions

A standard KDOT agreement for engineering and technical services will be used for professional services projects. The following special attachments will need to be provided by the selected consultant and all subconsultants with the signed work order following negotiations and will become attachments to the contract.

- Special Attachment No. 8 (“Tax Clearance Certificate”)
- Special Attachment No. 10 (“Policy Regarding Sexual Harassment”)

Special Contract Conditions

This project will be managed by KDOT Road Design.

Questions

All questions regarding this Request for Proposals shall be emailed to KDOT.DesignContracts@ks.gov.

Questions can be submitted until January 25, 2023; answers will be provided to all prequalified consultants on January 30, 2023.

Marcia Turner, P.E.
Contracts Manager
Division of Engineering and Design
Department of Transportation

Doc. No. 050823

State of Kansas

Department of Transportation

Notice to Consulting Firms

The Kansas Department of Transportation (KDOT) is seeking qualified consulting firms or teams of firms to perform professional services for the projects in summarized in Table 1 below. Interested consultants must email a proposal to KDOT.DesignContracts@ks.gov by 12:00 p.m. Central Time February 8, 2023, to be considered for selection.

Consultant Prequalification

Consulting firms interested in providing service on any project listed below must be prequalified by KDOT in Category 241–Construction Inspection and Testing.

If a firm is not currently prequalified by KDOT in a required category, a proposal may still be submitted. Firms not prequalified must also provide documentation that demonstrates the firm is qualified for each specified category listed in this Notice for the project. Firms must use the KDOT prequalification form to provide this documentation. KDOT 1050 Prequalification Category Definitions (Blue Book) can be found at <http://www.ksdot.org/descons.asp>. Consultants may create a team to meet the prequalification requirements. All firms doing business

with KDOT must be registered and in good standing under the laws of the State of Kansas at the time of contracting and must comply with applicable state and federal laws, rules, and regulations.

Background and Scope of Projects

With this single solicitation, KDOT is requesting consulting services for construction inspections on the proj-

ects listed in Table 1. This table provides summary information for each project. One consultant will be selected to perform services associated with each group listed. Firms can express interest in the groups for which they would like to be considered by submitting responses for each as indicated below. There is no guarantee that a firm which has expressed interest will be selected for any project(s).

Table 1: Summary of Project Information

Group	RT-CO	Project #	Scope and County	Anticipated Start	Working Days	Completion Date	Office	Contractor Notes
119	K030-099	KA-6245-01	Resurfacing Wabaunsee County	May 1, 2023	55	---	Topeka	Slated to be performed by same contractor.
119	K004-089	KA-6244-01	Resurfacing Shawnee County	May 1, 2023	55	---	Topeka	Slated to be performed by same contractor.
124	- 106	KA-6255-01	Signing Multiple	Mar. 27, 2023	140	---	Topeka	Slated to be performed by same contractor.
124	- 106	KA-6258-01	Signing Multiple	Feb. 23, 2023	120	---	Garnett	Slated to be performed by same contractor.
134	U075-089	KA-6128-01	Bridge Repair Shawnee County	Mar. 6, 2023	180	---	Topeka	---
135	I070-105	KA-6800-01	Resurfacing Wyandotte County	May 1, 2023	---	Sept. 30, 2023	Bonner Springs	Slated to be performed by same contractor.
135	U069-105	KA-6676-01	Resurfacing Wyandotte County	May 1, 2023	---	Sept. 30, 2023	Bonner Springs	Slated to be performed by same contractor.
135	I035-105	KA-6801-01	Resurfacing Wyandotte County	Apr. 3, 2023	110	---	Olathe	Slated to be performed by same contractor.
136	K004-089	KA-5483-02	Guardrail Shawnee County	Mar. 13, 2023	30	---	Topeka	---
313	K181-071	KA-3938-01	Bridge Replacement Osborne County	Mar. 6, 2023	135	---	Phillipsburg	---
322	U036-074	KA-6002-01	Guardrail Phillips County	Mar. 1, 2023	75	---	Phillipsburg	---
327	K181-092	KA-6421-01	Resurfacing Smith County	Mar. 1, 2023	60	---	Phillipsburg	Slated to be performed by same contractor.
327	K181-071	KA-6420-01	Resurfacing Osborne County	Mar. 1, 2023	60	---	Phillipsburg	Slated to be performed by same contractor.
328	K383-069	KA-6717-01	Bridge Repair Norton County	Mar. 1, 2023	90	---	Phillipsburg	---
329	- 106	KA-6257-01	Signing Multiple	Mar. 1, 2023	115	---	Hays	Slated to be performed by same contractor.
329	- 106	KA-6256-01	Signing Multiple	Mar. 1, 2023	80	---	Atwood	Slated to be performed by same contractor.
419	U069-019	KA-3928-01	Bridge Replacement Crawford County	Feb. 27, 2023	140	---	Pittsburg	---
421	- 106	KA-6266-01	Signing Multiple	Mar. 1, 2023	55	---	Garnett	---
423	U059-030	KA-6579-01	Resurfacing Franklin County	Mar. 6, 2023	110	---	Garnett	---
425	K152-054	KA-6318-01	Resurfacing Linn County	Mar. 6, 2023	30	---	Garnett	---
504	- 106	KA-6263-01	Signing Multiple	Mar. 1, 2023	115	---	Wichita	---
520	U050-040	KA-1827-05	Grading/Surfacing Harvey County	Feb. 27, 2023	100	---	El Dorado	---
521	U050-078	KA-6580-01	Resurfacing Reno County	Mar. 1, 2023	35	---	Hutchinson	---
604	K096-086	KA-3258-01	Grading/Surfacing Scott County	Mar. 6, 2023	215	---	Garden City	---
605	K096-102	KA-3274-01	Grading/Surfacing Wichita County	Mar. 6, 2023	180	---	Garden City	---
606	U083-088	KA-3253-01	Grading/Bridge/ Surfacing Seward County	Feb. 27, 2023	---	April 12, 2024	Liberal	---

(continued)

Additional project information including construction scope to be inspected, a detailed description of the project location, and resources and inspection scope specifically requested from consultants via this request can be viewed in an online table at <https://www.ksdotike.org/about/construction-inspection-rfps>. Upon publication of this Request for Proposals (RFP), KDOT anticipates each of these inspection efforts will require full teams (project manager and inspectors, as opposed to single role staff augmentation as is occasionally requested) for various types of construction inspection needs. Watch the website linked above for updated information. Tabulated information (both in this RFP and on the website) shall not be relied upon during inspections. It is provided for the convenience of consultants, specifically to aid in making decisions about which projects they are interested in performing.

Specific project needs are subject to modification and/or cancellation at KDOT's discretion.

Anticipated Consultant Scope

The scope of construction inspection services and certifications required will vary for each project and are listed in the table available on the website noted above. Inspection efforts will be managed out of the offices listed. Also included for the convenience of consultants are indications of which grouped projects are currently slated to be performed by the same contractors.

Anticipated Schedule and Key Dates

1. Proposals are due by or before 12:00 p.m. (Central Time) February 8, 2023.
2. Ranking of proposals is expected to occur on or around February 15, 2023. Negotiations with the most highly ranked firm are expected to begin on or around February 22, 2023. An executed agreement is anticipated shortly thereafter.
3. Anticipated start dates and working days or anticipated calendar completion dates are shown in the table. All dates are subject to change.

Instructions for Proposal

1. No cost or pricing information shall be submitted with the proposal. Proposals including cost or pricing information will be considered non-responsive and withdrawn from further consideration.
2. The consultant's proposal must not exceed the page limit laid out in Table 2 below (including any cover letter, index, etc.). All pages shall be standard letter size (8.5" x 11"). Any page larger than standard letter size will be counted as two or more pages, depending on size.
3. A single PDF (5MB maximum size) of the proposal including all attachments must be emailed to KDOT.DesignContracts@ks.gov by the proposal due date and time.
4. The subject line of the email and the PDF file name must read:
 - a. "ConstInsp Multiple Projects_2023.01 Release_FIRM NAME"
5. The proposal must be accompanied by Special Attachments No. 8 ("Tax Clearance Certificate") and No. 10 ("Policy Regarding Sexual Harassment"). If you need a Tax Clearance Certificate, you can request

one at <https://www.ksrevenue.org/taxclearance.html>. Allow 2-3 business days for processing.

6. The outline in Table 2 below describes the expected proposal organization, content sections, and limits on number of pages.
 - a. Each team is limited to a single, one-page cover letter.
 - b. Consultants may indicate interest in any and all projects, indicate preference(s) for up to three projects, and shall do so on the "January 2023 Construction Inspections Interest and Preference Form" available at <https://www.ksdotike.org/about/construction-inspection-rfps>.
 - c. Thereafter, each team is limited to two pages per project in which they express interest. In these pages, consultants shall:
 - i. Describe the approach they plan to execute to deliver success on the project.
 - ii. Present the relevant qualifications and experience of the people they are proposing will provide the services.
 - iii. Provide the firm's familiarity with KDOT and the project area.
 - d. Finally, consultants are limited to a single, one-page description of general qualifications ("Past Performance" section plus "Approach to Quality Control" section) regardless of the number of projects in which they are expressing interest.
7. Table 3 lists the evaluation criteria and associated weights which will be used by KDOT when making selections.
8. Although not anticipated at this time, KDOT reserves the right to interview for the requested services associated with any of the listed projects prior to making final selections.

Table 2: Proposal Content

Section	Description of Intent	Page Limit
Cover Letter		1 Page
Consultant Project Interest and Preference	Fill out "January 2023 Construction Inspections Interest & Preference Form" and submit with your proposal.	1 Page
Project Approach	Describe how your firm will meet the fluctuating inspection needs of the project.	2 Pages Per Project in Which Team is Interested
Qualifications and Experience	For key personnel to be assigned to the project provide names, qualifications, education, training, and expertise. Identify their area(s) of responsibility and percent of their time dedicated to the project. List work for which you do not have in-house capability and name the firm you propose to subcontract with.	
Familiarity with KDOT and Project Area	Describe team's familiarity with KDOT's inspection processes and standards. Describe familiarity with the project area and any identified special site conditions.	

Past Performance	Describe team’s past performance with respect to ability to meet project schedules; quality of work; and ability to control costs on similar transportation projects, especially those performed for KDOT. Include three references and contact information.	1 Page Total
Approach to Quality Control	Describe methods or procedures your firm will use to provide all services with professional quality and technical accuracy.	

Table 3: Evaluation Factors

Evaluation Factor	Weight
The quality and completeness of the response	10%
Availability to respond to the work	20%
Qualifications and experience of project manager and other key project team members proposed for services	20%
Past performance history for similar projects/services for KDOT	20%
Understanding of the project area	10%
Understanding of KDOT contract administration and closeout procedures	20%

Contract Terms and Conditions

KDOT anticipates that each project will be contracted separately. A standard KDOT agreement for engineering and technical services will be used for professional services projects. The following special attachments will need to be provided by the selected consultant and all subconsultants with the signed work order following negotiations and will become attachments to the contract.

- Special Attachment No. 8 (“Tax Clearance Certificate”)
- Special Attachment No. 10 (“Policy Regarding Sexual Harassment”)

Questions

All questions regarding this RFP shall be emailed to KDOT.DesignContracts@ks.gov.

Questions can be submitted until January 26, 2023; answers will be provided to all prequalified consultants and (others who reach out before then requesting such information) on February 1, 2023.

Marcia Turner, P.E.
Contracts Manager
Division of Engineering and Design
Department of Transportation

Doc. No. 050826

(Published in the Kansas Register January 26, 2023.)

Kansas & Oklahoma Railroad

Request for Proposals

Interested parties are invited to submit a proposal to complete the below scope of repairs for the Kansas & Oklahoma (K&O) Railroad.

Scope of Work

The projects of entails the replacement of 0.5 miles of rail in curves located on the Hutchinson Subdivision of the K&O Railroad. The curves are located in the City of South Hutchinson, Kansas where there are back-to-back

curves with tangent track that trains must traverse. Due to traffic levels and the use of 6-axle locomotives, the curves have extreme wear and the K&O Railroad experiences constant issues in the area.

Additional details concerning the scope of work needing to be done with each portion of the project will be addressed in the pre-proposal meeting.

Minimum Requirements

MSA and Roadway Worker Protection

- Contractors must complete, and have on file, a current Master Services Agreement with K&O Railroad prior to submitting a proposal.
- Contractors shall always comply with all parts of 49 CFR Part 214 and 219 regarding FRA Roadway Worker Safety. Workers and equipment shall remain clear of the track unless they have gained Roadway Worker Protection from a qualified person.
- Contractor, contractor employees, agents, and/or subcontractors must be enrolled and comply with the FRA 219 approved drug testing program.
- Any subcontracted work will need to be approved by the K&O Railroad prior to any work starting.
- All contractors will be required to complete Watco Contractor Orientation at <https://watcocontractor.com>. Any contractor who was previously enrolled in e-SHORTLINE with Watco in the past, will be required to complete the Watco Contractor Orientation.

Work Windows

Impact to current railroad operations must be kept to a minimum. When work must take place that causes an active track to be taken out of service for the purposes of performing work that pertains to the project, the contractor must pre-arrange a defined work window with the railroad. Contractor will work with local K&O Railroad personnel for acquiring work windows. Anticipation is the contractor will get 4- to 6-hour windows. Work windows may be arranged seven days a week, if desired. Current railroad operations consist of two to four trains per day through the work area, but traffic could make the schedule volatile. This topic will be further discussed during the preproposal meeting; a concrete understanding between the contractor and the railroad can be obtained at this time.

Standards

All standards referenced by the project plans and specifications, as well as all applicable AREMA standards must be upheld during all phases of the project work, unless certain standards are excluded from the project with written approval by the K&O Railroad. All rails shall be replaced at standard gauge of 56-1/2”.

Submittals

The following documents shall be submitted by the contractor as part of the project at the times listed:

- Schedule of Work – Submitted with proposal.
- Certificate of Insurance – Submitted prior to construction,
- Safety Plan – Submitted prior to construction.
- Proof of Roadway Worker Training – Submitted prior to construction.

(continued)

Other Responsibilities

- Permits – Contractor is responsible for all federal, state, and local permits required for the work. Additional permit information will be covered at the pre-proposal meeting.
- Utilities – Contractor is responsible to locate and protect site utilities.
- Site Clean-up – Contractor is responsible for proper site restoration and proper disposal of materials removed in accordance with all local, state, and federal laws.

Insurance

Contractor shall purchase required coverage and submit for verification a Certificate of Insurance.

Materials

All materials shall meet the requirements found in the project plans and/or specifications as well as applicable AREMA requirements. Material storage is granted on railroad right of way to the contractor. However, no materials shall be stored closer than 15 feet from the centerline of any active track at any time. Material and equipment laydown areas and reclaimed materials stockpiling locations shall be discussed and further clarified at the pre-proposal meeting. All removed materials will be disposed of accordingly by the contractor unless otherwise arranged with the K&O Railroad.

Non-Project Areas

The K&O Railroad has secured access to the project through the railroad right of way. Other access may be obtained by the contractor if they so choose. All areas (public, private and railroad right of way) that are used for access to the project, including parts of the railroad right of way which have no proposed work, shall be maintained and/or remediated, incidental to the project, by the contractor to the satisfaction of the property owner if any damage to these areas occurs.

Pre-Proposal Meeting

The K&O Railroad (Watco) shall hold a pre-proposal meeting at the K&O Railroad Office at 9:00 a.m. (Central Time) Tuesday, February 7, 2023, to address any questions or clarify any portions of the project tasks. Please reach out to Cameron Ginther for the K&O Office address.

Project Completion

It is expected the contractor must start construction no later than 60 days after being awarded the bid (dependent upon material deliveries) and complete the project within an agreed upon timeline. Prior to the completion of the project, there will be a third-party final inspection. If there are any issues with the quality of work, the contractor will be responsible for fixing any issues found at cost to them.

Submission of a Proposal

All proposals must be submitted no later than 4:00 p.m. Friday, February 23, 2023. All submitted proposals shall be reviewed by the K&O Railroad. Please ensure your proposal includes all required information. All incomplete proposals shall be rejected. The structure of your proposal must be able to be clearly understood, all proposals shall provide the following line items and provide costs as required below:

- Provide a total sum of all line items on the proposal.
- Mobilization and Demobilization – Lump sum.
- Material (Supply) and Labor (Install) for each line item; include all applicable taxes.
- RRPL Insurance – Lump sum.

For further information or questions regarding the Request for Proposals or submittal of a proposal, please contact:

- Herb Lamkin, K&O Roadmaster, phone 316-215-4080, email hlamkin@watco.com
- Cody McGee, Division Engineer, phone 217-855-4107, email cody.mcgee@watco.com
- Cameron Ginther, Project Manager, phone 785-513-6049, email cameron.ginther@watco.com

Work Reporting

Daily work reports must be filled out and submitted to Herb Lamkin – K&O Roadmaster, Cody McGee – Division Engineer, and Cameron Ginther – Project Manager. Those reports should include updates to project schedules, any delays and/or changes in the scope of work. A detailed summary report must be submitted upon the completion of the project.

Cameron Ginther
Project Manager
Watco

Doc. No. 050811

(Published in the Kansas Register January 26, 2023.)

Kansas & Oklahoma Railroad**Request for Proposals**

Interested parties are invited to submit a proposal to complete the below scope of repairs for the Kansas & Oklahoma (K&O) Railroad.

Scope of Work

The project consists of the replacement of four switches and switch tie packages in the K&O Railroad's South Yard (Downtown Wichita, Kansas) that are used for the interchanges between Watco's South Kansas and Oklahoma (SKOL) and K&O Railroads. The current switches are heavily worn 90# switches that require constant maintenance/adjustments. The current switches will be upgraded to 115# switches.

Additional details concerning the scope of work needing to be done with each portion of the project will be addressed in the pre-proposal meeting.

Minimum RequirementsMSA and Roadway Worker Protection

- Contractors must complete, and have on file, a current Master Services Agreement with K&O Railroad prior to submitting a proposal.
- Contractors shall always comply with all parts of 49 CFR Part 214 and 219 regarding FRA Roadway Worker Safety. Workers and equipment shall remain clear of the track unless they have gained Roadway Worker Protection from a qualified person.
- Contractor, contractor employees, agents, and/or subcontractors must be enrolled and comply with the FRA 219 approved drug testing program.

- Any subcontracted work will need to be approved by the K&O Railroad prior to any work starting.
- All Contractors will be required to complete Watco Contractor Orientation at <https://watcocontractor.com>. Any contractor who was previously enrolled in e-SHORTLINE with Watco in the past, will be required to complete the Watco Contractor Orientation.

Work Windows

Impact to current railroad operations must be kept to a minimum. When work must take place that causes an active track to be taken out of service for the purposes of performing work that pertains to the project, the contractor must pre-arrange a defined work window with the railroad. Contractor can anticipate a work window of 6-7 hours between the hours of 07:00 and 13:00/14:00. Work windows may be arranged seven days a week, if desired. Current railroad operations consist of three trains per day through the work area. The trains operating in this area are expected to begin operations around 13:00/14:00 hours. This topic will be further discussed during the pre-proposal meeting.

Standards

All standards referenced by the project plans and specifications, as well as all applicable AREMA standards must be upheld during all phases of the project work, unless certain standards are excluded from the project with written approval by the K&O Railroad. All rails shall be replaced at standard gauge of 56-1/2".

Submittals

The following documents shall be submitted by the contractor as part of the project at the times listed:

- Schedule of Work – Submitted with proposal
- Certificate of Insurance – Submitted prior to construction
- Safety Plan – Submitted prior to construction
- Proof of Roadway Worker Training – Submitted prior to construction

Other Responsibilities

- Permits – Contractor is responsible for all federal, state, and local permits required for the work. Additional permit information will be covered at the pre-proposal meeting.
- Utilities – Contractor is responsible to locate and protect site utilities.
- Site Clean-up – Contractor is responsible for proper site restoration and proper disposal of materials removed in accordance with all local, state, and federal laws.

Insurance

Contractor shall purchase required coverage and submit for verification a Certificate of Insurance.

Materials

All materials shall meet the requirements found in the project plans and/or specifications as well as applicable AREMA requirements. Material storage is granted on railroad right of way to the contractor. However, no materials shall be stored closer than 15 feet from the centerline of any active track at any time. Material and equip-

ment laydown areas and reclaimed materials stockpiling locations shall be discussed and further clarified at the pre-proposal meeting. All removed materials will be disposed of accordingly by the contractor unless otherwise arranged with the K&O Railroad.

Non-Project Areas

The K&O Railroad has secured access to the project through the railroad right of way. Other access may be obtained by the contractor if they so choose. All areas (public, private and railroad right of way) that are used for access to the project, including parts of the railroad right of way which have no proposed work, shall be maintained and/or remediated, incidental to the project, by the contractor to the satisfaction of the property owner if any damage to these areas occurs.

Pre-Proposal Meeting

The K&O Railroad (Watco) shall hold a pre-proposal meeting at the K&O Railroad Office at 9:00 a.m. (Central Time) Tuesday, February 7, 2023, to address any questions or clarify any portions of the project tasks. Please reach out to Cameron Ginther for the K&O Office address.

Project Completion

It is expected the contractor must start construction no later than 60 days after being awarded the bid (dependent upon material deliveries) and complete the project within an agreed upon timeline. Prior to the completion of the project, there will be a third-party final inspection. If there are any issues with the quality of work, the contractor will be responsible for fixing any issues found at cost to them.

Submission of a Proposal

All proposals must be submitted no later than 4:00 p.m. Friday, February 24, 2023. All submitted proposals shall be reviewed by the K&O Railroad. Please ensure your proposal includes all required information. All incomplete proposals shall be rejected. The structure of your proposal must be able to be clearly understood, all proposals shall provide the following line items and provide costs as required below:

- Provide a total sum of all line items on the proposal.
- Mobilization and Demobilization – Lump sum.
- Material (Supply) and Labor (Install) for each line item; include all applicable taxes.
- RRPL Insurance – Lump sum.

For further information or questions regarding the Request for Proposals or submittal of a proposal, please contact:

- Herb Lamkin, K&O Roadmaster, phone 316-215-4080, email hlamkin@watco.com
- Cody McGee, Division Engineer, phone 217-855-4107, email cody.mcgee@watco.com
- Cameron Ginther, Project Manager, phone 785-513-6049, email cameron.ginther@watco.com

Work Reporting

Daily work reports must be filled out and submitted to Herb Lamkin – K&O Roadmaster, Cody McGee – Division Engineer, and Cameron Ginther – Project Manager. Weekly reports should include updates to project sched-

(continued)

ules, any delays, and/or changes in the scope of work. A detailed summary report must be submitted upon the completion of the project.

Cameron Ginther
Project Manager
Watco

Doc. No. 050812

(Published in the Kansas Register January 26, 2023.)

South Kansas & Oklahoma Railroad

Request for Proposals

Interested parties are invited to submit a proposal to complete the below scope of repairs for the South Kansas & Oklahoma (SKOL) Railroad.

Scope of Work

This project consists of the replacement/upgrading of 1.4 miles of rail, replacement of ties, and undercutting on track in Coffeyville, Kansas. This track is used to interchange all outbound traffic with the Union Pacific (UP) Railroad. The project will remove 1.4 miles of heavily worn 90# rail and replace it with new 115# rail, anchors, plates, and spikes. Undercutting will be performed to remove all mud/fouled ballast within the track area. The undercutting will allow the new/existing good ties to hold surface going forward.

Additional details concerning the scope of work needing to be done with each portion of the project, will be addressed in the pre-proposal meeting.

Minimum Requirements

MSA and Roadway Worker Protection

- Contractors must complete, and have on file, a current Master Services Agreement with SKOL Railroad prior to submitting a proposal.
- Contractors shall always comply with all parts of 49 CFR Part 214 and 219 regarding FRA Roadway Worker Safety. Workers and equipment shall remain clear of the track unless they have gained Roadway Worker Protection from a qualified person.
- Contractor, contractor employees, agents and/or subcontractors must be enrolled and comply with the FRA 219 approved drug testing program.
- Any subcontracted work will need to be approved by the SKOL Railroad prior to any work starting.
- All contractors will be required to complete Watco Contractor Orientation at <https://watcocontractor.com>. Any contractor who was previously enrolled in e-SHORTLINE with Watco in the past, will be required to complete the Watco Contractor Orientation.

Work Windows

Impact to current railroad operations must be kept to a minimum. When work must take place that causes an active track to be taken out of service for the purposes of performing work that pertains to the project, the contractor must pre-arrange a defined work window with the railroad. Contractor can anticipate a maximum work window of eight hours between the hours of 11:00 and 19:00. Work windows may be arranged seven days a

week, if desired. Current railroad operations consist of SKOL switch trains and interchanges with the UP Railroad. These trains operate in the early-mid morning and come back on duty at 19:00 hours; the SKOL will not be operating trains over the weekend in this area. This topic will be further discussed during the pre-proposal meeting, as operations may change.

Standards

All standards referenced by the project plans and specifications, as well as all applicable AREMA standards must be upheld during all phases of the project work, unless certain standards are excluded from the project with written approval by the SKOL Railroad. All rails shall be replaced at standard gauge of 56-1/2".

Submittals

The following documents shall be submitted by the contractor as part of the project at the times listed:

- Schedule of Work – Submitted with proposal
- Certificate of Insurance – Submitted prior to construction
- Safety Plan – Submitted prior to construction
- Proof of Roadway Worker Training – Submitted prior to construction

Other Responsibilities

- Permits – Contractor is responsible for all federal, state, and local permits required for the work. Additional permit information will be covered at the pre-proposal meeting.
- Utilities – Contractor is responsible to locate and protect site utilities.
- Site Clean-up – Contractor is responsible for proper site restoration and proper disposal of materials removed in accordance with all local, state, and federal laws.

Insurance

Contractor shall purchase required coverage and submit for verification a Certificate of Insurance.

Materials

All materials shall meet the requirements found in the project plans and/or specifications as well as applicable AREMA requirements. Material storage is granted on railroad right of way to the contractor. However, no materials shall be stored closer than 15 feet from the centerline of any active track at any time. Material and equipment laydown areas and reclaimed materials stockpiling locations shall be discussed and further clarified at the pre-proposal meeting. All removed materials will be disposed of accordingly by the contractor unless otherwise arranged with the SKOL Railroad.

Non-Project Areas

The SKOL Railroad has secured access to the project through the railroad right of way. Other access may be obtained by the contractor if they so choose. All areas (public, private and railroad right of way) that are used for access to the project, including parts of the railroad right of way which have no proposed work, shall be maintained and/or remediated, incidental to the project, by the contractor to the satisfaction of the property owner if any damage to these areas occurs.

