



Kansas Register

Scott Schwab, Secretary of State

Vol. 38, No. 28

July 11, 2019

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In this issue ...	Page
Legislative Branch	
Legislative Administrative Services	
Interim committee schedule.....	864
Rates	
Pooled Money Investment Board	
Notice of investment rates.....	865
Secretary of State	
Notice of judgment interest rate.....	865
Notices	
Kansas Department of Administration – Office of the Chief Financial Officer	
Public notice	865
Watco Transportation Services, LLC	
Request for proposals	865
University of Kansas	
Request for bids	866
Kansas Housing Resources Corporation	
Notice of hearing on the Kansas Community Services Block Grant	866
Wichita State University	
Notice of intent to lease real property	867
Notice of intent to lease land and/or building space.....	867
Kansas Department of Administration – Office of Facilities and Property Management	
Notice of requested “on-call” engineering services	867
Kansas Department of Administration – Office of Procurement and Contracts	
Notice to bidders for state purchase	868
Kansas Department of Transportation	
Notice to consulting firms.....	868
Kansas Department of Health and Environment	
Notice concerning water pollution control permits/applications	869
Bond Sales	
City of Kechi, Kansas	
Summary notice of bond sale	872
Executive Branch	
Secretary of State	
Executive appointments	873
Regulations	
Kansas Department of Revenue – Division of Alcoholic Beverage Control	
Notice of hearing on proposed administrative regulation.....	874
Kansas Corporation Commission	
Permanent administrative regulations	875
Index to administrative regulations.....	898

State of Kansas

Legislative Administrative Services

Interim Committee Schedule

The Legislative Research Department gives notice that the following legislative committees plan to meet on the dates listed below based on current information and subject to change. Requests for accommodation to participate in committee meetings should be made at least two working days in advance of the meeting by contacting Legislative Administrative Services at 785-296-2391 or TTY 711, or email legserv@las.ks.gov.

Date	Room	Time	Committee	Agenda
July 9	548-S	10:00 a.m.	Legislative Coordinating Council	Legislative matters.
July 12	548-S	9:00 a.m.	Subcommittee for Statewide Broadband Expansion Planning Task Force	Discussion of broadband issues including deployment, working with municipalities, and identifying barriers.
July 17	548-S	9:00 a.m.	Subcommittee for Statewide Broadband Expansion Planning Task Force	Discussion of broadband issues including oversight and projected timelines.

Tom Day, Director
Legislative Administrative Services

Doc. No. 047308

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1st Floor, Memorial Hall
785-368-8095
Fax 785-296-8577
kansasregister@ks.gov

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 7-8-19 through 7-14-19

Term	Rate
1-89 days	2.41%
3 months	2.13%
6 months	2.06%
12 months	1.95%
18 months	1.86%
2 years	1.79%

Scott Miller
Director of Investments

Doc. No. 047299

State of Kansas

Secretary of State

Notice of Judgment Interest Rate

Pursuant to the provisions of K.S.A. 16-204, the rate of interest on judgments rendered by courts of the state of Kansas pursuant to the code of civil procedure is 7.0 percent during the period of July 1, 2019, through June 30, 2020.

Scott Schwab
Secretary of State

Doc. No. 047300

State of Kansas

**Department of Administration
Office of the Chief Financial Officer**

Public Notice

Under requirements of K.S.A. 65-34,117(c), as amended, records of the Office of the Chief Financial Officer show the unobligated balances are \$9,450,421.42 in the Underground Petroleum Storage Tank Release Trust Fund and \$2,177,839.91 in the Aboveground Petroleum Storage Tank Release Trust Fund at June 30, 2019.

Annette Witt, Manager
Office of the Chief Financial Officer

Doc. No. 047304

(Published in the Kansas Register July 11, 2019.)

Watco Transportation Services, LLC

Request for Proposals

Watco Transportation Services, LLC is seeking proposals to perform new construction and other ancillary railroad work for the proposed "Occidental Chemical" project near Wichita, Kansas.

Scope

Provide all necessary labor, equipment, and logistical services to supply all materials called for, complete all

rail replacement work, complete all railroad turnout and track construction work, grade work, seeding, silt fence, and complete other ancillary railroad work required for the "Occidental Chemical." The scope is further described as follows:

- Provide and install approximately 8,625 feet-115# jointed rail; new 7-inch cross-ties; all needed OTM bolts, angle bars, plates, spikes, anchors; apply box every 3rd ties; and solid anchor all fixed structures.
- Provide and install four AREMA #10 Turnouts/115# with Sampson points (insulated) and switch ties; approximately 8,625 ft. of number 1 relay (tested) rail; four directional flip over derails with flag.
- Provide and install sub grade materials, silt fence, seeding, extend concrete pipe 6 feet x 20 feet; ballast, tamp, and regulate.

Minimum Requirements

- I. MSA & Roadway Worker Protection: Contractors must complete, and have on file, a current Master Services Agreement with Watco Transportation Services, LLC. Prior to submitting a proposal.
 - A. Contractor shall comply with all parts of 49 CFR Part 214 regarding FRA Roadway Worker Safety at all times. Men and equipment shall remain clear of the track unless they have gained Roadway Worker Protection from a qualified person.
 - B. Contractor must complete registration of all workers for this project at www.contractororientation.com.
- II. 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. A minimum of 72 hours of notification is required to the railroad to arrange this window.
 - Work windows shall consist of daily eight hour windows which shall be granted at anytime in a period of 10 hours between the hours of 07:00 and 17:00. Work windows may be arranged seven days a week, if desired. Current railroad operations consist of at least one train per day through the work area. This train operates in the evening hours; however, this schedule is subject to change at any time. This topic will be further discussed and clarified during the pre-proposal meeting.
- III. 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 Watco Transportation Services, LLC. All rail shall be replaced at standard gauge of 56-1/2."
- IV. Submittals: The following documents shall be submitted by the contractor as part of the project – at the times listed:

(continued)

- A. Schedule of Work – Submitted with proposal
 - B. Certificate of Insurance – Submitted prior to construction
 - C. Safety Plan – Submitted prior to construction
 - D. Proof of Roadway Worker Training – Submitted prior to construction
 - E. Rail Testing (If AREMA #1 Relay Rail is Used) – Submitted prior to construction
 - F. “Buy America” Documentation – **Not required**
 - G. Rail Weld UT Test Requirements (All Rail Comp Welds) – Submitted with billing
- V. **Insurance:** Contractor shall purchase required coverage and submit for verification a Certificate of Insurance. Insurance must comply with requirements found in Exhibit B.
- VI. **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’ 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 remain property of the SKOL Railroad, to be stockpiled as directed by a Railroad Representative.
- VII. **Rail Relay and Turnout Construction:** Contractor shall relay all rail, replace all turnouts, and install other special trackwork per the Project Plans and Specifications. All materials used shall meet AREMA requirements, as well as requirements shown in the Project Plans and Specifications.

Non-Project Areas

Watco Transportation Services, LLC has secured access to the project through the railroad right of way. Other access may be obtained by the contractor if he so chooses. 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.

Project Completion

All work pertaining to this project shall be completed by December 30, 2019. Failure to complete work by December 30, 2019 may result in the contractor’s removal from the property or charges of \$2500 a day until completed to satisfaction.

Pre-Proposal Meeting

Watco Transportation Services, LLC shall hold a Pre-Proposal Meeting at the project site at 1:00 p.m. (CST) August 8, 2019. The meeting shall be held at the work site on MacArthur Road, Wichita, Kansas. Contractors **are required** to be present at this meeting to submit a proposal or proposal can be rejected.

Submission of a Proposal

All proposals must be submitted no later than August 23, 2019. All submitted proposals shall be reviewed by

Watco Transportation Services, LLC. Please ensure your proposal includes all required information. All incomplete or late proposals shall be rejected. Contractors who wish to submit a **proposal must attend** the Pre-Proposal Meeting. The structure of your proposal must be able to be clearly understood and shall provide the following line items and costs as required below:

1. Provide a total sum of all line items on the proposal
2. Mobilization and demobilization – lump sum
3. Construct new grade work
4. Construct 8,650 ft. of new track
5. Construct four new complete turnouts
6. Clean up and seed worksite

Proposals must be simultaneously emailed to the following personnel:

Neal Jacobs at njacobs@watcocompanies.com
Herb Lamkin at hlamkin@watcocompanies.com

For further information regarding the request for proposals, please contact Herb Lamkin, KO Roadmaster, Watco Transportation Services, LLC, 316-215-4080 or hlamkin@watcocompanies.com.

Neal Jacobs
Watco Companies

Doc. No. 047301

State of Kansas

University of Kansas

Request for Bids

Public notice is hereby given that the University of Kansas (KU) has issued a Request for Bid (RFB) #L100071900 for the sale of property located at 1621 W. 9th St., Lawrence, KS 66044. This RFB is being issued through the University’s electronic bid system and can be accessed at: <https://kuebids.ionwave.net> for details. Please contact the buyer of record for this RFB, Carla Swoyer cswoyer@ku.edu , if interested.

Carla Swoyer
Procurement Services Buyer

Doc. No. 047307

State of Kansas

Kansas Housing Resources Corporation

Notice of Hearings

The Kansas Housing Resources Corporation (KHRC) has scheduled two public hearings to receive comments on the Kansas Community Services Block Grant (CSBG) State Plan for federal fiscal year 2020.

The first public hearing will be held at 9:00 a.m. (CST) August 6, 2019, at the Avondale East Community Center, 455 SE Golf Park Blvd., Topeka, KS 66605. The draft of the FY2020 CSBG State Plan will be presented for public input.

The second public hearing will be held at 2:00 p.m. (CST) August 20, 2019, at the Kansas Housing Resources Corporation, 611 S. Kansas Ave., Suite 300, Topeka, KS 66603-3803. The final FY2020 CSBG State Plan will be presented for public comment.

The state plan will be available for public inspection on or about August 13, 2019, at www.kshousingcorp.org/community-services.aspx. A paper copy can be obtained by calling 800-752-4422.

Individuals needing special accommodations to attend the hearings should contact the Kansas Housing Resources Corporation at 785-217-2001 at least five business days in advance of the hearings. Written comments regarding the plan will be accepted through August 20, 2019 and should be addressed to Hugh Poole, CSBG Program Manager, Kansas Housing Resources Corporation, 611 S. Kansas Ave., Suite 300, Topeka, KS 66603-3803. For more information, contact Hugh Poole at 785-217-2044.

Ryan Vincent
Executive Director

Doc. No. 047302

State of Kansas

Wichita State University

Notice of Intent to Lease Real Property

Public notice is hereby given that Wichita State University (WSU) intends to directly lease, and indirectly sublease through its affiliate corporation Wichita State Innovation Alliance, Inc., subject to all required state approvals, an approximate ground area consisting of 150,000 square feet or less with the potential for expansion for parking, for the private development of one or more partnership buildings. This private development shall be located west of Oliver, between 17th and 18th streets, on the Wichita State University main campus. 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, and specifically an emphasis on supporting and growing advanced laboratories for research, testing, and innovation in data infrastructure/storage, video surveillance storage, IOT, security, analytics, visualization/modeling, and machine learning/AI. The university intends to lease such ground for any period of time up to sixty-five 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. Rental rate shall be assessed per leased or leasable square foot of the building but is negotiable based on term of lease and benefit to the university. The university will consider serious offers and inquiries with detailed proposal terms from any financially qualified individual, group, organization, or company and such offers will be considered until a selection is made or this notice is withdrawn. If interested, please contact Vice President for Research and Technology Transfer, Dr. John Tomblin,

john.tomblin@wichita.edu or University Property Manager Crystal Stegeman, 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
Finance and Administration
Wichita State University

Doc. No. 047261

State of Kansas

Wichita State University

Notice of Intent to Lease Land and/or Building Space

Public notice is hereby given that Wichita State University (WSU) intends to lease available land and building space. The university will consider leasing such property and/or space to those 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, or otherwise provide supporting services and amenities to the campus community (such as restaurants, retail establishments, financial institutions, etc.). Because tenant use must be a good fit with the university's educational mission and available space, please be prepared to provide the following information: (1) name; (2) square footage of space needs and desired lease term and location; (3) equipment, design, or other special needs; (4) description of anticipated use; and (5) the anticipated benefits to the university, its students, and the WSU community (e.g. applied learning, joint research, faculty start-up, etc.). The university will consider serious offers and inquiries from any financially qualified individual, group, organization, or company. If interested, please contact Vice President for Research & Technology Transfer, Dr. John Tomblin, john.tomblin@wichita.edu or Property Manager Crystal Stegeman, 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. 046691

State of Kansas

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

Notice of Requested "On-Call" Engineering Services

Notice is hereby given of the commencement of the selection process for "on-call" civil engineering services for the Department of Administration, Office of Facilities and Property Management. Services are required for restricted (small) projects with a project budget of \$1,000,000 or less. One firm will be selected. The contract will be for three years.

(continued)

For more information, contact Ron Wright at ron.wright@ks.gov, phone 785-296-1481. Firms interested in providing these services should be familiar with the requirements which can be found in Part B–Chapter 4 of the Building Design and Construction Manual at the website below.

To be considered, one (1) PDF file of the following should be provided: State of Kansas Professional Qualifications DCC Forms 051-054, inclusive, and information regarding similar projects. These forms may be found at <http://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 5 MB and follow the current State Building Advisory Commission guidelines which can be found in Part B – Chapter 2 of the Building Design and Construction Manual at <http://www.admin.ks.gov/offices/ofpm/dcc/bdcm>. Proposals should be sent on a flash drive along with a transmittal to Randy Riveland, Office of Facilities and Property Management, 700 SW Harrison St., Suite 1200, Topeka, KS 66603. Proposals sent via email will no longer be accepted and paper copies of the proposals are no longer required. It is the proposer’s responsibility to ensure proposals are received by the closing date and time. Delays in mail delivery or any other means of transmittal, including couriers or agents of the issuing entity shall not excuse late proposal submissions. 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, call 785-296-0749. The PDF proposal submissions shall be delivered to the attention of Randy Riveland by 2:00 p.m. on or before July 26, 2019.

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

Doc. No. 047303

State of Kansas

Department of Administration
Procurement and Contracts

Notice to Bidders

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

07/11/2019 EVT0006714 Enhanced Cybersecurity,
Intrusion Prevention

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

<http://admin.ks.gov/offices/procurement-and-contracts/bid-solicitations>

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

<http://admin.ks.gov/offices/procurement-and-contracts/additional-files-for-bid-solicitations>

07/30/2019	A-013740	Lansing Correctional Facility Oklahoma Territorial Jail New Boiler
08/08/2019	A-013207	Parsons State Hospital and Training Center Education Building Fire Protection
08/08/2019	A-013208	Parsons State Hospital and Training Center Coordination Center Fire Protection

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

Tracy T. Diel, Director
Office of Procurement and Contracts

Doc. No. 047312

State of Kansas

Department of Transportation

Notice to Consulting Firms

Note: This project is being re-advertised to include consultants prequalified in category 121 Aviation Systems/Airport Planning.

The Kansas Department of Transportation (KDOT) is seeking the services of a qualified consulting engineering firm for KDOT Project No. 106 AV-0019-27 to evaluate the pavement condition of specific public-use airports in Kansas. The airports of interest are NOT currently listed in the FAA’s National Plan of Integrated Airport Systems (NPIAS), referenced as the non-NPIAS airports. There are 58 non-NPIAS, public-use airports in Kansas; 32 of these airports have paved runways to be studied. The project will be done pursuant to the current version of Federal Aviation Administration (FAA) Advisory Circular 150/5380-7, Airport Pavement Management Program (PMP). The project is further expected to be done in one phase statewide. One year is allotted for all aspects of the project to be addressed in a scope of work: specifically, the services sought include on-site evaluation of pavement, completion of a pavement condition index (PCI) survey and creating a PMP template for each studied airport that can be used by the airport sponsor to address how the airfield pavement may be maintained or upgraded to acceptable PCI levels. Consultant will combine current NPIAS pavement assessment data with non-NPIAS data into a single report for comparison of pavement health. Consultant’s report shall also establish three alternatives courses of action that increase economic development through pavement preservation. The final deliverable is a guidance document/manual to be shared with each non-NPIAS airport sponsor to assist in the continued development of airport capital improvement plans. Existing data and reports from the NPIAS airports in Kansas can be viewed on the Kansas Aviation Portal at <http://ksaviationportal.ksdot.org>.

