



Kansas Register

Ron Thornburgh, Secretary of State

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State of Kansas

State Conservation Commission

Notice of Meeting

The State Conservation Commission will meet at 9 a.m. Monday, February 14, in the commission's conference room, 109 S.W. 9th, Suite 500, Topeka. Persons requiring special accommodations should contact the commission at (785) 296-3600 at least three days prior to the meeting.

Greg A. Foley
Executive Director

Doc. No. 031549

State of Kansas

Wireless Enhanced 911 Advisory Board

Notice of Grant Award Meeting

Grant funds are available from the Kansas Wireless Enhanced 911 Grant program. The purpose of the grant program is to support local public safety answering points in making the required improvements to establish wireless enhanced 911 services.

The Kansas Wireless Enhanced 911 Advisory Board will meet at 9 a.m. February 1-2 at the League of Kansas Municipalities, conference room, 300 S.W. 8th, Topeka, to discuss the final grant awards.

Julienne Maska
Federal and Other Grants
Program Administrator

Doc. No. 031555

State of Kansas

Department of Transportation

Request for Comments

The Kansas Department of Transportation requests comments on the amendment of the Statewide Transportation Improvement Program (STIP) FY 05-07 by adding the following projects:

Project KA-0160-05, Development of KDOT Safe-Driving Logos and Similar Branding for Traffic Safety Initiatives, Statewide

Project KA-0148-01, Intersection Reconstruction, K-68 and East Crestview Circle in Louisburg, Miami County

The amendment of the STIP requires a 30-day public comment period. To receive more information on any of these projects or to make comments on the STIP amendment, contact the Kansas Department of Transportation, Bureau of Program and Project Management, 2nd Floor Tower, 700 S.W. Harrison, Topeka, 66603-3754, (785) 296-3526, fax (785) 368-6664.

This information is available in alternative accessible formats. To obtain an alternative format, contact the KDOT Bureau of Transportation Information, (785) 296-3585 (Voice/TTY).

The comment period regarding the STIP amendment will conclude February 28.

Deb Miller
Secretary of Transportation

Doc. No. 031558

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**State of Kansas
State Employees Health Care Commission**

Notice of Meeting

The Kansas State Employees Health Care Commission will meet at 1:30 p.m. Wednesday, February 9, in the boardroom of the offices of the Kansas Public Employees Retirement System, 611 S. Kansas Ave., Topeka. An agenda may be viewed by accessing the commission's Web site at <http://da.state.ks.us/hcc/meetings.htm>. For more information, contact the Benefits Office at (785) 296-6280.

Duane A. Goossen
Chair

Doc. No. 031560

**State of Kansas
Department of Transportation**

Request for Comments

The Kansas Department of Transportation requests comments on the amendment of the Statewide Transportation Improvement Program FY 05-07 by adding the following projects:

Project X-2458-01, Automated Horn System, Burlington Northern Santa Fe Railroad and Main Street in Wellsville, Franklin County

Project X-2463-01, Flashing Light Railroad Crossing Signal, Union Pacific Railroad and Harren Road southwest of Hutchinson, Reno County

Project X-2464-01, Flashing Light Railroad Crossing Signal, Union Pacific Railroad and Tucker Road 1 mile northeast of Liberal, Seward County

Project X-2465-01, Flashing Light Railroad Crossing Signal, Union Pacific Railroad and Arkalon Road, 4 miles northeast of Liberal, Seward County

Project X-2466-01, Flashing Light Railroad Crossing Signal, Burlington Northern Santa Fe Railroad and Illinois Street in Hutchinson, Reno County

Project X-2467-01, Flashing Light Railroad Crossing Signal, Burlington Northern Santa Fe Railroad and Harren Road southwest of Hutchinson, Reno County

Project X-2468-01, Flashing Light Railroad Crossing Signal, Burlington Northern Santa Fe Railroad and Hollywood Road west of Dodge City, Ford County

The amendment of the STIP requires a 30-day public comment period. To receive more information on any of these projects or to make comments on the STIP amendment, contact the Kansas Department of Transportation, Bureau of Program and Project Management, 2nd Floor Tower, 700 S.W. Harrison, Topeka, 66603-3754, (785) 296-3526, fax (785) 368-6664.

This information is available in alternative accessible formats. To obtain an alternative format, contact the KDOT Bureau of Transportation Information, (785) 296-3585 (Voice/TTY).

The comment period regarding the STIP amendment will conclude February 21.

Deb Miller
Secretary of Transportation

Doc. No. 031527

**State of Kansas
Children's Cabinet and Trust Fund**

Notice of Meeting Cancellation

The Kansas Children's Cabinet and Trust Fund has cancelled its meeting scheduled for January 28 in Topeka. Another notice will be published soon notifying the public of the rescheduled meeting date to occur sometime in February.

Jim Redmon
Interim Executive Director

Doc. No. 031561

**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 complete listing of Kansas state agencies, boards and commissions, and county officials are included in the Kansas Directory, which is available on the Secretary of State's Web site at www.kssos.org. The following appointments were recently filed with the Secretary of State:

State Representative, 47th District

Joann E. Flower, Route 2, Box 5, Oskaloosa, 66066. Succeeds Lee Tafanelli, resigned.

Gray County Commissioner

Ronnie Jantz, 10805 FF Road, Montezuma, KS 67867. Succeeds Bill Good, deceased.

Greeley County Attorney

Laura L. Lewis, P.O. Box 847, Leoti, 67861. Succeeds Wade M. Dixon, resigned.

Wallace County Attorney

Andrea M. Wyrick, P.O. Box 473, Colby, 67701. Succeeds Wade M. Dixon, resigned.

**Governor's Mental Health
Planning Council**

Walter B. Hill, 215 E. 9th St., Ellis, 67637. Term expires June 30, 2005. Succeeds Melvin Goering.