Pre-Proposal Meeting

The SKOL Railroad (Watco) shall hold a pre-proposal meeting at 9:00 a.m. (Central Time) Tuesday, February 14, 2023, to address any questions or clarify any portions of the project tasks. Please reach out to Cameron Ginther for specific meeting details.

Project Completion

It is expected the contractor must start construction no later than 60 days after being awarded the bid (dependent upon material deliveries) and complete the project within an agreed upon timeline. Prior to the completion of the project, there will be a third-party final inspection. If there are any issues with the quality of work, the contractor will be responsible for fixing any issues found at cost to them.

Submission of a Proposal

All proposals must be submitted no later than 4:00 p.m. Friday, March 3, 2023. All submitted proposals shall be reviewed by the SKOL Railroad. Please ensure your proposal includes all required information. All incomplete proposals shall be rejected. The structure of your proposal must be able to be clearly understood, all proposals shall provide the following line items and provide costs as required below:

- Provide a total sum of all line Items on the proposal.
- Mobilization and Demobilization – Lump sum.
- Material (Supply) and Labor (Install) for each line item; include all applicable taxes.
- RRPL Insurance – Lump sum.

For further information or questions regarding the Request for Proposals or submittal of a proposal, please contact:

- Mike Mulnix, SKOL Roadmaster, phone 620-330-7415, email mmulnix@watco.com
- Jerod Gofourth, Asst. SKOL Roadmaster, phone 620-515-1809, email jgofourth@watco.com
- Cody McGee, Division Engineer, phone 217-855-4107, email cody.mcgee@watco.com
- Cameron Ginther, Project Manager, phone 785-513-6049, email cameron.ginther@watco.com

Work Reporting

Daily work reports must be filled out and submitted to Mike Mulnix – SKOL Roadmaster, Jerod Gofourth – SKOL Asst. Roadmaster, Cody McGee – Division Engineer, and Cameron Ginther – Project Manager. Those reports should include updates to project schedules, any delays and/or changes in the scope of work. A detailed summary report must be submitted upon the completion of the project.

Cameron Ginther
Project Manager
Watco

Doc. No. 050813

(Published in the Kansas Register January 26, 2023.)

South Kansas & Oklahoma Railroad**Request for Proposals**

Interested parties are invited to submit a proposal to complete the below scope of repairs for the South Kansas & Oklahoma (SKOL) Railroad.

Scope of Work

This project consists of the replacement of four switches and switch tie packages in the SKOL's Winfield, Kansas Yard that are critical for our interchanges with the Burlington Northern-Santa Fee (BNSF) and the Union Pacific (UP) Railroads. The current switches consist of heavily worn 90# and 136# turnouts.

Minimum Requirements**MSA and Roadway Worker Protection**

- Contractors must complete, and have on file, a current Master Services Agreement with SKOL Railroad prior to submitting a proposal.
- Contractors shall always comply with all parts of 49 CFR Part 214 and 219 regarding FRA Roadway Worker Safety. Workers and equipment shall remain clear of the track unless they have gained Roadway Worker Protection from a qualified person.
- Contractor, contractor employees, agents and/or subcontractors must be enrolled and comply with the FRA 219 approved drug testing program.
- Any subcontracted work will need to be approved by the SKOL Railroad prior to any work starting.
- All contractors will be required to complete Watco Contractor Orientation at <https://watcocontractor.com>. Any contractor who was previously enrolled in e-SHORTLINE with Watco in the past, will be required to complete the Watco Contractor Orientation.

Work Windows

Impact to current railroad operations must be kept to a minimum. When work must take place that causes an active track to be taken out of service for the purposes of performing work that pertains to the project, the contractor must pre-arrange a defined work window with the railroad. Contractor can anticipate a minimum work window of eight hours, between the hours of 07:00 and 17:00. For work windows extending more than eight hours, a minimum of 72 hours notification is required to the railroad to arrange this window. Work windows may be arranged seven days a week, if desired. Current railroad operations consist of three trains per day through the work area. These trains operate in the early morning and evening hours; however, this schedule is subject to change at any time. Weekend outages will be most ideal for two out of the four turnouts. This topic will be further discussed during the pre-proposal meeting.

Standards

All standards referenced by the project plans and specifications, as well as all applicable AREMA standards must be upheld during all phases of the project work, unless certain standards are excluded from the project with written approval by the SKOL Railroad. All rails shall be replaced at standard gauge of 56-1/2".

Submittals

The following documents shall be submitted by the contractor as part of the project—at the times listed:

- Schedule of Work – Submitted with proposal
- Certificate of Insurance – Submitted prior to construction
- Safety Plan – Submitted prior to construction

(continued)

- Proof of Roadway Worker Training – Submitted prior to construction

Other Responsibilities

- Permits – Contractor is responsible for all federal, state, and local permits required for the work. Additional permit information will be covered at the pre-proposal meeting.
- Utilities – Contractor is responsible to locate and protect site utilities.
- Site Clean-up – Contractor is responsible for proper site restoration and proper disposal of materials removed in accordance with all local, state, and federal laws.

Insurance

Contractor shall purchase required coverage and submit for verification a Certificate of Insurance.

Materials

All materials shall meet the requirements found in the project plans and/or specifications as well as applicable AREMA requirements. Material storage is granted on railroad right of way to the contractor. However, no materials shall be stored closer than 15 feet from the centerline of any active track at any time. Material and equipment laydown areas and reclaimed materials stockpiling locations shall be discussed and further clarified at the pre-proposal meeting. All removed materials will be disposed of accordingly by the contractor unless otherwise arranged with the SKOL Railroad.

Non-Project Areas

The SKOL Railroad has secured access to the project through the railroad right of way. Other access may be obtained by the contractor if they so choose. All areas (public, private and railroad right of way) that are used for access to the project, including parts of the railroad right of way which have no proposed work, shall be maintained and/or remediated, incidental to the project, by the contractor to the satisfaction of the property owner if any damage to these areas occurs.

Pre-Proposal Meeting

The SKOL Railroad (Watco) shall hold a pre-proposal meeting in Winfield, Kansas at 9:00 a.m. (Central Time) Tuesday, February 14, 2023, to address any questions or clarify any portions of the project tasks. For specific meeting details, please reach out to Cameron Ginther.

Project Completion

It is expected the contractor must start construction no later than 60 days after being awarded the bid (dependent upon material deliveries) and complete the project within an agreed upon timeline. Prior to the completion of the project, there will be a third-party final inspection. If there are any issues with the quality of work, the contractor will be responsible for fixing any issues found at cost to them.

Submission of a Proposal

All proposals must be submitted no later than at 4:00 p.m. Thursday, March 2, 2023. All submitted proposals shall be reviewed by the SKOL Railroad. Please ensure your proposal includes all required information. All incomplete proposals shall be rejected. The structure of

your proposal must be able to be clearly understood, all proposals shall provide the following line items and provide costs as required below:

- Provide a total sum of all line items on the proposal.
- Mobilization and Demobilization – Lump sum.
- Material (Supply) and Labor (Install) for each line item; include all applicable taxes.
- RRPL Insurance – Lump sum.

For further information or questions regarding the Request for Proposals or submittal of a proposal, please contact:

- Mike Mulnix, SKOL Roadmaster, phone 620-330-7415, email mmulnix@watco.com
- Jerod Gofourth, Asst. SKOL Roadmaster, phone 620-515-1809, email jgofourth@watco.com
- Cody McGee, Division Engineer, phone 217-855-4107, email cody.mcgee@watco.com
- Cameron Ginther, Project Manager, phone 785-513-6049, email cameron.ginther@watco.com

Work Reporting

Daily work reports must be filled out and submitted to Mike Mulnix – SKOL Roadmaster, Jerod Gofourth – SKOL Asst. Roadmaster, Cody McGee – Division Engineer, and Cameron Ginther – Project Manager. Those reports should include updates to project schedules, any delays and/or changes in the scope of work. A detailed summary report must be submitted upon the completion of the project.

Cameron Ginther
Project Manager
Watco

Doc. No. 050814

State of Kansas

Legislative Administrative Services

Legislative Bills and Resolutions Introduced

The following numbers and titles of bills and resolutions were introduced January 13–18 during the 2023 session of the Kansas Legislature. Full text of bills, bill tracking, and other information may be accessed at <http://www.kslegislature.org/li/>.

House Bills

HB 2030, AN ACT concerning the Kansas state high school activities association; authorizing certain students to participate in activities offered by school districts; allowing nonpublic school students who enroll part time in a public school to participate in nonpublic school activities, by Committee on K-12 Education Budget.

HB 2031, AN ACT concerning crimes, punishment and criminal procedure; enacting the reduce armed violence act; increasing criminal penalties for certain violations of criminal possession of a weapon by a convicted felon that involve firearms; amending K.S.A. 2022 Supp. 21-6804 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2032, AN ACT concerning social welfare; relating to food assistance; allowing persons with felony drug convictions to receive assistance; amending K.S.A. 2022 Supp. 39-709 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2033, AN ACT concerning children and minors; relating to children in need of care; juvenile crisis intervention centers; changing the criteria used to refer and admit juveniles; defining behavioral health crisis; amending K.S.A. 38-2202, 38-2231, 38-2243, 38-2302, 38-2330, 65-

536 and 75-52,164 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

HB 2034, AN ACT concerning children and minors; relating to procedures in investigations of child abuse or neglect; requiring a child abuse review and evaluation referral; creating a program in the department of health and environment for the training and payment for child abuse reviews and exams; defining child abuse review and evaluation providers, networks and examination and child abuse medical resource centers; amending K.S.A. 38-2202 and 38-2226 and repealing the existing sections, by Committee on Child Welfare and Foster Care.

HB 2035, AN ACT concerning elections; relating to voter registration; requiring the secretary of state to submit an annual report on voter registration procedures to the legislature, by Committee on Elections.

HB 2036, AN ACT concerning property taxation; relating to exemptions; creating a property tax exemption for homestead property of certain retired and disabled veterans, by Representatives Proctor, Blex, Buehler, Butler, Clifford, Collins, Dodson, M., Ellis, Johnson, Neelly, Thompson and Turk.

HB 2037, AN ACT concerning elections; relating to voter registration; requiring verification of the residential address for each registered voter; creating the crime of falsifying a residential address for purposes of voter registration; amending K.S.A. 25-2305a and repealing the existing section, by Committee on Elections.

HB 2038, AN ACT concerning elections; relating to voter identification; requiring postsecondary educational institutions to indicate when a student's identification issued by such institution cannot be used for voting purposes; amending K.S.A. 25-1122d and K.S.A. 2022 Supp. 25-2908 and repealing the existing sections, by Committee on Elections.

HB 2039, AN ACT concerning wildlife and parks; relating to hunting and fishing licenses; exempting disabled veterans from certain requirements; amending K.S.A. 32-906, 32-919 and 32-988 and repealing the existing sections, by Representative Waymaster.

HB 2040, AN ACT concerning education; relating to the Kansas school equity and enhancement act; authorizing the use of current-year student enrollment to determine state foundation aid; amending K.S.A. 2022 Supp. 72-5132 and repealing the existing section, by Committee on Education.

HB 2041, AN ACT concerning taxation; relating to sales and compensating use tax; providing for a sales tax exemption for a not-for-profit corporation operating a community theater; amending K.S.A. 2022 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

HB 2042, AN ACT concerning self-storage rental units; authorizing the towing by operators of such units of motor vehicles, watercraft or trailers if the occupant is in default for more than 45 days; granting operators protection from liability for damages; extinguishing an operator's lien on such property upon towing; providing for notice to the occupant and opportunity for redemption prior to towing; amending K.S.A. 2022 Supp. 58-817 and repealing the existing section, by Committee on Commerce, Labor and Economic Development.

HB 2043, AN ACT concerning elections; relating to voter registration; requiring that discharged inmates be offered the opportunity to register to vote; the secretary of state to develop a voter registration program that offers voter registration services through certain state agencies and at each accredited high school; amending K.S.A. 25-2416 and K.S.A. 2022 Supp. 22-3722 and repealing the existing sections, by Committee on Federal and State Affairs.

HB 2044, AN ACT concerning the Kansas act against discrimination; relating to race; including hair texture and protective hairstyles historically associated with race; amending K.S.A. 44-1002 and 44-1015 and repealing the existing sections, by Committee on Federal and State Affairs.

HB 2045, AN ACT concerning pawnbrokers; relating to loans made by pawnbrokers; increasing the statutory limit on charges that may be assessed on such loans; amending K.S.A. 16-719 and repealing the existing section, by Committee on Federal and State Affairs.

HB 2046, AN ACT concerning marriage; requiring persons to be 18 years of age or older to be eligible to give consent for marriage; eliminating exceptions thereto; excluding certain days from the current three-day waiting period; amending K.S.A. 2022 Supp. 23-2505 and repealing the existing section, by Committee on Federal and State Affairs.

HB 2047, AN ACT concerning water; relating to the Kansas water pollution control revolving fund; increasing the amortization period on loans from the Kansas water pollution control revolving fund; amending K.S.A. 65-3326 and repealing the existing section, by Committee on Water.

HB 2048, AN ACT concerning education; relating to the tax credit for low income students scholarship program; providing for additional student eligibility; increasing the tax credit for contributions made pursuant to such program; amending K.S.A. 72-4353 and 72-4357 and K.S.A. 2022 Supp. 72-4352 and repealing the existing sections, by Committee on K-12 Education Budget.

HB 2049, AN ACT concerning health professions and practices; relating to unlicensed employees working in adult care homes; nurse aide courses of instruction; prohibiting the secretary for aging and disability services from requiring that such courses to be longer than 75 hours; amending K.S.A. 2022 Supp. 39-936 and repealing the existing section, by None.

HB 2050, AN ACT concerning the state children's health insurance program; relating to eligibility; updating income requirements therefor; amending K.S.A. 38-2001 and repealing the existing section, by None.

HB 2051, AN ACT establishing the advisory commission on Asian-American Pacific Islander affairs; providing for the composition thereof; appointment of members; powers and duties, by Representative Xu.

HB 2052, AN ACT concerning elections; relating to voter registration; requiring correction of voter registration lists when notice is provided that a person is disqualified from juror service due to not being a United States citizen; amending K.S.A. 43-162 and K.S.A. 2022 Supp. 25-2316c and repealing the existing sections, by Committee on Elections.

HB 2053, AN ACT concerning elections; relating to advance voting ballots; authorizing the secretary of state to adopt rules and regulations for the use of remote ballot boxes, by Committee on Elections.

HB 2054, AN ACT concerning elections; relating to requests for recounts of votes after an election; modifying the deadline for submitting such requests; amending K.S.A. 25-3107 and repealing the existing section, by Committee on Elections.

HB 2055, AN ACT concerning elections; relating to advance voting ballots; prohibiting third parties from mailing applications for such ballots to registered voters; amending K.S.A. 25-1122 and repealing the existing section, by Committee on Elections.

HB 2056, AN ACT concerning elections; relating to advance voting ballots; requiring the return of such ballots by 7 p.m. on the day of the election; amending K.S.A. 25-1132 and repealing the existing section, by Committee on Elections.

HB 2057, AN ACT concerning elections; relating to advance voting ballots; regulating the use of remote ballot boxes for the return of such ballots, by Committee on Elections.

HB 2058, AN ACT concerning alcoholic beverages; relating to the special order shipping of wine; requiring monthly remittance of gallonage taxes; amending K.S.A. 41-350 and repealing the existing section, by Committee on Federal and State Affairs.

HB 2059, AN ACT concerning alcoholic beverages; amending the common consumption area law to permit rather than require roads be blocked and allowing designation of such areas by signage; amending K.S.A. 41-2659 and repealing the existing section, by Committee on Federal and State Affairs.

HB 2060, AN ACT concerning education; relating to special education and related services; establishing the special education and related services funding task force; repealing K.S.A. 72-3441, by Committee on K-12 Education Budget.

HB 2061, AN ACT concerning taxation; relating to income tax rates; providing a 5% tax rate for individuals and corporations and providing that future tax rate decreases be contingent on exceeding revenue estimates; relating to privilege tax rates; decreasing the surtax; amending K.S.A. 79-1107 and 79-1108 and K.S.A. 2022 Supp. 79-32,110 and repealing the existing sections, by Committee on Taxation.

HB 2062, AN ACT concerning taxation; relating to rental and leased motor vehicles; imposing property tax on rental and leased vehicles and discontinuing the excise tax on the rental or lease thereof; amending K.S.A. 8-1,189, 8-2802, 79-5101 and 79-5117 and K.S.A. 2022 Supp. 79-3606 and repealing the existing sections, by Committee on Taxation.

HB 2063, AN ACT concerning workers compensation; limiting workers compensation reductions based on the receipt of retirement benefits to reductions of permanent disability compensation based on the receipt of retirement benefits that begin after an accident; amending K.S.A. 44-501 and repealing the existing section, by Committee on Commerce, Labor and Economic Development.

HB 2064, AN ACT concerning economic development; relating to income and privilege tax incentives for employee savings accounts; es-

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establishing the Kansas employee emergency savings account (KEESA) program; providing an income and privilege tax credit for certain eligible employer deposits to employee savings accounts established under the program; providing a subtraction modification for certain employee deposits to savings accounts established under the program; amending K.S.A. 2022 Supp. 79-32,117 and repealing the existing section, by Committee on Commerce, Labor and Economic Development.

HB 2065, AN ACT concerning family law; relating to dissolution of marriage; allowing change to name other than former or maiden name; amending K.S.A. 2022 Supp. 23-2716 and repealing the existing section, by Representatives Highberger and Neelly.

HB 2066, AN ACT concerning property taxation; relating to motor vehicles; providing for a property tax exemption of up to two motor vehicles for firefighters and emergency medical service providers; amending K.S.A. 2022 Supp. 79-5107 and repealing the existing section, by Committee on Taxation.

HB 2067, AN ACT concerning crimes, punishment and criminal procedure; increasing the felony loss thresholds of certain property crimes to match theft; amending K.S.A. 2022 Supp. 21-5802, 21-5813, 21-5821, 21-5825, 21-5828, 21-5830, 21-5927, 21-6002, 21-6004, 21-6005 and 21-6205 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

HB 2068, AN ACT concerning crimes, punishment and criminal procedure; relating to sentencing; multiple sentences for persons convicted of a new crime; modifying how certain prior convictions are counted for the special sentencing rule related to possession of a controlled substance; amending K.S.A. 2022 Supp. 21-6606 and 21-6805 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

HB 2069, AN ACT concerning crimes, punishment and criminal procedure; relating to postrelease supervision; providing that such term does not toll except as provided by law; amending K.S.A. 2022 Supp. 22-3722 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2070, AN ACT concerning crimes, punishment and criminal procedure; relating to sentencing; allowing certain nondrug offenders to participate in a certified drug abuse treatment program; amending K.S.A. 2022 Supp. 21-6824 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2071, AN ACT concerning crimes, punishment and criminal procedure; relating to terminal medical release; criteria for release; permitting release earlier in terminal diagnosis; amending K.S.A. 2022 Supp. 22-3729 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2072, AN ACT concerning crimes, punishment and criminal procedure; relating to sentencing; reducing the range for an offender classified in grid blocks 5-A through 5-H and increasing the range for an offense classified in grid block 5-I; amending K.S.A. 2022 Supp. 21-6805 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2073, AN ACT concerning children and minors; relating to juvenile offenders; the revised Kansas juvenile justice code; prohibiting fines, fees and costs from being assessed against a juvenile or a juvenile's parent, guardian or custodian; amending K.S.A. 12-16,119, 20-3129, 28-170, 28-170a, 28-176, 38-2306, 38-2312, 38-2315, 38-2317, 38-2328, 38-2331, 38-2346, 38-2348, 38-2360, 38-2361, 38-2362, 38-2369, 38-2373, 38-2384, 38-2389, 38-2396, 38-2399 and 75-724 and K.S.A. 2022 Supp. 21-6609, 22-4905 and 28-177 and repealing the existing sections; also repealing K.S.A. 38-2314, 38-2319, 38-2321 and 38-2324 and K.S.A. 2022 Supp. 20-167, by Committee on Corrections and Juvenile Justice.

HB 2074, AN ACT concerning the care and treatment act for mentally ill persons; relating to temporary custody orders; allowing courts to prohibit possession of a firearm therein; amending K.S.A. 59-2959 and K.S.A. 2022 Supp. 59-2966 and repealing the existing sections, by Committee on Judiciary.

HB 2075, AN ACT concerning elections; relating to campaign practices; requiring publication of signed statements of fair campaign practices; creating a cause of action for violations of such statement and for making materially false statements; amending K.S.A. 25-4119g and repealing the existing section, by Representative Poskin.

HB 2076, AN ACT repealing K.S.A. 2022 Supp. 60-5322; the adoption protection act, by Representatives Meyer, Ruiz, S. and Woodard.

HB 2077, AN ACT concerning information technology; relating to information technology projects and reporting requirements; information technology security training and cybersecurity reports; requiring certain information to be provided to the joint committee on informa-

tion technology; amending K.S.A. 46-2102, 75-7201, 75-7205, 75-7206, 75-7208, 75-7209, 75-7210, 75-7211, 75-7237, 75-7239, 75-7240 and 75-7242 and repealing the existing sections, by Committee on Joint Committee on Information Technology.

HB 2078, AN ACT concerning information technology; relating to the information technology executive council; providing for membership requirements, terms of members and quorum requirements; amending K.S.A. 75-7202 and repealing the existing section, by Committee on Joint Committee on Information Technology.

HB 2079, AN ACT concerning wildlife; relating to the Kansas department of wildlife and parks; establishing a statutory white-tailed deer firearm hunting season; requiring the Kansas department of wildlife and parks to provide resident hunting license holders certain firearms free of charge, by Committee on Agriculture and Natural Resources.

House Resolutions

HR 6005, A RESOLUTION relating to assignment of seats of the House of Representatives, by Representatives Hawkins, Croft and V. Miller.

House Concurrent Resolutions

HCR 5003, A CONCURRENT RESOLUTION providing for a joint session of the Senate and the House of Representatives for the purpose of hearing a message from the Governor, by Representatives Hawkins, Croft and V. Miller.

Senate Bills

SB 34, AN ACT concerning housing; relating to the Kansas rural housing incentive district act; expanding the availability of such districts to certain cities and the use of bond proceeds; amending K.S.A. 12-5241, 12-5242 and 12-5249 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 35, AN ACT concerning the legislature; relating to the compensation for members thereof; increasing the rate of compensation for service during regular and special sessions and the interim period between regular sessions; amending K.S.A. 46-137a and repealing the existing section, by Committee on Federal and State Affairs.

SB 36, AN ACT concerning the Kansas act against discrimination; relating to ancestry; including hair texture and protective hairstyles in the definition thereof; amending K.S.A. 44-1002 and 44-1015 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 37, AN ACT concerning taxation; relating to the Kansas housing investor tax credit act; expanding the transferability of income, privilege and premium tax credits issued under the act; amending K.S.A. 2022 Supp. 79-32,313 and repealing the existing section, by Committee on Federal and State Affairs.

SB 38, AN ACT concerning workers compensation; relating to an employer's maximum liability for permanent total disability; increasing the statutory limit for such liability; amending K.S.A. 44-510f and repealing the existing section, by Committee on Federal and State Affairs.

SB 39, AN ACT concerning the state capitol; relating to permanent displays and murals; directing the capitol preservation committee to develop and approve plans for a mural honoring the 1st Kansas (Colored) Voluntary Infantry regiment; creating the 1st Kansas (Colored) Voluntary Infantry regiment mural fund; amending K.S.A. 75-2264 and repealing the existing section, by Committee on Federal and State Affairs.

SB 40, AN ACT concerning income taxation; relating to Kansas adjusted gross income; providing a subtraction modification to permit the carryforward of certain net operating losses for individuals; amending K.S.A. 2022 Supp. 79-32,117 and repealing the existing section, by Committee on Assessment and Taxation.

SB 41, AN ACT concerning sales and compensating use taxation; relating to the collection and remittance of taxes; providing a credit to retailers, by Committee on Assessment and Taxation.

SB 42, AN ACT concerning certain claims against the state; making appropriations; authorizing certain transfers; imposing certain restrictions and limitations; directing or authorizing certain disbursements, procedures and acts incidental to the foregoing, by Joint Committee on Special Claims Against the State.

SB 43, AN ACT making and concerning appropriations for the fiscal years ending June 30, 2023, June 30, 2024, and June 30, 2025, for the university of Kansas medical center; relating to conducting certain clinical

trials at the midwest stem cell therapy center, by Committee on Public Health and Welfare.

SB 44, AN ACT concerning financial institutions; relating to cybersecurity; enacting the Kansas financial institutions information security act; requiring certain covered entities to protect customer information; authorizing the state bank commissioner to adopt rules and regulations; providing penalties for violations of such act, by Committee on Financial Institutions and Insurance.

SB 45, AN ACT concerning the state children's health insurance program; relating to eligibility; updating income requirements therefor; amending K.S.A. 38-2001 and repealing the existing section, by Committee on Ways and Means.

SB 46, AN ACT concerning wind energy conversion systems; relating to aviation obstruction lighting; requiring existing wind energy conversion systems to install light-mitigating technology systems subject to the approval of the federal aviation administration, by Committee on Utilities.

SB 47, AN ACT concerning cities and counties; prohibiting the regulations of consumer merchandise and of auxiliary containers that are designed for the consumption, transportation or protection of consumer merchandise, by Committee on Commerce.

SB 48, AN ACT concerning postsecondary education; relating to the postsecondary technical education authority; authorizing community college and technical college appointments thereto; establishing the length of membership terms; making ex officio members non-voting; amending K.S.A. 74-32,401 and repealing the existing section, by Committee on Education.

SB 49, AN ACT concerning wind energy conversion systems; relating to aviation obstruction lighting; requiring new wind energy conversion systems to be constructed with light-mitigating technology systems prior to the commencement of operations subject to the approval of the federal aviation administration, by Committee on Utilities.

SB 50, AN ACT concerning consumer protection; relating to terms of service for social media websites; prohibiting censorship of certain speech made via such websites, by Senators Steffen, Straub and Thompson.

SB 51, AN ACT concerning financial institutions; relating to the technology-enabled fiduciary financial institutions act; definitions; authorizing the state bank commissioner to accept state and national criminal history record checks from private entities; amending K.S.A. 9-2301 and 9-2302 and repealing the existing sections, by Committee on Financial Institutions and Insurance.