Requirements

Interested consulting engineering firms must: (a) be pre-qualified by KDOT in category 121–Aviation Systems/Airport Planning or category 333–Geotechnical Specialty Services (preferably with pavement condition analysis/inventory experience) and (b) submit a Letter of Interest (LOI) on or before 12:00 p.m. July 26, 2019 to David Lutgen, P.E., Contracts Engineer for KDOT by email to kdot.designcontracts@ks.gov with the subject line reading “Non-NPIAS Airfield Pavement Management Study [Firm Name].” Letters of Interest in the form of a PDF document (maximum size 4 pages) should express interest in the project and describe the particular qualifications for the professional services sought by KDOT, including any special expertise, skill, equipment, degree of accuracy, experience or knowledge of the firm, its employees and any sub-consultant the firm intends to utilize.

Note: Consultant firms must be capable of incurring, invoicing, and accounting for costs in conformity with generally accepted principles established in the Federal-Aid Policy Guide and the Code of Federal Regulations, Title 48, Chapter 1, Subchapter E, Part 31 (48 CFR Section 31.000 et seq.). The contract for this project is subject all applicable federal provisions, including:

- Title VI of the Civil Rights Act of 1964
- Section 520 of the Airport and Airway Improvement Act of 1982
- DOT Regulation 2 CFR Part 180 & 1200 – Government-wide Debarment and Suspension
- DOT Regulation 49 CFR Part 18.36(i) – Access to Records
- DOT Regulation 49 CFR Part 20 – Lobbying and Influencing Federal Employees
- DOT Regulation 49 CFR Part 26 – Disadvantage Business Enterprises Participation
- DOT Regulation 49 CFR Part 30 – Federal Trade Restriction Clause
- Regulation 48 CFR Part 22.17 – Combating Trafficking in Persons

If a firm is not currently prequalified by KDOT but is interested in obtaining prequalification, then please view the requirements and categories at the website address of <http://www.ksdot.org/divengdes/prequal/default.asp>. For licensure and other requirements applicable to the practice of technical professions within the State of Kansas, please consult the website of the Kansas Board of Technical Professions at <http://www.ksbtp.ks.gov/>. All firms doing business with KDOT must be registered and in good standing under the laws of the State of Kansas and comply with applicable state and federal laws, rules, and regulations.

Qualifications-Based Selection Process

No cost or pricing information shall be submitted with the LOI and will not be considered in the selection process to shortlist or rank proposals. Based on the qualifications submitted in the LOI and other information available to KDOT, on or about August 5, 2019 KDOT will shortlist up to five firms and notify all firms submitting LOIs of the names of the shortlisted firms by return email. Thereafter, KDOT will issue a Request for Proposal (RFP) to the shortlisted firms soliciting a technical pro-

posal. At KDOT’s option, shortlisted firms may be interviewed by telephone conference call or asked to attend meetings or participate in other discussions with KDOT. Technical proposals will be evaluated on the basis of the factors listed below, evenly weighted, to rank the most qualified firm in order of preference as first, second, and third: 1) the quality of the response to the RFP; 2) qualifications and experience of consultant personnel proposed for services; 3) proposed (typical and atypical) approach to performance, data gathering, as well as efficiency and accuracy of services; and 4) past performance history. Information relevant to the evaluation criteria include recent relevant experience in airport projects and aviation system-level studies, capability to perform all aspects of the project, ability to meet schedules within budget, experience with PAVER, and knowledge of pertinent FAA/AIP standards. The highest ranked firm will be asked to enter into negotiations with KDOT for a contract, with compensation provisions for payment of actual direct costs plus fixed fee, subject to an upper limit of compensation. In the event KDOT cannot reach agreement with the highest ranked firm, it will terminate negotiations with such firm and commence negotiations with the next highest ranked firm, and so on, until either agreement is reached for a satisfactory scope of services for a fair and reasonable price, or KDOT decides to pursue other alternatives.

Please do not call, write or otherwise contact KDOT staff for information regarding the services in this RFQ. Email all inquiries/questions to David Lutgen at kdot.designcontracts@ks.gov.

Ron Seitz, P.E., Director
Division of Engineering and Design

Doc. No. 047310

State of Kansas

Department of Health and Environment

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

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

(continued)

Public Notice No. KS-AG-19-234
Application(s) for New or Expansion
of Existing Swine Facilities

Name and Address of Applicant	Owner of Property Where Facility Will Be Located
--------------------------------------	---

Zenith Project, LLC Lisa Tokach, DVM 320 NE 14th St. Abilene, KS 67410	Zenith Project, LLC 2375 Ave. D Geneseo, KS 67444
---	---

Legal Description	Receiving Water
--------------------------	------------------------

SE/4 of Section 14 T18S, R07W Rice County	Little Arkansas River Basin
---	-----------------------------

Kansas Permit No. A-LARC-S005

This is notification KDHE has received a complete permit application for the operation of a swine waste management facility capable of housing 2,590 head (259 animal units) of swine weighing less than 55 pounds, and 1,850 head (740 animal units) of swine weighing more than 55 pounds. The complete application can be viewed at the office of the Rice County Clerk, the KDHE North Central District Office in Salina, Kansas or the KDHE Main Office in Topeka, Kansas. A permit to operate the proposed swine waste management system will not be issued without additional public notice.

Public Notice No. KS-AG-19-235/246

Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
--------------------------------------	--------------------------	------------------------

Zenith Project, LLC Lisa Tokach, DVM 2375 Ave. D Geneseo, KS 67444	SE/4 of Section 14 T18S, R07W Rice County	Little Arkansas River Basin
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Kansas Permit No. A-LARC-S005

This permit is being reissued for 2,590 head (259 animal units) of swine weighing less than 55 pounds, and 1,850 head (740 animal units) of swine weighing more than 55 pounds. This represents an increase in the permitted animal units from the previous permit. The permit contains modifications consisting of a proposed additional farrowing building within the existing facility footprint.

Name and Address of Applicant	Legal Description	Receiving Water
--------------------------------------	--------------------------	------------------------

Tuttle Farms Robert Tuttle 2132 CR 80 Quinter, KS 67752	SW/4 of Section 24 T12S, R26W Gove County	Smoky Hill River Basin
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Kansas Permit No. A-SHGO-B010

This is a renewal permit for an existing facility for 300 head (300 animal units) of cattle weighing more than 700 pounds and 300 head (150 animal units) of cattle weighing 700 pounds or less, for a total of 450 animal units. There has been a 50-animal unit decrease from the last permit.

Name and Address of Applicant	Legal Description	Receiving Water
--------------------------------------	--------------------------	------------------------

Hybrid Turkeys, LLC Turkey Creek Farm PO Box 250 Newton, KS 67114	SW/4 of Section 4 T21S, R03W McPherson County	Little Arkansas River Basin
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Kansas Permit No. A-LAMP-F004

This is a renewal permit for an existing facility for 7,300 head (131 animal units) of turkeys. There has been no change in animal units from the last permit.

Name and Address of Applicant	Legal Description	Receiving Water
--------------------------------------	--------------------------	------------------------

Fanshler Pork – Sharp Site Randy Fanshler 2008 NW 10th Ave. Great Bend, KS 67530	SW/4 of Section 35 T20S, R13W Barton County	Upper Arkansas River Basin
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Kansas Permit No. A-UABT-H001
Federal Permit No. KS0092096

This is a renewal permit for an existing facility for 4,000 head (1,600 animal units) of swine weighing greater than 55 pounds. There has been no change in animal numbers from the last permit. This facility has an approved Nutrient Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
--------------------------------------	--------------------------	------------------------

Shaw Feedyard, Inc. William K. Shaw PO Box 655 Ashland, KS 67831	NW/4 of Section 32 T33S, R23W Clark County	Cimarron River Basin
---	--	----------------------

Kansas Permit No. A-CICA-C004
Federal Permit No. KS0085227

This is a renewal permit for an existing facility for 7,500 head (7,500 animal units) of cattle weighing more than 700 pounds. There is no change in the permitted animal units. This facility has an approved Nutrient Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
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Joe C. Colson 962 100 Rd. Mankato, KS 66956	W/2 of Section 22 T04S, R09W Jewell County	Solomon River Basin
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Kansas Permit No. A-SOJW-S021

This is a renewal permit for an existing facility for 225 head (90 animal units) of swine weighing more than 55 pounds, 65 head (32.5 animal units) of cattle weighing 700 pounds or less and 2 head (2.8 animal units) of mature dairy cows, for a total of 125.3 animal units. There has been no change in animal units from the last permit.

Name and Address of Applicant	Legal Description	Receiving Water
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8 Bros Land & Cattle Isaac Carr 6197 S. K-57 Hwy. Junction City, KS 66441	E/2 of Section 36 T12S, R07E Geary County	Kansas River Basin
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Kansas Permit No. A-KSGE-B002

This is a renewal permit for an existing facility for 999 head (999 animal units) of cattle weighing greater than 700 pounds. There has been no change in animal units from the last permit.

Name and Address of Applicant	Legal Description	Receiving Water
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Cedar Hill, Inc. 467 800 Ave. Carlton, KS 67448	SE/4 of Section 27 T15S, R01E Dickinson County	Smoky Hill River Basin
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Kansas Permit No. A-SHDK-M011

This is a renewal permit for an existing facility for 400 head (560 animal units) of mature dairy cattle and 100 head (50 animal units) of cattle weighing less than 700 pounds (dairy calves), for a total of 610 animal units. There has been no change in animal units from the last permit.

Name and Address of Applicant	Legal Description	Receiving Water
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Eskeldson Farms 777 Union Rd. Herington, KS 67449	SW/4 of Section 36 T16S, R03E Dickinson County	Smoky Hill River Basin
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Kansas Permit No. A-SHDK-B003

This is a renewal permit for an existing facility for 460 head (230 animal units) of cattle weighing 700 pounds or less. There has been no change in animal units from the last permit.

Name and Address of Applicant	Legal Description	Receiving Water
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Gary Streit Farm Gary Streit 140 W. K-181 Hwy. Tipton, KS 67485	NE/4 of Section 3 T09S, R11W Osborne County	Solomon River Basin
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Kansas Permit No. A-SOQB-B008

This is a renewal permit for an existing facility for 300 head (150 animal units) of cattle weighing 700 pounds or less, 290 head (116 animal units) of swine more than 55 pounds, and 100 head (10 animal units) of swine 55 pounds or less, for a total of 276 animal units. There has been no change in animal units from the last permit.

Name and Address of Applicant	Legal Description	Receiving Water
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Fairwillow Farm Rodney Schroeder 2702 Cimarron Rd. Canton, KS 67428	SW/4 of Section 27 T20S, R01W McPherson County	Little Arkansas River Basin
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Kansas Permit No. A-LAMP-S031

This is a renewal permit for an existing facility for 665 head (266 animal units) of swine weighing more than 55 pounds and 300 head (30 animal units) of swine weighing 55 pounds or less, for a total of 296 animal units. There has been no change in animal units from the last permit. This facility is currently inactive.

Name and Address of Applicant	Legal Description	Receiving Water
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Bird City Dairy, LLC 2231 CR 31 Rexford, KS 67753	N/2 of SW/4 of Section 27 and S/2 of NW/4 of Section 27 T03S, R37W Cheyenne County	Upper Republican River Basin
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Kansas Permit No. A-URCN-D001
Federal Permit No. KS0099091

This is a renewal permit for an existing facility for 3,300 head (4,620 animal units) of mature dairy cattle and 300 head (150 animal units) of dairy cattle weighing 700 pounds or less, for a total of 3,600 head (4,770 animal units). There is no change in the permitted animal units. This facility has an approved Nutrient Management Plan on file with KDHE.

Public Notice No. KS-Q-19-149/156

The requirements of the draft permit public noticed below are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-g), and Federal Surface Water Criteria.

Name and Address of Applicant	Receiving Stream	Type of Discharge
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Allen, City of PO Box 383 Allen, KS 66833	Hill Creek via Unnamed Tributary	Treated Domestic Wastewater
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Kansas Permit No. M-MC02-0001
Federal Permit No. KS0080055

Legal Description: NW¼, SE¼, SW¼, S14, T16S, R11E, Lyon County, Kansas

The proposed action is to reissue an existing State/NPDES permit for an existing facility. This facility is a four-cell wastewater stabilization lagoon system. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, pH, ammonia, and E. coli.

Name and Address of Applicant	Receiving Stream	Type of Discharge
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Assaria, City of PO Box 267 Assaria, KS 67416	Smoky Hill River	Treated Domestic Wastewater
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Kansas Permit No. M-SH02-0001
Federal Permit No. KS0082295

Legal Description: NE¼, NE¼, NW¼, S7, T16S, R2W, Saline County, Kansas

The proposed action is to reissue an existing State/NPDES permit for an existing facility. This facility is a three-cell wastewater stabilization lagoon system. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, pH, ammonia, and E. coli, as well as monitoring for total phosphorus, nitrate + nitrite, and arsenic.

Name and Address of Applicant	Receiving Stream	Type of Discharge
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The Boeing Company 2727 E. McArthur Wichita, KS 67216	(see below)	Process Wastewater
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Receiving Stream:

- Outfall 001: City of Wichita POTW or Arkansas River via Unnamed Tributary
- Outfall 002: Arkansas River via Unnamed Tributary
- Outfall 003: Spirit Aerosystems IWTP or Arkansas River via Unnamed Tributary
- Outfall 004: Arkansas River via Unnamed Tributary
- Outfall 005: Arkansas River via Gypsum Creek via Unnamed Tributary

Kansas Permit No. I-AR94-PO46
Federal Permit No. KS0088757

Facility Name: Boeing Wichita – Groundwater Remediation Project

The proposed action is to reissue an existing State/NPDES permit for an existing facility. The former Boeing aircraft manufacturing facility covers approximately 1,127 acres located in southeast Wichita. In 1987, Boeing signed a Consent Order with KDHE to investigate and remediate contaminated groundwater within this facility and surrounding areas. As a result, Boeing installed a system of monitoring and collection wells. Collected groundwater is sent to air strippers for treatment prior to discharge. The proposed permit contains limits for vinyl chloride, cis 1,2-Dichloroethylene, pH, polychlorinated biphenyls (PCB's), trichloroethylene, and tetrachloroethylene, as well as monitoring for flow, carbon tetrachloride, and total recoverable chromium.

Name and Address of Applicant	Receiving Stream	Type of Discharge
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Cedar Valley Investments, LLC 2754 NW U.S. 75 Hwy. Lebo, KS 66856	Joe Creek via Long Creek via Unnamed Tributary	Treated Domestic Wastewater
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Kansas Permit No. C-MC57-0002
Federal Permit No. KS0083577

Legal Description: SE¼, SE¼, NE¼, S3, T19S, R15E, Coffey County, Kansas

Facility Name: Conoco Travel Center

Facility Location: Southwest Intersection of I-35 and US-75, Lebo, Kansas

The proposed action is to reissue an existing State/NPDES permit for an existing facility. This is a two-cell wastewater stabilization lagoon system. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, and pH, as well as monitoring for ammonia and E. coli.

(continued)

Name and Address of Applicant	Receiving Stream	Type of Discharge
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Kincaid, City of PO Box 56 Kincaid, KS 66039	North Fork Little Osage River via Unnamed Tributary	Treated Domestic Wastewater
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Kansas Permit No. M-MC17-0001
Federal Permit No. KS0080578

Legal Description: SW $\frac{1}{4}$, S31, T22S, R21E, Anderson County, Kansas

The proposed action is to reissue an existing State/NPDES permit for an existing facility. This facility is a four-cell wastewater stabilization lagoon system. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, pH, ammonia, and E. coli. The proposed permit contains a schedule of compliance which states the permittee shall retain a KDHE-certified operator.

Name and Address of Applicant	Receiving Stream	Type of Discharge
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Ogden, City of PO Box C Ogden, KS 66517	Kansas River via Dry Branch Creek	Treated Domestic Wastewater
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Kansas Permit No. M-KS51-0002
Federal Permit No. KS0099635

Legal Description: S $\frac{1}{2}$, SE $\frac{1}{4}$, S12, T11S, R6E, Riley County, Kansas

The proposed action is to reissue an existing State/NPDES permit for an existing facility. This facility is a three-cell wastewater stabilization lagoon system. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, pH, and E. coli, as well as monitoring for ammonia and total phosphorus.

