

## HOUSE BILL No. 2225

By Committee on Judiciary

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1 AN ACT repealing the Kansas restraint of trade act; amending K.S.A. 50-  
2 504 and K.S.A. 2012 Supp. 66-1,112 and repealing the existing  
3 sections; also repealing K.S.A. 50-101, 50-102, 50-103, 50-108, 50-  
4 109, 50-110, 50-112, 50-113, 50-115, 50-116, 50-117, 50-131, 50-132,  
5 50-133, 50-136, 50-137, 50-139, 50-147, 50-148, 50-149, 50-153, 50-  
6 157, 50-158, 50-159, 50-160, 50-161, 50-162 and 50-508.

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

9 Section 1. K.S.A. 50-504 is hereby amended to read as follows: 50-504.

10 Any person who shall violate any of the provisions of this act shall be  
11 guilty of a misdemeanor. Each day during which, and each point at which  
12 a violation exists or continues shall constitute a separate offense. Upon  
13 conviction a person violating the terms of this act shall be punished by a  
14 fine of not more than ~~five hundred dollars (\$500)~~ \$500 for each violation,  
15 and not more than ~~five thousand dollars (\$5,000)~~ \$5,000 for any  
16 consecutive series of violations by the same person at the same point. ~~All~~  
17 ~~prosecutions under this act shall be governed by the provisions of K.S.A.~~  
18 ~~50-151.~~

19 Sec. 2. K.S.A. 2012 Supp. 66-1,112 is hereby amended to read as  
20 follows: 66-1,112. (a) The commission is hereby vested with power and  
21 authority and it shall be its duty to license, supervise and regulate every  
22 public motor carrier of property, of household goods or of passengers in  
23 this state, to the full extent not preempted by federal law, including fixing  
24 and approving reasonable maximum or minimum, or maximum and  
25 minimum rates, fares, charges, classifications and rules and regulations  
26 pertaining to the transportation of household goods or passengers as  
27 defined in 49 U.S.C. § 13102. The commission shall prescribe rules and  
28 regulations related to uniform cargo liability, uniform bills of lading,  
29 uniform cargo credit and antitrust immunity for joint-line rates and routes,  
30 classifications and mileage guides. The commission is hereby vested with  
31 power and authority and it shall be its duty to license, supervise and  
32 regulate every public motor carrier transporting property, household goods  
33 or passengers in this state, and to regulate and supervise the accounts,  
34 schedules, service and method of operation of same; to prescribe a uniform  
35 system and classification of accounts to be used; to require the filing of  
36 annual and other reports and any other data; and to supervise and regulate

1 public motor carriers transporting property, household goods or passengers  
2 in all matters affecting the relationship between such public motor carriers  
3 of property, of household goods or of passengers and the traveling and  
4 shipping public.

5 (b) The commission shall have power and authority, by general order  
6 or otherwise, to prescribe reasonable and necessary rules and regulations  
7 governing all such motor carriers. All laws relating to the powers, duties,  
8 authority and jurisdiction of the corporation commission over common  
9 carriers are hereby made applicable to all such motor carriers except as  
10 herein otherwise specifically provided.

11 (c) In order to insure nondiscriminatory, nonpreferential and just and  
12 reasonable rates, joint rates, fares, tolls, charges and exactions for all  
13 shippers, the commission shall establish rate-making procedures for all  
14 motor common carriers, including collective rate-making procedures for  
15 joint consideration, initiation and establishment of such rates and charges  
16 for transporting household goods or passengers as defined in 49 U.S.C. §  
17 13102. The commission shall prescribe reasonable rules and regulations  
18 related to uniform cargo liability, uniform bills of lading, uniform cargo  
19 credit and antitrust immunity for joint-line rates and routes, classifications  
20 and mileage guides. Joint and collective rate-making shall be limited to:

21 (1) That which is necessary to formulate one or more joint rates as  
22 such term is used in K.S.A. 66-117, and amendments thereto;

23 (2) general rate increases or decreases if the tariff proposal gives  
24 shippers, under procedures approved by the commission, at least 15 days'  
25 notice of the proposal and an opportunity to present comments on it before  
26 a tariff is filed with the commission and if discussion of such increases or  
27 decreases is related to industry average carrier costs and does not include  
28 discussion related exclusively to individual markets or particular single-  
29 line rates;

30 (3) changes in commodity classifications;

31 (4) changes in tariff structures if discussion of such changes is related  
32 to industry average carrier costs and does not include discussion related  
33 exclusively to individual markets or particular single-line rates; and

34 (5) publishing of tariffs, filing of independent actions for individual  
35 members and changes in rules and regulations which are of at least  
36 substantially general application throughout the area in which such  
37 changes will apply.

38 ~~(d) The provisions of K.S.A. 50-101 et seq., and amendments thereto,~~  
39 ~~shall not apply to the activities and procedures of persons, groups,~~  
40 ~~agencies, bureaus or other entities where such activities and procedures~~  
41 ~~have received approval by order of the commission under this statute.~~

42 Sec. 3. K.S.A. 50-101, 50-102, 50-103, 50-108, 50-109, 50-110, 50-  
43 112, 50-113, 50-115, 50-116, 50-117, 50-131, 50-132, 50-133, 50-136, 50-

1 137, 50-139, 50-147, 50-148, 50-149, 50-153, 50-157, 50-158, 50-159, 50-  
2 160, 50-161, 50-162, 50-504 and 50-508 and K.S.A. 2012 Supp. 66-1,112  
3 are hereby repealed.

4 Sec. 4. This act shall take effect and be in force from and after its  
5 publication in the Kansas register.