SB 52, AN ACT concerning income taxation; relating to Kansas adjusted gross income; increasing the income limit to qualify for the subtraction modification for social security benefits; providing a subtraction modification for certain amounts received from retirement plans; amending K.S.A. 2022 Supp. 79-32,117 and repealing the existing section, by Committee on Assessment and Taxation.

SB 53, AN ACT concerning sales taxation; relating to exclusions from the sales or selling price; excluding manufacturers' coupons; amending K.S.A. 2022 Supp. 79-3602c and repealing the existing section, by Committee on Assessment and Taxation.

SB 54, AN ACT concerning sales taxation; relating to rates; expanding the eligible uses for the 0% state rate for sales of certain utilities and providing for the levying of such tax by cities and counties; amending K.S.A. 12-189a and K.S.A. 2022 Supp. 79-3603 and repealing the existing sections, by Committee on Assessment and Taxation.

SB 55, AN ACT concerning sales taxation; relating to exemptions; providing an exemption for sales of certain school supplies, computers and clothing during an annual sales tax holiday, by Committee on Assessment and Taxation.

SB 56, AN ACT concerning income taxation; relating to the determination of Kansas adjusted gross income; increasing the income limit to qualify for a subtraction modification for social security income; amending K.S.A. 2022 Supp. 79-32,117 and repealing the existing section, by Committee on Assessment and Taxation.

SB 57, AN ACT concerning taxation; relating to sales and compensating use tax; reducing the rate of tax on sales of food and food ingredients; providing an exemption for sales of children's diapers and feminine hygiene products; relating to STAR bonds; establishing the STAR bonds food sales tax revenue replacement fund and providing certain transfers thereto; altering the calculation for STAR bond districts; relating to income tax; discontinuing the food sales tax credit; amending K.S.A. 12-17,162 and K.S.A. 2022 Supp. 79-32,271, 79-3603, 79-3603d, 79-3606, 79-3620, 79-3703 and 79-3710 and repealing the existing sections, by Committee on Assessment and Taxation.

SB 58, AN ACT concerning sales taxation; relating to exemptions; providing an exemption for certain purchases by disabled veterans of the armed forces of the United States, by Senators Peck, Blasi, Bowers, Claeys, Corson, Dietrich, Doll, Kloos and Pittman.

SB 59, AN ACT concerning days of commemoration; designating "Martin Luther King, Jr. Day at the Capitol.", by Senators Faust-Goudeau and Haley.

Doc. No. 050842

State of Kansas

Corporation Commission

Permanent Administrative Regulations

Article 4. — MOTOR CARRIERS OF PERSONS AND PROPERTY

82-4-1. Definitions. The following terms used in connection with the regulations of the state corporation commission governing motor carriers shall be defined as follows:

(a) "Affiliate" means a person or company controlling, controlled by, or under common control or ownership with another person or company.

(b) "Air mile" means nautical mile.

(c) "Authorized agent" and "authorized representative" mean any authorized special agent or employee of the commission, any member of the Kansas highway patrol, or any law enforcement officer in the state certified in the inspection of motor carriers and authorized in accordance with the requirements of the Kansas motor carrier safety program.

(d) "Certificate" means a document evidencing a certificate of convenience and necessity or a certificate of public service issued to an intrastate common carrier to operate motor vehicles as a common carrier.

(e) "Chameleon carrier" means a motor carrier continuing its motor carrier operation under a new USDOT or motor carrier identification (MCID) number for the purpose of avoiding a fine, penalty, federal out-of-service order, or commission order that was issued against the previously used USDOT or MCID number.

(f) "Commission" means Kansas corporation commission.

(g) "Director" means director of the transportation division of the commission.

(h) "Distance" means distance measured in air miles.

(1) Distances shall be computed from the corporate limits of incorporated communities and from the post office of unincorporated communities.

(2) If there is no post office in the unincorporated community, the distance shall be computed from the center of the business district.

(i) "Docketing" means entering a proposal in the organization files and then giving notice of the proposal to other carrier members of the organization and shipper subscribers.

(j) "Entire direct case" shall include, for the purpose of this article of the commission's regulations, all testimony, exhibits, and other documentation offered.

(k) "Express carrier" means a common carrier who car-

(continued)

ries packages or parcels, the maximum weight of which does not exceed 350 pounds for each package or parcel.

(l) "FHWA" means federal highway administration.

(m) "FMCSA" means federal motor carrier safety administration.

(n) "General increase" and "general decrease" mean a common motor carrier rate increase or decrease proposed as a general adjustment of substantially all the rates published in a tariff.

(o) "Groundwater well drilling rig" means any vehicle, machine, tractor, trailer, semi-trailer, or specialized mobile equipment propelled or drawn by mechanical power and used on highways to transport groundwater well field operating equipment, including any groundwater well drilling and pump service rig equipped to access groundwater.

(p) "Hazardous materials regulations" and "HMR" mean the federal hazardous material regulations as adopted in K.A.R. 82-4-20.

(q) "Industry average carrier cost information" means the average intrastate cost of the carriers who participate in an organization tariff and who have authority from the commission to transport the commodities indicated in the organization tariff.

(r) "Joint line rate" means a rate, charge, or allowance established by two or more common motor carriers of property or passengers that is applicable over the carriers' lines and for which the transportation can be provided by these carriers.

(s) "License" means the document or registration receipt evidencing the registration of an interstate common motor carrier or interstate exempt motor carrier to operate motor vehicles in the state of Kansas in interstate commerce.

(t) "Medical waiver" means "medical variance" as defined in 49 C.F.R. 390.5, which is adopted by reference in K.A.R. 82-4-3f.

(u) "Moving violation" means the commission or omission of an act by a person operating a motor vehicle that could result in injury or property damage and that is also a violation of a statute, ordinance, or regulation of this state or any other jurisdiction, including those convictions defined as Kansas moving violations in K.A.R. 92-52-9.

(v) "Notice" means advance notification to shipper subscribers through an organization's docket service.

(w) "Organization" means a legal entity that administers an agreement approved under K.A.R. 82-4-69.

(x) "Out-of-service" and "OOS," when used to describe a driver, a commercial motor vehicle, or a motor carrier operation, mean that the driver, commercial motor vehicle, or motor carrier has ceased to operate or move pursuant to the statutes and regulations of the state of Kansas, the federal motor carrier safety administration regulations, or the "North American standard out-of-service criteria," including the appendix, published by the commercial vehicle safety alliance. The "North American standard out-of-service-criteria," revised on April 1, 2022, is hereby adopted by reference with the following exceptions:

(1) The policy statements on pages 3, 17, 18, 71, 75, and 79 shall be deleted.

(2) The section titled "drivers operating in the state of Alaska (395.1(h))" on page 11 shall be deleted.

(3) All inspection bulletins shall be deleted.

(4) All sections applying to those operating in Canada and Mexico, including those on pages 12, 13, 14, 15, 74 and 76, shall be deleted.

(5) All references to "operational policy 15 inspection and regulatory guidance" shall be deleted.

(6) All references to 49 C.F.R. Part 393 shall be followed by the phrase "as adopted by K.A.R. 82-4-3i."

(7) All references to 49 C.F.R. Part 395 shall be followed by the phrase "as adopted by K.A.R. 82-4-3a."

(8) All references to 49 C.F.R. Part 396 shall be followed by the phrase "as adopted by K.A.R. 82-4-3j."

(9) All sections labeled "reserved" shall be deleted.

(y) "Ownership" means an equity holding in a business entity of at least five percent.

(z) "Permit" means the document evidencing authority of a motor carrier to operate motor vehicles as a private carrier.

(aa) "PHMSA" means pipeline and hazardous materials safety administration of the United States department of transportation.

(bb) "Public motor carrier" shall have the same meaning as "For-hire motor carrier," as defined in 49 C.F.R. 390.5 as adopted by K.A.R. 82-4-3f.

(cc) "Single line rate" means a rate, charge, or allowance established by a single common motor carrier of property or passengers that is applicable only over its line and for which the transportation can be provided by that carrier.

(dd) "Tariff publication" means the rates, charges, classification, ratings, or policies published by, for, or on behalf of common motor carriers of household goods, property, or passengers.

(ee) "Transportation" means the movement of household goods, property, or passengers, or any combination of these, and the loading, unloading, or storage incidental to this movement.

(ff) "USDOT" means the United States department of transportation. (Authorized by and implementing K.S.A. 2021 Supp. 66-1,112, K.S.A. 2021 Supp. 66-1,112g, K.S.A. 66-1,129; effective Jan. 1, 1971; modified, L. 1981, Ch. 424, May 1, 1981; amended, T-83-45, Dec. 8, 1982; amended May 1, 1983; amended May 1, 1984; amended April 30, 1990; amended Sept. 16, 1991; amended July 6, 1992; amended May 10, 1993; amended Oct. 3, 1994; amended Jan. 30, 1995; amended Jan. 4, 1999; amended July 28, 2000; amended Nov. 14, 2011; amended Sept. 20, 2013; amended May 6, 2016; amended July 26, 2019; amended Feb. 10, 2023.)

82-4-2a. Authority of agents, employees, or representatives authorized by commission. The special agents, agents, employees, or representatives authorized by the commission shall have the authority to perform the following:

(a) Examine motor carrier equipment operating on the highways in this state;

(b) enter upon any motor carrier's premises located in Kansas and inspect and examine the motor carrier's records, books, and equipment located on the premises;

(c) examine the manner of the motor carrier's conduct

as it relates to the public safety and the operation of commercial motor vehicles in this state; and

(d) declare or place, or both, any commercial motor vehicle, driver, or motor carrier "out-of-service" for any "out-of-service" conditions as defined in K.A.R. 82-4-1. Authorized personnel shall declare and mark as out-of-service any commercial motor vehicle, driver, or motor carrier that by reason of its mechanical condition or loading would likely cause an accident or a breakdown or is in violation of any commission economic or safety regulations or "out-of-service" criteria as defined in K.A.R. 82-4-1. An "out-of-service vehicle" sticker or a form approved by the Kansas highway patrol shall be used to mark each vehicle and any intermodal equipment as out-of-service. (Authorized by K.S.A. 66-1,108a; implementing K.S.A. 66-1,108b and 66-1,108c; effective Nov. 14, 2011; amended May 6, 2016; amended July 26, 2019; amended Feb. 10, 2023.)

82-4-3. Exemption from the motor carrier safety regulations. The commission's safety regulations and the federal safety regulations adopted by reference in this article of the commission's regulations shall not apply to the following:

(a) The occasional transportation of personal property by private motor carriers that is not for compensation and is not in the furtherance of a commercial enterprise;

(b) the operation of fire trucks and rescue vehicles while involved in emergency and related operations;

(c) the operation of commercial motor vehicles designed or used to transport between nine and 15 passengers, including the driver, not for compensation, if the commercial motor vehicle does not otherwise meet the definition of a commercial motor vehicle, except that motor carriers operating these vehicles shall comply with 49 C.F.R. 390.15, 49 C.F.R. 390.19T, and 49 C.F.R. 390.21T, as adopted by K.A.R. 82-4-3f; and

(d) either a driver of a commercial motor vehicle used primarily in the transportation of propane winter heating fuel or a driver of a motor vehicle used to respond to a pipeline emergency, if the regulations would prevent the driver from responding to an emergency condition requiring immediate response as defined in 49 C.F.R. 390.5T, as adopted by K.A.R. 82-4-3f. (Authorized by and implementing K.S.A. 2021 Supp. 66-1,112, K.S.A. 2021 Supp. 66-1,112g, and K.S.A. 66-1,129; effective Jan. 1, 1971; modified, L. 1981, ch. 424, May 1, 1981; amended May 1, 1984; amended May 1, 1985; amended May 1, 1987; amended April 30, 1990; amended Sept. 16, 1991; amended July 6, 1992; amended May 10, 1993; amended Oct. 3, 1994; amended Jan. 30, 1995; amended Jan. 4, 1999; amended, T-82-9-13-99, Sept. 13, 1999; amended March 3, 2000; amended, T-82-4-7-00, April 17, 2000; amended July 28, 2000; amended, T-82-10-25-01, Oct. 25, 2001; amended Dec. 28, 2001; amended, T-82-12-29-04, Dec. 29, 2004; amended April 29, 2005; amended Feb. 10, 2023.)

82-4-3b. Procedures for transportation workplace drug and alcohol testing programs.

(a)(1) With the exceptions specified in this subsection, 49 C.F.R. Part 40, as in effect on October 1, 2018, is hereby adopted by reference.

(2) The following revisions shall be made to 49 C.F.R. 40.3:

(A) In the definition of "DOT, The Department, DOT agency," the phrase "the Kansas Corporation Commission and" shall be added after "these terms encompass."

(B) In the definition of "Employee," the term "U.S." shall be inserted before the phrase "Department of Health and Human Services."

(C) In the definition of "HHS," the phrase "U.S." shall be added before the phrase "Department of Health and Human Services" in both instances.

(D) The following definition of "special agent or authorized representative" shall be added after the definition of "Shipping container":

"Special agent or authorized representative" means an authorized representative of the commission, and members of the Kansas highway patrol or any other law enforcement officer in the state who is certified in the inspection of motor carriers based on the motor carrier safety assistance program standards."

(3) 49 C.F.R. 40.5 and 49 C.F.R. 40.7 shall be deleted.

(4) In 49 C.F.R. 40.21, paragraphs (b), (c), and (d) shall be deleted. In paragraph (e), the text "and DOT agency drug testing regulations" and "by the DOT agency just as you are for other violations of this part and DOT agency rules" shall be deleted.

(5) 49 C.F.R. 40.26 shall be deleted and replaced by the following: "Management information system ("MIS") data shall be reported to the commission within 10 days of the commission's request for the information. MIS data shall be reported in a certified form acceptable to the commission. A certified form acceptable to the commission shall include the following information:

"(a) Information regarding the employer, including:

"(1) The name of the employer's business and, if applicable, the name it does business as;

"(2) the company's physical address and, if applicable, e-mail address;

"(3) the printed name and signature of the company's official certifying the MIS data;

"(4) the date the MIS data was certified;

"(5) the name and telephone number of the person preparing the form, if it is different from the person certifying the MIS data;

"(6) the name and telephone number of the C/TPA, if applicable; and

"(7) the employer's motor carrier identification number.

"(b) Information regarding the covered employees, including:

"(1) the total number of safety-sensitive employees in all categories;

"(2) the total number of employee categories;

"(3) the name of the employee category or categories; and

"(4) the total number of employees for each category.

"(c) Information regarding the drug testing data, including:

"(1) The type of test, which includes:

"(A) Pre-employment;

"(B) random;

"(C) post-accident;

"(D) reasonable suspicion or cause;

(continued)

“(E) return-to-duty; and
 “(F) follow-up.
 “(2) The number of tests by result, including:
 “(A) Total number of test results;
 “(B) verified negative results;
 “(C) verified positive results for one or more drugs;
 “(D) positive for marijuana;
 “(E) positive for cocaine;
 “(F) positive for PCP;
 “(G) positive for opiates;
 “(H) positive for amphetamines;
 “(I) canceled results; and
 “(J) refusal results, including:
 “(i) Adulterated;
 “(ii) substitutes;
 “(iii) shy bladder with no medical explanation; and
 “(iv) other refusals to submit to testing.
 “(d) Information resulting alcohol testing data, including:
 “(1) The type of test, including the same types as listed in paragraph (c)(1) above;
 “(2) the number of tests by results, including:
 “(A) total number of screen test results;
 “(B) screening tests with results below 0.02;
 “(C) screening tests with results of 0.02 or greater;
 “(D) number of confirmation test results;
 “(E) confirmation tests with results of 0.02 through 0.039;
 “(F) confirmation tests with results of 0.04 or greater;
 “(G) canceled results; and
 “(H) refusal results, including:
 “(i) Shy lung with no medical explanation; and
 “(ii) other refusals to submit to testing.”
 (6) 49 C.F.R. 40.29 shall be deleted.
 (7) 49 C.F.R. 40.37 shall be deleted.
 (8) Subparts D through F shall be deleted.
 (9) The following changes shall be made to Subpart H:
 (A) In 49 C.F.R. 40.171, paragraphs (b)(2) and (c) shall be deleted.
 (B) In 49 C.F.R. 40.173 (a), the phrase “functions noted in §§40.175–40.185” shall be replaced by “split specimen testing.”
 (C) 49 C.F.R. 40.175 through 49 C.F.R. 40.189 shall be deleted.
 (10) The following changes shall be made to Subpart I:
 (A) In 49 C.F.R. 40.191, the following changes shall be made:
 (i) In paragraph (a)(1), “(see 40.61(a))” shall be deleted.
 (ii) In paragraphs (a)(2) and (a)(3), “(see 40.63(c))” shall be deleted.
 (iii) In paragraph (a)(4), “(see 40.67(1) and 40.69(g))” shall be deleted.
 (iv) In paragraph (a)(5), “(see 40.193)(d)(2)” shall be deleted.
 (v) In paragraph (a)(6), “(see, for instance, 40.197(b))” shall be deleted.
 (vi) In paragraph (a)(7), “under 40.193(d)” shall be deleted.
 (vii) Paragraph (d) shall be deleted.
 (B) In 49 C.F.R. 40.193, the following changes shall be made:
 (i) Paragraphs (a) through (h) shall be deleted.

(ii) In paragraph (i), the phrase “as provided in paragraph (d)(1) of this section” shall be replaced by “because a medical condition has, or with a high degree of probability could have, precluded the employee from providing a sufficient amount of urine.”
 (C) 49 C.F.R. 40.195 shall be deleted.
 (D) The following changes shall be made to 49 C.F.R. 40.197:

(i) In paragraph (b)(1), “(see 40.155(c))” shall be deleted.
 (ii) In paragraph (b)(2)(i), “(see 40.67(b) and (c))” shall be deleted.
 (E) 49 C.F.R. 40.199 through 49 C.F.R. 40.205 shall be deleted.

(F) The following changes shall be made to 49 C.F.R. 40.209:
 (i) In paragraph (b)(3), “(see 40.33)” shall be deleted.
 (ii) In paragraph (b)(4), “(see 40.61(a))” shall be deleted.
 (iii) In paragraph (b)(5), “(see 40.121(a) through (b))” and “(see 40.121(c) through (e))” shall be deleted.
 (iv) Paragraph (b)(7) shall be deleted.
 (G) In 49 C.F.R. 40.210, the sentences “Only urine specimens screened and confirmed at HHS certified laboratories (see §40.81) are allowed for drug testing under this part. Point-of-collection urine testing or instant tests are not authorized.” shall be deleted.

(11) In Subpart J, 49 C.F.R. 40.211 and 49 C.F.R. 40.217 shall be deleted.
 (12) The following changes shall be made to Subpart K:
 (A) 49 C.F.R. 40.221 through 49 C.F.R. 40.225 shall be deleted.
 (B) In 49 C.F.R. 40.227, the phrase “in accordance with 40.271(b)” shall be deleted.
 (C) 49 C.F.R. 40.229 through 49 C.F.R. 40.235 shall be deleted.

(13) Subparts L and M shall be deleted.
 (14) The following changes shall be made to Subpart N:
 (A) The following changes shall be made to 49 C.F.R. 40.261:

(i) In paragraph (a)(1), “(see 40.241(a))” shall be deleted.
 (ii) In paragraph (a)(2), “(see 40.243(a))” shall be deleted.
 (iii) In paragraph (a)(3), “(see 40.243(a))” shall be deleted.
 (iv) In paragraph (a)(4), “(see 40.265(c))” shall be deleted.
 (v) In paragraph (a)(5), “(see 40.265(c))” shall be deleted.
 (vi) In paragraph (a)(6), “(see 40.241(g) and 40.251(d))” shall be deleted.
 (vii) Paragraph (c) shall be deleted.
 (B) 49 C.F.R. 40.263 shall be deleted.
 (C) In 49 C.F.R. 40.265, paragraphs (a) and (b) shall be deleted.
 (D) 49 C.F.R. 40.267 through 49 C.F.R. 40.271 shall be deleted.
 (E) In 49 C.F.R. 40.273, paragraph (c) shall be deleted.

(15) The following changes shall be made to Subpart O:
 (A) 49 C.F.R. 40.281 through 49 C.F.R. 40.283 shall be deleted. Each motor carrier shall use a U.S. DOT-certified substance abuse professional.
 (B) 49 C.F.R. 40.291 through 49 C.F.R. 40.293 shall be deleted.
 (C) 49 C.F.R. 40.299 through 49 C.F.R. 40.303 shall be deleted.

(13) Subparts L and M shall be deleted.
 (14) The following changes shall be made to Subpart N:
 (A) The following changes shall be made to 49 C.F.R. 40.261:

(i) In paragraph (a)(1), “(see 40.241(a))” shall be deleted.
 (ii) In paragraph (a)(2), “(see 40.243(a))” shall be deleted.
 (iii) In paragraph (a)(3), “(see 40.243(a))” shall be deleted.
 (iv) In paragraph (a)(4), “(see 40.265(c))” shall be deleted.
 (v) In paragraph (a)(5), “(see 40.265(c))” shall be deleted.
 (vi) In paragraph (a)(6), “(see 40.241(g) and 40.251(d))” shall be deleted.
 (vii) Paragraph (c) shall be deleted.
 (B) 49 C.F.R. 40.263 shall be deleted.
 (C) In 49 C.F.R. 40.265, paragraphs (a) and (b) shall be deleted.
 (D) 49 C.F.R. 40.267 through 49 C.F.R. 40.271 shall be deleted.
 (E) In 49 C.F.R. 40.273, paragraph (c) shall be deleted.

(15) The following changes shall be made to Subpart O:
 (A) 49 C.F.R. 40.281 through 49 C.F.R. 40.283 shall be deleted. Each motor carrier shall use a U.S. DOT-certified substance abuse professional.
 (B) 49 C.F.R. 40.291 through 49 C.F.R. 40.293 shall be deleted.
 (C) 49 C.F.R. 40.299 through 49 C.F.R. 40.303 shall be deleted.

(13) Subparts L and M shall be deleted.
 (14) The following changes shall be made to Subpart N:
 (A) The following changes shall be made to 49 C.F.R. 40.261:

(i) In paragraph (a)(1), “(see 40.241(a))” shall be deleted.
 (ii) In paragraph (a)(2), “(see 40.243(a))” shall be deleted.
 (iii) In paragraph (a)(3), “(see 40.243(a))” shall be deleted.
 (iv) In paragraph (a)(4), “(see 40.265(c))” shall be deleted.
 (v) In paragraph (a)(5), “(see 40.265(c))” shall be deleted.
 (vi) In paragraph (a)(6), “(see 40.241(g) and 40.251(d))” shall be deleted.
 (vii) Paragraph (c) shall be deleted.
 (B) 49 C.F.R. 40.263 shall be deleted.
 (C) In 49 C.F.R. 40.265, paragraphs (a) and (b) shall be deleted.
 (D) 49 C.F.R. 40.267 through 49 C.F.R. 40.271 shall be deleted.
 (E) In 49 C.F.R. 40.273, paragraph (c) shall be deleted.

(15) The following changes shall be made to Subpart O:
 (A) 49 C.F.R. 40.281 through 49 C.F.R. 40.283 shall be deleted. Each motor carrier shall use a U.S. DOT-certified substance abuse professional.
 (B) 49 C.F.R. 40.291 through 49 C.F.R. 40.293 shall be deleted.
 (C) 49 C.F.R. 40.299 through 49 C.F.R. 40.303 shall be deleted.

(13) Subparts L and M shall be deleted.
 (14) The following changes shall be made to Subpart N:
 (A) The following changes shall be made to 49 C.F.R. 40.261:

(i) In paragraph (a)(1), “(see 40.241(a))” shall be deleted.
 (ii) In paragraph (a)(2), “(see 40.243(a))” shall be deleted.
 (iii) In paragraph (a)(3), “(see 40.243(a))” shall be deleted.
 (iv) In paragraph (a)(4), “(see 40.265(c))” shall be deleted.
 (v) In paragraph (a)(5), “(see 40.265(c))” shall be deleted.
 (vi) In paragraph (a)(6), “(see 40.241(g) and 40.251(d))” shall be deleted.
 (vii) Paragraph (c) shall be deleted.
 (B) 49 C.F.R. 40.263 shall be deleted.
 (C) In 49 C.F.R. 40.265, paragraphs (a) and (b) shall be deleted.
 (D) 49 C.F.R. 40.267 through 49 C.F.R. 40.271 shall be deleted.
 (E) In 49 C.F.R. 40.273, paragraph (c) shall be deleted.

- (D) 49 C.F.R. 40.307 shall be deleted.
- (E) 49 C.F.R. 40.311 and 40.313 shall be deleted.
- (16) In Subpart P, 49 C.F.R. 40.327 and 49 C.F.R. 40.329 shall be deleted.
- (17) Subparts Q and R shall be deleted.
- (18) In 49 C.F.R. Part 40, Appendix A through Appendix H shall be deleted.
- (19) All sections marked "reserved" shall be deleted.
- (b) As used in this regulation, each reference to a portion of 49 C.F.R. Part 40 shall mean that portion as adopted by reference in this regulation.
- (c) Whenever the federal regulations adopted in this regulation refer to portions of the federal regulations or other operating standards that are not already adopted by reference in article 4 of the commission's regulations, the references shall not be applicable to this regulation unless otherwise specifically adopted. (Authorized by and implementing K.S.A. 2021 Supp. 66-1,112, K.S.A. 2021 Supp. 66-1,112g, and K.S.A. 66-1,129; effective, T-82-12-29-04, Dec. 29, 2004; effective April 29, 2005; amended Oct. 2, 2009; amended Sept. 20, 2013; amended July 26, 2019; amended Feb. 10, 2023.)