Name and Address of Applicant	Receiving Stream	Type of Discharge
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Redfield, City of PO Box 5 Redfield, KS 66769	Marmaton River via Unnamed Tributary	Treated Domestic Wastewater
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Kansas Permit No. M-MC42-0001
Federal Permit No. KS0091197

Legal Description: SW $\frac{1}{4}$, NE $\frac{1}{4}$, SW $\frac{1}{4}$, S28, T25S, R23E, Bourbon County, Kansas

The proposed action is to reissue an existing State/NPDES permit for an existing facility. This facility is a three-cell wastewater stabilization lagoon system. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, pH, and ammonia, as well as monitoring for E. coli.

Name and Address of Applicant	Receiving Stream	Type of Discharge
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Monte Shadwick Living Trust 709 Highland Ave. Salina, KS 67401	Mulberry Creek via Unnamed Tributary	Treated Domestic Wastewater
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Kansas Permit No. M-SA20-0001
Federal Permit No. KS0094161

Legal Description: SE $\frac{1}{4}$, SW $\frac{1}{4}$, SW $\frac{1}{4}$, S28, T13S, R4W, Saline County, Kansas

Facility Name: Sundowner West Meadows Wastewater Treatment Facility

Facility Location: 2745 N. Hedville Rd., Salina, KS 67401

The proposed action is to reissue an existing State/NPDES permit to an existing facility. This facility is a three-cell wastewater stabilization lagoon system. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, and pH, as well as monitoring for ammonia, E. coli, total phosphorus, and copper.

Persons wishing to comment on the draft documents and/or permit applications must submit their comments in writing to the Kansas Department of Health and Environment if they wish to have the comments consid-

ered in the decision-making process. Comments should be submitted to the attention of the Livestock Waste Management Section for agricultural related draft documents or applications, or to the Technical Services Section for all other permits, at the Kansas Department of Health and Environment, Division of Environment, Bureau of Water, 1000 SW Jackson St., Suite 420, Topeka, KS 66612-1367.

All comments regarding the draft documents or application notices received on or before August 10, 2019, will be considered in the formulation of the final determinations regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-19-234/246, KS-Q-19-149/156) and name of the applicant/permittee when preparing comments.

After review of any comments received during the public notice period, the Secretary of Health and Environment will issue 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).

All draft documents/applications and the supporting information including any comments received are on file and may be inspected at the offices of the Kansas Department of Health and Environment, Bureau of Water, 1000 SW Jackson St., Suite 420, Topeka, Kansas. 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.kdheks.gov/feedlots>. Division of Environment offices are open from 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays.

Lee A. Norman, M.D.
Secretary

Doc. No. 047309

(Published in the Kansas Register July 11, 2019.)

City of Kechi, Kansas

Summary Notice of Bond Sale

\$1,465,000*

General Obligation Bonds Series 2019

Details of the Sale

Subject to the terms and requirements of the Official Notice of Bond Sale, dated June 27, 2019, of the City of Kechi, Kansas (the "City"), bids to purchase the City's General Obligation Bonds, Series 2019, (the "Bonds") will be received at the office of the City Clerk at City Hall, 220 W. Kechi Rd., Kechi, KS 67067 or by telefacsimile at 316-744-9636 or electronically as described in the Official Notice of Bond Sale until 11:00 a.m. (CST) Thursday, July 25, 2019. The bids will be considered by the governing body at its meeting at 7:00 p.m. (CST) on the sale date.

No oral or auction bids for the Bonds shall be considered, and no bids for less than 100 percent of the total principal amount of the Bonds and accrued interest to the date of delivery shall be considered.

Good Faith Deposit

Bidders must submit a good faith deposit in the form of a wire transfer or certified or cashier’s check made payable to the order of the City, or a financial surety bond (if then available), in an amount equal to 2% of the principal amount of the Bonds.

Details of the Bonds

The Bonds will be dated August 13, 2019 and will be issued as registered bonds in denominations of \$5,000, or any integral multiple thereof. Interest on the Bonds is payable semiannually on March 1 and September 1 of each year, beginning March 1, 2020. Principal of the Bonds becomes due on September 1 in the years and amounts as shown below:

Maturity Schedule			
Principal Amount*	Maturity Date	Principal Amount*	Maturity Date
\$35,000	2020	\$ 70,000	2030
50,000	2021	75,000	2031
55,000	2022	85,000	2032
55,000	2023	85,000	2033
60,000	2024	90,000	2034
60,000	2025	95,000	2035
60,000	2026	95,000	2036
65,000	2027	100,000	2037
65,000	2028	100,000	2038
65,000	2029	100,000	2039

Payment of Principal and Interest

The Treasurer of the State of Kansas will serve as the Bond Registrar and Paying Agent for the Bonds.

Book-Entry Bonds

The Bonds will be issued and registered under a book-entry-only system administered by The Depository Trust Company, New York, New York (“DTC”).

Delivery of the Bonds

The City will prepare the Bonds at its expense and will deliver the registered Bonds to DTC on or about August 13, 2019. Any bond printing costs will be paid by the City from the proceeds of the Bonds or other City funds.

Legal Opinion

The Bonds will be sold subject to the legal opinion of Triplett Woolf Garretson, LLC, Wichita, Kansas, Bond Counsel, whose fees will be paid by the City.

Financial Matters

The City’s current assessed valuation for purposes of calculating statutory debt limitations is \$22,716,656. As of August 13, 2019, the City’s total outstanding general obligation debt (including the Bonds), is \$6,355,000* which excludes temporary notes outstanding in the amount of \$1,095,000 which will be retired out of the proceeds of the Bonds herein offered for sale. The City’s total indebtedness which is subject to debt limitation, as of August 13, 2019, is estimated to be \$1,757,829.57, which is 7.74%* of the assessed valuation of the City.

Additional Information

For additional information contact the City Clerk at the address and telephone number shown below, or the Fi-

ancial Advisor, Dustin Avey, Piper Jaffray & Co., 11635 Rosewood St., Leawood, KS 66211-2000, telephone 800-829-5377.

City of Kechi, Kansas
 By Laura Hill
 City Clerk
 City Hall, 220 W. Kechi Rd.
 Kechi, KS 67067
 316-744-9287
 Fax: 316-744-9636

* Principal amount subject to change.
 Doc. No. 047306

State of Kansas

Secretary of State

Executive Appointments

Executive appointments made by the governor, and in some cases by other state officials, are filed with the secretary of state’s office. A listing of Kansas state agencies, boards, commissions, and county officials are included in the Kansas Directory, which is available on the secretary of state’s website at <https://sos.kansas.gov>. The following appointments were recently filed with the secretary of state:

District Magistrate Judge, 22nd Judicial District

Laura Johnson-McNish, 1185 Dawson Dr., Marysville, KS 66508.

Smith County Clerk

Joell Wagenblast, 405 Chestnut, Athol, KS 66932. Term expires January 11, 2021.

Stafford County Treasurer

Mary Gatton, 1103 NE 110th Ave., Stafford, KS 67578. Term expires January 10, 2021. Succeeds LaDona S. Garcia.

Complete Count Committee, Kansas

Doug Boline, 900 SW Jackson, Suite 600, Topeka, KS 66612. Term expires June 30, 2020.

Kenya Cox, 900 SW Jackson, Suite 101A, Topeka, KS 66612. Term expires June 30, 2020.

Eric Davis, 2800 SW Topeka, Blvd., Topeka, KS 66611. Term expires June 30, 2020.

Janis DeBoer, 503 S. Kansas Ave., Topeka, KS 66603. Term expires June 30, 2020.

Lindsey Douglas, 700 SE Harrison St., Topeka, KS 66612. Term expires June 30, 2020.

Delia Garcia, 401 SW Topeka Blvd., Topeka, KS 66603. Term expires June 30, 2020.

Lisa Garcia-Stewart, 900 SW Jackson, Suite 100, Topeka, KS 66612. Term expires June 30, 2020.

Emily Kelley, 3997 Coachman Rd., Manhattan, KS 66502. Term expires June 30, 2020.

Heather Lansdowne, 1320 Research Park Dr., Manhattan, KS 66502. Term expires June 30, 2020.

Brian McClendon, 1200 Oread Ave., Unit 703, Lawrence, KS 66044. Term expires June 30, 2020.

Eric Norris, 300 SW 10th St., Topeka, KS 66612. Term expires June 30, 2020.

(continued)

Reggie Robinson, 1445 Jayhawk Blvd., Room 4060, Lawrence, KS, 66045. Term expires June 30, 2020.

Eric Rohleder, 700 SW Jackson, St., Suite 1004, Topeka, KS 66603. Term expires June 30, 2020.

Elizabeth Saadi, 1000 SW Jackson, Suite 540, Topeka, KS 66612. Term expires June 30, 2020.

Scott Schwab, 120 SW 10th St., Topeka, KS 66612. Term expires June 30, 2020.

Kathleen Smith, 109 SW 9th St., 4th Floor, Topeka, KS 66612. Term expires June 30, 2020.

Tyler Tenbrink, 401 SW Topeka Blvd., Topeka, KS 66603. Term expires June 30, 2020.

David Toland, 1000 SW Jackson, Suite 100, Topeka, KS 66612. Term expires June 30, 2020.

Stacey Tweedy, 555 S. Kansas Ave., 6th Floor, Topeka, KS 66603. Term expires June 30, 2020.

Joyce Warshaw, 2003 E. La Mesa Dr., Dodge City, KS 67801. Term expires June 30, 2020.

Perry Wiggins, 2053 2650th Ave., Chapman, KS 67431. Term expires June 30, 2020.

Criminal Justice Coordinating Council, Kansas

Clay Britton, 300 SW 10th St., Suite 267-W, Topeka, KS 66612.

Midwestern Higher Education Compact

Aaron Otto, 5200 Catalina St., Roeland Park, KS 66205. Succeeds Richard Short.

Pharmacy, Kansas Board of

Dr. Terica Gatewood, 1628 NW 33rd Pl., Topeka, KS 66618. Term expires April 30, 2023.

Dr. Tiffany Strohmeier, 211 NW The Drive, Topeka, KS 66606. Term expires April 30, 2023.

Postsecondary Technical Education Authority

Dr. Tiffany Anderson, 14313 Dearborn St., Overland Park, KS 66223.

REACH Healthcare Foundation

Kerri Wade, 14605 W. 83rd Pl., Lenexa, KS 66215. Term expires June 1, 2022.

State Fair Board, Kansas

Kathleen Brazle, 9745 210th Rd., Chanute, KS 66720. Term expires March 15, 2022.

Dylan Evans, PO Box 505, Lebo, KS 66856. Term expires March 15, 2022.

Sarah Green, 3416 E. Pine St., Wichita, KS 67208. Term expires March 15, 2022.

Supreme Court Nominating Commission

Frances Graves, 1566 4000 Rd., Bartlett, KS 67332. Term expires June 30, 2023.

Washburn University Board

Shelly Buhler, 503 W. Maple Ct., PO Box 784, Rossville, KS 66533. Term expires June 30, 2023. Succeeds William Sneed.

Scott Schwab
Secretary of State

Doc. No. 047311

State of Kansas

Department of Revenue Division of Alcoholic Beverage Control

Notice of Hearing on Proposed Administrative Regulation

A public hearing will be conducted by the Department of Revenue from 1:00 p.m. to 3:00 p.m. September 18, 2019, in the Kansas Department of Revenue Alcoholic Beverage Control conference room, 5th floor, Mills Building, 109 SW 9th St., Topeka, KS 66612, to consider the revocation of 14-6-4, cereal malt beverage regulation. Copies of this proposed regulation may be found at <https://www.ksrevenue.org/prproposedregulations.html>.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written comments from the public on the proposed regulation. All interested parties may submit written public comments on the proposed regulation prior to the hearing to Debbi Beavers, Director, Alcoholic Beverage Control Division, Mills Building, 109 SW 9th St., Topeka, KS 66612 or through email at debbi.beavers@ks.gov.

All interested parties will be given a reasonable opportunity to present their views, either orally or in writing or both, concerning the adoption of the proposed regulation. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulation and economic impact statement in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Debbi Beavers at 785-368-6290 or TTY 785-296-6461. Disabled parking is located on the north side of the Mills Building on either side of 9th Street. The north entrance to the Mills Building is accessible.

This regulation is proposed for adoption on a permanent basis. A summary of the proposed regulation and the economic impact follows:

Kansas Department of Revenue Article 6. Containers and Labels

Revocation of K.A.R. 14-6-4. The revocation of this regulation will neither enhance nor restrict business activities. Instead, it will merely eliminate an unnecessary step many manufacturers are currently forced to do (including the 3.2% ABW statement on CMB products) only for products shipped into Kansas. This will become even more beneficial to industry members as CMB products are eventually phased out of the marketplace entirely.

Economic Impact:

The economic impact of revoking this regulation would be minimal. Industry members would experience minor savings in terms of packaging, since they would no longer have to produce special "Kansas-only" packaging that includes the 3.2% ABW language.

Mark Burghart
Secretary

Doc. No. 047305

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) "Conviction" means any of the following, whether or not the penalty is reduced, suspended, or resolved by means of a probationary agreement:

(1) An unvacated adjudication of guilt or a determination by a federal, state, or local court of original jurisdiction or by an authorized administrative tribunal that a person has violated or failed to comply with the law;

(2) An unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court;

(3) a plea of guilty or nolo contendere accepted by the court;

(4) the payment of a fine or court cost; or

(5) violation of a condition of release without bail.

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

(i) "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.

(j) "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.

(k) "Entire direct case" shall include, for the purpose of

this article of the commission's regulations, all testimony, exhibits, and other documentation offered in support of the proposed rates.

(l) "Express carrier" means a common carrier who carries packages or parcels, the maximum weight of which does not exceed 350 pounds for each package or parcel.

(m) "FHWA" means federal highway administration.

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

(o) "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.

(p) "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.

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

(r) "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.

(s) "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.

(t) "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.

(u) "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.

(v) "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.

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

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

(y) "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, revised on April 1, 2016, and hereby adopted by reference.

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

(continued)

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

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

(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. 66-1,112, K.S.A. 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.)

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 shall be used to mark each vehicle and any intermodal equipment as out-of-service. (Authorized by K.S.A. 66-1,108a and 66-1,108c; implementing K.S.A. 66-1,108b; effective Nov. 14, 2011; amended May 6, 2016; amended July 26, 2019.)

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, 2015, is hereby adopted by reference.

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

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

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

(C) 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;

"(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 N shall be deleted.

(9) Subpart O shall be deleted. Each motor carrier shall use a DOT-certified substance abuse professional.

(10) Subparts P through R shall be deleted.

(11) In 49 C.F.R. Part 40, Appendix A through Appendix H 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. 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 July 26, 2019.)

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, 2015, 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, found at K.S.A. 8-2,125 et seq.”

(C) In paragraph (a)(2), the word “or” shall be deleted.

(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. 386.2, as adopted by K.A.R. 82-4-3o, 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 “§ 40.85 of this title” shall be deleted and replaced by “49 C.F.R. 40.85, as adopted by K.A.R. 82-4-3b.”

(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.”

(F)(i) In paragraph (1) of the definition of “refuse to submit,” the phrase “§ 40.61(a) of this title” shall be deleted and replaced by “49 C.F.R. 40.61(a), as adopted by K.A.R. 82-4-3b.”

(ii) In paragraphs (2) and (3) of the definition of “refuse to submit,” the phrase “§ 40.63(c) of this title” shall be deleted and replaced by “49 C.F.R. 40.63(c), as adopted by K.A.R. 82-4-3b.”

(iii) In paragraph (4) of the definition of “refuse to submit,” the phrase “§§ 40.67(l) and 40.69(g) of this title” shall be deleted and replaced by “49 C.F.R. 40.67(l) and 40.69(g) as adopted by K.A.R. 82-4-3b.”

(iv) In paragraph (5) of the definition of “refuse to submit,” the phrase “§ 40.193(d)(2) of this title” shall be deleted and replaced by “49 C.F.R. 40.193(d)(2) as adopted by K.A.R. 82-4-3b.”

(continued)

(v) In paragraph (7) of the definition of “refuse to submit,” the phrase “§ 40.193(d) of this title” shall be deleted and replaced by “49 C.F.R. 40.193(d) as adopted by K.A.R. 82-4-3b.”

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

(6) 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.”

(7) 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.”

(8) 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, 2016, and hereby adopted by reference.”

