

SENATE BILL No. 150

By Committee on Transportation

2-4

1 AN ACT concerning motor carriers; relating to the regulation thereof;
2 representation before the corporation commission; amending K.S.A.
3 2014 Supp. 66-1,142b and repealing the existing section.
4

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

6 Section 1. K.S.A. 2014 Supp. 66-1,142b is hereby amended to read as
7 follows: 66-1,142b. (a) Any person violating any statute, commission
8 orders or rules and regulations adopted by the state corporation
9 commission pursuant to the motor carrier act and other laws relevant to
10 motor carriers shall be subject to a civil penalty of not less than \$100 and
11 not more than \$1,000 for negligent violations, and not more than \$5,000
12 for intentional violations.

13 (b) In construing and enforcing a civil penalty in accordance with this
14 section, any act, omission or failure of any officer, agent or other person
15 acting for or employed by any motor carrier while acting within the scope
16 of such person's employment, shall in every case be deemed the act,
17 omission or failure of the motor carrier.

18 (c) Every day during which the person fails to comply with any order
19 of the commission, or any applicable statute, rule or regulation, shall
20 constitute a separate and distinct violation.

21 (d) Civil penalties shall be enforced and collected by an attorney for
22 the corporation commission in the appropriate district court.

23 (e) *For civil penalties of \$500 or less, the commission shall allow ~~an~~*
24 ***officer a duly authorized representative** of the corporation or an attorney*
25 *to enter an appearance and represent the corporation operating as a*
26 *motor carrier under the provisions of this act.*

27 (f) A civil penalty shall not be enforced under this section for a
28 violation of an out-of-service order, if a civil penalty was enforced against
29 a driver under ~~subsection (a)~~ of K.S.A. 2014 Supp. 8-2,152(a), and
30 amendments thereto, or against an employer under ~~subsection (b)~~ of
31 K.S.A. 2014 Supp. 8-2,152(b), and amendments thereto.

32 (f)(g) Civil penalties shall be remitted in accordance with the
33 provisions of K.S.A. 75-4215, and amendments thereto, to the state
34 treasurer. Upon receipt of each such remittance, the state treasurer shall
35 deposit the entire amount in the state treasury to the credit of the motor
36 carrier license fee fund.

1 ~~(g)~~*(h)* The commission is granted the power, by general order or
2 otherwise, to prescribe reasonable rules and regulations for the assessment
3 of administrative civil penalties and sanctions for violations of any statute,
4 commission orders or rules and regulations adopted by the commission.

5 Sec. 2. K.S.A. 2014 Supp. 66-1,142b is hereby repealed.

6 Sec. 3. This act shall take effect and be in force from and after its
7 publication in the Kansas register.