82-4-3c. Testing for controlled substances and alcohol use. (a) With the following exceptions, 49 C.F.R. Part 382, as in effect on October 1, 2018 and as amended by 84 fed. reg. 51432 (2019), is hereby adopted by reference:

- (1) The following revisions shall be made to 49 C.F.R. 382.103:
- (A) In paragraph (a), the phrase "any State" shall be deleted and replaced by "the state of Kansas."
- (B) In paragraph (a)(1), the phrase "part 383 of this subchapter" shall be deleted and replaced with "the Kansas uniform commercial drivers' license act, K.S.A. 8-2,125 et seq."
- (C) In paragraph (d)(1), the phrase "part 655 of this title" shall be replaced with "49 CFR Part 655."
- (D) In paragraph (c), the phrase "§ 390.3(f) of this subchapter" shall be deleted and replaced by "49 C.F.R. 390.3(f) as adopted by K.A.R. 82-4-3f."
- (E) Paragraph (d)(2) shall be deleted and replaced by the following: "(2) Operating vehicles exempted from the Kansas uniform commercial drivers' license act by K.S.A. 8-2,127 and amendments thereto."
- (F) In paragraph (d)(3), the phrase "a State" shall be deleted and replaced by "the state of Kansas." The phrase "part 383 of this subchapter" shall be deleted and replaced by "the Kansas uniform commercial drivers' license act." The text "These individuals may be:" shall be deleted.
- (G) Paragraphs (d)(3)(i) and (d)(3)(ii) shall be deleted.
- (H) In paragraph (d)(4), the phrase "49 CFR 390.5" shall be deleted and replaced by "49 C.F.R. 390.5 as adopted by K.A.R. 82-4-3f."
- (2) In 49 C.F.R. 382.105, the phrase "part 40 of this title" shall be deleted and replaced by "49 C.F.R. Part 40, as adopted by K.A.R. 82-4-3b."
- (3) The following revisions shall be made to 49 C.F.R. 382.107:
- (A) In the first paragraph, the phrase "§§ 386.2 and 390.5 of this subchapter, and § 40.3 of this title" shall be deleted and replaced by "49 C.F.R. 390.5, as adopted by K.A.R. 82-4-3f, and 49 C.F.R. 40.3, as adopted by K.A.R. 82-4-3b."

(B) The definition of "commerce" shall be deleted and replaced by the following: "'Commerce' means any trade, traffic or transportation within the jurisdiction of the state of Kansas, and any trade, traffic and transportation which affects any trade, traffic and transportation within the jurisdiction of the state of Kansas."

(C) The phrase "as adopted by K.A.R. 82-4-20" shall be inserted after the phrase "(49 C.F.R. part 172, subpart F)" in the definition of commercial motor vehicle.

(D) In the definition of "controlled substances," the phrase "those substances identified in § 40.85 of this title" shall be deleted and replaced by "marijuana metabolites, cocaine metabolites, amphetamines, opioids and phencyclidine (PCP)."

(E) In the definition of "DOT agency," the phrase "part 40 of this title" shall be deleted and replaced by "49 C.F.R. Part 40 as adopted by K.A.R. 82-4-3b, or the Kansas Corporation Commission."

(F) In the definition of "negative return-to-duty test result," the phrase ", as described in 40.305 of this title" shall be deleted.

(G)(i) In paragraph (1) of the definition of "refuse to submit," "(see § 40.61(a) of this title)" shall be deleted.

(ii) In paragraphs (2) and (3) of the definition of "refuse to submit," "(see § 40.63(c) of this title)" shall be deleted.

(iii) In paragraph (4) of the definition of "refuse to submit," "(see §§ 40.67(l) and 40.69(g) of this title)" shall be deleted.

(iv) In paragraph (5) of the definition of "refuse to submit," "(see § 40.193(d)(2) of this title)" shall be deleted.

(v) In paragraph (7) of the definition of "refuse to submit," the phrase "under § 40.193(d) of this title" shall be deleted.

(H)(i) In paragraph (2) of the definition of "safety-sensitive function," the phrase "§§ 392.7 and 392.8 of this subchapter" shall be deleted and replaced by "49 C.F.R. 392.7 and 392.8, as adopted by K.A.R. 82-4-3h."

(ii) In paragraph (4) of the definition of "safety-sensitive function," the phrase "§ 393.76 of this subchapter" shall be deleted and replaced by "49 C.F.R. 393.76, as adopted by K.A.R. 82-4-3i."

(4) 49 C.F.R. 382.109 shall be deleted.

(5) In 49 C.F.R. 382.115, the phrase "in the United States" shall be deleted and replaced by "in the state of Kansas."

(6) 49 C.F.R. 382.117 shall be deleted.

(7) In 49 C.F.R. 382.119(b), the phrase "49 CFR 40.21" shall be deleted and replaced by "49 C.F.R. 40.21 as adopted by K.A.R. 82-4-3b."

(8) In 49 C.F.R. 382.121(a), the phrase "part 40 of this title" shall be deleted and replaced by "49 C.F.R. Part 40 as adopted by K.A.R. 82-4-3b."

(9) The following revisions shall be made to 49 C.F.R. 382.213:

(A) In paragraph (a), the phrase "21 CFR 1308.11 Schedule I" shall be deleted and replaced by "21 C.F.R. 1308.11 Schedule I."

(B) In paragraph (b), the phrase "21 CFR part 1308" shall be deleted and replaced by "21 C.F.R. Part 1308, dated April 1, 2019, and hereby adopted by reference."

(10) In 49 C.F.R. 382.217, the phrase "in 49 CFR part 40,"

(continued)

subpart O" shall be deleted and replaced by "49 C.F.R. Part 40, Subpart O as adopted by K.A.R. 82-4-3b."

(11) The following revisions shall be made to 49 C.F.R. 382.301:

(A) In paragraph (c)(1)(iii), the phrase "part 40 of this title" shall be deleted and replaced by "49 C.F.R. Part 40, as adopted by K.A.R. 82-4-3b."

(B) In paragraph (c)(2), the phrase "part 40 of this title" shall be deleted and replaced by "49 C.F.R. Part 40, as adopted by K.A.R. 82-4-3b."

(C) In paragraph (d)(4), the phrase "49 CFR part 40 of this title" shall be deleted and replaced by "49 C.F.R. Part 40 as adopted by K.A.R. 82-4-3b."

(12) The following revisions shall be made to 49 C.F.R. 382.303:

(A) In 49 C.F.R. 382.303(h)(3), the phrase "(as defined in 571.3 of this title)" shall be deleted and replaced with ", meaning a motor vehicle with motive power, except a low-speed vehicle or trailer, designed to carry 10 persons or less which is constructed either on a truck chassis or with special features for occasional off-road operation,".

(B) In 49 C.F.R. 382.303(h)(3), the phrase "§ 177.823 of this title" shall be deleted and replaced by "49 C.F.R. 177.823 as adopted by K.A.R. 82-4-20."

(13) In 49 C.F.R. 382.305, paragraphs (b) through (h) shall be deleted.

(14) In 49 C.F.R. 382.309 and 382.311, the phrase "49 CFR part 40, Subpart O" shall be deleted and replaced by "49 C.F.R. Part 40, Subpart O as adopted by K.A.R. 82-4-3b."

(15) The following revisions shall be made to 49 C.F.R. 382.401:

(A) In paragraph (b)(3), the phrase "part 40 of this title" shall be deleted and replaced by "49 C.F.R. Part 40 as adopted by K.A.R. 82-4-3b."

(B) In paragraph (c)(2)(iii), the phrase ", including those required by part 40, subpart G, of this title" shall be deleted.

(C) In paragraph (c)(5)(iv), the phrase "as required by § 40.213(g) of this title" shall be deleted and replaced by "demonstrating one meets all requirements for such a position."

(D) In paragraph (c)(6)(iii), the phrase "§ 40.111(a) of this title" shall be deleted.

(E) In paragraph (d), the phrase "§ 390.29 of this subchapter" shall be deleted and replaced by "49 C.F.R. 390.29, as adopted by K.A.R. 82-4-3f."

(F) Paragraph (e) shall be deleted.

(16) In 49 C.F.R. 382.403(b), the phrase "49 CFR part 40" shall be deleted and replaced by "49 C.F.R. Part 40 as adopted by K.A.R. 82-4-3b." The phrase "§ 40.26 and appendix H to part 40" shall be deleted and replaced by "K.A.R. 82-4-3b."

(17) The following revisions shall be made to 49 C.F.R. 382.405:

(A) In paragraph (g), the phrase "in accordance with § 40.323(a)(2) of this title" shall be deleted and replaced by "pursuant to a court order."

(B) In paragraph (h), the phrase "as outlined in § 40.321(b) of this title" shall be deleted.

(18) 49 C.F.R. 382.407 and 382.409 shall be deleted.

(19) In 49 C.F.R. 382.413(b), the phrase "§ 40.25 (b)(5)

of this title" shall be deleted and replaced by "49 C.F.R. 40.25 as adopted by K.A.R. 82-4-3b."

(20) In 49 C.F.R. 382.415, the phrase "part 40 of this title or this part without complying with the requirements of part 40, subpart O" shall be replaced with "49 C.F.R. Part 40 as adopted by K.A.R. 82-4-3b or has failed to be cleared by a DOT certified substance abuse professional."

(21) In 49 C.F.R. 382.501(c), the phrase "part 390 of this subchapter" shall be deleted and replaced by "49 C.F.R. Part 390 as adopted by K.A.R. 82-4-3f."

(22) In 49 C.F.R. 382.503, the phrase "part 40, subpart O, of this title" shall be deleted and replaced with "Subpart O of 49 C.F.R. Part 40 as adopted by K.A.R. 82-4-3b."

(23) 49 C.F.R. 382.507 shall be deleted.

(24) In 49 C.F.R. 382.601(b)(9), the phrase "part 40, Subpart O, of this title" shall be deleted and replaced by "49 C.F.R. Part 40, Subpart O, as adopted by K.A.R. 82-4-3b."

(25) In 49 C.F.R. 382.605, the phrase "49 CFR part 40, Subpart O" shall be deleted and replaced by "Subpart O of 49 C.F.R. Part 40 as adopted by K.A.R. 82-4-3b."

(26) The following revisions shall be made to 49 C.F.R. 382.701:

(A) In paragraphs (d)(1) and (2), the phrase "part 40, subpart O, of this title" shall be replaced with "part 40, subpart O, of this title as adopted by K.A.R. 82-4-3b."

(B) In paragraph (d)(2), the phrase "in accordance with 40.307 of this title" and "required by 40.311 of this title" shall be deleted.

(27) The following changes shall be made to 49 C.F.R. 382.705:

(A) Paragraph (a) shall be deleted.

(B) In paragraph (b), the following changes shall be made:

(i) In paragraph (b)(1)(iii), the phrase "49 C.F.R. 40.261" shall be replaced by "49 C.F.R. 40.261 as adopted by K.A.R. 82-4-3b."

(ii) In paragraph (b)(1)(iv), the phrase "as adopted by K.A.R. 82-4-3b" shall be inserted after "(d)(1)" and "(a)(11)."

(iii) In paragraph (b)(1)(v), the phrase "in accordance with 40.307, 40.309, and 40.211 of this title" shall be deleted.

(iv) In paragraph (b)(3), the phrase "as adopted by K.A.R. 82-4-3a" shall be inserted after "40.191(a)(1)."

(C) Paragraph (d) shall be deleted.

(28) 49 C.F.R. 382.707 shall be deleted.

(29) In 49 C.F.R. 382.711, paragraphs (b) and (c) shall be deleted.

(30) In 49 C.F.R. 382.715, paragraph (b) shall be deleted.

(31) 49 C.F.R. 382.717 through 382.721 shall be deleted.

(32) The following revisions shall be made to 49 C.F.R. 382.723:

(A) In paragraph (c), the phrase "including those set forth at 382.507" shall be deleted.

(B) In paragraph (d), the term "FMCSA" shall be followed by the phrase "or Kansas Corporation Commission."

(33) 49 C.F.R. 382.725 and 49 C.F.R. 382.727 shall be deleted.

(b) As used in this regulation, each reference to a portion of 49 C.F.R. Part 382 shall mean that portion as adopted by reference in this regulation.

(c) Whenever the federal regulations adopted in this regulation refer to portions of the federal regulations or other operating standards that are not already adopted by reference in article 4 of the commission's regulations, the references shall not be applicable to this regulation unless otherwise specifically adopted. (Authorized by and implementing K.S.A. 2021 Supp. 66-1,112, K.S.A. 2021 Supp. 66-1,112g, and K.S.A. 66-1,129; effective, T-82-12-29-04, Dec. 29, 2004; effective April 29, 2005; amended Oct. 2, 2009; amended Sept. 20, 2013; amended July 26, 2019; amended Feb. 10, 2023.)

82-4-3d. Safety fitness procedures. (a) With the following exceptions, 49 C.F.R. Part 385, as in effect on October 1, 2018, is hereby adopted by reference:

(1) 49 C.F.R. 385.1(a) and (b) shall be deleted.
(2) The following revisions shall be made to 49 C.F.R. 385.3:

(A) In the definition of "Applicable safety regulations or requirements," the phrase "49 CFR chapter III, subchapter B – Federal Motor Carrier Safety Regulations" shall be replaced by "49 C.F.R. Parts 395, 382, 385, 390, 391, 392, 393, 396, 397, 398, 399, 387, and 386 as adopted by K.A.R. 82-4-3a and 82-4-3c through 82-4-30." The phrase "49 C.F.R. Parts 171, 172, 173, 177, 178 and 180 as adopted by K.A.R. 82-4-20" shall replace the phrase "49 C.F.R. chapter I, subchapter C – Hazardous Materials Regulations."

(B) In the definition of "CMV," the phrase "§ 390.5 of this subchapter" shall be deleted and replaced by "49 C.F.R. 390.5 as adopted by K.A.R. 82-4-3f."

(C) In the definition of "commercial motor vehicle," the phrase "§ 390.5 of this subchapter" shall be deleted and replaced with "49 C.F.R. 390.5 as adopted by K.A.R. 82-4-3f."

(D) In the definition of "HMRs," the phrase "as adopted by K.A.R. 82-4-20" shall be inserted after the phrase "49 C.F.R. parts 171-180."

(E) In the definition of "motor carrier operations in commerce," the phrase "or intrastate" shall be added after the word "interstate" in paragraphs (1) and (2).

(F) The definition of "Safety ratings," including paragraphs (1), (2), (3), and (4), shall be deleted.

(3) 49 C.F.R. 385.4 shall be deleted.

(4) The following revisions shall be made to 49 C.F.R. 385.5:

(A) The first paragraph shall be deleted and replaced by the following: "In cooperation with the FMCSA, special agents and authorized representatives shall conduct reviews in order to gather the information necessary for the FMCSA to issue a safety rating for a motor carrier. Information gathered shall include information necessary to demonstrate that the motor carrier has adequate safety management controls in place which comply with the applicable safety requirements to reduce the risk associated with:"

(B) In paragraph (a), the phrase "part 383 of this chapter" shall be deleted and replaced with "the Kansas uniform commercial drivers' license act, found at K.S.A. 8-2,125 et seq."

(C) In paragraph (b), the phrase "part 387 of this chapter" shall be deleted and replaced with "49 C.F.R. Part 387 as adopted by K.A.R. 82-4-3n."

(D) In paragraph (c), the phrase "part 391 of this chapter" shall be deleted and replaced with "49 C.F.R. Part 391 as adopted by K.A.R. 82-4-3g."

(E) In paragraph (d), the phrase "part 392 of this chapter" shall be deleted and replaced with "49 C.F.R. Part 392 as adopted by K.A.R. 82-4-3h."

(F) In paragraph (e), the phrase "part 393 of this chapter" shall be deleted and replaced with "49 C.F.R. Part 393 as adopted by K.A.R. 82-4-3i."

(G) In paragraph (f), the phrase "part 390 of this chapter" shall be deleted and replaced with "49 C.F.R. Part 390 as adopted by K.A.R. 82-4-3f."

(H) In paragraph (g), the phrase "part 395 of this chapter" shall be deleted and replaced with "49 C.F.R. Part 395 as adopted by K.A.R. 82-4-3a."

(I) In paragraph (h), the phrase "part 396 of this chapter" shall be deleted and replaced with "49 C.F.R. Part 396 as adopted by K.A.R. 82-4-3j."

(J) In paragraph (i), the phrase "part 397 of this chapter" shall be deleted and replaced with "49 C.F.R. Part 397 as adopted by K.A.R. 82-4-3k."

(K) In paragraph (j), the phrase "parts 170 through 177 of this title" shall be deleted and replaced with "49 C.F.R. Parts 171 through 177 as adopted by K.A.R. 82-4-20."

(5) The first paragraph of 49 C.F.R. 385.7 shall be deleted and replaced by the following: "In cooperation with the FMCSA, special agents and authorized representatives shall conduct reviews in order to gather the information necessary for the FMCSA to determine and issue an appropriate safety rating for a motor carrier. Information gathered shall be information the FMCSA may consider in assessing a safety rating, including:"

(6) 49 C.F.R. 385.9 through 49 C.F.R. 385.19 shall be deleted.

(7) 49 C.F.R. 385.101 through 49 C.F.R. 385.119 shall be deleted.

(8) 49 C.F.R. 385.301 through 385.337 shall be deleted.

(9) The following changes shall be made to 49 C.F.R. 385.402:

(A) Paragraph (a) shall be deleted and replaced with the following: "The definitions in 49 C.F.R. Parts 390 and 385, as adopted by K.A.R. 82-4-3f and 82-4-3d, respectively, shall apply to Subpart E of 49 C.F.R. Part 385, as adopted by K.A.R. 82-4-3d, unless otherwise specifically noted."

(B) The phrase "§171.8 of this title" shall be deleted and replaced by "49 C.F.R. 171.8 as adopted by K.A.R. 82-4-20."

(C) The phrase "§172.101 of this title" shall be deleted and replaced by "49 C.F.R. 172.101 as adopted by K.A.R. 82-4-20."

(D) The term "FMCSA" shall be deleted and replaced by "the commission."

(10) The following revisions shall be made to 49 C.F.R. 385.403:

(A) In the first paragraph, the phrase "§ 390.19(a)" shall be deleted and replaced with "49 C.F.R. 390.19(a) as adopted by K.A.R. 82-4-3f."

(B) In paragraph (a), the phrase "§ 173.403 of this title" shall be deleted and replaced by "49 C.F.R. 173.403 as adopted by K.A.R. 82-4-20."

(continued)

(C) In paragraph (b), the phrase “part 172 of this title” shall be deleted and replaced with “49 C.F.R. Part 172 as adopted by K.A.R. 82-4-20.”

(D) The following revisions shall be made to paragraphs (c) and (d):

(i) The phrase “§ 171.8 of this title” shall be deleted and replaced with “49 C.F.R. 171.8 as adopted by K.A.R. 82-4-20.”

(ii) The phrase “§ 173.116(a) or § 173.133(a) of this title” shall be deleted and replaced with “49 C.F.R. 173.116(a) or 173.133(a) as adopted by K.A.R. 82-4-20.”

(E) The following revisions shall be made to paragraph (e):

(i) The phrase “§ 171.8 of this title” shall be deleted and replaced with “49 C.F.R. 171.8 as adopted by K.A.R. 82-4-20.”

(ii) The phrase “§ 173.116(a)” shall be deleted and replaced with “49 C.F.R. 173.116(a) as adopted by K.A.R. 82-4-20.”

(11) The following shall be inserted after the last sentence in 49 C.F.R. 385.405(b)T: “All Kansas-based interstate motor carriers and all Kansas intrastate motor carriers transporting hazardous materials are required to obtain a hazardous materials safety permit from the FMCSA and are subject to FMCSA jurisdiction for hazardous materials safety requirements as set forth in 49 C.F.R. 385.401 through 385.423, and in 49 C.F.R. Parts 171, 172, 173, 177, 178 and 180, as adopted by K.A.R. 82-4-20.”

(12) In 49 C.F.R. 385.411, “385.405” shall be replaced with “385.405T.”

(13) In 49 C.F.R. 385.415(a)(2), the phrase “as adopted by K.A.R. 82-4-3k” shall be inserted after each instance of “of this chapter.”

(14) In 49 C.F.R. 385.419T, the phrase “as adopted by K.A.R. 82-4-3f” shall be inserted after each instance of “of this chapter.”

(15) The following changes shall be made to 49 C.F.R. 385.421T:

(A) In 49 C.F.R. 385.421T(a)(1), the phrase “as adopted by K.A.R. 82-4-3f” shall be inserted after “of this chapter.”

(B) In 49 C.F.R. 385.421T(a)(8), the phrase “as adopted by K.A.R. 82-4-3n” shall be inserted after “of this chapter.”

(C) In 49 C.F.R. 385.421T(a)(10), the phrase “in accordance with §386.83 or §386.84 of this chapter” shall be deleted.

(16) 49 C.F.R. 385.501 through 385.1019, including appendices A and B, shall be deleted.

(17) All sections marked “reserved” shall be deleted.

(b) As used in this regulation, each reference to a portion of 49 C.F.R. Part 385 shall mean that portion as adopted by reference in this regulation.

(c) Whenever the federal regulations adopted in this regulation refer to portions of the federal regulations or other operating standards that are not already adopted by reference in article 4 of the commission’s regulations, the references shall not be applicable to this regulation unless otherwise specifically adopted. (Authorized by K.S.A. 2021 Supp. 66-1,112, K.S.A. 2021 Supp. 66-1,112g, K.S.A. 66-1,129; implementing K.S.A. 2021 Supp. 66-1,112, K.S.A. 2021 Supp. 66-1,112g, K.S.A. 66-1,129, and K.S.A. 66-1,142a; effective, T-82-12-29-04, Dec. 29, 2004;

effective April 29, 2005; amended Oct. 2, 2009; amended Oct. 22, 2010; amended Sept. 20, 2013; amended July 26, 2019; amended Feb. 10, 2023.)

82-4-3f. General motor carrier safety regulations.

(a) With the following exceptions, 49 C.F.R. Part 390, as in effect on October 1, 2018, is hereby adopted by reference:

(1) The following revisions shall be made to 49 C.F.R. 390.3T:

(A) In paragraph (a), the phrase “or intrastate” shall be added after the word “interstate.”

(B) In paragraph (a)(2), “49 CFR 386.12(c)” shall be deleted and replaced with “49 C.F.R. 386.12(c), as adopted by K.A.R. 82-4-3o.”

(C) Paragraph (b) shall be deleted and replaced with the following: “The Kansas uniform commercial drivers’ license act, found at K.S.A. 8-2,125 et seq., is applicable to every person who operates a commercial motor vehicle in interstate or intrastate commerce and to all employers of such persons.”

(D) The following revisions shall be made to paragraph (c):

(i) The phrase “Part 387 of this chapter, Minimum Levels of Financial Responsibility for Motor Carriers” shall be deleted and replaced with “49 C.F.R. Part 387 as adopted by K.A.R. 82-4-3n.”

(ii) The phrase “§ 387.3 or § 387.27” shall be deleted and replaced with “49 C.F.R. 387.3 or 387.27 as adopted by K.A.R. 82-4-3n.”

(E) In paragraphs (f)(1) and (6), the phrase “of this chapter” shall be replaced with “as adopted by K.A.R. 82-4-3g and K.A.R. 82-4-3h.”

(F) Paragraph (g)(1) shall be deleted and replaced with the following: “(1) 49 C.F.R. Part 385, subparts A and E, as adopted by K.A.R. 82-4-3d, for carriers subject to the requirements of 49 C.F.R. 385.403, as adopted by K.A.R. 82-4-3d.” In Paragraph (g)(2), the phrase “of this subchapter” shall be replaced with “as adopted by K.A.R. 82-4-3o.” Paragraph (g)(3) shall be deleted and replaced with “49 C.F.R. Part 387, as adopted by K.A.R. 82-4-3n, to the extent provided in 49 C.F.R. 387.3 as adopted by K.A.R. 82-4-3n.” Paragraph (g)(4) shall be deleted.

(G) The following revisions shall be made to paragraph (h):

(i) Paragraph (1) shall be deleted.

(ii) Paragraph (2) shall be deleted and replaced with “49 C.F.R. Part 386, Subpart F as adopted by K.A.R. 82-4-3o.”

(iii) Paragraph (4) shall be deleted and replaced with “49 C.F.R. Part 393 as adopted by K.A.R. 82-4-3i.”

(iv) Paragraph (5) shall be deleted and replaced with “49 C.F.R. Part 396 as adopted by K.A.R. 82-4-3j.”

(2) The following revisions shall be made to 49 C.F.R. 390.5T:

(A) In the definition of “commercial motor vehicle,” the phrase “or intrastate” shall be inserted following the term “interstate.”

(B) In the definition of “driving a commercial motor vehicle while under the influence of alcohol,” the phrase “Table 1 to §383.51 or §392.5(a)(2) of this subchapter,” shall be deleted and replaced with “K.S.A. 8-2,125 et seq. or 49 C.F.R. 392.5(a)(2) as adopted by K.A.R. 82-4-3h.”

(C) In the definition of “employer,” the phrase “or intrastate” shall be inserted following the term “interstate.”

(D) In the definition of “exempt intracity zone,” the following text shall be deleted: “of a municipality or the commercial zone of that municipality described in appendix F to subchapter B of this chapter. The term ‘exempt intracity zone’ does not include any municipality or commercial zone in the State of Hawaii.” The deleted text shall be replaced by the following: “described in section 8 of 49 C.F.R. Subtitle B, Chapter III, Subchapter B, Appendix F, as adopted by K.A.R. 82-4-3f.” The phrase “§ 391.62” shall be deleted and replaced with “49 C.F.R. 391.62 as adopted by K.A.R. 82-4-3g.”

(E) In the definition of “exempt motor carrier,” the phrase “Federal Motor Carrier Safety Administration (FMCSA) under 49 U.S.C. chapter 13506” shall be replaced by “Kansas Corporation Commission under K.S.A. 66-1,109 or the federal motor carrier regulations.”

(F) In the definition of “farm vehicle driver,” the phrase “§177.823 of this subtitle” shall be deleted and replaced with “49 C.F.R. 177.823 as adopted by K.A.R. 82-4-20.”

(G) In the definition of “for-hire motor carrier,” the term “for-hire” shall have the same meaning as that for the term “public.”

(H) In the definition of “Hazardous material,” the phrase “United States” shall be inserted immediately before the phrase “Secretary of Transportation.”

(I) The following changes shall be made in the definition of “hazardous substance”:

(i) Both instances of the phrase “§ 172.101” shall be deleted and replaced by “49 C.F.R. 172.101.”

(ii) The first instance of the phrase “of this title” shall be deleted and replaced by “as adopted by K.A.R. 82-4-20.”

(iii) The phrase “§ 171.8 of this title” shall be deleted and replaced by “49 C.F.R. 171.8, as adopted by K.A.R. 82-4-20.”

(J) The definition of “medical examiner” shall be deleted and replaced by the following: “‘Medical examiner’ means an individual certified by FMCSA and listed on the national registry of certified medical examiners in accordance with 49 C.F.R. Part 390, Subpart D.”

(K) In the definition of “medical variance,” the phrase “part 381, subpart C, of this chapter or §391.64 of this chapter” shall be deleted and replaced with “K.A.R. 82-4-6d or 49 C.F.R. 391.64 as adopted by K.A.R. 82-4-3g.” The phrase “§ 391.49 of this chapter” shall be deleted and replaced with “49 C.F.R. 391.49 as adopted by K.A.R. 82-4-3g.”