(9) 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.”

(10) 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.”

(11) 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.”

(12) 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 “§ 40.213(g) of this title” shall be deleted and replaced by “49 C.F.R. 40.213(g) as adopted by K.A.R. 82-4-3b.”

(D) In paragraph (c)(6)(iii), the phrase “§ 40.111(a) of this title” shall be deleted and replaced by “49 C.F.R. 40.111(a), as adopted by K.A.R. 82-4-3b.”

(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.

(13) 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 “49 C.F.R. 40.26 as adopted by K.A.R. 82-4-3b.”

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

(A) In paragraph (g), the phrase “§ 40.323(a)(2) of this title” shall be deleted and replaced by “49 C.F.R. 40.323(a)(2) as adopted by K.A.R. 82-4-3b.”

(B) In paragraph (h), the phrase “§ 40.321(b) of this title” shall be deleted and replaced by “49 C.F.R. 40.321(b) as adopted by K.A.R. 82-4-3b.”

(15) 49 C.F.R. 382.407 and 382.409 shall be deleted.

(16) In 49 C.F.R. 382.413, the phrase “§ 40.25 of this title” shall be deleted and replaced by “49 C.F.R. 40.25 as adopted by K.A.R. 82-4-3b.”

(17) 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.”

(18) 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.”

(19) 49 C.F.R. 382.507 shall be deleted.

(20) 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.”

(21) 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.”

(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. 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 July 26, 2019.)

82-4-3d. Safety fitness procedures. (a) With the following exceptions, 49 C.F.R. Part 385, as in effect on October 1, 2015, 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 “as adopted by K.A.R. 82-4-3a through 82-4-3o,” shall be inserted after the phrase “49 CFR chapter III, subchapter B — Federal Motor Carrier Safety Regulations.” The phrase “as adopted by K.A.R. 82-4-20” shall be inserted after 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 170 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. In-

formation 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 shall be inserted after the last sentence in 49 C.F.R. 385.405(b): “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.”

(10) 49 C.F.R. 385.501 through 385.1019, including appendices A and B, 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. 66-1,112, K.S.A. 66-1,112g, K.S.A. 66-1,129; implementing K.S.A. 66-1,112, K.S.A. 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.)

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, 2015 and as amended by 81 fed. reg. 47720 (2016) and the portions of 82 fed. reg. 5318 (2017) pertaining to subpart E, is hereby adopted by reference:

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

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

(i) The phrase “subchapter B of this chapter” shall be deleted and replaced with “K.A.R. 82-4-3a through K.A.R. 82-4-3o, and K.A.R. 82-4-20.”

(ii) The phrase “or intrastate” shall be added after the word “interstate.”

(B) 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.”

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

(i) The phrase “Part 387, 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.”

(continued)

(D) In paragraph (d), the phrase “subchapter B of this chapter” shall be deleted and replaced with “K.A.R. 82-4-3a through K.A.R. 82-4-3o, and K.A.R. 82-4-20.”

(E) In paragraph (e)(1), the phrase “all regulations contained in this subchapter” 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.”

(F) In paragraph (e)(2), the phrase “all applicable regulations contained in this subchapter” 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.”

(G) In paragraph (e)(3), both instances of the phrase “this subchapter” shall be deleted and replaced with “K.A.R. 82-4-3a through K.A.R. 82-4-3o, and K.A.R. 82-4-20.”

(H) In paragraph (f), the phrase “this subchapter” shall be deleted and replaced with “K.A.R. 82-4-3a through K.A.R. 82-4-3o, and K.A.R. 82-4-20.”

(I) In paragraph (g), the phrase “of Subchapter B of this chapter” shall be deleted.

(J) 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.”

(K) Paragraph (g)(2) shall be deleted.

(L) 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.”

(M) Paragraph (g)(4) shall be deleted.

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

(i) The phrase “of subchapter B of this chapter” shall be deleted.

(ii) Paragraph (1) shall be deleted and replaced with “Subpart F of 49 C.F.R. Part 385 as adopted by K.A.R. 82-4-3d.”

(iii) 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.”

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

(v) 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. 390.5:

(A) In the first paragraph, the phrase “this subchapter” shall be deleted and replaced with “K.A.R. 82-4-3a through K.A.R. 82-4-3o, and K.A.R. 82-4-20.”

(B) The following definitions shall be deleted:

- (i) Conviction;
- (ii) exempt motor carrier;
- (iii) other terms;
- (iv) secretary;
- (v) state; and
- (vi) United States.

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

(D) 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.”

(E) 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.”

(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” shall be deleted and replaced with “49 C.F.R. 391.49 as adopted by K.A.R. 82-4-3g.”

(L) The definition of “out of service order” shall be deleted.

(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) 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.”

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

(4) In 49 C.F.R. 390.11, the phrase “part 325 of subchapter A or in this subchapter” 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.”

(5) 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.”

(6) 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.

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

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

(B) In paragraph (a)(2), the phrase “as adopted by K.A.R. 82-4-3d,” shall be inserted following “49 C.F.R. part 385, subpart E.” The phrase “of this chapter” shall be deleted.

(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;

“(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.

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

(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.

(D) In paragraph (g)(2), the phrase “subchapter B of this chapter” shall be deleted and replaced with “49 C.F.R. Subtitle B, Chapter III, Subchapter B as adopted by K.A.R. 82-4-3a through K.A.R. 82-4-3o.”

(9) 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. 82-4-3o.”

(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. 82-4-3o.”

(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.”

(10) 49 C.F.R. 390.27 shall be deleted.

(11) 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.

(12) 49 C.F.R. 390.37 shall be deleted.

(13) With the following exceptions, 49 C.F.R. 390.38 is hereby adopted by reference:

(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.

(continued)

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."

(14) 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. Part 391, Subpart E 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) Paragraph (c) shall be deleted.

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

(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)(1) of this chapter" shall be deleted and replaced with "as defined in K.A.R. 82-4-3o."

(16) 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)(2) of this chapter" shall be deleted and replaced by "required by K.A.R. 82-4-3j."

(17) 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 "specified in K.A.R. 82-4-3h."

(ii) The phrase "pursuant to §392.7(b)" shall be deleted and replaced by "K.A.R. 82-4-3h."

(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 "adopted and specified in K.A.R. 82-4-3h."

(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."

(18) 49 C.F.R. 390.46 shall be deleted.

(19) 49 C.F.R. Part 390, Subpart D shall be deleted.

(b) Section 8 of 49 C.F.R., Chapter III, Subchapter B, Appendix F, as in effect on October 1, 2015, 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) 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 Oct. 8, 2010; amended Nov. 14, 2011; amended Sept. 20, 2013; amended June 12, 2015; amended July 26, 2019.)

82-4-3g. Qualifications of drivers. (a) With the following exceptions, 49 C.F.R. Part 391, as in effect on October 1, 2015 and as amended by 81 fed. reg. 47720 (2016), 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 (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."

(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."

(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” and “§ 395.2 of this part” 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 “§ 391.15(c)(2)(i)(A) or (B), or § 392.5(a)(2)” shall be deleted and replaced by “49 C.F.R. 391.15(c)(2)(i)(A) or (B) as adopted by K.A.R. 82-4-3g 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. 82-4-3h (a)(2)(A)” 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)” 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)” 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 paragraph (a)(2), (h)(i)(1) and (h)(iii)(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 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 subchapter” 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 “40.281 through 49 C.F.R. 40.313, as adopted by K.A.R. 82-4-3b.”

(J) In paragraph (e)(3), the phrase “§ 382.605” shall be deleted and replaced with “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 “49 C.F.R. 40.281 through 40.313, as adopted by K.A.R. 82-4-3b.”

(K) In paragraph (f), the term “§ 40.321(b)” shall be deleted and replaced by “49 C.F.R. 40.321(b), as adopted by K.A.R. 82-4-3b.”

(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)(7)(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) and 383.71(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.

(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 “commission motor carrier safety regulations as adopted by K.A.R. 82-4-20, or any Federal Motor Carrier Safety Regulations or Hazardous Materials Regulations, as adopted by article 4 of the commission’s regulations, occurring in interstate commerce.”

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(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)(ii), the phrase "in accordance with § 383.71(h)" shall be deleted.

(C) In paragraph (a)(2)(i)(B), the phrase "49 CFR part 383" shall be deleted and replaced with "the Kansas uniform commercial drivers' license act, found at K.S.A. 8-2,125 et seq."

(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. 82-4-3h" shall be added after the phrase "21 CFR 1308.11 Schedule I."

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

(A) The following revision shall be made to paragraph (a): The phrase "subpart D of part 390 of this chapter" shall be deleted and replaced with "subpart D of 49 C.F.R. Subtitle B, Chapter III, Subchapter B, Part 390."

(B) In the portion titled "Extremities" in paragraph (f), the words "Field Service Center of the FMCSA, for the State in which the driver has legal residence" shall be deleted and replaced by "commission."

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

(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 shall be filed in accordance with K.A.R. 82-1-235 and K.S.A. 77-601 et seq."

(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 "or 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 "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 following revisions shall be made to paragraph (d):

(F) 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."

(G) 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."

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

(I) 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 and replaced by the phrase "as adopted by K.A.R. 82-4-3g."

(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.

(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 at the end of the paragraph.

(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 as adopted by K.A.R. 82-4-3g, or the Medical Exemption letter issued by a Federal medical program in accordance with 49 C.F.R. Part 381."

(16) In 49 C.F.R. 391.55, the text "as in effect on October 1, 2015, which are hereby adopted by reference" shall be inserted at the end of paragraph (b)(1).

(17) 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."

(18) The following revisions shall be made to 49 C.F.R. 391.62:

(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."

(19) 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."

(20) 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."

(21) 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 "Federal Motor Carrier Safety Regulations" shall be deleted and replaced by the phrase "as adopted by K.A.R. 82-4-3g."

(22) 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."

(23) 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."

(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. 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 Nov. 14, 2011; amended Sept. 20, 2013; amended June 12, 2015; amended July 26, 2019.)

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, 2015 and as amended by 81 fed. reg. 47721 (2016), 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) 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 "and hereby adopted by reference and dated August 10, 2005" 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), hereby adopted by reference and dated August 10, 2005."

(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 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.

(continued)

(B) In paragraph (c), the phrase “5 U.S.C. 554 not later than 10 days after issuance of such order” shall be deleted and replaced with “K.A.R. 82-1-235 and 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 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.”

(B) In paragraph (a)(6), the phrase “subpart B of part 107 of this title” shall be deleted and replaced by “49 C.F.R. 107.105 and 107.107, both as adopted by K.A.R. 82-4-20.”

(C) 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. Part 393, Subpart B, as adopted by K.A.R. 82-4-3i.”

(12) 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.”

(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. 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.)

82-4-3i. Parts and accessories necessary for safe operation. (a)(1) With the following exceptions, 49 C.F.R. Part 393, as in effect on October 1, 2015 and as amended by 81 fed. reg. 47721 (2016), is hereby adopted by reference:

(A) 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.”

(B) The following revisions shall be made to 49 C.F.R. 393.5:

(i) 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.”

(ii) 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.”

(iii) 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.”

(iv) 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.”

(v) 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 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 adopted by reference.”

(C) 49 C.F.R. 393.7 shall be deleted.

(D) The following revision shall be made to 49 C.F.R. 393.11: 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.”

(E) 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.

(F) The following revisions shall be made to 49 C.F.R. 393.24:

(i) In paragraph (b), the parenthetical sentence shall be deleted.

(ii) Paragraph (d) shall be deleted.

(G) 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.”

(H) The following revisions shall be made to 49 C.F.R. 393.26:

(i) In paragraph (c), the parenthetical sentence shall be deleted and replaced with the following: "The aforementioned documents are hereby adopted by reference."

(ii) 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."

(I) 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.

(J) The parenthetical statement in 49 C.F.R. 393.42(b)(2) shall be deleted.

(K) 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."

(L) The note following 49 C.F.R. 393.51 (b) shall be deleted.

(M) 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."

(N) 49 C.F.R. 393.67(c)(3) shall be deleted.

(O) The following revisions shall be made to 49 C.F.R. 393.71:

(i) 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."

(ii) In paragraph (h)(9), the phrase "requirements of the Federal Motor Carrier Safety Administration" shall be deleted and replaced by "Federal and Kansas requirements."

(iii) In paragraph (m)(8), the phrase "requirements of the Federal Motor Carrier Safety Administration" shall be deleted and replaced by "Federal and Kansas requirements."

(P) The following revision shall be made to 49 C.F.R. 393.75: In paragraphs (h)(1) and (g)(2), the clause "that are labeled pursuant to 24 C.F.R. 3282.362(c)(2)(i)" shall be deleted and replaced by "built."

(Q) 49 C.F.R. 393.77(b)(15) shall be deleted.

(R) 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."

(S) The following revision shall be made to 49 C.F.R. 393.86(a)(1):

The third sentence shall be deleted.

(T) 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."

(U) The following revisions shall be made to 49 C.F.R. 393.95:

(i) 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."

(ii) In paragraph (a)(5), "Appendix A, Appendix B, Appendix H, Appendix I, Appendix J, Appendix L, Appendix O, and Appendix P, all dated July 1, 2015, which are hereby adopted by reference" shall be added after the phrase "under 40 CFR Part 82, Subpart G."

(iii) 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."

(iv) In paragraph (j), the period at the end of the second sentence shall be deleted and replaced with the clause "which is hereby adopted by reference." The parenthetical sentence following the second sentence shall be deleted.

(V) The following revisions shall be made to 49 C.F.R. 393.104(e) and its corresponding table:

(i) 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.

(ii) 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.

(iii) 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 4-15 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.

(iv) 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, which is hereby adopted by reference."

(v) 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, which is hereby adopted by reference."

(vi) 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, which is hereby adopted by reference."

(vii) 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 replaced with "CI 1303-06, 'nylon (polyamide) fiber rope: 3-strand laid and 8-strand plaited constructions,' October 2006, which is hereby adopted by reference."

(viii) 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, which is hereby adopted by reference."

(continued)

(2) 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.

(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, 2015, 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 and 4.2.2 only;
- (3) FMVSS 105, 49 C.F.R. 571.105, sections S5.3 and 5.5 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, section S5.1(b) 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, sections S5.1.1, 5.1.2, and 5.1.3 only.

(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, 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.)

82-4-3j. Inspection, repair, and maintenance. (a) With the following exceptions, 49 C.F.R. Part 396, as in effect on October 1, 2015 and as amended by 81 fed. reg. 47722 (2016), 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.

(7) The following revisions shall be made to 49 C.F.R. 396.23:

(A) The following revision shall be made to paragraph (a): The phrase "as adopted in K.A.R. 82-4-3m" shall be added after "Appendix G."

(B) The following revision shall be made to paragraph (b)(1): The phrase "by the Administrator" 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) 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.)

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, 2015, 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 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 words "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) 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 "dated October 25, 1994, which is hereby adopted by reference" 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."

(9) 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."

(10) 49 C.F.R. 397.69 shall be deleted.

(11) 49 C.F.R. 397.71 shall be deleted.

(12) 49 C.F.R. 397.73 shall be deleted.

(13) 49 C.F.R. 397.75 shall be deleted.

(14) 49 C.F.R. 397.77 shall be deleted.

(15) 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)."

(H) Paragraph (g) shall be deleted and replaced by the following: "Unless otherwise preempted, each motor carrier who accepts for transportation on a highway route a controlled quantity of Class 7 (radioactive) material, as defined by 49 C.F.R. 173.401(1), as adopted by K.A.R. 82-4-20, shall provide the following information to the director within 90 days following acceptance of the package:"

(I) In paragraph (g)(3), the phrase "as adopted by K.A.R. 82-4-20" shall be added after "49 CFR 172.202 and 172.203."

(16) Except for paragraph (c), 49 C.F.R. 397.103 shall be deleted.

(17) Subpart E of 49 C.F.R. Part 397 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. 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.)

82-4-31. Transportation of migrant workers. (a) With the following exceptions, 49 C.F.R. Part 398, as in effect on October 1, 2015, 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' found in 29 U.S.C. 203(f), as in effect on December 16, 2014, is hereby adopted by reference. 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 August 31, 2006, which is hereby adopted by reference."