(L) In the definition of “other terms,” the phrase “or in the Kansas motor carrier regulations,” shall be added after “this subchapter.”

(M) The following revisions shall be made to the definition of “principal place of business”:

(i) The phrase “parts 382, 387, 390, 391, 395, 396, and 397 of this subchapter” shall be deleted and replaced by “K.A.R. 82-4-3a, K.A.R. 82-4-3c, K.A.R. 82-4-3f, K.A.R. 82-4-3g, K.A.R. 82-4-3j, K.A.R. 82-4-3k, and K.A.R. 82-4-3n.”

(ii) The first instance of the term “Federal” shall be deleted.

(iii) The phrase “of the Federal Motor Carrier Safety Administration” shall be deleted.

(N) In the definitions of “private motor carrier of passengers (business)” and “private motor carrier of passen-

gers (nonbusiness),” the phrase “or intrastate” shall be inserted following the term “interstate.”

(O) In the definition of “Secretary,” “U.S.” shall be inserted before “Secretary of Transportation.”

(P) The definition of “Special agent” shall be deleted and replaced by the following: “Special agent or authorized representative means an authorized representative of the commission, and members of the highway patrol or any other law enforcement officer in the state who is certified in the inspection of motor carriers based on the motor carrier safety assistance program standards.”

(Q) In the definition of “use a hand-held mobile telephone,” the phrase “as adopted by K.A.R. 82-4-3i” shall be inserted after the phrase “49 C.F.R. 393.93.”

(3) In 49 C.F.R. 390.6, paragraph (b) shall be deleted and replaced with the following: “A driver who believes he or she was coerced to violate a regulation described in paragraph (a)(1) or (2) of this section may file a complaint with the National Consumer Complaint Database at <http://nccdb.fmcsa.dot.gov>.”

(4) 49 C.F.R. 390.7 and 49 C.F.R. 390.9 shall be deleted.

(5) In 49 C.F.R. 390.11, the phrase “part 325 of subchapter A or in” shall be deleted.

(6) In 49 C.F.R. 390.13, the phrase “violate the rules of this chapter” shall be deleted and replaced by “operate in Kansas in a manner which violates any order, decision, or regulation of the commission.”

(7) The following revision shall be made to 49 C.F.R. 390.15:

(A) In paragraph (a)(1), the phrase “of the Federal Motor Carrier Safety Administration, an authorized State or local enforcement agency representative or authorized third party representative” shall be deleted.

(8) The following revisions shall be made to 49 C.F.R. 390.19T:

(A) In paragraph (a)(1), the phrase “interstate commerce” shall be deleted and replaced by “Kansas.”

(B) In paragraph (a)(2), the phrase “49 C.F.R. 385.401 to 385.423 as adopted by K.A.R. 82-4-3d,” shall replace “49 C.F.R. part 385, subpart E.”

(C) Paragraph (b) shall be deleted and replaced by the following: “The Form MCS-150 shall contain the following information:

“(1) The USDOT number assigned to the carrier;

“(2) the legal name of the motor carrier;

“(3) the trade or ‘doing business as’ name of the motor carrier, if applicable;

“(4) the street address of the motor carrier, including city, state, and zip code;

“(5) the mailing address of the motor carrier, including city, state, and zip code;

“(6) the motor carrier’s principal telephone number and facsimile number;

“(7) whether the motor carrier conducts intrastate only carriage of hazardous materials or intrastate carriage of non-hazardous materials;

“(8) the motor carrier’s mileage, rounded to the nearest 10,000, for the last calendar year;

“(9) the type of operations the motor carrier conducts;

“(10) the classification of cargo that the motor carrier transports;

(continued)

“(11) the hazardous materials transported by the motor carrier;

“(12) the type of equipment owned or leased or both for transporting property or passengers;

“(13) the number of drivers that operate within a 100-mile radius of the carrier’s principal place of business;

“(14) the number of drivers that operate outside a 100-mile radius of the carrier’s principal place of business;

“(15) the number of drivers with commercial drivers’ licenses;

“(16) the total number of drivers; and

“(17) for Kansas-based, intrastate carriers, a signed and dated statement with the signatory’s printed name and title, certifying that the signatory is familiar with the commission’s safety regulations and that the information contained in the report is accurate.”

(D) In paragraph (d), the term “agency’s” shall be deleted and replaced by “FMCSA’s.” The following sentence shall be inserted after the last sentence in paragraph (d): “Kansas-based motor carriers may file the completed Form MCS-150 online at fmcsa.dot.gov or with the Kansas Corporation Commission at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604.”

(E) In paragraph (g), “the penalties prescribed in 49 U.S.C. 521(b)(2)(B)” shall be deleted and replaced by “civil penalties as provided in K.S.A. 66-1,142b.”

(F) Paragraph (h) shall be deleted.

(9) The following revisions shall be made to 49 C.F.R. 390.21T:

(A) In paragraph (a), each instance of “subject to subchapter B of this chapter” shall be deleted.

(B) Paragraph (e)(2)(iii)(C) shall be deleted and replaced by the following: “A statement that the lessor cooperates with all relevant special agents and authorized representatives to provide the identity of customers who operate the rental commercial motor vehicles; and.”

(C) The last sentence of paragraph (e)(2)(iv) shall be deleted.

(10) The following changes shall be made to 49 C.F.R. 390.23:

(A) In paragraphs (a), (a)(1)(i)(B), and (a)(2)(i)(B), the phrase “Parts 390 through 399 of this chapter” shall be deleted and replaced by “K.A.R. 82-4-3a, and K.A.R. 82-4-3f through K.A.R. 82-4-3m.”

(B) In paragraph (b), both instances of the phrase “parts 390 through 399 of this chapter” shall be deleted and replaced by “K.A.R. 82-4-3a, and K.A.R. 82-4-3f through K.A.R. 82-4-3m.”

(C) In paragraph (c), the phrase “§§ 395.3(a) and (c) and 395.5(a) of this chapter” shall be deleted and replaced by “49 C.F.R. 395.3(a) and (c) and 49 C.F.R. 395.5(a), all as adopted by K.A.R. 82-4-3a.”

(11) 49 C.F.R. 390.27 shall be deleted.

(12) The following revisions shall be made to 49 C.F.R. 390.29(b):

(A) The phrase “of the Federal Motor Carrier Safety Administration” shall be deleted.

(B) The word “Federal” appearing in the last sentence shall be deleted and replaced with “government-declared.”

(13) In 49 C.F.R. 390.33 and 49 C.F.R. 390.35, all references to “part 325 of subchapter A” shall be deleted.

(14) 49 C.F.R. 390.37 shall be deleted.

(15) The following revisions shall be made to 49 C.F.R. 390.38:

(A) In paragraph (a)(1), the phrase “49 CFR part 365 or” shall be deleted.

(B) In paragraph (a)(2), the phrase “49 CFR part 391” shall be deleted and replaced with “49 C.F.R. part 391 as adopted by K.A.R. 82-4-3g.”

(C) In paragraph (a)(3), the phrase “49 CFR part 392” shall be deleted and replaced with “49 C.F.R. part 392 as adopted by K.A.R. 82-4-3h.”

(D) In paragraph (a)(4), the phrase “49 CFR parts 393 and 396” shall be deleted and replaced with “49 C.F.R. part 393 as adopted by K.A.R. 82-4-3i and 49 C.F.R. part 396 as adopted by K.A.R. 82-4-3j.”

(E) In paragraph (a)(5), the phrase “49 CFR part 395” shall be deleted and replaced with “49 C.F.R. part 395 as adopted by K.A.R. 82-4-3a.”

(16) The following revisions shall be made to 49 C.F.R. 390.39:

(A) In paragraph (a)(1), the phrase “49 CFR Part 383 or controlled substances and alcohol use and testing in 49 CFR Part 382” shall be deleted and replaced with “the Kansas uniform commercial drivers’ license act, found at K.S.A. 8-2,125 et seq. or controlled substances and alcohol testing in 49 C.F.R. Part 382 as adopted by K.A.R. 82-4-3c.”

(B) In paragraph (a)(2), the phrase “49 CFR Part 391, Subpart E, Physical Qualifications and Examinations” shall be deleted and replaced with “49 C.F.R. 391.41 to 391.49 as adopted by K.A.R. 82-4-3g.”

(C) In paragraph (a)(3), the phrase “49 CFR Part 395, Hours of Service of Drivers” shall be deleted and replaced with “49 C.F.R. Part 395 as adopted by K.A.R. 82-4-3a.”

(D) In paragraph (a)(4), the phrase “49 CFR Part 396, Inspection, Repair, and Maintenance” shall be deleted and replaced with “49 C.F.R. Part 396 as adopted by K.A.R. 82-4-3j.”

(E) Paragraph (b) shall be deleted.

(F) In paragraph (c), the phrase “in §§383.3(d)(1), 383.3(e), 383.3(f), 391.2(a), 391.2(b), 391.2(c), 391.67, 395.1(e)(1), 395.1(e)(2), 395.1(h), 395.1(i), and 395.1(k) of this chapter” shall be replaced by “contained in these rules and regulations.”

(17) The following revisions shall be made to 49 C.F.R. 390.40T:

(A) In paragraph (c), the phrase “§ 396.3(a)(1)” shall be deleted and replaced with “49 C.F.R. 396.3(a)(1) as adopted by K.A.R. 82-4-3j.”

(B) In paragraph (e), the phrase “§ 396.11 of this chapter” shall be deleted and replaced with “49 C.F.R. 396.11 as adopted by K.A.R. 82-4-3j.”

(C) In paragraph (f), the phrase “§ 396.3(b)(3) of this chapter” shall be deleted and replaced with “49 C.F.R. 396.3(b)(3) as adopted by K.A.R. 82-4-3j.”

(D) In paragraph (g), the phrase “§ 396.17 of this chapter” shall be deleted and replaced with “49 C.F.R. 396.17 as adopted by K.A.R. 82-4-3j.”

(E) In paragraph (j), the phrase “as defined in § 386.72(b)(3) of this chapter” shall be deleted and replaced with “as defined in K.A.R. 82-4-3o.”

(18) The following revisions shall be made to 49 C.F.R. 390.42:

(A) In paragraph (a), the phrase “listed in §392.7(b) of this subchapter” shall be deleted and replaced by “specified in K.A.R. 82-4-3h.”

(B) In paragraph (b), the phrase “in § 396.11(b)(1) of this chapter” shall be deleted and replaced by “49 C.F.R. 396.11(b)(1) as adopted by K.A.R. 82-4-3h.”

(19) The following revisions shall be made to 49 C.F.R. 390.44:

(A) The following revisions shall be made to paragraph (a):

(i) The phrase “listed in §392.7(b) of this chapter” shall be deleted and replaced by “listed in 49 C.F.R. 392.72(b), as adopted by K.A.R. 82-4-3h.”

(ii) The phrase “pursuant to §392.7(b)” shall be deleted and replaced by “listed in 49 C.F.R. 386.72(b), as adopted by K.A.R. 82-4-3o.”

(B) The following revisions shall be made to paragraph (b):

(i) The phrase “listed in §392.7(b) of this chapter” shall be deleted and replaced by “listed in 49 C.F.R. 386.72(b), as adopted by K.A.R. 82-4-3o.”

(ii) The phrase “with §392.7(b)” shall be deleted and replaced by “with K.A.R. 82-4-3h.”

(C) The following revisions shall be made to paragraph (c):

(i) The term “FMCSA” shall be deleted and replaced by “the commission.”

(ii) The phrase “49 U.S.C. 31151 or the implementing regulations in this subchapter regarding interchange of intermodal equipment by contacting the appropriate FMCSA Field Office” shall be deleted and replaced by “K.A.R. 82-4-3a through K.A.R. 82-4-3o and K.A.R. 82-4-20 by filing a written complaint with the commission by: fax – 785-271-3124; email: transportation@kcc.ks.gov; or by mail addressed to: 1500 SW Arrowhead Rd, Topeka, KS 66604-3124. The commission may also be contacted by phone number: 785.271.3145, select option one.”

(20) 49 C.F.R. 390.46 shall be deleted.

(21) 49 C.F.R. Part 390, Subpart D shall be deleted.

(22) All sections marked “reserved” shall be deleted.

(b) Section 8 of 49 C.F.R., Subtitle B, Chapter III, Subchapter B, Appendix F, as in effect on October 1, 2018, is hereby adopted by reference.

(c) As used in this regulation, each reference to a portion of 49 C.F.R. Part 390 shall mean that portion as adopted by reference in this regulation.

(d) As used in this regulation, the phrases “subpart B of this chapter” and “this subchapter” shall be replaced with “this subchapter as adopted by K.A.R. 82-4-3a and K.A.R. 82-4-3c through K.A.R. 82-4-3o.”

(e) Whenever the federal regulations adopted in this regulation refer to portions of the federal regulations or other operating standards that are not already adopted by reference in article 4 of the commission’s regulations, the references shall not be applicable to this regulation unless otherwise specifically adopted. (Authorized by and implementing K.S.A. 2021 Supp. 66-1,112, K.S.A. 2021 Supp. 66-1,112g, and K.S.A. 66-1,129; effective, T-82-12-29-04, Dec. 29, 2004; effective April 29, 2005; amended Oct. 2, 2009; amended Oct. 8, 2010; amended Nov. 14,

2011; amended Sept. 20, 2013; amended June 12, 2015; amended July 26, 2019; amended Feb. 10, 2023.)

82-4-3g. Qualifications of drivers. (a) With the following exceptions, 49 C.F.R. Part 391, as in effect on October 1, 2018 and as amended by 84 fed. reg. 51434-51435 (2019), is hereby adopted by reference:

(1) The following revisions shall be made to 49 C.F.R. 391.2:

(A) In paragraph (c), the phrase “§ 390.5 of this chapter” shall be deleted and replaced with “49 C.F.R. 390.5 as adopted by K.A.R. 82-4-3f.”

(B) In paragraph (d), the phrase “49 CFR 390.5” shall be deleted and replaced with “49 C.F.R. 390.5 as adopted by K.A.R. 82-4-3f.”

(C) In paragraph (e), the phrase “49 CFR 390.38(b)” shall be deleted and replaced with “49 C.F.R. 390.38(b) as adopted by K.A.R. 82-4-3f.”

(2) The following revision shall be made to 49 C.F.R. 391.11: 49 C.F.R. 391.11(b)(1) shall apply only to commercial motor vehicle operations in interstate commerce.

(3) In 49 C.F.R. 391.13, the phrase “§§ 392.9(a) and 383.111(a)(16) of this subchapter” shall be deleted and replaced by “49 C.F.R. 392.9(a), as adopted by K.A.R. 82-4-3h, and 49 C.F.R. 383.111(a)(16), as referenced by K.S.A. 8-2,133.”

(4) The following revisions shall be made to 49 C.F.R. 391.15:

(A) In paragraphs (c)(1)(i) and (c)(2)(iii), each instance of “§ 395.2 of this subchapter” shall be deleted and replaced by “49 C.F.R. 395.2, as adopted by K.A.R. 82-4-3a.”

(B) In paragraph (c)(2)(i)(C), the phrase “or § 392.5(a)(2)” shall be deleted and replaced by “or 49 C.F.R. 392.5(a)(2), as adopted by K.A.R. 82-4-3h.”

(C) In paragraphs (c)(2)(ii) and (iii), the phrase “as adopted by K.A.R. 82-4-3c” shall be added after the phrase “21 C.F.R. 1308.11 Schedule I.”

(D) In paragraphs (e)(1), (e)(2)(i), and (e)(2)(ii), the phrase “§ 392.80(a) of this chapter” shall be deleted and replaced with “49 C.F.R. 392.80(a) as adopted by K.A.R. 82-4-3h.”

(E) In paragraphs (f)(1), (f)(2)(i), and (f)(2)(ii), the phrase “§ 392.82(a) of this chapter” shall be deleted and replaced with “49 C.F.R. 392.82(a) as adopted by K.A.R. 82-4-3h.”

(5) The following revisions shall be made to 49 C.F.R. 391.21:

(A) In paragraph (b)(10)(iv)(B), the term “DOT” shall be deleted and replaced by “commission,” and the phrase “as adopted by K.A.R. 82-4-3b” shall be inserted after the phrase “49 C.F.R. Part 40.”

(B) In paragraph (b)(11), the phrase “as defined by Part 383 of this subchapter” shall be deleted.

(6) The following changes shall be made to 49 C.F.R. 391.23:

(A) In paragraphs (a)(2), (i)(1), and (i)(2), the term “U.S.” shall be inserted before the phrase “Department of Transportation.” The phrase “or commission” shall be inserted after the phrase “Department of Transportation.”

(B) Paragraph (c)(3) shall be deleted and replaced by the following: “Prospective employers shall submit a
(continued)

report noting any failure of a previous employer to respond to an inquiry into a driver's safety performance history to the commission.

"(A) Reports shall be addressed to the Director, Transportation Division, Kansas Corporation Commission, 1500 SW Arrowhead Road, Topeka, KS 66604.

"(B) Reports shall be submitted to the commission within 90 days after the inquiry was submitted to the previous employer.

"(C) Reports must be signed by the prospective employer submitting the report and must include the following information:

"(i) The name, address, and telephone number of the person who files the report;

"(ii) The name and address of the previous employer who has failed to respond to the inquiry into a driver's safety performance history;

"(iii) A concise but complete statement of the facts, including the date the inquiry was sent to the previous employer, the method by which the inquiry was sent, and the dates of any follow-up communications with the previous employer."

(C) In paragraphs (c)(4), (e), and (g)(1), the term "U.S." shall be inserted before the term "DOT" and the phrase "or commission" shall be inserted after the term "DOT."

(D) In paragraph (d)(2), the phrase "§ 390.15(b)(1) of this chapter" shall be deleted and replaced by "49 C.F.R. 390.15(b)(1), as adopted by K.A.R. 82-4-3f."

(E) In paragraph (d)(2)(i), the phrase "§ 390.5 of this chapter" shall be deleted and replaced by "49 C.F.R. 390.5, as adopted by K.A.R. 82-4-3f."

(F) In paragraph (d)(2)(ii), the phrase "§ 390.15(b)(2)" shall be deleted and replaced by "49 C.F.R. 390.15(b)(2), as adopted by K.A.R. 82-4-3f."

(G) In paragraph (e), the phrase ", as adopted by K.A.R. 82-4-3b" shall be added at the end of the last sentence.

(H) In paragraph (e)(1), the phrase "part 382 of this chapter" shall be deleted and replaced by "49 C.F.R. part 382, as adopted by K.A.R. 82-4-3c." The phrase ", as adopted by K.A.R. 82-4-3b" shall be inserted at the end of the last sentence.

(I) In paragraph (e)(2), the phrase "§ 382.605 of this chapter" shall be deleted and replaced by "49 C.F.R. 382.605, as adopted by K.A.R. 82-4-3c." The phrase "part 40, subpart O" shall be deleted and replaced by "or prescribed by a substance abuse professional certified by the U.S. DOT."

(J) In paragraph (e)(3), the phrase "§ 382.605" shall be deleted and replaced with "referral pursuant to 49 C.F.R. 382.605, as adopted by K.A.R. 82-4-3c." The phrase "49 CFR part 40, subpart O" shall be deleted and replaced by "or a referral by substance abuse professional certified by the U.S. DOT."

(K)(1) In paragraph (f), the term "consent meeting the requirements of §40.321(b) of this title" shall be deleted and replaced by "specific written consent, meaning a statement signed by the employee that he or she agrees to the release of a particular piece of information to a particular, explicitly identified, person or organization at a particular time,".

(L) In paragraph (j)(6), the following changes shall be made:

(i) In the first sentence, the comma following the phrase "safety performance information" shall be deleted, and the following text shall be inserted at the end of the first sentence: "if the previous employer is an interstate motor carrier, the driver may submit a complaint."

(ii) The term "§ 386.12" shall be deleted and replaced with "K.A.R. 82-4-3g(a)(6)(B)."

(iii) The following sentence shall be inserted at the end of the paragraph: "If the motor carrier is a Kansas-based interstate motor carrier, or an intrastate motor carrier, the driver may submit such report in writing to Director, Transportation Division, Kansas Corporation Commission, 1500 SW Arrowhead Road, Topeka, KS 66604."

(M) In paragraph (m)(2), the phrase "part 383 of this chapter" shall be deleted and replaced with "the Kansas uniform commercial drivers' license act, found at K.S.A. 8-2,125 et seq."

(N) In paragraph (m)(2)(i)(A), the phrase "in accordance with § 383.71(b)(1)(g) of this chapter" shall be deleted.

(O) In paragraph (m)(2)(i)(C), the phrase "in accordance with § 383.73(b)(5) of this chapter" shall be deleted.

(P) In paragraph (m)(3)(i)(A), the phrase "in accordance with § 383.71(b)(1) and (g) of this chapter" shall be deleted.

(7) The following revision shall be made to 49 C.F.R. 391.25: In paragraph (b)(1), the phrase "Federal Motor Carrier Safety Regulations in this subchapter or Hazardous Materials Regulations (49 CFR chapter 1, subchapter C)" shall be deleted and replaced by "Federal Motor Carrier Safety Regulations or Hazardous Materials Regulations, as adopted by article 4 of the commission's regulations, occurring in interstate commerce."

(8) The following revisions shall be made to 49 C.F.R. 391.27:

(A) In paragraph (c), the words "be prescribed by the motor carrier. The following form may be used to comply with this section" shall be deleted and replaced by "read substantially as follows."

(B) Paragraph (e) shall be deleted.

(9) The following revision shall be made to 49 C.F.R. 391.31: In 49 C.F.R. 391.31(c)(1), the phrase "§ 392.7 of this subchapter" shall be deleted and replaced with "49 C.F.R. 392.7 as adopted by K.A.R. 82-4-3h."

(10) The following revision shall be made to 49 C.F.R. 391.33: In paragraph (a)(1), the phrase "§ 383.5 of this subchapter" shall be deleted and replaced by "K.S.A. 8-234b and amendments thereto."

(11) The following revisions shall be made to 49 C.F.R. 391.41:

(A) The following revisions shall be made to paragraph (a)(2)(i)(A):

(i) The phrase "part 383 of this chapter" shall be deleted and replaced with "the Kansas uniform commercial drivers' license act, found at K.S.A. 8-2,125 et seq."

(ii) The phrase "in accordance with 49 CFR 383.71(h)" shall be deleted.

(B) In paragraph (a)(2)(i)(A), the phrase "part 383 of this chapter" shall be deleted and replaced with "the Kansas uniform commercial drivers' license act, found at K.S.A. 8-2,125, et seq."

(C) In paragraph (a)(2)(ii), the phrase "in accordance with § 383.71(h) of this chapter" and in paragraph (a)(2)

(iii), the phrase “by § 383.71(h) of this chapter” shall be deleted.

(D) In paragraph (a)(2)(ii), the phrase “part 383 of this chapter” shall be deleted and replaced with “the Kansas uniform commercial drivers’ license act, found at K.S.A. 8-2,125 et seq.”

(E) In paragraph (b)(11), the clause “when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5 1951” shall be deleted.

(F) In paragraph (b)(12)(i), the phrase “as adopted by K.A.R. 82-4-3c” shall be added after the phrase “21 CFR 1308.11 Schedule I.”

(G) In paragraph (b)(12)(ii), the phrase “as adopted by K.A.R. 82-4-3c” shall be inserted after “in 21 CFR part 1308” and “in § 382.107.”

(12) The following changes shall be made to 49 C.F.R. 391.43:

(A) The following revision shall be made to paragraph (a): “Federal Motor Carrier Safety Administration’s” shall be inserted before “National Registry of Certified Medical Examiners,” and the phrase “under subpart D of part 390 of this chapter” shall be deleted.

(B) The editorial note found after paragraph (i) shall be deleted.

(C) In paragraph (i), the phrase “an authorized Federal, State, or local enforcement agency representative,” shall be deleted and replaced by “the director of the transportation division of the commission.”

(13) The following revisions shall be made to 49 C.F.R. 391.47:

(A) Paragraph (b)(8) shall be deleted.

(B) In paragraph (b)(9), the words “or intrastate” shall be inserted following the word “interstate.”

(C) In paragraphs (c) and (d), the phrase “Director, Office of Carrier, Driver and Vehicle Safety Standards (MC-PS)” shall be deleted and replaced by the phrase “director of the commission’s transportation division.”

(D) The last two sentences of paragraph (e) shall be deleted and replaced by the following sentence: “Petitions for reconsideration in accordance with K.A.R. 82-1-235 may be filed with the Commission after which a petition for judicial review in accordance with K.S.A. 77-601 may be filed in the appropriate Kansas District Court.”

(E) In paragraph (f), the first two occurrences of the phrase “Director, Office of Carrier, Driver and Vehicle Safety Standards (MC-PS)” shall be deleted and replaced by the phrase “director of the commission’s transportation division.” The clause “or until the Director, Office of Carrier, Driver and Vehicle Safety Standards (MC-PS) orders otherwise” shall be deleted and replaced with “orders otherwise.”

(14) The following revisions shall be made to 49 C.F.R. 391.49:

(A) The phrase “Division Administrator, FMCSA” in paragraph (a) and the phrase “Division Administrator/State Director, FMCSA” in paragraphs (g), (h), (j)(1), and (k) shall be deleted and replaced by “director of the commission’s transportation division.”

(B) The remainder of paragraph (b)(2) after “The application must be addressed to” shall be deleted and replaced by “: Director of the Transportation Division,

Kansas Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, KS 66604.”

(C) In paragraph (b)(3), “field service center, FMCSA, for the state in which the driver has legal residence” shall be deleted and replaced by “director of the commission’s transportation division at the address provided in paragraph (b)(2).”

(D) Paragraph (c)(2)(i) shall be deleted.

(E) The phrase “Medical Program Specialist, FMCSA service center” in paragraph (e)(1), the words “Medical Program Specialist, FMCSA for the State in which the carrier’s principal place of business is located” in paragraph (e)(1)(i), and the words “Medical Program Specialist, FMCSA service center, for the State in which the driver has legal residence” in paragraph (e)(1)(ii) shall be deleted and replaced by “director of the transportation division of the commission.”

(F) In paragraph (i), the words between “submitted to the” and “The SPE certificate renewal application” shall be deleted and replaced by “director of the transportation division of the commission.”

(G) In paragraph (j)(1), the first two sentences shall be deleted.

(H) The following revisions shall be made to paragraph (j)(2):

(i) The words “State Director, FMCSA, for the State where the driver applicant has legal residence” shall be deleted and replaced by “director of the transportation division of the commission.”

(ii) The phrase “subchapter B of the Federal Motor Carrier Safety Regulations (FMCSRs)” shall be deleted.

(iii) The term “FMCSRs” shall be deleted and replaced by “commission’s regulations regarding motor carrier safety.”

(15) The following revisions shall be made to 49 C.F.R. 391.51:

(A) In paragraph (b)(7)(ii), the phrase “defined at § 384.105 of this chapter” shall be deleted and replaced by “, meaning a report generated from the CDLIS driver record meeting the requirements for access to CDLIS information.”

(B) The following revisions shall be made to paragraph (b)(8):

(i) The phrase “Field Administrator, Division Administrator, or State Director” shall be deleted and replaced by “the director of the transportation division of the commission.”

(ii) The phrase “or under K.A.R. 82-4-6d” shall be added after “part 381 of this chapter.”

(C) Paragraph (d)(5) shall be deleted and replaced with the following: “Any medical waiver issued by the commission, including a Skill Performance Evaluation Certificate issued in accordance with 49 C.F.R. 391.49, or the Medical Exemption letter issued by a Federal medical program in accordance with 49 C.F.R. Part 381.”

(16) The following revision shall be made to 49 C.F.R. 391.61: The phrase “§ 390.5 of this subchapter” shall be deleted and replaced with “49 C.F.R. 390.5 as adopted by K.A.R. 82-4-3f.”

(17) The following revisions shall be made to 49 C.F.R. 391.62:

(continued)

(A) In paragraph (c), the phrase “, as adopted by K.A.R. 82-4-3f” shall be added after the phrase “49 C.F.R. 390.5.”

(B) In paragraph (d), the phrase “under regulations issued by the Secretary under 49 U.S.C. chapter 51” shall be deleted and replaced by “under the regulations adopted by K.A.R. 82-4-20.”

(C) In paragraph (e)(1), the phrase “Federal Motor Carrier Safety Regulations contained in this subchapter” shall be deleted and replaced by “commission’s motor carrier regulations found in Article 4.”

(18) The following revision shall be made to 49 C.F.R. 391.63: In paragraph (a), the phrase “§ 390.5 of this subchapter” shall be deleted and replaced with “49 C.F.R. 390.5 as adopted by K.A.R. 82-4-3f.”

(19) 49 C.F.R. 391.64 shall be revised as follows:

(A) In paragraph (a)(2)(iii), the phrase “an authorized agent of the FMCSA” shall be deleted and replaced by “the director of the transportation division of the commission.”

(B) In paragraphs (a)(2)(v) and (b)(3), the phrase “duly authorized federal, state or local enforcement official” shall be deleted and replaced by the phrase “any authorized representative of the commission, and any member of the Kansas highway patrol or any other law enforcement officer in the state who has been certified in the inspection of motor carriers based on the motor carrier safety assistance program standards.”

(20) The form set out in 49 C.F.R. 391.65 shall be revised as follows:

(A) The phrase “as adopted by K.A.R. 82-4-3f” shall be added after the phrase “§ 390.5.”

(B) The phrase “of the Federal Motor Carrier Safety Regulations” shall be deleted and replaced by the phrase “as adopted by K.A.R. 82-4-3g.”

(21) The following revision shall be made to 49 C.F.R. 391.67: The phrase “§ 390.5 of this subchapter” shall be deleted and replaced with “49 C.F.R. 390.5 as adopted by K.A.R. 82-4-3f.”

(22) The following revision shall be made to 49 C.F.R. 391.69: The phrase “§ 390.5 of this subchapter” shall be deleted and replaced by “49 C.F.R. 390.5, as adopted by K.A.R. 82-4-3f.”

(23) Appendix A shall be deleted.

(24) All sections marked “reserved” shall be deleted.

(b) As used in this regulation, each reference to a portion of 49 C.F.R. Part 391 shall mean that portion as adopted by reference in this regulation.

(c) Whenever the federal regulations adopted in this regulation refer to portions of the federal regulations or other operating standards that are not already adopted by reference in article 4 of the commission’s regulations, the references shall not be applicable to this regulation unless otherwise specifically adopted. (Authorized by and implementing K.S.A. 2021 Supp. 66-1,112, K.S.A. 2021 Supp. 66-1,112g, and K.S.A. 66-1,129; effective, T-82-12-29-04, Dec. 29, 2004; effective April 29, 2005; amended Oct. 2, 2009; amended Nov. 14, 2011; amended Sept. 20, 2013; amended June 12, 2015; amended July 26, 2019; amended Feb. 10, 2023.)

82-4-3h. Driving of commercial motor vehicles. (a) With the following exceptions, 49 C.F.R. Part 392, as in effect on October 1, 2018, is hereby adopted by reference:

(1) In 49 C.F.R. 392.1 (b), the phrase “49 CFR 390.38(b)” shall be deleted and replaced with “49 C.F.R. 390.38(b) as adopted by K.A.R. 82-4-3f.”

(2) In 49 C.F.R. 392.2, the words “jurisdiction in which it is being operated” shall be deleted and replaced by “state of Kansas.”

(3) The following changes shall be made to 49 C.F.R. 392.4:

(A) In paragraph (a)(1), the phrase “as adopted by reference in K.A.R. 82-4-3c” shall be added after “Schedule I.”

(B) In paragraph (c) of 49 C.F.R. 392.4, the phrase “§ 382.107 of this subchapter” shall be deleted and replaced by “49 C.F.R. 382.107, as adopted by K.A.R. 82-4-3c.”

(4) 49 C.F.R. 392.5 shall be revised as follows:

(A) In paragraph (a)(1), the phrase “§ 382.107 of this subchapter” shall be deleted and replaced by “49 C.F.R. 382.107, as adopted by K.A.R. 82-4-3c.”

(B) In paragraph (a)(3), the phrase “as in effect as of July 1, 2008” shall be added after the phrase “26 U.S.C. 5052(a).”

(C) In paragraph (a)(3), the phrase “section 5002(a)(8), of such Code” shall be deleted and replaced by “26 U.S.C. 5002(a)(8), as in effect as of July 1, 2008.”

(D) In paragraph (d)(2), a period shall be placed after the phrase “affirmation of the order”; the remainder of the paragraph shall be deleted.

(E) Paragraph (e) shall be deleted and replaced by the following: “(e) Any driver who is subject to an out-of-service order may petition for reconsideration of that order in accordance with K.A.R. 82-1-235 and file a subsequent petition for judicial review that conforms with the provisions of the Kansas Judicial Review Act, found at K.S.A. 77-601 et seq.”

(5) In 49 C.F.R. 392.8, the phrase “§ 393.95 of this subchapter” shall be deleted and replaced by “49 C.F.R. 393.95, as adopted by K.A.R. 82-4-3i.”

(6) In 49 C.F.R. 392.9(a)(1), the phrase “§§ 393.100 through 393.136 of this subchapter” shall be deleted and replaced by “49 C.F.R. 393.100 through 393.136, as adopted by K.A.R. 82-4-3i.”

(7) The following revisions shall be made to 49 C.F.R. 392.9a:

(A) In paragraph (b), the last sentence shall be deleted.

(B) In paragraph (c), the phrase “in accordance with 5 U.S.C. 554 not later than 10 days after issuance of such order” shall be deleted and replaced with “by filing a Petition for Reconsideration pursuant to K.A.R. 82-1-235 and filing a subsequent petition for judicial review that conforms with the provisions of the Kansas Judicial Review Act, found at K.S.A. 77-601 et seq.”

(8) In 49 C.F.R. 392.9b, the phrase “49 U.S.C. 521” in paragraph (b) shall be deleted and replaced by “Kansas law.”

(9) 49 C.F.R. 392.10 shall be revised as follows:

(A) In paragraphs (a)(3) and (4), “U.S.” shall be inserted before “Department of Transportation.”

(B) In paragraph (a)(5), the phrase “§ 173.120 of this title” shall be deleted and replaced by “49 C.F.R. 173.120, as adopted by K.A.R. 82-4-20.”

(C) In paragraph (a)(6), the phrase “subpart B of part 107 of this title” shall be deleted and replaced by “49 C.F.R. part 107 as adopted by K.A.R. 82-4-20.”

(D) In paragraph (b)(1), the phrase “§ 390.5 of this chapter” shall be deleted and replaced by “49 C.F.R. 390.5, as adopted by K.A.R. 82-4-3f.”

(10) The phrase “§ 393.95 of this subchapter” in 49 C.F.R. 392.22(b) shall be deleted and replaced by “49 C.F.R. 393.95, as adopted by K.A.R. 82-4-3i.”

(11) In 49 C.F.R. 392.33(a), the phrase “subpart B of part 393 of this title” shall be deleted and replaced by “49 C.F.R. 393.9 to 393.33, as adopted by K.A.R. 82-4-3i.”

(12) The following changes shall be made to 49 C.F.R. 392.51:

(A) In the introductory paragraph, the phrase “as adopted by K.A.R. 82-4-20” shall be added after “see 49 CFR 171.8.”

(B) In 49 C.F.R. 392.51 (b), the phrase “as adopted by K.A.R. 82-4-20” shall be inserted after the phrase “Parts 171, 172, 173, and 178.”

(13) 49 C.F.R. 392.62 shall be revised as follows:

(A) In paragraph (a), the phrase “§ 393.90 of this subchapter” shall be deleted and replaced by “49 C.F.R. 393.90, as adopted by K.A.R. 82-4-3i.”

(B) In paragraph (b), the phrase “§ 393.91 of this subchapter” shall be deleted and replaced by “49 C.F.R. 393.91, as adopted by K.A.R. 82-4-3i.”

(14) In 49 C.F.R. 392.80(c), the phrase “as adopted by K.A.R. 82-4-3f” shall be inserted after the phrase “49 C.F.R. 390.5.”

(15) All sections labeled “reserved” shall be deleted.

(b) As used in this regulation, each reference to a portion of 49 C.F.R. Part 392 shall mean that portion as adopted by reference in this regulation.

(c) Whenever the federal regulations adopted in this regulation refer to portions of the federal regulations or other operating standards that are not already adopted by reference in article 4 of the commission’s regulations, the references shall not be applicable to this regulation unless otherwise specifically adopted. (Authorized by and implementing K.S.A. 2021 Supp. 66-1,112, K.S.A. 2021 Supp. 66-1,112g, and K.S.A. 66-1,129; effective, T-82-12-29-04, Dec. 29, 2004; effective April 29, 2005; amended Oct. 2, 2009; amended Sept. 20, 2013; amended May 6, 2016; amended July 26, 2019; amended Feb. 10, 2023.)

82-4-3i. Parts and accessories necessary for safe operation. (a) With the following exceptions, 49 C.F.R. Part 393, as in effect on October 1, 2018, is hereby adopted by reference:

(1) In 49 C.F.R. 393.1(a), the phrases “§ 390.5 of this title” and “in § 390.5” shall be replaced with “49 CFR § 390.5 as adopted by KAR 82-4-3f.”

(2) In 49 C.F.R. 393.1 (e), the phrase “49 CFR 390.38(b)” shall be deleted and replaced with “49 C.F.R. 390.38(b) as adopted by K.A.R. 82-4-3f.”

(3) The following revisions shall be made to 49 C.F.R. 393.5:

(A) The following provision shall be added after the definition of “curb weight”: “DOT C-2, DOT C-3, and DOT C-4. These terms shall be established by figure 12-1, found in 49 C.F.R. 571.108 as adopted in K.A.R. 82-4-3i.”

(B) In the definition of “heater,” the phrase “§177.834(l) (2) of this title” shall be deleted and replaced with “49 C.F.R. 177.834(l)(2) as adopted by K.A.R. 82-4-20.”

(C) The definition of “manufactured home” shall be deleted and replaced by the following: “Manufactured home means a structure as defined by K.S.A. 58-4202(a) and amendments thereto. These structures shall be considered manufactured homes when the manufacturer files with the transportation division a certification that it intends that these structures shall be considered manufactured homes. The manufacturer shall also certify that, if at any time it manufactures structures it does not intend to be manufactured homes, it shall identify those structures by a permanent serial number placed on the structure during the first stage of production and that the series of serial numbers for those structures shall be distinguishable on the structures and in its records from the series of serial numbers used for manufactured homes.”

(D) The following definition shall be added after the definition of “manufactured home”: “Optically combined. This term refers to two or more lights that share the same body and have one lens totally or partially in common.”

(E) The definition for “reflective material” shall be deleted and replaced by the following: “Reflective material means a material conforming to federal specification L-S-300c, ‘sheeting and tape, reflective: nonexposed lens,’ as in effect on March 20, 1979 and as hereby adopted by reference, meeting the performance standard in either table 1 or table 1A of SAE standard J594f, ‘reflex reflectors,’ as revised in January 1977 and as hereby adopted by reference.”

(F) In the definition of “special purpose vehicle,” the phrase “as adopted by K.A.R. 82-4-3i” shall be inserted after “571.224.”

(G) 49 C.F.R. 393.7 shall be deleted.

(4) The following revisions shall be made to 49 C.F.R. 393.11:

(A) The phrase “as adopted by K.A.R. 82-4-3i” shall be inserted after each instance of “571.108.”

(B) The last sentence of paragraph (a)(1) shall be deleted and replaced with the following: “All commercial motor vehicles must, at a minimum, meet the requirements of Subpart B of 49 C.F.R. Part 393 in effect at the time of manufacture. For vehicles manufactured prior to the earliest effective date of Subpart B of 49 C.F.R. Part 393, all commercial motor vehicles must, at a minimum, meet the requirements of Subpart B of 49 C.F.R. Part 393 as of the earliest effective date of Subpart B of 49 C.F.R. Part 393.”

(C) In footnote 12, the phrase “as adopted by K.A.R. 82-4-3h” shall be inserted after “392.22(a).”

(5) The following revision shall be made to 49 C.F.R. 393.13: In paragraph (a), the phrase “§ 390.5 of this subchapter” shall be deleted and replaced by “49 C.F.R. 390.5, as adopted by K.A.R. 82-4-3f.” The last two sentences of paragraph (a) shall be deleted.

(6) The following revisions shall be made to 49 C.F.R. 393.24:

(A) In paragraph (b), the parenthetical sentence shall be deleted.

(B) Paragraph (d) shall be deleted.

(7) In 49 C.F.R. 393.25(c) and (e), the last sentence shall be deleted and replaced with the following: “The aforementioned documents are hereby adopted by reference.”

(continued)

(8) The following revisions shall be made to 49 C.F.R. 393.26:

(A) In paragraph (c), the parenthetical sentence shall be deleted and replaced with the following: "The aforementioned documents are hereby adopted by reference."

(B) In paragraph (d)(4), the phrase "§ 177.823 of this title" shall be deleted and replaced by "49 C.F.R. 177.823, as adopted by K.A.R. 82-4-20."

(9) In 49 C.F.R. 393.28, the clause "which is hereby adopted by reference," shall be inserted after the phrase "October 1981," and the last sentence shall be deleted.

(10) In 49 C.F.R. 393.45(a), the phrase "as adopted by K.A.R. 82-4-3i" shall be inserted after "571.106."

(11) The following revision shall be made to 49 C.F.R. 393.48: In paragraph (c)(1), the phrase "§ 390.5" shall be deleted and replaced with "49 C.F.R. 390.5 as adopted by K.A.R. 82-4-3f."

(12) The note following 49 C.F.R. 393.51 (b) shall be deleted.

(13) In 49 C.F.R. 393.62(d)(1), the parenthetical sentence at the end of the paragraph shall be deleted and replaced with "Pages 1-37 of this document are hereby incorporated by reference."

(14) The following revisions shall be made to 49 C.F.R. 393.71:

(A) In paragraph (h)(8), the phrase "Society of Automotive Engineers Standard No. J684c, 'Trailer Couplings and Hitches—Automotive Type,' July 1970" shall be deleted and replaced with "society of automotive engineers standard no. J684c, 'trailer couplings and hitches—automotive type,' dated July 1970, which is hereby adopted by reference."

(B) In paragraph (h)(9), the phrase "requirements of the Federal Motor Carrier Safety Administration" shall be deleted and replaced by "Federal and Kansas requirements."

(C) In paragraph (m)(8), the phrase "requirements of the Federal Motor Carrier Safety Administration" shall be deleted and replaced by "Federal and Kansas requirements."

(15) The following revisions shall be made to 49 C.F.R. 393.75:

(A) In paragraphs (g) and (h)(2), the phrase "as adopted by K.A.R. 82-4-3i" shall be inserted after "571.119."

(B) In paragraphs (h)(1) and (h)(2), the clause "that are labeled pursuant to 24 C.F.R. 3282.362(c)(2)(i)" shall be deleted and replaced by "built."

(16) 49 C.F.R. 393.77(b)(15) shall be deleted.

(17) In 49 C.F.R. 393.77(c), the phrase "§ 177.834(1) of this title" shall be deleted and replaced by "49 C.F.R. 177.834(l) as adopted by K.A.R. 82-4-20."

(18) In 49 C.F.R. 393.80(a) and (b), the phrase "as adopted by K.A.R. 82-4-3i" shall be inserted after "571.111."

(19) The following revisions shall be made to 49 C.F.R. 393.86:

(A) In paragraph (a)(1), the third sentence shall be deleted.

(B) In paragraph (a)(6), the phrase "as adopted by K.A.R. 82-4-3i" shall be inserted after "571.223."

(20) Each reference to 49 C.F.R. Part 571 shall be followed by the phrase "as adopted by K.A.R. 82-4-3i."

(21) In 49 C.F.R. 393.94, paragraph (c)(4) shall be deleted and replaced by the following: "Set the sound level meter to the A-weighting network, 'fast' meter response."

(22) The following revisions shall be made to 49 C.F.R. 393.95:

(A) In paragraph (a)(1)(i), the phrase "§177.823 of this title" shall be deleted and replaced with "49 C.F.R. 177.823 as adopted by K.A.R. 82-4-20."

(B) In paragraph (f)(1), the phrase "as adopted by K.A.R. 82-4-3i" shall be inserted after "571.125."

(C) In paragraph (f)(2), the phrase "§ 392.22" shall be deleted and replaced by "49 C.F.R. 392.22 as adopted by K.A.R. 82-4-3h."

(D) In paragraph (j), the second sentence and the parenthetical sentence following it shall be deleted.

(23) The following revisions shall be made to 49 C.F.R. 393.104(e) and its corresponding table:

(A) In paragraph (e)(1), the phrase "Standard Specification for Strapping, Flat Steel and Seals, American Society for Testing and Materials (ASTM) D3953-97, February 1998" shall be deleted and replaced with "'standard specification for strapping, flat steel and seals,' American society for testing and materials (ASTM) D 3953-97, February 1998." This specification is hereby adopted by reference.

(B) In paragraph (e)(2), the phrase "National Association of Chain Manufacturers' Welded Steel Chain Specifications, dated September 28, 2005" shall be deleted and replaced with "pages 3-13 of the national association of chain manufacturers' 'welded steel chain specifications,' dated September 28, 2005." These pages are hereby adopted by reference.

(C) In paragraph (e)(3), the phrase "Web Sling and Tiedown Association's Recommended Standard Specification for Synthetic Web Tiedowns, WSTDA-T1, 1998" shall be deleted and replaced with "pages 4-14 of the web sling & tie down association's 'recommended standard specification for web tie downs,' WSTDA-T-1, revised 2015." These pages are hereby adopted by reference.

(D) In paragraph (e)(5)(i), the phrase "PETRS-2, Polyester Fiber Rope, three-Strand and eight-Strand Constructions, January 1993" shall be deleted and replaced with "CI 1304-96, 'polyester (PET) fiber rope: 3-strand and 8-strand constructions,' October 1998, excluding any guidelines, which is hereby adopted by reference."

(E) In paragraph (e)(5)(ii), the phrase "PPRS-2, Polypropylene Fiber Rope, three-Strand and eight-Strand Constructions, August 1992" shall be deleted and replaced with "CI 1301-07, 'polypropylene fiber rope: 3-strand laid and 8-strand plaited constructions,' May 2007, excluding any guidelines, which is hereby adopted by reference."

(F) In paragraph (e)(5)(iii), the phrase "CRS-1, Polyester/Polypropylene Composite Rope Specifications, three-Strand and eight-Strand Standard Construction, May 1979" shall be deleted and replaced with "CI 1302A-96, 'polyester/polyolefin dual fiber rope: 3-strand construction,' April 1999, excluding any guidelines, which is hereby adopted by reference."

(G) In paragraph (e)(5)(iv), the phrase "NRS-1, Nylon Rope Specifications, three-Strand and eight-Strand Standard Construction, May 1979" shall be deleted and re-

placed with "CI 1303-06, 'nylon (polyamide) fiber rope: 3-strand laid and 8-strand plaited constructions,' October 2006, excluding any guidelines, which is hereby adopted by reference."

(H) In paragraph (e)(5)(v), the phrase "C-1, Double Braided Nylon Rope Specification DBN, January 1984" shall be deleted and replaced with "CI 1310-09, 'nylon (polyamide) fiber rope: high performance double braid construction,' May 2009, excluding any guidelines, which is hereby adopted by reference."

(b) As used in this regulation, each reference to any of the following federal motor vehicle safety standards (FMVSS) shall mean that standard in 49 C.F.R. Part 571, as in effect on October 1, 2018, which standards are hereby adopted by reference:

- (1) FMVSS 103, 49 C.F.R. 571.103;
- (2) FMVSS 104, 49 C.F.R. 571.104, sections S4.1, S4.1.1, and 4.2.2 only;
- (3) FMVSS 105, 49 C.F.R. 571.105, sections S5.1, 5.2, 5.3, 5.5, 6, and 7 only;
- (4) FMVSS 106, 49 C.F.R. 571.106;
- (5) FMVSS 108, 49 C.F.R. 571.108;
- (6) FMVSS 111, 49 C.F.R. 571.111;
- (7) FMVSS 119, 49 C.F.R. 571.119, sections S5.1, S6.5, and S6.5(e) only;
- (8) FMVSS 121, 49 C.F.R. 571.121;
- (9) FMVSS 125, 49 C.F.R. 571.125;
- (10) FMVSS 205, 49 C.F.R. 571.205, section S6 only;
- (11) FMVSS 223, 49 C.F.R. 571.223; and
- (12) FMVSS 224, 49 C.F.R. 571.224.

(c) All standards referenced in this regulation that are not otherwise adopted shall be included for reference only.

(d) As used in this regulation, each reference to a portion of 49 C.F.R. Part 393 shall mean that portion as adopted by reference in this regulation.

(e) All sections marked "reserved" shall be deleted.

(f) Whenever the federal regulations adopted in this regulation refer to portions of the federal regulations or other operating standards that are not already adopted by reference in article 4 of the commission's regulations, the references shall not be applicable to this regulation unless otherwise specifically adopted. (Authorized by and implementing K.S.A. 2021 Supp. 66-1,112, K.S.A. 2021 Supp. 66-1,112g, and K.S.A. 66-1,129; effective, T-82-12-29-04, Dec. 29, 2004; effective April 29, 2005; amended Oct. 2, 2009; amended Nov. 14, 2011; amended Sept. 20, 2013; amended May 6, 2016; amended July 26, 2019; amended Feb. 10, 2023.)

82-4-3j. Inspection, repair, and maintenance. (a) With the following exceptions, 49 C.F.R. Part 396, as in effect on October 1, 2018 is hereby adopted by reference:

(1) In 49 C.F.R. 396.1 (c), the phrase "49 CFR 390.5" shall be deleted and replaced with "49 C.F.R. 390.5 as adopted by K.A.R. 82-4-3f." In paragraph (d), the phrase "49 CFR 390.38(b)" shall be deleted and replaced with "49 C.F.R. 390.38(b) as adopted by K.A.R. 82-4-3f."

(2) In 49 C.F.R. 396.3(a)(1), the phrase "part 393 of this subchapter" shall be deleted and replaced by "49 C.F.R. Part 393, as adopted by K.A.R. 82-4-3i."

(3) The following revisions shall be made to 49 C.F.R. 396.9:

(A) In paragraph (a), the phrase "Every special agent of the FMCSA (as defined in appendix B to this subchapter)" shall be deleted and replaced by "Any authorized representative of the commission, and any member of the Kansas highway patrol or any other law enforcement officer in the state who is certified in the inspection of motor carriers based on the motor carrier safety assistance program standards."

(B) In paragraph (b), the sentence after "Prescribed inspection report" shall be deleted and replaced by the following sentence: "Motor vehicle inspections conducted by authorized personnel as described in paragraph (a) shall be made on forms approved by the Kansas highway patrol."

(C) In paragraph (c)(1), the term "'Out of Service Vehicle' sticker" shall mean "a form approved by the Kansas highway patrol."

(D) In paragraph (d)(3)(ii), the phrase "issuing agency" shall be deleted and replaced by "the state's lead Motor Carrier Safety Assistance Program agency."

(4) In paragraph (h) of 49 C.F.R. 396.17, the phrase "penalty provisions of 49 U.S.C. 521(b)" shall be deleted and replaced by "civil penalties provided by K.S.A. 66-1,142b, K.S.A. 66-1,142c, and other applicable penalties."

(5) The following revision shall be made to 49 C.F.R. 396.19: In paragraph (a)(1), the phrase "part 393" shall be deleted and replaced with "49 C.F.R. Part 393 as adopted by K.A.R. 82-4-3i."

(6) In paragraphs (b)(2) and (3) of 49 C.F.R. 396.21, the word "Federal" shall be deleted.

(b) As used in this regulation, each reference to a portion of 49 C.F.R. Part 396 shall mean that portion as adopted by reference in this regulation.

(c) Each reference to "Appendix G" or "Appendix G of this subchapter" shall mean "Appendix G to 49 C.F.R. Chapter III, Subchapter B, as adopted by K.A.R. 82-4-3j."

(d) Appendix G to 49 C.F.R. Chapter III, Subchapter B, as in effect on October 1, 2018, is hereby adopted by reference.

(e) Whenever the federal regulations adopted in this regulation refer to portions of the federal regulations or other operating standards that are not already adopted by reference in article 4 of the commission's regulations, the references shall not be applicable to this regulation unless otherwise specifically adopted. (Authorized by and implementing K.S.A. 66-1,112, K.S.A. 66-1,112g, and K.S.A. 66-1,129; effective, T-82-12-29-04, Dec. 29, 2004; effective April 29, 2005; amended Oct. 2, 2009; amended Sept. 20, 2013; amended May 6, 2016; amended July 26, 2019; amended Feb. 10, 2023.)