(B) In paragraph (b), the words "person, including any 'contract carrier by motor vehicle', but not including any 'common carrier by motor vehicle', who or which transports in interstate or foreign commerce" 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 com-

(continued)

merce, 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) In 49 C.F.R. 398.3(b)(9), the phrase "§ 398.3(b) of the Federal Motor Carrier Safety Regulations of the Federal Motor Carrier Safety Administration" shall be deleted and replaced with "49 C.F.R. 398.3(b) as adopted by K.A.R. 82-4-3l."

(4) 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."

(5) 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 "part 393 of this subchapter, except § 393.44 of this subchapter" shall be deleted and replaced by "49 C.F.R. Part 393, as adopted by K.A.R. 82-4-3i."

(6) 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. A compliance report form approved by the commission shall contain the following information:

"(1) The name, MCID number, and address of the motor carrier;

"(2) information regarding the inspection location;

"(3) the date of the inspection;

"(4) the name, birth date, license number, and employment status of the driver;

"(5) whether hazardous materials were being transported, and if so, what type;

"(6) shipping information regarding the commodity transported;

"(7) identification of the vehicle used;

"(8) brake adjustment information;

"(9) identification of the alleged violations;

"(10) information regarding the authority under which the vehicle could be put out of service for alleged violations discovered during the inspection;

"(11) information regarding the individual who prepares the inspection report; and

"(12) a statement to be signed by the motor carrier that the violations have been corrected."

(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.' An out of service form approved by the commission shall contain the following information:

"(i) A statement that the motor vehicle has been declared out of service;

"(ii) a statement that the out of service marking may be removed only under the conditions outlined in the out of service order or the accompanying vehicle inspection report;

"(iii) a statement that operation of the vehicle prior to making the required repairs will subject the motor carrier to civil penalties;

"(iv) the number and dates of the inspection; and

"(v) a place for the signature of the authorized individual making the inspection."

(D) The following revisions shall be made to paragraph (c)(2):

(i) The phrase "on Form MCS 63" shall be deleted and replaced by "on a form approved by the commission for driver-equipment compliance reporting."

(ii) 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) In paragraph (c)(3), the phrase "on Form MCS 63" shall be deleted and replaced by "on a form approved by the commission for driver-equipment compliance reporting."

(F) 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, which shall include the person's name and the name of the person's shop or garage as well as the date and time the repairs were completed. If the driver completes the required repairs, then the driver shall complete the same form."

(G) In paragraph (d)(1), the phrase "Forms MCS 63" shall be deleted and replaced by "the forms approved by the commission for driver-equipment compliance reporting."

(H) In paragraph (d)(1), the phrase "Federal Motor Carrier Safety Regulations" shall be deleted and replaced by the phrase "commission's regulations."

(I) In paragraph (d)(2), the phrase "'Motor Carrier Certification of Action Taken' on Form MCS 63" and

the phrase "Form MCS 63" shall be deleted and replaced by "form approved by the commission for driver-equipment reporting."

(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, 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 Sept. 20, 2013; amended July 26, 2019.)

82-4-3m. Employee safety and health standards. (a)

(1) With the following exceptions, 49 C.F.R. Part 399, as in effect on October 1, 2015, is hereby adopted by reference:

(A) 49 C.F.R. 399.201 shall be deleted.

(B) In 49 C.F.R. 399.205, the definition of "person" shall be deleted.

(C) In 49 C.F.R. 399.209, paragraph (b) shall be deleted.

(2) Appendix G to 49 C.F.R. Chapter III, Subchapter B, as in effect on October 1, 2015, is hereby adopted by reference, except as follows:

All text following standards 1 through 13, which begins with the heading "Comparison of Appendix G, and the new North American Uniform Driver-Vehicle Inspection Procedure (North American Commercial Vehicle Critical Safety Inspection Items and Out-Of-Service Criteria)," shall be deleted.

(b) 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 July 26, 2019.)

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, 2015, is hereby adopted by reference:

(1) The following revisions shall be made to 49 C.F.R. 387.3:

(A) In paragraph (a), the phrase "for-hire" shall be deleted and replaced by "public."

(B) In paragraph (c)(1), 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."

(5) The following revisions shall be made to 49 C.F.R. 387.11:

(A) In paragraphs (b) and (d), the words "any State in which the motor carrier operates" shall be deleted and replaced by "the state of Kansas."

(B) In paragraph (c), the words "any State in which business is written" shall be deleted and replaced by "the state of Kansas."

(6) The following revision shall be made to 49 C.F.R. 387.15: The definition of "motor vehicle" shall be deleted in illustration I.

(7) 49 C.F.R. 387.17 shall be deleted.

(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."

(iii) The phrase "subpart C of this part" shall be deleted and replaced with "K.A.R. 82-4-3n."

(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. 387.33: The term "for hire" shall be deleted and replaced by "public" in the schedule of limits.

(12) 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."

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(14) 49 C.F.R. 387.41 shall be deleted.

(15) The following revisions shall be made to 49 C.F.R. 387.301:

(A) The following revision shall be made to paragraph (a)(1): The phrase "FMCSA" shall be deleted and replaced with "commission."

(B) In paragraph (b), the phrase "FMCSA" shall be deleted and replaced by "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 deleted and replaced by "commission."

(16) The following revision shall be made to 49 C.F.R. 387.303: Paragraph (b)(4) shall be deleted.

(17) 49 C.F.R. 387.307 through 49 C.F.R. 387.323 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. 387.403:

(A) In paragraph (a), the term "FMCSA" shall be deleted and replaced with "the commission."

(B) In paragraph (b), the term "FMCSA" shall be deleted and replaced with "commission."

(20) The following revisions shall be made to 49 C.F.R. 387.407: The first instance of the term "FMCSA" shall be deleted and replaced with "commission." The phrase "FMCSA (or the Department of Transportation, where applicable)" shall be deleted and replaced with "commission."

(21) 49 C.F.R. 387.409 through 49 C.F.R. 387.419 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. 66-1,112, K.S.A. 66-1,112g, K.S.A. 66-1,128, and K.S.A. 66-1,129; effective Oct. 22, 2010; amended Sept. 20, 2013; amended May 6, 2016; July 26, 2019.)

82-4-30. Imminent hazard. (a) With the following exceptions, 49 C.F.R. Part 386, Subpart F, as in effect on October 1, 2015, 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 may 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 in accordance with the Kansas Administrative Procedure Act 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."

(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) 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.)

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, 2015, are hereby adopted by reference:

(1) 49 C.F.R. Part 171, except 171.1(a) and 171.6;

(2) 49 C.F.R. Part 172, except 172.701, 172.804 and 172.822;

(3) 49 C.F.R. Part 173, except 173.10 and 173.27;

(4) 49 C.F.R. Part 177;

(5) 49 C.F.R. Part 178; and

(6) 49 C.F.R. Part 180.

(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 "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) 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. 66-1,112, K.S.A. 66-1,112g, K.S.A. 66-1,129, and K.S.A. 66-1,129b; implementing K.S.A. 66-1,112, K.S.A. 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.)

82-4-21. Requiring insurance. The following types of carriers shall not operate a motor vehicle, trailer, or semitrailer for the transportation of persons or property within the provisions of the motor carrier law of this state until an insurance policy is filed in compliance with K.S.A. 66-1,128 and amendments thereto, and in accordance with the commission's regulations:

(a) Public motor carriers of property, household goods, or passengers; and

(b) private motor carriers of property. (Authorized by K.S.A. 66-1,112, K.S.A. 66-1,112g; implementing K.S.A. 66-1,128; effective Jan. 1, 1971; amended May 1, 1981; amended, T-85-48, Dec. 19, 1984; amended May 1, 1985; amended Jan. 4, 1999; amended Jan. 31, 2003; amended Oct. 22, 2010; amended July 26, 2019.)

82-4-22. Intrastate insurance requirements. (a)(1) Before the commission issues a certificate, permit, or license to an applicant, the following types of applicant carriers shall obtain and keep in force a public liability and property damage insurance policy pursuant to K.S.A. 66-1,128, and amendments thereto:

(A) Public motor carriers of property, household goods, or passengers; and

(B) private motor carriers of property.

(2) Each applicant shall submit proof of the required policy by filing the uniform standard insurance form as required by K.A.R. 82-4-24a. This policy shall be issued by an insurance company or association meeting the requirements of K.S.A. 66-1,128, and amendments thereto.

(3) The insurance policy shall bind the obligors to pay compensation for the following:

(A) Injuries or death to persons, except injury to the insured's employees while engaged in the course of their employment; and

(B) loss of, or damage to, property of others, not including property usually designated as cargo, resulting from the negligent operation of the carrier.

(4) Each carrier shall file online, at the national online registration (NOR) database administered by the motor carrier information exchange, proof of insurance in amounts not less than those required in K.S.A. 66-1,128, and amendments thereto. In special cases and for good cause shown, a carrier may be required by order of the commission to file insurance in additional amounts.

(b) If a motor carrier is unable to provide the uniform standard insurance form required in subsection (a), the original or a certified copy of the policy with all endorsements attached may be temporarily accepted by the commission for 30 days. The motor carrier shall then file the form required in subsection (a) within the 30-day period.

(c) Before the expiration date or cancellation date of an insurance policy filed in compliance with the law and the regulations of the commission, either the motor carrier shall file with the commission a new policy for the vehicle, or the vehicle shall immediately be withdrawn from service and notification of the action shall be given to the commission.

(d) Operation by a motor carrier without compliance with this regulation shall result in emergency proceedings pursuant to K.S.A. 77-536, and amendments thereto, to suspend the certificate, permit, or license issued to the carrier. Each emergency order to cancel the certificate, permit, or license issued to the carrier shall be followed by a notice of the agency action and an opportunity for a hearing on the matter, pursuant to K.S.A. 77-536 and amendments thereto. (Authorized by K.S.A. 66-1,112, K.S.A. 66-1,112g; implementing K.S.A. 66-1,128; effective Jan. 1, 1971; modified, L. 1981, ch. 424, May 1, 1981; amended May 1, 1983; amended, T-85-48, Dec. 19, 1984; amended May 1, 1985; amended May 1, 1987; amended Oct. 3, 1994; amended Jan. 4, 1999; amended, T-82-7-26-02, July 26, 2002; amended Oct. 18, 2002; amended Oct. 22, 2010; amended July 26, 2019.)

82-4-24a. Standard insurance forms. (a) Each motor carrier shall use the uniform standard insurance forms established under 49 C.F.R. Part 387, as adopted by K.A.R. 82-4-3n.

(b) The uniform motor carrier bodily injury and property damage liability certificate of insurance shall be form E for intrastate regulated and interstate exempt motor carriers.

(c) Forms BMC 91 and BMC 91X shall be required for interstate regulated motor carriers in accordance with K.A.R. 82-4-3n.

(d) The uniform notice of cancellation of motor carrier insurance policies shall be form K. (Authorized by K.S.A. 66-1,112, K.S.A. 66-1,112g; implementing K.S.A. 66-1,128; effective May 1, 1981; amended May 1, 1984; amended Oct. 3, 1994; amended Jan. 4, 1999; amended July 14, 2000; amended Oct. 22, 2010; amended July 26, 2019.)

82-4-27. Applications for certificates of convenience and necessity and certificates of public service. (a) Each
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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) 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.)

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(a)(2), as in effect on July 6, 2012, is hereby adopted by reference.

(3) Each interstate motor carrier designating Kansas as the carrier's base state and operating in interstate commerce over the highways of this state 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. This fee shall be in accordance with the fee schedule in 49 C.F.R. 367.30, as in effect on October 1, 2015 and hereby adopted by reference.

(c) An interstate regulated motor carrier shall not operate in interstate commerce over the highways of this state unless the carrier is registered in the carrier's base state as defined in paragraph (a)(1). (Authorized by K.S.A. 66-1,112; implementing K.S.A. 66-1,108b, 66-1,116 and 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.)

82-4-40. (Authorized by K.S.A. 2009 Supp. 66-1,112, K.S.A. 66-1,112g; implementing K.S.A. 66-1,108, K.S.A. 2009 Supp. 66-1,112, K.S.A. 66-1,112g; effective Jan. 1, 1971; amended May 1, 1981; amended Oct. 22, 2010; revoked July 26, 2019.)

82-4-42. Emergency and occasional equipment. (a) Holders of certificates, permits, and licenses who have motor vehicles registered with the commission and who have complied with all lawful requirements may in case of emergency be authorized by the commission by fax, internet communication, or otherwise, to operate additional equipment or special equipment in substitution of regular registered equipment. Any motor carrier authorized to operate in intrastate commerce may perform either of the following:

(1) Transfer Kansas operating authority from regularly registered equipment to temporary or new equipment online. Regular registered equipment for which special equipment is being substituted shall not be operated at the same time that the special equipment is being operated; or

(2) add the special equipment to the motor carrier's profile and submit payment of the registration fee. The registration fee for the additional or special equipment shall be \$10.00 for each truck or truck-tractor.

(b) Each motor carrier conducting point-to-point intrastate operations in Kansas shall have obtained appropriate commission operating authority pursuant to K.S.A. 66-1,114 and K.S.A. 66-1,115, and amendments thereto. A carrier registered to conduct both intrastate and interstate operations shall not be required to register equipment as specified in subsection (a). (Authorized by K.S.A. 66-1,112, K.S.A. 66-1,112g, K.S.A. 66-1,140; implementing K.S.A. 66-1,140; effective Jan. 1, 1971; amended May 1, 1981; amended Oct. 3, 1994; amended Jan. 4, 1999; amended July 14, 2000; amended Oct. 22, 2010; amended July 26, 2019.)

82-4-44. (Authorized by K.S.A. 66-1,112 and 66-1,119; effective Jan. 1, 1971; revoked July 26, 2019.)

82-4-46. (Authorized by K.S.A. 2001 Supp. 66-1,112; implementing K.S.A. 2001 Supp. 66-123 and K.S.A. 2001 Supp. 66-1,112; effective Jan. 1, 1971; amended May 1, 1981; amended May 1, 1986; amended Jan. 4, 1999; amended Jan. 31, 2003; revoked July 26, 2019.)

82-4-48. Bills of lading and freight bills. (a) Each common motor carrier of household goods electing to be governed by K.A.R. 82-4-48a, K.S.A. 66-304, and K.S.A. 84-7-101 through K.S.A. 84-7-603, and amendments thereto, shall issue a bill of lading for household goods tendered for intrastate commerce.

(b) Each common motor carrier transporting property, other than household goods, and electing to be governed by K.A.R. 82-4-48a, K.S.A. 66-304, and K.S.A. 84-7-101 through K.S.A. 84-7-603, and amendments thereto, shall issue a bill of lading for property tendered for intrastate commerce.

(c) Each bill of lading shall include the following:

- (1) The name and address of the motor carrier;
- (2) the name and address of the consignor and consignee;
- (3) the date of shipment;
- (4) the origin and destination of the shipment;
- (5) the signature of the motor carrier or its agent;
- (6) a description of the shipment, including the number of packages, or the weight or volume;

(7) a released value clause as prescribed in K.S.A. 84-7-309, and amendments thereto, printed on the front of the document, if applicable; and

(8) on request of the shipper, a written or electronic copy of the rate, classification, rules, and practices upon which any rate applicable to a shipment, or agreed to between the shipper and the carrier, is based. The copy provided by the carrier shall clearly state the dates of applicability of the rate, classification, rules, or practices.

(d) Bills of lading and freight bills may be included on one form.

(e) Each transporter of crude petroleum oil, sediment oil, water, or brine shall require its drivers to possess a run ticket or equivalent documents as specified in K.A.R. 82-3-127.

(f) The documents required in subsections (a), (b), and (e) shall be made available upon request for inspection by any authorized representative of the commission, the state highway patrol, or other law enforcement officers.

(g) The bill of lading, freight bill, run ticket, or equivalent documents as specified in K.A.R. 82-3-127 shall be retained by the transporter for at least three years from the date of shipment. (Authorized by and implementing K.S.A. 66-1,112; effective Jan. 1, 1971; amended May 1, 1981; amended, T-83-45, Dec. 8, 1982; modified, L. 1983, ch. 362, May 1, 1983; amended Jan. 4, 1999; amended Oct. 22, 2010; amended July 26, 2019.)

82-4-48a. (Authorized by and implementing K.S.A. 2012 Supp. 66-1,112, K.S.A. 66-1,112g; effective Jan. 4, 1999; amended Oct. 22, 2010; amended Sept. 20, 2013; revoked July 26, 2019.)

82-4-50. Passenger carriers. (a) With the following exceptions, 49 C.F.R. Part 374, as in effect on October 1, 2015, 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) In 49 C.F.R. 374.307, each occurrence of the word "Secretary" shall be deleted and replaced by "commission rules and regulations."

(3) In 49 C.F.R. 374.307(g), the phrase "notwithstanding 49 CFR 370.9," shall be deleted.

(4) 49 C.F.R. 374.315 shall be deleted.

(5) 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."

(6) In 49 C.F.R. 374.501, the phrase "authorized under 49 U.S.C. 13506 [49 U.S.C. 10932(c)]" shall be deleted.

(7) In 49 C.F.R. 374.503, the phrase "or intrastate" shall be added after the word "interstate."

(8) 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 ad-

opted 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.)

82-4-51. (Authorized by and implementing K.S.A. 66-1,112; effective Jan. 1, 1971; amended May 1, 1981; revoked July 26, 2019.)

82-4-53. Common motor carrier rates and charges.

(a) Common motor carriers of household goods or passengers that are engaged in intrastate commerce in Kansas shall maintain on file with the commission a copy of the tariff publications applicable to their lines between points in Kansas. The carriers shall keep open for public inspection, at their principal offices and locations at which they have employed exclusive agents, all intrastate tariff publications applicable to their lines from or to their stations.

(b) Each change to a tariff publication shall be made subject to 30-day notice to the public and the commission, unless otherwise authorized by the commission. Tariff publications of motor carriers effecting changes resulting in increases in charges, either directly or by means of any change in the regulation or practice affecting a charge or value of service, may be filed on one-day notice to the commission and the public. Applicants granted new authority may file tariffs to be effective on one-day notice. Transferees may adopt the existing tariffs of transferors to be effective on one-day notice.

(c) Tariff publication, except general rate increases, shall not go into effect without prior approval of the commission. The publications shall be subject to protest and suspension. All publications shall be accompanied by a full and complete statement citing the reasons and justifications for the changes.

(d) General rate increases shall be made only by filing an application and after approval of the commission.

(e) Protests of tariff publications shall be considered only if received by the commission at least 12 days before the published effective date of publications. Pursuant to protest or on the commission's own motion without protest, postponement of an effective date may be ordered by the commission to permit the matter to be properly investigated. Unless otherwise ordered by the commission, publication shall become effective as filed. Publications shall not be postponed to exceed 90 days.

(f) All tariff publications shall be made in compliance with the commission's regulations governing the publication and filing of household goods and passenger rates and charges. (Authorized by K.S.A. 66-1,112; implementing K.S.A. 66-117, K.S.A. 66-1,112; effective Jan. 1, 1971; amended May 1, 1981; amended Jan. 4, 1999; amended Oct. 22, 2010; amended July 26, 2019.)

82-4-56a. Household goods and passenger carrier tariffs. (a) Each tariff shall be typewritten, printed, or reproduced by other similar, durable process, upon paper of good quality, 8 by 11 or 8½ by 11 inches in size.

(b) The title page shall show the following information:

(1) In the upper right-hand corner, the K.C.C. number of the tariff and, immediately below that, the K.C.C. number of the tariff canceled, if any. The first tariff issued by each carrier shall be numbered "K.C.C. no. 1";

(continued)

succeeding tariffs shall be numbered consecutively. This information may be shown elsewhere on the page or on the second page of the tariff, if the tariff applies to interstate as well as intrastate traffic;

(2) the name of the carrier, individual, or organization issuing the tariff;

(3) the names of the participating carriers or a reference to the page in the tariff containing that information;

(4) if the tariff is a passenger or household goods tariff, the tariff names' class rates, commodity rates, mileages, rules, one-way fares, round-trip fares, excursion fares, and appropriate designation, if the tariff applies to local traffic, joint traffic, or both;

(5) specific references to the classification and to publications containing any exceptions to the classification governing the rates named in the tariff;

(6) the issued and effective dates; and

(7) the name, title, and complete address of the party issuing the tariff.

(c) The requirements of subsection (a) shall be observed in the construction of circulars and other governing tariff publications. Tariff supplements shall be numbered consecutively, beginning with the number one, and shall show the K.C.C. number of the publication amended, the number of any previous supplements or tariffs canceled, and numbers of the supplements containing all changes from the original publication. This information shall appear in the upper right-hand corner of the supplement unless the supplement applies to interstate as well as intrastate traffic, in which case the information may be shown elsewhere on the title page or on the second page.

(d) Each household goods tariff shall contain the following information:

(1) In clear and explicit language, all terms, additional charges, and privileges applicable in connection with the rates and charges named in the tariff, or specific reference to publications naming these terms, additional charges, and privileges;

(2) any exceptions to the application of rates and charges named in the tariff;

(3) a full explanation of reference marks and technical abbreviations used in the tariff;

(4) rates in either cents or dollars and cents per 100 pounds or per ton of 2,000 pounds or other definite measure; and

(5) the method by which the distance rates shall be determined. Specific point-to-point rates shall be published whenever practicable.

(e) Each passenger tariff shall show the following information:

(1) Fares, definitely and specifically stated in cents or in dollars and cents; and

(2) the identification of terms, agreements, or other documentation that is applicable or contains specific reference to the publications in which the fares will be found. (Authorized by K.S.A. 66-1,112; implementing K.S.A. 66-117, K.S.A. 66-1,112; effective May 1, 1981; amended Jan. 4, 1999; amended Oct. 22, 2010; amended July 26, 2019.)

82-4-57. Powers of attorney and concurrences. (a) A household goods or passenger carrier wanting to give a power of attorney to an agent to issue and file tariffs and

supplements for the carrier shall file notice of this intention on a form approved by the commission.

(b) If a household goods or passenger carrier wants to concur in tariffs issued and filed by another carrier or by its agent, a concurrence in substantially the same form as that prescribed by the USDOT for use in similar instances, with references to the interstate tariffs, shall be issued in favor of the issuing carrier.

(c) The original of all powers of attorney and concurrences shall be filed with the commission, and a duplicate of the original shall be sent to the agent or carrier on whose behalf the document is issued.

(d) If a household goods or passenger carrier wants to revoke a power of attorney or concurrence, a notice shall be filed with the commission, the carrier's agent or agents, and any other carrier affected by the revocation. The notice shall be filed at least 30 days before the effective date. (Authorized by and implementing K.S.A. 66-1,112; effective Jan. 1, 1971; amended May 1, 1981; amended May 1, 1984; amended Jan. 4, 1999; amended July 14, 2000; amended Oct. 22, 2010; amended July 26, 2019.)

82-4-58d. (Authorized by and implementing K.S.A. 1997 Supp. 66-1,112; effective May 1, 1987; amended Jan. 4, 1999; revoked July 26, 2019.)

82-4-63. Contested and uncontested motor carrier hearings. An application for a common carrier certificate of convenience and necessity or a certificate of public service shall be considered as contested if either protestants or intervenors, or both, appear at the hearing held on the application and present testimony or evidence in support of their contentions, present a question or questions of law, or cross-examine the applicant's witnesses with regard to the application. If neither protestants nor intervenors appear and offer testimony or evidence in support of their contentions, raise a question of law, or cross-examine the applicant's witnesses with reference to any pending application, the application shall be considered as uncontested. (Authorized by K.S.A. 66-106, 66-1,112; implementing K.S.A. 66-106, 66-1,114, 66-1,115, and 66-1,119; effective Jan. 1, 1971; amended May 1, 1981; amended May 1, 1987; amended Jan. 4, 1999; amended Oct. 22, 2010; amended July 26, 2019.)

82-4-65. Protestants. Each protest against the granting of a permit, certificate, extension, or transfer shall be considered as follows:

(a) Any interested person who believes that the public will be adversely affected by a proposed application may file a written protest. The protest shall identify the name and address of the protestant and the title and docket number of the proceeding. The protest shall include specific allegations as to how the applicant is not fit, willing, and able, or fit, knowledgeable, and in compliance with the commission safety regulations, to perform these services or how the proposed services are otherwise inconsistent with the public convenience and necessity.

(b) If the protestant opposes only a portion of the proposed application, the protestant shall state with specificity the objectionable portion.

(c) The protest shall be filed in triplicate with the commission within 10 days after publication of the notice in

the Kansas register. Failure to file a timely protest shall preclude the interested person from appearing as a protestant.

(d) Each protestant shall serve the protest upon the applicant when or before the protestant files the protest with the commission. The protest shall not be served on the applicant by the commission.

(e) To secure consideration of a protest, the protestant or intervenor shall offer evidence or a statement or shall participate in the hearing. (Authorized by K.S.A. 66-1,112; implementing K.S.A. 66-1,114; effective Jan. 1, 1971; amended May 1, 1981; amended May 1, 1985; amended May 1, 1987; amended May 1, 1988; amended Jan. 4, 1999; amended Oct. 22, 2010; amended July 26, 2019.)

82-4-66. (Authorized by and implementing K.S.A. 1982 Supp. 66-1,112; effective Jan. 1, 1971; amended May 1, 1981; amended May 1, 1983; revoked July 26, 2019.)

82-4-68. Collective rate-making agreements. (a) Motor carriers of household goods and passengers may enter into an agreement with one or more of these carriers concerning rates, allowances, classifications, divisions, or rules related to them or procedures for joint consideration, initiation, or establishment of them. The agreement and all amendments shall be submitted to the commission for approval by the carriers that are parties to the agreement and shall be approved by the commission upon a finding that the agreement fulfills the requirements of K.S.A. 66-1,112, and amendments thereto, and the regulations of the commission. The agreement shall be administered by an organization designated by the carriers who are parties to the agreement.

(b) The agreement shall contain, at a minimum, provisions for the following:

- (1) Election of rate committees and procedures for appointments to fill vacancies;
- (2) initiation of rate proposals;
- (3) recordkeeping;
- (4) tariff participation fees for services;
- (5) open meetings;
- (6) quorum standards;
- (7) proxy voting by members;
- (8) role of employees in docketing proposals;
- (9) notice of docket proposals and rate committee hearings;
- (10) voting on rate proposals by member carriers;
- (11) right of independent action;
- (12) docketing of independent action;
- (13) the names, addresses, and telephone numbers of carriers who are parties to the agreement;
- (14) the names and addresses of each of its affiliates and of officers and directors of the carriers who are parties to the agreement;
- (15) the carriers' motor carrier identification number assigned by the commission;
- (16) the name, address, and telephone number of the organization that will administer the agreement;
- (17) final disposition of cases docketed;
- (18) prohibitions of the organization from protesting carrier proposals;
- (19) amendments to the agreement; and
- (20) powers of attorney. (Authorized by and imple-

menting K.S.A. 66-1,112; effective, T-83-45, Dec. 8, 1982; effective May 1, 1983; amended Jan. 4, 1999; amended July 26, 2019.)

82-4-85. Rate applications filed by carriers party to a collective rate-making agreement. (a) Each carrier that is a party to a collective rate-making agreement and files an application proposing a general increase or decrease in rates shall submit with the application schedules indicating to the commission the nature and extent of the proposed changes to be effected.

(b) Each application shall be based upon data submitted for a test year.

The application and schedules shall be filed with the commission by electronic mail. The size of print used in the application and schedules shall be clearly legible. Negative numbers shall be shown in parentheses. Amounts included in the application shall be cross-referenced between the appropriate summary schedule and supporting schedules, as well as among the various sections. Referencing shall include allocation ratios, when appropriate. All items shall be self-explanatory. Additional information, cross-references, or explanatory footnotes shall be presented on the schedule. The application shall be supported by schedules as specified in this subsection and shall be assembled under topical sections, with each section clearly identified and a page number for each schedule. The form, order, and titles of each section shall be prescribed as follows:

(1) Application, letter of transmittal, and authorization. This section shall contain a copy of the application, a copy of the letter of transmittal, and an appropriate document or documents authorizing the filing of the application, if any.

(2) General information and publicity. This section shall list the means employed by the carriers to acquaint the general public affected by the proposed rate change with the nature and extent of the proposal. These methods may include meetings with public officials, shippers, and citizen groups; newspaper articles; and advertisements. This section shall include general information concerning the application that will be of interest to the public and suitable for publication. That information shall include the following, if applicable:

(A) The percent and dollar amount of the aggregate annual increase or decrease that the application proposes; and

(B) any other pertinent information that the applicant wants to submit.

(3) List of carriers participating in the application. This list shall show the motor carrier identification number and the name and address of each carrier that is a participant in the application.

(4) List of carriers in the study group. The list shall state the carriers used in the study group. A detailed explanation of how the study group of carriers was selected shall also accompany this section.

(5) Study group carriers' operating ratios. This section shall contain the Kansas intrastate operating ratios for the actual test year for the study group carriers.

(6) Study group carriers: test year and pro forma income statements. This section shall present the following:

(continued)

(A) An operating income statement for each of the study group carriers and a composite statement of all the study group carriers depicting the unadjusted test year operations for the total system; and

(B) a second schedule that expands the actual system composite income statement to a Kansas intrastate operations income statement. This statement shall be adjusted to show pro forma test year operations. Supporting schedules shall set forth a full and complete explanation of the purpose and rationale for the pro forma adjustments. The pro forma adjustments may include adjustments to reflect the elimination or normalization of non-recurring and unusual items, and adjustments for known or determinable changes in revenue and expenses.

(7) Capital and cost of money. This section shall be prepared for each participating carrier having total Kansas intrastate system revenue of one million dollars or more. This section shall contain the following:

(A) A schedule indicating the amounts of the major components of the capital structures of the carrier that are outstanding at the beginning and at the end of the test year. This schedule shall contain the ratios of each component to the total capital;

(B) a schedule disclosing the cost of each issue of debt and preferred stock outstanding, with due allowance for

premiums, discounts, and issuance expense. Data relating to the other components of capital shall be shown, if appropriate; and

(C) if the applicant is a part of a consolidated group or a division of another company, the consolidated capital structure shall be included in this section.

(8) The proposed tariffs. The application shall contain the proposed tariffs requested for approval.

(c) Prefiled testimony shall be required in all transportation rate cases filed by a tariff publishing organization, and all prefiled testimony shall be filed simultaneously with the filing of the application.

(d) Each application found to be incomplete or not in the form prescribed in this regulation shall be rejected by the commission. (Authorized by and implementing K.S.A. 66-1,112; effective, T-83-45, Dec. 8, 1982; effective May 1, 1983; amended Jan. 4, 1999; amended July 26, 2019.)

82-4-86. (Authorized by K.S.A. 1983 Supp. 66-1,112 and K.S.A. 1984 Supp. 66-1313a; implementing K.S.A. 1984 Supp. 66-1313a; effective, T-85-48, Dec. 19, 1984; effective May 1, 1985; revoked July 26, 2019.)