82-4-3k. Transportation of hazardous materials; driving and parking rules. (a) With the following exceptions, 49 C.F.R. Part 397, as in effect on October 1, 2018, is hereby adopted by reference:

(1) In 49 C.F.R. 397.1(a), the phrase "§177.823 of this title" shall be deleted and replaced by "49 C.F.R. 177.823 as adopted by K.A.R. 82-4-20."

(2) In 49 C.F.R. 397.2, the phrase "the rules in parts 390 through 397, inclusive, of this subchapter" shall be deleted and replaced by "K.A.R. 82-4-3a and K.A.R. 82-4-3f through K.A.R. 82-4-3k." The phrase "§177.823 of this

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title" shall be deleted and replaced by "49 C.F.R. 177.823 as adopted by K.A.R. 82-4-20."

(3) In 49 C.F.R. 397.3, the term "Department of Transportation" shall be deleted and replaced by "commission."

(4) In 49 C.F.R. 397.5 (a), the phrase "as defined by 49 C.F.R. 172.101 and adopted by K.A.R. 82-4-20" shall be added after "(explosive) material."

(5) In 49 C.F.R. 397.7(a), the phrase "as defined by 49 C.F.R. 172.101 and adopted by K.A.R. 82-4-20" shall be added after the words "Division 1.1, 1.2, or 1.3 materials."

(6) The following revisions shall be made to 49 C.F.R. 397.13:

(A) In paragraph (a), the phrase "as defined by 49 C.F.R. 172.101 and adopted by K.A.R. 82-4-20" shall be added after the phrase "Division 2.1, Class 3, Divisions 4.1 and 4.2."

(B) In paragraph (b), the phrase "§177.823 of this title" shall be deleted and replaced by "49 C.F.R. 177.823 as adopted by K.A.R. 82-4-20."

(7) The following revisions shall be made to 49 C.F.R. 397.19:

(A) In paragraph (a), the phrase "as defined by 49 C.F.R. 172.101 and adopted by K.A.R. 82-4-20" shall be added after the words "(explosive) materials."

(B) In paragraph (c)(2), the phrase "§177.817 of this title" shall be deleted and replaced by "49 C.F.R. 177.817 as adopted by K.A.R. 82-4-20."

(8) In 49 C.F.R. 397.61, the words "States and Indian Tribes are required to follow if they" shall be replaced with "Kansas shall follow if it chooses to."

(9) In 49 C.F.R. 397.63, the phrase "any State or Indian Tribe that" shall be replaced with "Kansas if it."

(10) The following revisions shall be made to 49 C.F.R. 397.65:

(A) The definitions of "Administrator" and "FMCSA" shall be deleted.

(B) In the definition of "Motor carrier," the definition portion shall be deleted and replaced with the following: "Motor carrier" shall have the same definition as specified in 49 CFR 390.5 as adopted by K.A.R. 82-4-3f."

(C) In the definition of "Motor vehicle," the definition portion shall be deleted and replaced with the following: "Motor vehicle" shall have the same definition as specified in 49 CFR 390.5 as adopted by K.A.R. 82-4-3f."

(D) In the definition of "Indian tribe," the text "as in effect on January 14, 2019" shall be added after "25 U.S.C. 450b."

(E) In the definition of "NRHM," the phrase "as adopted by K.A.R. 82-4-20" shall be added after "49 CFR 172.504."

(F) In the definition of "Radioactive material," the phrase "as adopted by K.A.R. 82-4-20" shall be added after "49 CFR 173.403," "49 CFR 173.36," and "49 CFR 173.433."

(11) The following changes shall be made to 49 C.F.R. 397.67:

(A) In paragraph (b), the phrase "as adopted by K.A.R. 82-4-20" shall be added after "49 CFR 177.823."

(B) In paragraph (d), the phrase "as adopted by K.A.R. 82-4-20" shall be added after "49 CFR 173.50 and 173.53 respectively."

(12) 49 C.F.R. 397.69 shall be deleted.

(13) 49 C.F.R. 397.71 shall be deleted.

(14) 49 C.F.R. 397.73 shall be deleted.

(15) 49 C.F.R. 397.75 shall be deleted.

(16) 49 C.F.R. 397.77 shall be deleted.

(17) The following revisions shall be made to 49 C.F.R. 397.101:

(A) In paragraph (a), the phrase "as adopted by K.A.R. 82-4-20" shall be added after "49 CFR 172.403" and after "49 CFR part 172."

(B) In paragraph (b), the phrase "as adopted by K.A.R. 82-4-20" shall be added after "49 CFR 173.403."

(C) In paragraph (b)(2), the phrase "as adopted by K.A.R. 82-4-20" shall be added after "49 CFR 173.403."

(D) In the first sentence of paragraph (d), the phrase "as adopted by K.A.R. 82-4-20" shall be added after "49 CFR 173.403."

(E) In paragraph (e)(1)(i), the phrase "as adopted by K.A.R. 82-4-20" shall be added after "49 CFR parts 172, 173, and 177."

(F) In paragraph (e)(2), the phrase "§ 391.51 of this subchapter" shall be deleted and replaced with "49 C.F.R. 391.51 as adopted by K.A.R. 82-4-3g."

(G) In paragraph (f), the phrase "as adopted by K.A.R. 82-4-20" shall be added after "49 CFR 173.22(c)."

(18) In 49 C.F.R. 397.103, paragraphs (a), (b), (c)(1), and (c)(2) shall be deleted.

(19) 49 C.F.R. 397.201 to 49 C.F.R. 397.225 shall be deleted.

(20) All sections labeled "reserved" shall be deleted.

(b) As used in this regulation, each reference to a portion of 49 C.F.R. Part 397 shall mean that portion as adopted by reference in this regulation.

(c) Whenever the federal regulations adopted in this regulation refer to portions of the federal regulations or other operating standards that are not already adopted by reference in article 4 of the commission's regulations, the references shall not be applicable to this regulation unless otherwise specifically adopted. (Authorized by and implementing K.S.A. 2021 Supp. 66-1,112, K.S.A. 2021 Supp. 66-1,112g, and K.S.A. 66-1,129; effective, T-82-12-29-04, Dec. 29, 2004; effective April 29, 2005; amended Oct. 2, 2009; amended Sept. 20, 2013; amended May 6, 2016; amended July 26, 2019; amended Feb. 10, 2023.)

82-4-31. Transportation of migrant workers. (a) With the following exceptions, 49 C.F.R. Part 398, as in effect on October 1, 2018, is hereby adopted by reference:

(1) The following revisions shall be made to 49 C.F.R. 398.1:

(A) The following revisions shall be made to 49 C.F.R. 398.1(a):

(i) A period shall be placed after the word "agriculture."

(ii) The remainder of the paragraph shall be deleted and replaced by the following: "For the purposes of 49 C.F.R. Part 398 only, the definition of 'agriculture' shall be the definition found in 29 U.S.C. 203(f), as in effect on January 14, 2019. For the purposes of 49 C.F.R. Part 398 only, the definition of 'employment in agriculture' shall be the same as the definition of 'agricultural labor' found in 26 U.S.C. 3121(g), as in effect on January 14, 2019."

(B) In paragraph (b), "person, including any for-hire,

non-exempt motor carrier conducting contract carriage operations as defined in 49 U.S.C. 13102(4)(B), but not including any for-hire non-exempt motor carrier subject to other requirements in 49 U.S.C. subtitle IV, part B besides contract carriage operations, who or which transports" shall be deleted and replaced by "motor carrier transporting."

(C) In paragraph (d), the definition of "motor vehicle" shall be deleted.

(2) The following revisions shall be made to 49 C.F.R. 398.2:

(A) In paragraph (a), the phrase "in interstate commerce, as defined in 49 C.F.R. 390.5" shall be deleted and replaced by "within the state of Kansas."

(B) In paragraph (b)(2), the phrase "in interstate commerce, must comply with the applicable requirements of 49 CFR parts 385, 390, 391, 392, 393, 395, and 396" shall be deleted and replaced by "must comply with the applicable requirements of 49 C.F.R. Part 385, as adopted by K.A.R. 82-4-3d, 49 C.F.R. Part 390, as adopted by K.A.R. 82-4-3f, 49 C.F.R. Part 391, as adopted by K.A.R. 82-4-3g, 49 C.F.R. Part 392, as adopted by K.A.R. 82-4-3h, 49 C.F.R. Part 393, as adopted by K.A.R. 82-4-3i, 49 C.F.R. Part 395, as adopted by K.A.R. 82-4-3a, and 49 C.F.R. Part 396, as adopted by K.A.R. 82-4-3j."

(3) The following revisions shall be made to 49 C.F.R. 398.4:

(A) In paragraph (b), the words "jurisdiction in which it is being operated, unless such laws, ordinances and regulations are at variance with specific regulations of this Administration which impose a greater affirmative obligation or restraint" shall be deleted and replaced by "state of Kansas."

(B) In paragraph (k), the phrase "part 393 of this subchapter" shall be deleted and replaced by "49 C.F.R. Part 393, as adopted by K.A.R. 82-4-3i."

(4) The following revisions shall be made to 49 C.F.R. 398.5:

(A) In paragraph (b), the phrase "part 393 of this subchapter" shall be deleted and replaced by "49 C.F.R. Part 393, as adopted by K.A.R. 82-4-3i."

(B) In paragraph (c), the phrase "as adopted by K.A.R. 82-4-3i" shall be inserted after "part 393 of this subchapter."

(5) The following revisions shall be made to 49 C.F.R. 398.8:

(A) In paragraph (a), the phrase "Special Agents of the Federal Motor Carrier Safety Administration, as detailed in appendix B of chapter III of this title" shall be deleted and replaced by "any authorized representative of the commission, and any member of the Kansas highway patrol or any other law enforcement officer in the state who is certified in the inspection of motor carriers based on the motor carrier safety assistance program standards."

(B) Paragraph (b) shall be deleted and replaced by the following: "(b) Prescribed inspection report. A compliance report form approved by the commission shall be used to record findings from motor vehicles selected for final inspection by any authorized representative of the commission, and any member of the Kansas highway patrol or any other law enforcement officer in the state who has been certified in the inspection of motor carriers

based on the motor carrier safety assistance program standards."

(C) In paragraph (c)(1), the last sentence shall be deleted and replaced by the following: "A form approved by the commission shall be used to mark vehicles as 'out of service.'"

(D) The following revision shall be made to paragraph (c)(2):

The phrase "§ 393.52" shall be deleted and replaced by "49 C.F.R. 393.52, as adopted by K.A.R. 82-4-3i."

(E) Paragraph (c)(4) shall be deleted and replaced by the following: "The person or persons completing the repairs required by the out of service notice shall complete a form to certify repairs approved by the commission. If the driver completes the required repairs, then the driver shall complete the same form."

(F) In paragraph (d)(1), the phrase "Federal Motor Carrier Safety Regulations" shall be deleted and replaced by the phrase "commission's regulations."

(b) As used in this regulation, each reference to a portion of 49 C.F.R. Part 398 shall mean that portion as adopted by reference in this regulation.

(c) Whenever the federal regulations adopted in this regulation refer to portions of the federal regulations or other operating standards that are not already adopted by reference in article 4 of the commission's regulations, the references shall not be applicable to this regulation unless otherwise specifically adopted. (Authorized by and implementing K.S.A. 66-1,112, K.S.A. 66-1,112g, K.S.A. 66-1,129; effective, T-82-12-29-04, Dec. 29, 2004; effective April 29, 2005; amended Oct. 2, 2009; amended Sept. 20, 2013; amended July 26, 2019; amended Feb. 10, 2023.)

82-4-3m. Employee safety and health standards. (a) With the following exceptions, 49 C.F.R. Part 399, as in effect on October 1, 2018, is hereby adopted by reference:

(1) 49 C.F.R. 399.201 shall be deleted.

(2) In 49 C.F.R. 399.205, the definition of "person" shall be deleted.

(3) In 49 C.F.R. 399.209, paragraph (b) shall be deleted.

(4) All sections marked "reserved" shall be deleted.

(b) As used in this regulation, each reference to a portion of 49 C.F.R. Part 399 shall mean that portion as adopted by reference in this regulation.

(c) Whenever the federal regulations adopted in this regulation refer to portions of the federal regulations or other operating standards that are not already adopted by reference in article 4 of the commission's regulations, the references shall not be applicable to this regulation unless otherwise specifically adopted. (Authorized by and implementing K.S.A. 2021 Supp. 66-1,112, K.S.A. 2021 Supp. 66-1,112g, and K.S.A. 66-1,129; effective, T-82-12-29-04, Dec. 29, 2004; effective April 29, 2005; amended Oct. 2, 2009; amended Sept. 20, 2013; amended July 26, 2019; amended Feb. 10, 2023.)

82-4-3n. Minimum levels of financial responsibility for motor carriers. (a) With the following exceptions, 49 C.F.R. Part 387, as in effect on October 1, 2018, is hereby adopted by reference:

(1) The following revisions shall be made to 49 C.F.R. 387.3:

(continued)

(A) In paragraph (a), the phrase “for-hire” shall be deleted and replaced by “public.”

(B) In paragraphs (c)(1) and (c)(2), the phrase “as adopted by K.A.R. 82-4-20” shall be inserted after the phrase “49 CFR 173.403.”

(2) The following revisions shall be made to 49 C.F.R. 387.5:

(A) The term “for-hire” in the definition of “for-hire carriage” shall be deleted and replaced by “public.”

(B) The definition of “motor carrier” shall be deleted.

(C) The definition of “State” shall be deleted and replaced by “state of Kansas.”

(3) The following revisions shall be made to 49 C.F.R. 387.7:

(A) 49 C.F.R. 387.7(b)(3) shall be deleted.

(B) The following revisions shall be made to paragraph (d)(3):

(i) The phrase “under §387.309” shall be deleted.

(ii) The phrase “part 385 of this chapter” shall be deleted and replaced by “49 C.F.R. 385 as adopted by K.A.R. 82-4-3d.”

(C) In paragraph (g), the term “United States” shall be deleted and replaced by “state of Kansas.”

(4) The following revisions shall be made to 49 C.F.R. 387.9: The term “for-hire” shall be deleted and replaced by “public” in the “schedule of limits—public liability.” All references to 49 C.F.R. parts 171, 172 and 173 shall mean those parts as adopted by K.A.R. 82-4-20.

(5) The following revisions shall be made to 49 C.F.R. 387.11:

(A) The following text shall be deleted and replaced by “the state of Kansas”:

(i) In paragraph (a), “each State in which the motor carrier operates”; and

(ii) in paragraphs (b), (c), and (d), “any State in which the motor carrier operates.”

(B) In paragraph (c), the words “any State in which business is written” shall be deleted and replaced by “the state of Kansas.”

(6) 49 C.F.R. 387.17 shall be deleted.

(7) In 49 C.F.R. 387.19, the phrase “as adopted by K.A.R. 82-4-3f” shall be inserted after “390.5 of this subchapter.”

(8) In 49 C.F.R. 387.25 and 49 C.F.R. 387.27(a), the term “for-hire” shall be deleted and replaced by “public.”

(9) The following revisions shall be made to 49 C.F.R. 387.29:

(A) In the definition of “for-hire carriage,” the term “for-hire” shall be deleted and replaced by “public.”

(B) The definition of “motor carrier” shall be deleted.

(C) In the definition of “seating capacity,” the phrase “(measured in accordance with SEA Standards J1100(a))” shall be deleted.

(10) The following revisions shall be made to 49 C.F.R. 387.31:

(A) The following revisions shall be made to paragraph (e)(2):

(i) The phrase “for-hire” shall be deleted and replaced with “public.”

(ii) The phrase “FMCSA” shall be deleted and replaced with “commission.”

(B) In paragraph (f), the phrase “within the United States” shall be deleted and replaced by “in the state of Kansas.”

(C) In paragraph (g), the phrase “the United States” shall be deleted and replaced by “the state of Kansas.”

(11) The following revision shall be made to 49 C.F.R. 387.33T: The term “for hire” shall be deleted and replaced by “public.”

(12) The following changes shall be made to 49 C.F.R. 387.35:

(A) In paragraph (a) of 49 C.F.R. 387.35, “in each state in which the motor carrier operates” shall be deleted and replaced with “in the state of Kansas.”

(B) In paragraphs (b), (c), and (d) of 49 C.F.R. 387.35, the words “in any State in which the motor carrier operates” shall be deleted and replaced by “in the state of Kansas.”

(13) The following revision shall be made to 49 C.F.R. 387.39: The phrase “prescribed by the FMCSA and approved by the OMB” shall be deleted and replaced with “approved by the commission.”

(14) 49 C.F.R. 387.41 shall be deleted.

(15) The following revisions shall be made to 49 C.F.R. 387.301T:

(A) The following revision shall be made to paragraph (a)(1): The phrase “FMCSA” shall be followed by “or commission.”

(B) In paragraph (b), the phrase “FMCSA” shall be followed by “or commission.” The last sentence in paragraph (b) shall be deleted.

(C) In paragraph (c), the phrase “FMCSA in accordance with the requirements of section 13906 of title 49 of the U.S. Code,” shall be followed by “or commission.”

(16) The following revisions shall be made to 49 C.F.R. 387.303T:

(A) In paragraph (b)(3), the word “Federal” shall be inserted before “Department of Transportation.”

(B) Paragraph (b)(4) shall be deleted.

(17) 49 C.F.R. 387.307 through 49 C.F.R. 387.323T shall be deleted.

(18) In 49 C.F.R. 387.401(c), the term “motor vehicle” shall be deleted and replaced with “motor vehicle as defined in 49 C.F.R. 390.5 as adopted by K.A.R. 82-4-3f.”

(19) The following revisions shall be made to 49 C.F.R. 387.407(b): The term “FMCSA” shall be followed by “or commission.” The phrase “FMCSA (or the Department of Transportation, where applicable)” shall be followed by “or commission.”

(20) 49 C.F.R. 387.409 through 49 C.F.R. 387.419T shall be deleted.

(b) As used in this regulation, each reference to a portion of 49 C.F.R. Part 387 shall mean that portion as adopted by reference in this regulation.

(c) Whenever the federal regulations adopted in this regulation refer to portions of the federal regulations or other operating standards that are not already adopted by reference in article 4 of the commission’s regulations, the references shall not be applicable to this regulation unless otherwise specifically adopted. (Authorized by and implementing K.S.A. 2021 Supp. 66-1,112, K.S.A. 2021 Supp. 66-1,112g, and K.S.A. 66-1,129; effective Oct. 22, 2010; amended Sept. 20, 2013; amended May 6, 2016; amended July 26, 2019; amended Feb. 10, 2023.)

82-4-30. Imminent hazard. (a) With the following exceptions, 49 C.F.R. Part 386, Subpart F, as in effect on October 1, 2018, is hereby adopted by reference:

(1) 49 C.F.R. 386.71 shall be deleted.

(2) The following revisions shall be made to 49 C.F.R. 386.72:

(A) In paragraph (a), the first sentence shall be deleted and replaced by the following sentence: "Whenever it is determined that an imminent hazard exists as a result of the transportation by motor vehicle of a particular hazardous material, the director of the commission's transportation division may request an emergency suspension order from the commission for the purposes of suspending or restricting the transportation by motor vehicle of the hazardous material or for such other order as is necessary to eliminate or mitigate the imminent hazard."

(B) Paragraph (b)(1) shall be deleted and replaced by the following text: "Whenever it is determined that a violation of the Kansas motor carrier statutes or administrative regulations, as amended, or a combination of such violations, poses an imminent hazard to safety, the commission shall order:"

(C) In paragraph (b)(1)(i), the phrase "as provided by 49 U.S.C. 521(b)(5)" shall be deleted and replaced by "in Kansas."

(D) In paragraph (b)(1)(ii), the phrase "as provided by 49 U.S.C. 521(b)(5) and 49 U.S.C. 31151(a)(3)(I)" shall be deleted and replaced by "in Kansas."

(E) In paragraph (b)(4), the second sentence of the paragraph shall be deleted and replaced by the following sentence: "Administrative hearings shall be held pursuant to K.S.A. 77-537 and K.S.A. 77-542 and the commission's administrative regulations."

(3) In 49 C.F.R. 386.72 (b)(6), the phrase "in subpart G of this part" shall be deleted and replaced by "by Kansas law."

(4) In 49 C.F.R. 386.73, paragraph (j) shall be deleted.

(b) As used in this regulation, each reference to a portion of 49 C.F.R. Part 386, Subpart F shall mean that portion as adopted by reference in this regulation.

(c) As used in this regulation, the term "FMCSA" shall mean "FMCSA or Commission."

(d) Whenever the federal regulations adopted in this regulation refer to portions of the federal regulations or other operating standards that are not already adopted by reference in article 4 of the commission's regulations, the references shall not be applicable to this regulation unless otherwise specifically adopted. (Authorized by and implementing K.S.A. 66-1,112, K.S.A. 66-1,112g, and K.S.A. 66-1,129; effective Oct. 22, 2010; amended Sept. 20, 2013; amended May 6, 2016; amended July 26, 2019; amended Feb. 10, 2023.)

82-4-20. Transportation of hazardous materials by motor vehicles. (a) The federal regulations adopted by reference in this regulation shall govern the transportation of hazardous materials in Kansas in commerce to the extent that the regulations pertain to the transportation of hazardous materials by commercial motor vehicle.

(b) Copies of all applications for special permits pursuant to 49 C.F.R. Part 107, Subpart B, registrations of cargo tank and cargo tank motor vehicle manufacturers, assemblers, repairers, inspectors, testers, and design-certifying engineers pursuant to 49 C.F.R. Part 107, Subpart F, and registrations of persons who offer transportation or transport hazardous materials pursuant to 49

C.F.R. Part 107, Subpart G shall be made available to the commission for proof of compliance with federal hazardous materials regulations.

(c) The following federal regulations, as in effect on October 1, 2018, are hereby adopted by reference:

(1) 49 C.F.R. Part 171 with the following exceptions:

(A) 49 C.F.R. 171.1(a) and the paragraph that precedes it;

(B) 49 C.F.R. 171.1(f);

(C) 49 C.F.R. 171.6 and 171.7; and

(D) 49 C.F.R. 171.14, 171.17, and 171.18;

(2) 49 C.F.R. Part 172, including the appendices, except 172.701, 172.804, 172.820, and 172.822;

(3) 49 C.F.R. Part 173, including the appendices, except 173.10, 173.27, 173.31 and 171.314;

(4) 49 C.F.R. Part 177;

(5) 49 C.F.R. Part 178, including the appendices, except 178.46(e), (h) and (i); and

(6) 49 C.F.R. Part 180, including the appendices, with the following exceptions:

(A) Any references to 49 C.F.R. 171.7; and

(B) 180.501 through 180.519.

(d) When used in any provision adopted from 49 C.F.R. Parts 171, 172, 173, 177, 178, and 180, the following substitutions shall be made unless otherwise specified:

(1) The terms "administrator," "associate administrator," and "regional administrator" shall be replaced with "or director as defined in K.A.R. 82-4-1."

(2) The term "competent authority" shall mean "the Kansas corporation commission or any other Kansas agency or federal agency that is responsible, under its law, for the control or regulation of some aspect of hazardous materials transportation."

(3) The terms "Department of Transportation," "DOT," and "department" shall be replaced with "commission as defined in K.A.R. 82-4-1."

(4) The term "the United States" shall be replaced with "the state of Kansas."

(e) Carriers transporting hazardous materials in intrastate commerce shall be subject to the packaging provisions as provided in K.S.A. 66-1,129b, and amendments thereto.

(f) As used in this regulation, each reference to a portion of 49 C.F.R. Parts 171, 172, 173, 177, 178, and 180 shall mean that portion as adopted by reference in this regulation.

(g) Whenever the federal regulations adopted in this regulation refer to portions of the federal regulations adopted in article 4 of the commission's regulations, the reference shall be to the version of those federal regulations as adopted in article 4.

(h) All standards in documents adopted in this regulation that are not otherwise adopted shall be included for reference only.

(i) All sections marked "reserved" shall be deleted.

(j) Whenever the adopted federal hazardous materials regulations refer to portions of the federal hazardous materials regulations that are not included under subsection (a), those references shall not be applicable to this regulation. (Authorized by K.S.A. 2022 Supp. 66-1,112, K.S.A. 2022 Supp. 66-1,112g, K.S.A. 66-1,129, and K.S.A. 66-1,129b; implementing K.S.A. 2022 Supp. 66-1,112, K.S.A.

(continued)

66-1,129, and K.S.A. 66-1,129b; effective Jan. 1, 1971; amended May 1, 1981; amended May 1, 1984; amended May 1, 1985; amended May 1, 1987; amended May 1, 1988; amended April 30, 1990; amended Sept. 16, 1991; amended July 6, 1992; amended May 10, 1993; amended Oct. 3, 1994; amended Jan. 30, 1995; amended Jan. 4, 1999; amended July 14, 2000; amended Jan. 31, 2003; amended Oct. 2, 2009; amended Nov. 14, 2011; amended Sept. 20, 2013; amended May 6, 2016; amended July 26, 2019; amended Feb. 10, 2023.)

82-4-27. Applications for certificates of convenience and necessity and certificates of public service. (a) Each application for a certificate of convenience and necessity or a certificate of public service shall be typewritten or printed on forms furnished by the commission. An original and two copies shall be filed and shall contain the following information:

(1) The address of the applicant's principal office or place of business and the applicant's residential address;

(2) a list of each motor vehicle, by make, year, and vehicle identification number (VIN), to be used by the applicant. If buses are to be used, the seating capacity of each bus shall be included;

(3) the commodity or commodities listed on form MCSA-1 that the applicant intends to transport; and

(4) evidence of compliance with the requirements of K.A.R. 82-4-26(b).

(b) In order to demonstrate that each applicant is fit, willing, and able to serve, the applicant shall attend an educational seminar on motor carrier operations conducted by the commission, in compliance with both of the following requirements:

(1) The person attending the seminar shall be the employee of the applicant responsible for the applicant's safety functions.

(2) The person responsible for the applicant's safety functions shall submit written verification on a form provided by the commission to verify that person's attendance at the seminar.

(c) If the commission deems a hearing necessary in order to evaluate an application for a certificate of public service, the applicant shall file testimony that details how the applicant is fit, knowledgeable of, and in compliance with all applicable safety regulations. (Authorized by K.S.A. 66-1,112 and 66-1,117; implementing K.S.A. 66-1,114, 66-1,114b, and 66-1,117; effective Jan. 1, 1971; amended May 1, 1981; amended May 1, 1984; amended May 1, 1987; amended Sept. 16, 1991; amended Oct. 3, 1994; amended Jan. 4, 1999; amended Jan. 31, 2003; amended Oct. 22, 2010; amended Sept. 20, 2013; amended July 26, 2019; amended Feb. 10, 2023.)