Dwight D. Keen
Commissioner, Chair

Doc. No. 047313

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 2009 Volumes of the *Kansas Administrative Regulations* and the 2018 Supplement 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
4-6-3	Amended	V. 37, p. 592
4-28-5	Amended	V. 37, p. 592
4-28-6	Amended	V. 37, p. 593
4-34-1	New	V. 38, p. 57
4-34-2	New	V. 38, p. 58
4-34-3	New	V. 38, p. 58
4-34-4	New	V. 38, p. 59
4-34-5	New	V. 38, p. 59
4-34-6	New	V. 38, p. 61
4-34-7	New	V. 38, p. 62
4-34-8	New	V. 38, p. 62
4-34-9	New	V. 38, p. 63
4-34-10	New	V. 38, p. 64
4-34-11	New	V. 38, p. 64
4-34-12	New	V. 38, p. 64
4-34-13	New	V. 38, p. 65
4-34-14	New	V. 38, p. 65

4-34-15	New	V. 38, p. 66
4-34-16	New	V. 38, p. 66
4-34-17	New	V. 38, p. 67
4-34-18	New	V. 38, p. 67
4-34-19	New	V. 38, p. 68
4-34-20	New	V. 38, p. 68
4-34-21	New	V. 38, p. 70

AGENCY 7: SECRETARY OF STATE

Reg. No.	Action	Register
7-47-1	New (T)	V. 38, p. 855

AGENCY 9: DEPARTMENT OF AGRICULTURE—DIVISION OF ANIMAL HEALTH

Reg. No.	Action	Register
9-18-6	Amended	V. 38, p. 55
9-18-9	Amended	V. 38, p. 56
9-18-28	Amended	V. 38, p. 56

AGENCY 10: KANSAS BUREAU OF INVESTIGATION

Reg. No.	Action	Register
10-23-1	New	V. 38, p. 773
10-23-2	New	V. 38, p. 773
10-23-3	New	V. 38, p. 773
10-23-4	New	V. 38, p. 773
10-23-5	New	V. 38, p. 773
10-23-6	New	V. 38, p. 773

AGENCY 11: DEPARTMENT OF AGRICULTURE—DIVISION OF CONSERVATION

Reg. No.	Action	Register
11-13-1	New	V. 37, p. 466
11-13-2	New	V. 37, p. 467
11-13-3	New	V. 37, p. 467
11-13-4	New	V. 37, p. 467
11-13-5	New	V. 37, p. 467
11-13-6	New	V. 37, p. 467

AGENCY 14: DEPARTMENT OF REVENUE—DIVISION OF ALCOHOLIC BEVERAGE CONTROL

Reg. No.	Action	Register
14-6-4	Revoked (T)	V. 38, p. 856
14-13-1	Amended	V. 37, p. 484
14-13-2	Amended	V. 37, p. 485
14-13-10	Amended	V. 37, p. 485
14-13-13	Amended	V. 37, p. 486
14-25-1	New	V. 37, p. 487
14-25-2	New	V. 37, p. 487
14-25-3	New	V. 37, p. 487
14-25-4	New	V. 37, p. 488
14-25-5	New	V. 37, p. 488
14-25-6	New	V. 37, p. 488
14-26-1	New	V. 37, p. 490
14-26-2	New	V. 37, p. 490
14-26-3	New	V. 37, p. 490
14-26-4	New	V. 37, p. 490
14-26-5	New	V. 37, p. 490
14-26-6	New	V. 37, p. 490
14-26-7	New	V. 37, p. 491
14-26-8	New	V. 37, p. 491

AGENCY 16: ATTORNEY GENERAL

Reg. No.	Action	Register
16-17-1	New	V. 37, p. 160
16-18-1	New	V. 38, p. 856
16-18-2	New	V. 38, p. 856
16-18-3	New	V. 38, p. 857

AGENCY 21: HUMAN RIGHTS COMMISSION

Reg. No.	Action	Register
21-30-18	Revoked	V. 37, p. 1059
21-40-5	Revoked	V. 37, p. 1059
21-45-1	Revoked	V. 37, p. 1059
21-45-2	Revoked	V. 37, p. 1059
21-45-3	Revoked	V. 37, p. 1059

21-45-4	Revoked	V. 37, p. 1059	28-15a-25	Amended	V. 37, p. 495	28-15a-535	Revoked	V. 37, p. 499
21-45-5	Revoked	V. 37, p. 1059	28-15a-26	Amended	V. 37, p. 495	28-15a-536	Revoked	V. 37, p. 499
21-45-6	Revoked	V. 37, p. 1059	28-15a-27	Amended	V. 37, p. 495	28-15a-540	Revoked	V. 37, p. 499
21-45-7	Revoked	V. 37, p. 1059	28-15a-28	Amended	V. 37, p. 496	28-15a-541	Revoked	V. 37, p. 499
21-45-8	Revoked	V. 37, p. 1059	28-15a-29	Amended	V. 37, p. 496	28-15a-542	Revoked	V. 37, p. 499
21-45-9	Revoked	V. 37, p. 1059	28-15a-31	Amended	V. 37, p. 496	28-15a-543	Revoked	V. 37, p. 499
21-45-10	Revoked	V. 37, p. 1059	28-15a-32	New	V. 37, p. 496	28-15a-544	Revoked	V. 37, p. 499
21-45-11	Revoked	V. 37, p. 1059	28-15a-33	Amended	V. 37, p. 496	28-15a-550	Revoked	V. 37, p. 499
21-45-12	Revoked	V. 37, p. 1059	28-15a-41	Amended	V. 37, p. 496	28-15a-551	Revoked	V. 37, p. 499
21-45-13	Revoked	V. 37, p. 1059	28-15a-42	Amended	V. 37, p. 496	28-15a-552	Revoked	V. 37, p. 499
21-45-14	Revoked	V. 37, p. 1059	28-15a-43	Amended	V. 37, p. 496	28-15a-553	Revoked	V. 37, p. 499
21-45-15	Revoked	V. 37, p. 1059	28-15a-60	Amended	V. 37, p. 496	28-15a-560	Revoked	V. 37, p. 499
21-45-16	Revoked	V. 37, p. 1059	28-15a-61	Amended	V. 37, p. 496	28-15a-561	Revoked	V. 37, p. 499
21-45-17	Revoked	V. 37, p. 1059	28-15a-62	Amended	V. 37, p. 496	28-15a-562	Revoked	V. 37, p. 499
21-45-18	Revoked	V. 37, p. 1059	28-15a-63	Amended	V. 37, p. 496	28-15a-563	Revoked	V. 37, p. 499
21-45-21	Revoked	V. 37, p. 1059	28-15a-64	Amended	V. 37, p. 496	28-15a-564	Revoked	V. 37, p. 499
21-45-22	Revoked	V. 37, p. 1059	28-15a-65	Amended	V. 37, p. 496	28-15a-570	Revoked	V. 37, p. 499
21-45-23	Revoked	V. 37, p. 1059	28-15a-66	Amended	V. 37, p. 496	28-15a-571	Revoked	V. 37, p. 499
21-45-24	Revoked	V. 37, p. 1059	28-15a-70	Amended	V. 37, p. 496	28-15a-600	New	V. 37, p. 499
21-45-25	Revoked	V. 37, p. 1059	28-15a-72	Revoked	V. 37, p. 497	28-15a-620	New	V. 37, p. 499
21-46-2	Revoked	V. 37, p. 1059	28-15a-73	Revoked	V. 37, p. 497	28-15a-700	New	V. 37, p. 499
21-46-3	Revoked	V. 37, p. 1059	28-15a-74	Revoked	V. 37, p. 497	28-15a-851	New	V. 37, p. 499

AGENCY 22: STATE FIRE MARSHAL

Reg. No.	Action	Register	Reg. No.	Action	Register	Reg. No.	Action	Register
22-6-12	Revoked	V. 37, p. 244	28-15a-76	Revoked	V. 37, p. 497	28-16-28b	Amended	V. 37, p. 98
22-6-16	Revoked	V. 37, p. 244	28-15a-80	Amended	V. 37, p. 497	28-16-28d	Amended	V. 37, p. 101
22-6-20	Amended	V. 37, p. 244	28-15a-81	Revoked	V. 37, p. 497	28-16-28e	Amended	V. 37, p. 103
22-6-24	Amended	V. 37, p. 245	28-15a-82	Revoked	V. 37, p. 497	28-16-28f	Amended	V. 37, p. 105
22-6-25	Amended	V. 37, p. 245	28-15a-83	Revoked	V. 37, p. 497	28-16-28h	New	V. 37, p. 106
22-8-10	Amended	V. 37, p. 246	28-15a-84	Revoked	V. 37, p. 497	28-32-11	Amended	V. 37, p. 244
22-19-5	Amended	V. 37, p. 246	28-15a-85	Revoked	V. 37, p. 497	28-35-135a	Amended	V. 37, p. 325
22-24-1	Amended	V. 37, p. 247	28-15a-86	Revoked	V. 37, p. 497	28-35-135c	Amended	V. 37, p. 327
22-24-2	Revoked	V. 37, p. 247	28-15a-87	Revoked	V. 37, p. 497	28-35-135i	Amended	V. 37, p. 328
22-24-3	Revoked	V. 37, p. 247	28-15a-88	Revoked	V. 37, p. 497	28-35-135s	Amended	V. 37, p. 329
22-24-4	Revoked	V. 37, p. 247	28-15a-89	Revoked	V. 37, p. 497	28-35-135u	Amended	V. 37, p. 330
22-24-5	Revoked	V. 37, p. 247	28-15a-90	Revoked	V. 37, p. 497	28-35-140	Amended	V. 37, p. 331
22-24-6	Revoked	V. 37, p. 247	28-15a-91	Revoked	V. 37, p. 497	28-35-146a	Amended	V. 38, p. 130
22-24-7	Amended	V. 37, p. 247	28-15a-100	Amended	V. 37, p. 497	28-35-147a	Amended	V. 38, p. 130
22-24-8	Revoked	V. 37, p. 247	28-15a-101	Amended	V. 37, p. 497	28-35-177a	Amended	V. 37, p. 331
22-24-9	Revoked	V. 37, p. 247	28-15a-110	Amended	V. 37, p. 497	28-35-178i	Amended	V. 37, p. 332
22-24-10	Revoked	V. 37, p. 247	28-15a-111	Amended	V. 37, p. 497	28-35-179a	Amended	V. 37, p. 333
22-24-11	Revoked	V. 37, p. 247	28-15a-130	Amended	V. 37, p. 497	28-35-180a	Amended	V. 37, p. 333
22-24-12	Revoked	V. 37, p. 247	28-15a-131	Revoked	V. 37, p. 497	28-35-180b	Amended	V. 37, p. 334
22-24-13	Revoked	V. 37, p. 247	28-15a-132	Revoked	V. 37, p. 497	28-35-181h	Amended	V. 37, p. 336
22-24-15	Amended	V. 37, p. 247	28-15a-133	Revoked	V. 37, p. 497	28-35-181i	Amended	V. 37, p. 337
22-24-16	Revoked	V. 37, p. 247	28-15a-134	Revoked	V. 37, p. 497	28-35-181k	Amended	V. 37, p. 337
22-24-17	Revoked	V. 37, p. 247	28-15a-135	Revoked	V. 37, p. 497	28-35-181m	Amended	V. 37, p. 338
22-24-18	Revoked	V. 37, p. 247	28-15a-151	Amended	V. 37, p. 497	28-35-181o	Amended	V. 37, p. 339
			28-15a-152	Revoked	V. 37, p. 498	28-35-181t	New	V. 37, p. 340
			28-15a-153	Revoked	V. 37, p. 498	28-35-184a	Amended	V. 37, p. 340
			28-15a-154	Revoked	V. 37, p. 498	28-35-192a	Amended	V. 37, p. 341
			28-15a-155	Revoked	V. 37, p. 498	28-35-192c	Amended	V. 37, p. 342
			28-15a-170	Amended	V. 37, p. 498	28-35-192g	Amended	V. 37, p. 342
			28-15a-172	Revoked	V. 37, p. 498	28-35-192h	New	V. 37, p. 343
			28-15a-173	Revoked	V. 37, p. 498	28-35-197a	Revoked	V. 37, p. 343
			28-15a-174	Revoked	V. 37, p. 498	28-35-197b	New	V. 37, p. 343
			28-15a-175	Revoked	V. 37, p. 498	28-35-205b	Amended	V. 37, p. 343
			28-15a-201	Amended	V. 37, p. 498	28-35-217b	Amended	V. 37, p. 343
			28-15a-202	Revoked	V. 37, p. 498	28-35-221a	Amended	V. 37, p. 344
			28-15a-203	Revoked	V. 37, p. 498	28-35-221b	Amended	V. 37, p. 345
			28-15a-204	Revoked	V. 37, p. 498	28-35-230d	Revoked	V. 37, p. 345
			28-15a-205	Revoked	V. 37, p. 498	28-35-264	Amended	V. 37, p. 345
			28-15a-206	Revoked	V. 37, p. 498	28-35-288	Amended	V. 37, p. 346
			28-15a-207	Revoked	V. 37, p. 498	28-35-343	Amended	V. 37, p. 346
			28-15a-208	Revoked	V. 37, p. 498	28-35-344	Amended	V. 37, p. 346
			28-15a-209	Revoked	V. 37, p. 498	38-35-347	Amended	V. 37, p. 346
			28-15a-210	Revoked	V. 37, p. 498	28-35-362	Amended	V. 37, p. 347
			28-15a-400	New	V. 37, p. 498	28-35-504	Amended	V. 37, p. 347
			28-15a-500	Amended	V. 37, p. 498	28-35-700	New	V. 37, p. 348
			28-15a-501	Revoked	V. 37, p. 498	28-70-2	Amended	V. 37, p. 1135
			28-15a-502	Revoked	V. 37, p. 498			
			28-15a-503	Revoked	V. 37, p. 498			
			28-15a-530	Revoked	V. 37, p. 498			
			28-15a-531	Revoked	V. 37, p. 498			
			28-15a-532	Revoked	V. 37, p. 498			
			28-15a-533	Revoked	V. 37, p. 499			
			28-15a-534	Revoked	V. 37, p. 499			

AGENCY 30: KANSAS DEPARTMENT FOR CHILDREN AND FAMILIES

Reg. No.	Action	Register
30-4-34	Amended	V. 38, p. 403
30-4-35	Amended	V. 38, p. 403
30-4-36	Amended	V. 38, p. 403
30-4-40	Amended	V. 38, p. 403

30-4-41	Amended	V. 38, p. 404
30-4-50	Amended	V. 38, p. 404
30-4-51	Amended	V. 38, p. 405
30-4-54	Amended	V. 38, p. 405
30-4-64	Amended	V. 38, p. 406
30-4-90	Revoked	V. 38, p. 407
30-4-98	Amended	V. 38, p. 407
30-4-100	Amended	V. 38, p. 407
30-4-107	Amended	V. 38, p. 408
30-4-109	Amended	V. 38, p. 408
30-4-111	Amended	V. 38, p. 409
30-4-113	Amended	V. 38, p. 409
30-4-120	Revoked	V. 38, p. 410
30-4-130	Amended	V. 38, p. 410
30-4-140	Amended	V. 38, p. 412
30-46-10	Amended (T)	V. 37, p. 1132
30-46-10	Amended	V. 38, p. 128
30-46-13	Amended (T)	V. 37, p. 1132
30-46-13	Amended	V. 38, p. 128
30-46-15	Amended (T)	V. 37, p. 1132
30-46-15	Amended	V. 38, p. 129
30-46-17	Amended (T)	V. 37, p. 1133
30-46-17	Amended	V. 38, p. 129

AGENCY 40: KANSAS INSURANCE DEPARTMENT

Reg. No.	Action	Register
40-1-48	Amended	V. 37, p. 291
40-3-60	New	V. 37, p. 127

AGENCY 47: DEPARTMENT OF HEALTH AND ENVIRONMENT—MINED-LAND CONSERVATION AND RECLAMATION

Reg. No.	Action	Register
47-2-75	Amended	V. 38, p. 84
47-3-1	Amended	V. 38, p. 86
47-3-2	Amended	V. 38, p. 86
47-3-42	Amended	V. 38, p. 86
47-5-5a	Amended	V. 38, p. 90
47-6-1	Amended	V. 38, p. 93
47-6-2	Amended	V. 38, p. 93
47-6-3	Amended	V. 38, p. 94
47-6-4	Amended	V. 38, p. 94
47-6-6	Amended	V. 38, p. 94
47-6-8	Amended	V. 38, p. 94
47-6-9	Amended	V. 38, p. 95
47-6-10	Amended	V. 38, p. 95
47-6-11	Amended	V. 38, p. 95
47-7-2	Amended	V. 38, p. 96
47-8-9	Amended	V. 38, p. 96
47-9-1	Amended	V. 38, p. 97
47-9-4	Amended	V. 38, p. 103
47-10-1	Amended	V. 38, p. 103
47-11-8	Amended	V. 38, p. 105
47-12-4	Amended	V. 38, p. 105
47-13-4	Amended	V. 38, p. 106
47-14-7	Amended	V. 38, p. 107
47-15-1a	Amended	V. 38, p. 107
47-16-6	Amended	V. 38, p. 108
47-16-9	Amended	V. 38, p. 108
47-16-10	Amended	V. 38, p. 108
47-16-12	Amended	V. 38, p. 109
47-16-13	New	V. 38, p. 109

AGENCY 51: DEPARTMENT OF LABOR—DIVISION OF WORKERS COMPENSATION

Reg. No.	Action	Register
51-1-1	Revoked	V. 37, p. 1081
51-1-26	New	V. 37, p. 1081
51-9-7	Amended	V. 38, p. 231
51-9-17	Amended (T)	V. 37, p. 1134
51-9-17	Amended	V. 38, p. 212
51-17-2	Amended	V. 37, p. 1081