82-4-30a. Applications for interstate registration.

(a)(1) For the purposes of this regulation, "base state" shall have one of the following meanings:

(A) The meaning assigned to "base-state" in 49 U.S.C. 14504a(a)(2), as adopted in paragraph (a)(2) of this regulation; or

(B) if an entity does not have a principal place of business, office, or operating facility in any participating state, the participating state chosen by the entity that is nearest to the location of the entity's principal place of

business or any participating state within the entity's FMCSA region.

(2) 49 U.S.C. 14504a, as in effect on January 14, 2019, is hereby adopted by reference, except for the following portions:

(A) In 49 U.S.C. 14504a(a), the following:

(i) The phrase "and section 14506 (except as provided in paragraph (5))";

(ii) 49 U.S.C. 14504a(a)(3);

(iii) 49 U.S.C. 14504a(a)(5)(B); and

(iv) 49 U.S.C. 14504a(a)(7);

(B) 49 U.S.C. 14504a(c) and (d);

(C) in 49 U.S.C. 14504a(f), 49 U.S.C. 14504a(f)(1)(B) through (E); and

(D) 49 U.S.C. 14504a(g) through (j).

(3) Each interstate motor carrier designating Kansas as the carrier's base state and operating in interstate commerce over the highways of Kansas under authority issued by the relevant federal agency shall file the uniform application for registration issued by the relevant federal agency. The carrier shall file this application for registration with the transportation division of the state corporation commission.

(b) Each interstate motor carrier designating Kansas as the carrier's base state shall pay a fee to the state corporation commission through the national registration system. This fee shall be in accordance with the fee schedule in 49 C.F.R. Part 367, as in effect on October 1, 2021 and as amended by 87 fed. reg. 53694-53695 (2022), which is hereby adopted by reference except for all sections marked "reserved."

(c) An interstate regulated motor carrier shall not operate in interstate commerce over the highways of Kansas unless the carrier is registered in the carrier's base state as defined in paragraph (a)(1). (Authorized by K.S.A. 2021 Supp. 66-1,112; implementing K.S.A. 66-1,108b, K.S.A. 2021 Supp. 66-1,116, and K.S.A. 66-1,139; modified, L. 1981, ch. 424, May 1, 1981; amended Oct. 3, 1994; amended Jan. 4, 1999; amended July 14, 2000; amended Jan. 31, 2003; amended, T-82-10-8-07, Oct. 8, 2007; amended, T-82-12-10-07, Dec. 10, 2007; amended July 18, 2008; amended, T-82-5-12-10, May 12, 2010; amended Oct. 8, 2010; amended July 26, 2019; amended, T-82-10-27-20, Oct. 27, 2020; amended Feb. 19, 2021; amended, T-82-10-18-22, Oct. 18, 2022; amended Feb. 10, 2023.)

82-4-50. Passenger carriers. (a) With the following exceptions, 49 C.F.R. Part 374, as in effect on October 1, 2018, is hereby adopted by reference:

(1) Each occurrence of the phrase "49 U.S.C. subtitle IV, part B" shall be deleted and replaced by "commission rules and regulations."

(2) Each occurrence of the phrase "or foreign" shall be deleted.

(3) In 49 C.F.R. 374.111, the phrase "or Commission" shall be inserted after "Secretary."

(4) In 49 C.F.R. 374.307, each occurrence of the word "Secretary" shall be deleted and replaced by "commission rules and regulations."

(5) 49 C.F.R. 374.315 shall be deleted.

(6) In 49 C.F.R. 374.401(a), the phrase "49 U.S.C. 13501" shall be deleted and replaced by "commission rules and regulations."

(7) In 49 C.F.R. 374.403, the term “FMCSA” shall be followed by “and Kansas Corporation Commission.”

(8) In 49 C.F.R. 374.501, the phrase “authorized under 49 U.S.C. 13506” shall be deleted.

(9) In 49 C.F.R. 374.503, the phrase “or intrastate” shall be added after the word “interstate.”

(10) In 49 C.F.R. 374.505, paragraphs (c) and (d) shall be deleted.

(b) As used in this regulation, each reference to a

portion of 49 C.F.R. Part 374 shall mean that portion as adopted by reference in this regulation. (Authorized by and implementing K.S.A. 66-1,112; effective Jan. 1, 1971; amended May 1, 1981; amended July 26, 2019; amended Feb. 10, 2023.)

Lynn M. Retz
Executive Director
Corporation Commission

Doc. No. 050843

INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended, and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. Temporary regulations are designated with a (T) in the Action column. This cumulative index supplements the 2022 Volumes of the *Kansas Administrative Regulations*. Regulations can also be found at http://www.sos.ks.gov/pubs/pubs_kar.aspx.

AGENCY 4: DEPARTMENT OF AGRICULTURE

Reg. No.	Action	Register
4-7-804	Amended	V. 41, p. 869
4-25-1a	New	V. 41, p. 1357
4-25-2	Amended	V. 41, p. 1357
4-25-4	Revoked	V. 41, p. 1357
4-25-5	Amended	V. 41, p. 1357
4-25-7	Amended	V. 41, p. 1358
4-25-9	Amended	V. 41, p. 1358
4-25-10	Amended	V. 41, p. 1359
4-25-11	Revoked	V. 41, p. 1359
4-25-15	Revoked	V. 41, p. 1359
4-25-16	Amended	V. 41, p. 1359
4-25-19	New	V. 41, p. 1359
4-25-20	New	V. 41, p. 1360
4-25-21	New	V. 41, p. 1361
4-25-22	New	V. 41, p. 1361
4-25-23	New	V. 41, p. 1361

AGENCY 7: SECRETARY OF STATE

Reg. No.	Action	Register
7-30-1	Revoked	V. 41, p. 629
7-32-1	Revoked	V. 41, p. 629
7-32-2	Revoked	V. 41, p. 629
7-35-1	Revoked	V. 41, p. 629
7-36-7	Amended (T)	V. 41, p. 1060
7-36-7	Amended	V. 41, p. 1462
7-36-9	New (T)	V. 41, p. 1060
7-36-9	New	V. 41, p. 1463
7-43-1	Revoked (T)	V. 41, p. 1209
7-43-1	Revoked	V. 41, p. 1599
7-43-2	Revoked (T)	V. 41, p. 1209
7-43-2	Revoked	V. 41, p. 1599
7-43-3	Revoked (T)	V. 41, p. 1209
7-43-3	Revoked	V. 41, p. 1599
7-43-4	Revoked (T)	V. 41, p. 1209
7-43-4	Revoked	V. 41, p. 1599
7-43-5	Revoked (T)	V. 41, p. 1209
7-43-5	Revoked	V. 41, p. 1599
7-43-6	Revoked (T)	V. 41, p. 1209
7-43-6	Revoked	V. 41, p. 1599
7-43-7	New (T)	V. 41, p. 1209
7-43-7	New	V. 41, p. 1599

7-43-8	New (T)	V. 41, p. 1209
7-43-8	New	V. 41, p. 1599
7-43-9	New (T)	V. 41, p. 1209
7-43-9	New	V. 41, p. 1599
7-43-10	New (T)	V. 41, p. 1209
7-43-10	New	V. 41, p. 1599
7-43-11	New (T)	V. 41, p. 1209
7-43-11	New	V. 41, p. 1599
7-43-12	New (T)	V. 41, p. 1210
7-43-12	New	V. 41, p. 1600
7-43-13	New (T)	V. 41, p. 1210
7-43-13	New	V. 41, p. 1600
7-43-14	New (T)	V. 41, p. 1210
7-43-14	New	V. 41, p. 1600
7-43-15	New (T)	V. 41, p. 1210
7-43-15	New	V. 41, p. 1600
7-43-16	New (T)	V. 41, p. 1210
7-43-16	New	V. 41, p. 1600
7-43-17	New (T)	V. 41, p. 1210
7-43-17	New	V. 41, p. 1600
7-43-18	New (T)	V. 41, p. 1211
7-43-18	New	V. 41, p. 1601
7-43-19	New (T)	V. 41, p. 1212
7-43-19	New	V. 41, p. 1602
7-43-20	New (T)	V. 41, p. 1212
7-43-20	New	V. 41, p. 1602
7-43-21	New (T)	V. 41, p. 1213
7-43-21	New	V. 41, p. 1603
7-43-22	New (T)	V. 41, p. 1213
7-43-22	New	V. 41, p. 1603
7-43-23	New (T)	V. 41, p. 1214
7-43-23	New	V. 41, p. 1604
7-43-24	New (T)	V. 41, p. 1214
7-43-24	New	V. 41, p. 1604

AGENCY 9: DEPARTMENT OF AGRICULTURE—DIVISION OF ANIMAL HEALTH

Reg. No.	Action	Register
9-2-36	New	V. 41, p. 728

AGENCY 10: BUREAU OF INVESTIGATION

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10-22-1	Amended	V. 41, p. 152

AGENCY 16: ATTORNEY GENERAL

Reg. No.	Action	Register
16-12-4	Amended	V. 41, p. 1738
16-21-1	New	V. 41, p. 1156

AGENCY 17: OFFICE OF THE STATE BANK COMMISSIONER

Reg. No.	Action	Register
17-11-18	Amended	V. 41, p. 919
17-24-2	Amended	V. 41, p. 185

AGENCY 21: HUMAN RIGHTS COMMISSION

Reg. No.	Action	Register
21-34-1	Amended	V. 42, p. 22
21-34-17	Revoked	V. 42, p. 22

AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT

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28-4-520	Amended	V. 41, p. 1503
28-4-521	Amended	V. 41, p. 1504
28-16-28b	Amended	V. 41, p. 409
28-16-28e	Amended	V. 41, p. 412
28-16-28f	Amended	V. 41, p. 414
28-16-28g	Amended	V. 41, p. 416
28-16-28h	Amended	V. 41, p. 416
28-17-6	Amended	V. 41, p. 1122
28-17-12	Amended	V. 41, p. 1122
28-19-517	Amended	V. 41, p. 1810
28-19-546	Amended	V. 41, p. 1810
28-19-564	Amended	V. 41, p. 1811
28-35-135a	Amended	V. 41, p. 435
28-35-135c	Amended	V. 41, p. 437
28-35-135f	Amended	V. 41, p. 438
28-35-135i	Amended	V. 41, p. 439
28-35-135l	Amended	V. 41, p. 440
28-35-135m	Amended	V. 41, p. 441
28-35-135n	Amended	V. 41, p. 442
28-35-135o	Amended	V. 41, p. 442
28-35-135s	Amended	V. 41, p. 443
28-35-135u	Amended	V. 41, p. 444
28-35-178a	Amended	V. 41, p. 445
28-35-178i	Amended	V. 41, p. 445
28-35-181d	Amended	V. 41, p. 446
28-35-181j	Amended	V. 41, p. 447
28-35-181m	Amended	V. 41, p. 448
28-35-181r	Amended	V. 41, p. 450
28-35-181u	New	V. 41, p. 450
28-35-181v	New	V. 41, p. 451
28-35-192e	Amended	V. 41, p. 451
28-35-192f	Amended	V. 41, p. 451
28-35-192h	Amended	V. 41, p. 451
28-35-195a	Amended	V. 41, p. 452
28-35-196a	Amended	V. 41, p. 452
28-35-227c	Amended	V. 41, p. 452
28-35-231c	Amended	V. 41, p. 452
28-35-264	Amended	V. 41, p. 452
28-35-282a	Amended	V. 41, p. 453
28-35-291	Amended	V. 41, p. 454
28-35-450	Amended	V. 41, p. 455
28-35-500	Amended	V. 41, p. 455
28-35-500a	New	V. 41, p. 455
28-35-504	Amended	V. 41, p. 455
28-35-504a	New	V. 41, p. 456
28-35-505	Amended	V. 41, p. 457
28-35-700	Amended	V. 41, p. 457
28-51-100	Amended	V. 41, p. 869
28-51-101	Amended	V. 41, p. 872
28-51-102	Revoked	V. 41, p. 873
28-51-103	Amended	V. 41, p. 873
28-51-104	Amended	V. 41, p. 875
28-51-105	Amended	V. 41, p. 876
28-51-106	Amended	V. 41, p. 876
28-51-107	Amended	V. 41, p. 876
28-51-109	Amended	V. 41, p. 877
28-51-110	Amended	V. 41, p. 877

28-51-111	Amended	V. 41, p. 877
28-51-112	Amended	V. 41, p. 878
28-51-113	Amended	V. 41, p. 878
28-51-117	New	V. 41, p. 878
28-51-118	New	V. 41, p. 880

AGENCY 60: BOARD OF NURSING

Reg. No.	Action	Register
60-3-101	Amended (T)	V. 41, p. 185
60-3-101	Amended	V. 41, p. 663
60-11-101	Amended (T)	V. 41, p. 1266
60-11-101	Amended	V. 41, p. 1533
60-11-103	Amended (T)	V. 41, p. 1214
60-11-103	Amended	V. 41, p. 1533
60-11-104	Amended (T)	V. 41, p. 1267
60-11-104	Amended	V. 41, p. 1534
60-11-104a	Amended (T)	V. 41, p. 1216
60-11-104a	Amended	V. 41, p. 1535
60-11-105	Amended (T)	V. 41, p. 1267
60-11-105	Amended	V. 41, p. 1535
60-11-107	Amended (T)	V. 41, p. 1267
60-11-107	Amended	V. 41, p. 1535
60-11-113	Amended (T)	V. 41, p. 1216
60-11-113	Amended	V. 41, p. 1535

AGENCY 66: BOARD OF TECHNICAL PROFESSIONS

Reg. No.	Action	Register
66-7-1	Amended	V. 41, p. 40

AGENCY 74: BOARD OF ACCOUNTANCY

Reg. No.	Action	Register
74-2-7	Amended	V. 41, p. 1182

AGENCY 82: CORPORATION COMMISSION

Reg. No.	Action	Register
82-4-30a	Amended (T)	V. 41, p. 1654

AGENCY 86: REAL ESTATE COMMISSION

Reg. No.	Action	Register
86-1-5	Amended	V. 41, p. 1433

AGENCY 88: BOARD OF REGENTS

Reg. No.	Action	Register
88-29-12	Revoked	V. 41, p. 83
88-29-13	Revoked	V. 41, p. 83
88-29-14	Revoked	V. 41, p. 83
88-29-15	Revoked	V. 41, p. 83
88-29-16	Revoked	V. 41, p. 83
88-29-17	Revoked	V. 41, p. 83
88-29a-1	Revoked	V. 41, p. 83
88-29a-5	Revoked	V. 41, p. 83
88-29a-6	Revoked	V. 41, p. 83
88-29a-7	Revoked	V. 41, p. 83
88-29a-7a	Amended	V. 41, p. 83
88-29a-8	Revoked	V. 41, p. 84
88-29a-8c	Revoked	V. 41, p. 84
88-29a-9	Revoked	V. 41, p. 84
88-29a-10	Revoked	V. 41, p. 84
88-29a-11	Revoked	V. 41, p. 84
88-29a-18	Revoked	V. 41, p. 84
88-29a-19	Revoked	V. 41, p. 84
88-29b-1	Revoked	V. 41, p. 84
88-29b-3	Amended	V. 41, p. 84
88-29b-4	Amended	V. 41, p. 84
88-29b-5	Revoked	V. 41, p. 85
88-29b-6	Revoked	V. 41, p. 85
88-29b-7	Revoked	V. 41, p. 85
88-29b-7a	Amended	V. 41, p. 85
88-29b-8	Revoked	V. 41, p. 85
88-29b-8c	Revoked	V. 41, p. 85
88-29b-9	Revoked	V. 41, p. 85

88-29b-10	Revoked	V. 41, p. 85
88-29c-1	Amended	V. 41, p. 85
88-29c-5	Amended	V. 41, p. 86
88-29c-6	Amended	V. 41, p. 87
88-29c-7	Amended	V. 41, p. 87
88-29c-8	Amended	V. 41, p. 87
88-29c-8c	Amended	V. 41, p. 88
88-29c-9	Amended	V. 41, p. 88
88-29d-1	Amended	V. 41, p. 89
88-29d-5	Amended	V. 41, p. 90
88-29d-6	Amended	V. 41, p. 91
88-29d-7	Amended	V. 41, p. 91
88-29d-8	Amended	V. 41, p. 92
88-29d-8c	Amended	V. 41, p. 92
88-29d-9	Amended	V. 41, p. 92
88-29d-10	Amended	V. 41, p. 93

AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-6-6	New	V. 41, p. 1653
100-28b-2	New	V. 41, p. 1842
100-28b-3	New	V. 41, p. 1156
100-28b-4	New	V. 41, p. 1842
100-28b-6	New	V. 41, p. 1156
100-28b-7	New	V. 41, p. 1842
100-28b-11	New	V. 41, p. 1843
100-28b-12	New	V. 41, p. 1843
100-28b-14	New	V. 41, p. 1156
100-28b-19	New	V. 41, p. 1843
100-28b-20	New	V. 41, p. 1157
100-29-7	Amended	V. 41, p. 1434
100-29-9	Amended	V. 41, p. 1434
100-29-15	Amended	V. 41, p. 1435
100-54-13	New (T)	V. 42, p. 23
100-69-10	Amended (T)	V. 41, p. 1460
100-69-10	Amended	V. 41, p. 1844
100-73-7	Amended (T)	V. 41, p. 1461
100-73-7	Amended	V. 41, p. 1846

AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

Reg. No.	Action	Register
102-1-1	Amended	V. 41, p. 1756
102-1-5a	Amended	V. 41, p. 1757
102-2-1a	Amended	V. 41, p. 1758
102-2-8	Amended	V. 41, p. 1760
102-2-12	Amended	V. 41, p. 1762
102-3-1a	Amended	V. 41, p. 1763
102-3-3a	Amended	V. 41, p. 1765
102-3-7a	Amended	V. 41, p. 1767
102-4-1a	Amended	V. 41, p. 1769
102-4-7a	Amended	V. 41, p. 1771
102-5-1	Amended	V. 41, p. 1772
102-5-7a	Amended	V. 41, p. 1774
102-7-1	Amended	V. 41, p. 1775
102-7-6	Amended	V. 41, p. 1777

AGENCY 106: KANSAS COMMISSION ON PEACE OFFICER'S STANDARDS AND TRAINING

Reg. No.	Action	Register
106-1-9	New(T)	V. 41, p. 1061
106-1-9	New	V. 41, p. 1236
106-2-1	Amended	V. 41, p. 1236
106-2-2b	New	V. 41, p. 1236
106-2-3	Amended	V. 41, p. 1236

AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES

Reg. No.	Action	Register
109-17-3	Amended	V. 41, p. 1417

AGENCY 111: KANSAS LOTTERY

A complete index listing all regulations filed by the Kansas Lottery from 1988 through 2000

can be found in the Vol. 19, No. 52, December 28, 2000 *Kansas Register*. A list of regulations filed from 2001 through 2003 can be found in the Vol. 22, No. 52, December 25, 2003 *Kansas Register*. A list of regulations filed from 2004 through 2005 can be found in the Vol. 24, No. 52, December 29, 2005 *Kansas Register*. A list of regulations filed from 2006 through 2007 can be found in the Vol. 26, No. 52, December 27, 2007 *Kansas Register*. A list of regulations filed from 2008 through November 2009 can be found in the Vol. 28, No. 53, December 31, 2009 *Kansas Register*. A list of regulations filed from December 1, 2009, through December 21, 2011, can be found in the Vol. 30, No. 52, December 29, 2011 *Kansas Register*. A list of regulations filed from December 22, 2011, through November 6, 2013, can be found in the Vol. 32, No. 52, December 26, 2013 *Kansas Register*. A list of regulations filed from November 7, 2013, through December 31, 2015, can be found in the Vol. 34, No. 53, December 31, 2015 *Kansas Register*. A list of regulations filed from 2016 through 2017, can be found in the Vol. 36, No. 52, December 28, 2017 *Kansas Register*. A list of regulations filed from 2018 through 2019, can be found in the Vol. 38, No. 52, December 26, 2019 *Kansas Register*. A list of regulations filed from 2020 through 2021, can be found in the Vol. 40, No. 52, December 30, 2021 *Kansas Register*.

Reg. No.	Action	Register
111-2-329	New	V. 41, p. 1565
111-4-3547	Amended	V. 41, p. 1386
111-4-3681	Amended	V. 41, p. 225
111-4-3695	New	V. 41, p. 225
111-4-3696	New	V. 41, p. 227
111-4-3697	New	V. 41, p. 228
111-4-3698	New	V. 41, p. 229
111-4-3690	New	V. 41, p. 230
111-4-3700	New	V. 41, p. 231
111-4-3701	New	V. 41, p. 233
111-4-3702	New	V. 41, p. 234
111-4-3703	New	V. 41, p. 362
111-4-3704	New	V. 41, p. 363
111-4-3705	New	V. 41, p. 364
111-4-3706	New	V. 41, p. 365
111-4-3707	New	V. 41, p. 366
111-4-3708	Amended	V. 41, p. 919
111-4-3709	Amended	V. 41, p. 921
111-4-3710	New	V. 41, p. 924
111-4-3711	New	V. 41, p. 925
111-4-3712	New	V. 41, p. 926
111-4-3713	Amended	V. 41, p. 1268
111-4-3714	New	V. 41, p. 928
111-4-3715	New	V. 41, p. 1122
111-4-3716	New	V. 41, p. 1123
111-4-3717	New	V. 41, p. 1125
111-4-3718	New	V. 41, p. 1269
111-4-3719	New	V. 41, p. 1270
111-4-3720	New	V. 41, p. 1271
111-4-3721	New	V. 41, p. 1273
111-4-3722	New	V. 41, p. 1274
111-4-3723	New	V. 41, p. 1386
111-4-3724	New	V. 41, p. 1387
111-4-3725	New	V. 41, p. 1388
111-4-3726	New	V. 41, p. 1389
111-4-3727	New	V. 41, p. 1566
111-4-3728	New	V. 41, p. 1670
111-4-3729	New	V. 41, p. 1671
111-4-3730	New	V. 41, p. 1866
111-4-3731	New	V. 41, p. 1868
111-4-3732	New	V. 41, p. 1869
111-4-3733	New	V. 41, p. 1870
111-4-3734	New	V. 41, p. 1871
111-4-3735	New	V. 41, p. 1872

111-4-3736	New	V. 41, p. 1873
111-4-3737	New	V. 41, p. 1875
111-4-3738	New	V. 41, p. 1876
111-4-3739	New	V. 41, p. 1878
111-5-248	New	V. 41, p. 502
111-9-229	New	V. 41, p. 502
111-9-230	New	V. 41, p. 503
111-9-231	New	V. 41, p. 1880
111-9-232	New	V. 41, p. 1880
111-15-1	Amended	V. 41, p. 1390
111-15-3	Amended	V. 41, p. 1390
111-18-3	Amended	V. 41, p. 1276
111-18-8	New	V. 41, p. 1277
111-19-2a	Amended	V. 41, p. 503
111-19-121	New	V. 41, p. 368
111-19-122	New	V. 41, p. 368
111-19-123	New	V. 41, p. 504
111-19-124	New	V. 41, p. 1126
111-19-125	New	V. 41, p. 1126
111-19-126	New	V. 41, p. 1277
111-19-127	New	V. 41, p. 1278
111-19-128	New	V. 41, p. 1278
111-19-129	New	V. 41, p. 1279
111-19-130	New	V. 41, p. 1279
111-19-131	New	V. 41, p. 1391
111-19-132	New	V. 41, p. 1392
111-19-133	New	V. 41, p. 1567
111-19-134	New	V. 41, p. 1673
111-19-135	New	V. 41, p. 1673
111-19-136	New	V. 41, p. 1673
111-19-137	Amended	V. 41, p. 1881
111-19-138	New	V. 41, p. 1882

111-19-139	New	V. 41, p. 1882
111-19-140	New	V. 41, p. 1883
111-19-141	New	V. 41, p. 1883
111-501-6	Amended	V. 41, p. 1127
111-501-45a	New	V. 41, p. 1884
111-501-148a	New	V. 41, p. 1885
111-501-122	Amended	V. 41, p. 1268
111-501-123	Amended	V. 41, p. 1129
111-501-124	Amended	V. 41, p. 1129
111-501-125	Amended	V. 41, p. 1130
111-501-126	Amended	V. 41, p. 1130
111-501-127	Amended	V. 41, p. 1131
111-501-154	Amended	V. 41, p. 1392
111-501-155	Amended	V. 41, p. 1393
111-701-1	New	V. 41, p. 1436
111-701-20	New	V. 41, p. 1436
111-701-30	New	V. 41, p. 1436
111-701-31	New	V. 41, p. 1436
111-701-32	New	V. 41, p. 1437
111-701-33	New	V. 41, p. 1437
111-701-34	New	V. 41, p. 1437
111-701-35	New	V. 41, p. 1437
111-701-36	New	V. 41, p. 1437
111-701-50	New	V. 41, p. 1437
111-701-60	New	V. 41, p. 1438
111-701-70	New	V. 41, p. 1438

AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
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115-2-1	Amended	V. 41, p. 1504

115-4-6	Amended	V. 41, p. 1237
115-4-11	Amended	V. 41, p. 1506
115-5-1	Amended	V. 41, p. 1809
115-7-1	Amended	V. 41, p. 1538
115-7-4	Amended	V. 41, p. 1539
115-9-3	Amended	V. 41, p. 1508
115-17-3	Amended	V. 41, p. 1540
115-17-6	Revoked	V. 41, p. 1809
115-17-7	Amended	V. 41, p. 1809
115-17-8	Revoked	V. 41, p. 1809
115-17-9	Revoked	V. 41, p. 1809
115-17-14	Revoked	V. 41, p. 1810

AGENCY 117: REAL ESTATE APPRAISAL BOARD

Reg. No.	Action	Register
117-4-1	Amended	V. 41, p. 1464

AGENCY 129: DEPARTMENT OF HEALTH AND ENVIRONMENT—DIVISION OF HEALTH CARE FINANCE

Reg. No.	Action	Register
129-6-103	Amended	V. 41, p. 1183
129-7-17	New (T)	V. 42, p. 23
129-8-17	New (T)	V. 42, p. 23
129-9-17	New (T)	V. 42, p. 24

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