AGENCY 60: BOARD OF NURSING

Reg. No.	Action	Register
60-4-101	Amended	V. 38, p. 545

AGENCY 63: BOARD OF MORTUARY ARTS

Reg. No.	Action	Register
63-5-3	New	V. 38, p. 183

AGENCY 66: BOARD OF TECHNICAL PROFESSIONS

Reg. No.	Action	Register
66-9-7	Amended	V. 38, p. 622
66-10-1	Amended	V. 38, p. 622
66-10-3	Amended	V. 38, p. 622

AGENCY 68: BOARD OF PHARMACY

Reg. No.	Action	Register
68-2-23	New	V. 37, p. 1208
68-5-17	New	V. 37, p. 366
68-7-10	Amended	V. 37, p. 1209
68-7-25	New	V. 37, p. 1210
68-9-2	Amended	V. 37, p. 1210
68-9-3	Amended	V. 37, p. 1211
68-11-1	Amended	V. 38, p. 541
68-11-2	Amended	V. 38, p. 541
68-13-1	Revoked	V. 37, p. 1212
68-13-2	New	V. 37, p. 366
68-13-3	New	V. 37, p. 368
68-13-4	New	V. 37, p. 370
68-20-15b	New	V. 37, p. 1212
68-21-7	Amended	V. 37, p. 374

AGENCY 69: BOARD OF COSMETOLOGY

Reg. No.	Action	Register
69-1-10	New	V. 38, p. 84

AGENCY 74: BOARD OF ACCOUNTANCY

Reg. No.	Action	Register
74-2-1	Amended	V. 37, p. 19
74-2-7	Amended	V. 37, p. 19
74-3-8	Amended	V. 37, p. 20
74-4-3a	Amended	V. 37, p. 20
74-4-7	Amended	V. 37, p. 20
74-4-8	Amended	V. 37, p. 21
74-4-9	Amended	V. 37, p. 22
74-4-10	Amended	V. 37, p. 23
74-5-2	Amended	V. 37, p. 23
74-5-202	Amended	V. 37, p. 24
74-5-405	Revoked	V. 37, p. 25
74-5-406	Amended	V. 37, p. 25
74-5-408	Amended	V. 37, p. 25
74-6-2	Amended	V. 37, p. 25
74-7-2	Amended	V. 37, p. 26
74-11-6	Amended	V. 37, p. 26
74-12-1	Amended	V. 37, p. 26

AGENCY 82: STATE CORPORATION COMMISSION

Reg. No.	Action	Register
82-3-206	Amended	V. 37, p. 592
82-3-307	Amended	V. 37, p. 592
82-4-3a	Amended (T)	V. 37, p. 27
82-4-3a	Amended	V. 37, p. 307

AGENCY 86: REAL ESTATE COMMISSION

Reg. No.	Action	Register
86-1-3	Amended	V. 37, p. 1212
86-1-5	Amended	V. 37, p. 1163
86-1-11	Amended (T)	V. 38, p. 855
86-1-15	Revoked	V. 37, p. 1163

86-1-19	Amended	V. 37, p. 1163
86-3-15	Amended	V. 37, p. 1164
86-3-26	Amended	V. 37, p. 181
86-3-27	Amended	V. 37, p. 181
86-3-28	Amended	V. 37, p. 181

AGENCY 88: BOARD OF REGENTS

Reg. No.	Action	Register
88-3-8a	Amended	V. 37, p. 500

AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-11-1	Amended	V. 38, p. 344
100-28a-14	Amended	V. 38, p. 184
100-76-2	Amended	V. 38, p. 184
100-77-1	New (T)	V. 38, p. 8
100-77-1	New	V. 38, p. 447
100-77-2	New (T)	V. 38, p. 8
100-77-2	New	V. 38, p. 448
100-77-3	New (T)	V. 38, p. 8
100-77-3	New	V. 38, p. 448

AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

Reg. No.	Action	Register
102-1-13	Amended	V. 38, p. 185
102-1-18	Amended	V. 38, p. 212
102-2-3	Amended	V. 38, p. 185
102-2-14	Amended	V. 38, p. 212
102-3-2	Amended	V. 38, p. 185
102-3-15	Amended	V. 38, p. 212
102-4-2	Amended	V. 38, p. 186
102-4-15	Amended	V. 38, p. 212
102-5-2	Amended	V. 38, p. 186
102-5-14	Amended	V. 38, p. 212
102-7-2	Amended	V. 38, p. 186
102-7-12	Amended	V. 38, p. 212

AGENCY 105: BOARD OF INDIGENTS' DEFENSE SERVICES

Reg. No.	Action	Register
105-5-2	Amended	V. 38, p. 367
105-5-3	Amended	V. 38, p. 367
105-5-6	Amended	V. 38, p. 367
105-5-7	Amended	V. 38, p. 368
105-5-8	Amended	V. 38, p. 368
105-5-11	Revoked	V. 38, p. 368

AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES

Reg. No.	Action	Register
109-5-1	Amended	V. 38, p. 153
109-8-1	Amended	V. 38, p. 153
109-8-2	Amended	V. 38, p. 154
109-11-6a	Amended	V. 38, p. 154

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*.

Reg. No.	Action	Register
111-2-325	New	V. 37, p. 1192
111-2-326	New	V. 37, p. 1192
111-4-3507	Amended	V. 37, p. 127
111-4-3508	New	V. 37, p. 132
111-4-3509	New	V. 37, p. 132
111-4-3510	New	V. 37, p. 215
111-4-3511	New	V. 37, p. 216
111-4-3512	New	V. 37, p. 217
111-4-3513	New	V. 37, p. 247
111-4-3514	New	V. 37, p. 248
111-4-3515	New	V. 37, p. 249
111-4-3516	New	V. 37, p. 439
111-4-3517	New	V. 37, p. 440
111-4-3518	New	V. 37, p. 442
111-4-3519	New	V. 37, p. 443
111-4-3520	New	V. 37, p. 444
111-4-3521	New	V. 37, p. 614
111-4-3522	New	V. 37, p. 615
111-4-3523	New	V. 37, p. 616
111-4-3524	New	V. 37, p. 617
111-4-3525	New	V. 37, p. 618
111-4-3526	New	V. 37, p. 660
111-4-3527	New	V. 37, p. 661
111-4-3528	New	V. 37, p. 662
111-4-3529	New	V. 37, p. 693
111-4-3530	New	V. 37, p. 694
111-4-3531	New	V. 37, p. 695
111-4-3532	New	V. 37, p. 697
111-4-3533	New	V. 37, p. 698
111-4-3534	New	V. 37, p. 776
111-4-3535	New	V. 37, p. 776
111-4-3536	New	V. 37, p. 777
111-4-3537	New	V. 37, p. 980
111-4-3538	New	V. 37, p. 982
111-4-3539	New	V. 37, p. 983
111-4-3540	New	V. 37, p. 984
111-4-3541	New	V. 37, p. 985
111-4-3542	New	V. 37, p. 1166
111-4-3543	New	V. 37, p. 1167
111-4-3544	New	V. 37, p. 1168
111-4-3545	New	V. 37, p. 1169
111-4-3546	New	V. 37, p. 1083
111-4-3547	New	V. 37, p. 1171
111-4-3548	New	V. 38, p. 283
111-4-3549	New	V. 38, p. 284
111-4-3550	New	V. 38, p. 285
111-4-3551	New	V. 38, p. 286
111-4-3552	New	V. 38, p. 287
111-4-3553	New	V. 38, p. 289
111-4-3554	New	V. 38, p. 292
111-4-3555	New	V. 38, p. 320
111-4-3556	New	V. 38, p. 321
111-4-3557	New	V. 38, p. 577
111-4-3558	New	V. 38, p. 578
111-4-3559	New	V. 38, p. 579
111-4-3560	New	V. 38, p. 580
111-4-3561	New	V. 38, p. 582
111-4-3562	New	V. 38, p. 622
111-4-3563	New	V. 38, p. 623
111-4-3564	New	V. 38, p. 624
111-4-3565	New	V. 38, p. 625
111-4-3566	New	V. 38, p. 626
111-4-3567	New	V. 38, p. 627

111-4-3568	New	V. 38, p. 628
111-4-3569	New	V. 38, p. 629
111-4-3570	New	V. 38, p. 630
111-4-3571	New	V. 38, p. 632
111-4-3572	New	V. 37, p. 633
111-5-80	Amended	V. 37, p. 218
111-5-81	Amended	V. 37, p. 219
111-5-82	Amended	V. 37, p. 220
111-5-83	Amended	V. 37, p. 221
111-5-84	Amended	V. 37, p. 221
111-5-85	Amended	V. 37, p. 221
111-5-243	New	V. 37, p. 620
111-5-244	New	V. 38, p. 323
111-7-81	Amended	V. 37, p. 986
111-7-267	New	V. 37, p. 133
111-7-268	New	V. 37, p. 987
111-7-269	New	V. 37, p. 987
111-4-270	New	V. 37, p. 987
111-7-271	New	V. 37, p. 988
111-7-272	New	V. 37, p. 988
111-7-273	New	V. 37, p. 988
111-7-274	New	V. 37, p. 989
111-7-275	New	V. 37, p. 989
111-7-276	Amended	V. 38, p. 326
111-9-218	New	V. 37, p. 251
111-9-219	New	V. 37, p. 989
111-9-220	New	V. 37, p. 1193
111-9-221	New	V. 38, p. 323
111-9-222	New	V. 38, p. 324
111-15-1	Amended	V. 37, p. 1171
111-15-2	Amended	V. 37, p. 1171
111-15-3	Amended	V. 37, p. 1172
111-15-5	Amended	V. 37, p. 1173
111-15-6	Amended	V. 37, p. 1173
111-15-21	Amended	V. 37, p. 1174
111-19-1	Amended	V. 38, p. 633
111-19-2	Amended	V. 38, p. 634
111-19-11	Amended	V. 37, p. 251
111-19-26	New	V. 37, p. 134
111-19-27	New	V. 37, p. 222
111-19-28	New	V. 37, p. 222
111-19-29	New	V. 37, p. 620
111-19-30	New	V. 37, p. 620
111-19-31	New	V. 37, p. 620
111-19-32	New	V. 37, p. 621
111-19-33	New	V. 37, p. 621
111-19-34	New	V. 37, p. 621
111-19-35	New	V. 37, p. 622
111-19-36	New	V. 37, p. 622
111-19-37	New	V. 37, p. 622
111-19-38	New	V. 37, p. 623
111-19-39	New	V. 37, p. 623
111-19-40	New	V. 37, p. 624
111-19-41	New	V. 37, p. 624
111-19-42	New	V. 37, p. 625
111-19-43	New	V. 37, p. 252
111-19-44	New	V. 37, p. 665
111-19-45	New	V. 37, p. 778
111-19-46	New	V. 37, p. 990
111-19-47	New	V. 37, p. 1084
111-19-48	New	V. 38, p. 176
111-19-49	New	V. 38, p. 177
111-19-50	New	V. 38, p. 294
111-19-51	New	V. 38, p. 295
111-19-52	New	V. 38, p. 583
111-19-53	New	V. 38, p. 584
111-19-54	New	V. 38, p. 585
111-19-55	New	V. 38, p. 585
111-19-56	New	V. 38, p. 585
111-19-57	New	V. 38, p. 585
111-19-58	New	V. 38, p. 586
111-19-59	New	V. 38, p. 586
111-19-60	New	V. 38, p. 587
111-19-61	New	V. 38, p. 587
111-19-62	New	V. 38, p. 634
111-19-63	New	V. 38, p. 635

111-301-39	Amended	V. 37, p. 223
111-301-60	Amended	V. 38, p. 636
111-301-61	Amended	V. 38, p. 636
111-301-62	Amended	V. 38, p. 637
111-301-63	New	V. 37, p. 135
111-301-64	New	V. 37, p. 135
111-301-65	New	V. 37, p. 135
111-301-66	New	V. 37, p. 136
111-301-67	New	V. 37, p. 626
111-301-68	Amended	V. 37, p. 990
111-301-69	New	V. 37, p. 626
111-301-70	Amended	V. 37, p. 991
111-301-71	Amended	V. 37, p. 991
111-302-2	Amended	V. 38, p. 178
111-302-4	Amended	V. 37, p. 223
111-302-5	Amended	V. 38, p. 178
111-401-6	Amended	V. 37, p. 253
111-401-11	Amended	V. 37, p. 254
111-401-15	Amended	V. 38, p. 324
111-401-17	Amended	V. 38, p. 325
111-401-35	Amended	V. 38, p. 326
111-401-63	Amended	V. 37, p. 445
111-401-109	Amended	V. 37, p. 628
111-401-117	Amended	V. 37, p. 254
111-401-208	Amended	V. 37, p. 1037
111-401-240	New	V. 37, p. 667
111-401-241	New	V. 37, p. 667
111-401-242	New	V. 37, p. 667
111-401-243	New	V. 37, p. 667
111-401-244	New	V. 37, p. 668
111-401-245	New	V. 37, p. 668
111-401-246	New	V. 37, p. 669
111-401-247	New	V. 37, p. 779
111-401-248	New	V. 37, p. 779
111-401-249	New	V. 37, p. 779
111-401-250	New	V. 37, p. 780
111-401-251	New	V. 37, p. 780
111-401-252	New	V. 37, p. 781
111-501-3	Amended	V. 38, p. 638
111-501-24	Amended	V. 37, p. 256
111-501-25	Amended	V. 37, p. 257
111-501-44	Amended	V. 37, p. 1174
111-501-45	Amended	V. 37, p. 783
111-501-101	Amended	V. 37, p. 1085
111-501-141	Amended	V. 37, p. 1037
111-501-142	Amended	V. 37, p. 258
111-501-143	Amended	V. 37, p. 993
111-501-144	New	V. 37, p. 993
111-501-145	Amended	V. 38, p. 296
111-501-146	New	V. 37, p. 994
111-501-147	Amended	V. 38, p. 296
111-501-148	New	V. 37, p. 996
111-601-2	Amended	V. 38, p. 587
111-601-6	Amended	V. 38, p. 588
111-601-22	Amended	V. 37, p. 630
111-601-23	Amended	V. 37, p. 630
111-601-24	Amended	V. 37, p. 631
111-601-25	Amended	V. 37, p. 632
111-601-36	Amended	V. 37, p. 1086
111-601-37	Amended	V. 38, p. 182
111-601-46	New	V. 37, p. 632
111-601-47	New	V. 37, p. 632
111-601-48	Amended	V. 37, p. 1038
111-601-49	New	V. 37, p. 633
111-601-50	New	V. 37, p. 633

AGENCY 115: DEPARTMENT OF WILDLIFE, PARKS AND TOURISM

Reg. No.	Action	Register
115-2-1	Amended	V. 38, p. 368
115-2-3	Amended	V. 38, p. 370
115-2-4	Amended	V. 38, p. 371
115-2-5	Revoked	V. 37, p. 1165
115-2-7	New	V. 37, p. 1226
115-3-2	Amended	V. 38, p. 371
115-4-4	Amended	V. 38, p. 371

115-4-6b	Amended	V. 37, p. 723	115-8-1	Amended	V. 38, p. 543	AGENCY 117: REAL ESTATE APPRAISAL BOARD		
115-4-11	Amended	V. 38, p. 372	115-9-5	Amended	V. 38, p. 375			
115-5-1	Amended	V. 38, p. 541	115-11-2	Amended	V. 38, p. 127	Reg. No.	Action	Register
115-5-2	Amended	V. 38, p. 542	115-13-4	Amended	V. 38, p. 544	117-2-1	Amended	V. 37, p. 1107
115-5-4	Amended	V. 38, p. 542	115-15-3	Amended	V. 37, p. 81	117-2-2	Amended	V. 37, p. 1107
115-6-1	Amended	V. 38, p. 543	115-15-4	Amended	V. 37, p. 82	117-3-2	Amended	V. 37, p. 1108
115-7-1	Amended	V. 37, p. 1227	115-17-2	Amended	V. 37, p. 1165	117-4-1	Amended	V. 37, p. 1109
115-7-3	Amended	V. 37, p. 1165	115-18-10	Amended	V. 37, p. 1166	117-4-2	Amended	V. 37, p. 1111
115-7-4	Amended	V. 37, p. 1228	115-18-8	Amended	V. 37, p. 1228	117-5-1	Amended	V. 37, p., 1112
115-7-10	Amended	V. 37, p. 1228	115-20-7	Amended	V. 38, p. 545	117-8-3	Amended	V. 37, p. 98

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