Historic Sites Board of Review

Robert A. Puckett, 115 S. Rutan St., Wichita, 67218. Term expires June 30, 2005. Succeeds Paula Davis, resigned.

Information Network of Kansas

Roger L. Winfrey, 1045 Country Club Drive, Eureka, 67045. Term expires September 30, 2007. Reappointed.

Ron Thornburgh
Secretary of State

Doc. No. 031562

State of Kansas

Legislature

Legislative Bills and Resolutions Introduced

The following numbers and titles of bills and resolutions were introduced January 13-19 by the 2005 Kansas Legislature. Copies of bills and resolutions are available free of charge from the Legislative Document Room, 145-N, State Capitol, 300 S.W. 10th Ave., Topeka, 66612, (785) 296-4096. Full texts of bills, bill tracking and other information may be accessed at www.kslegislature.org.

House Bills

HB 2052, An act concerning solid waste; relating to uncontaminated soil; amending K.S.A. 65-3402 and repealing the existing section, by Committee on Environment.

HB 2053, An act establishing agriculture; relating to premises registration and animal identification and tracking system; amending K.S.A. 2004 Supp. 47-674 and repealing the existing section, by Committee on Agriculture.

HB 2054, An act concerning animals; relating to the pet animal act; definitions; rules and regulations; fees; amending K.S.A. 47-1701 and 47-1712 and K.S.A. 2004 Supp. 47-1721 and repealing the existing sections, by Committee on Agriculture.

HB 2055, An act establishing the mathematics and science teacher service scholarship program, by Representatives Colloton and Carter.

HB 2056, An act concerning sales taxation; relating to exemptions; cross-lines cooperative council; amending K.S.A. 2004 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

HB 2057, An act concerning personal property taxation; relating to valuation of rebuilt motor vehicles; amending K.S.A. 79-5105 and repealing the existing section, by Committee on Taxation.

HB 2058, An act concerning cities and municipalities; relating to the licensure of certain contractors; amending K.S.A. 12-1509 and 12-1542 and repealing the existing sections, by Representative Landwehr.

HB 2059, An act concerning school districts; relating to enrollment; amending K.S.A. 2004 Supp. 72-6407 and repealing the existing section, by Representatives Decker and Brunk, Carlin, Carlson, Craft, Crow, Dahl, DeCastro, Edmonds, Faust-Goudeau, Freeborn, Goico, Gordon, Grange, Hawk, Hayzlett, Horst, Huebert, Jack, E. Johnson, Kelsey, Kilpatrick, Landwehr, Loganbill, Mast, Mays, McLeland, Myers, Neufeld, Otto, Phelps, Pilcher-Cook, Powers, Ruff, Schwab, Schwartz, Weber, Wilk.

HB 2060, An act concerning franchise tax; relating to delinquencies; forfeiture of articles of incorporation; disclosure of information on annual report to secretary of revenue; amending K.S.A. 2004 Supp. 17-7511 and 79-5401 and repealing the existing sections, by Special Committee on Assessment and Taxation.

HB 2061, An act concerning crimes, punishment and criminal procedure; relating to the sentence of death; amending K.S.A. 2004 Supp. 21-4624 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2062, An act concerning district attorneys; relating to the creation of the office of district attorney in certain judicial districts; amending K.S.A. 22a-106 and K.S.A. 2004 Supp. 22a-105 and 22a-107 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

HB 2063, An act concerning residency determinations at state educational institutions; concerning appeals from decisions relating thereto, by Committee on Higher Education.

HB 2064, An act relating to state university faculty and staff; providing for certain state agency work experiences, by Committee on Higher Education.

HB 2065, An act relating to postsecondary educational institutions; establishing the business workforce training advisory group; authorizing certain fees, by Committee on Higher Education.

HB 2066, An act relating to postsecondary educational institutions; providing for a website of certain information regarding postsecondary educational institutions, by Committee on Higher Education.

HB 2067, An act relating to postsecondary educational institutions; providing for the state board of regents to develop certain performance indicators, by Committee on Higher Education.

HB 2068, An act relating to community and technical colleges; providing for county commissioners to pay certain operating costs of sat-

ellite campuses of community or technical colleges, by Committee on Higher Education.

HB 2069, An act relating to postsecondary educational institutions; providing for the designation of service territories of community colleges and technical colleges by the state board of regents, by Committee on Higher Education.

HB 2070, An act concerning postsecondary educational institutions; providing for the assessment of non-main campus classes versus main campus classes, by Committee on Higher Education.

HB 2071, An act concerning the investment of public moneys; amending K.S.A. 12-1675 and 72-8804 and repealing the existing sections, by Representative O'Neal.

HB 2072, An act relating to United States military personnel; concerning tuition and fee waivers; amending K.S.A. 2004 Supp. 75-4364 and repealing the existing section, by Committee on Higher Education.

HB 2073, An act concerning property taxation; relating to unpaid real property taxes; judgment and enforcement thereof pursuant to code of civil procedure, by Committee on Taxation.

HB 2074, An act relating to motor vehicles; providing for distinctive license plates for United States armed forces reserve; amending K.S.A. 2004 Supp. 8-1,141 and 8-1,147 and repealing the existing sections, by Committee on Federal and State Affairs.

HB 2075, An act concerning death and disability benefits for certain public employees; relating to plan design and contributions; amending K.S.A. 74-4932 and 74-4952 and K.S.A. 2004 Supp. 74-4902 and 74-4927 and repealing the existing sections, by Joint Committee on Pensions, Investments and Benefits.

HB 2076, An act enacting Miki's law; requiring registration of offenders convicted of certain felonies; prescribing penalties for certain violations; amending K.S.A. 12-16,123 and K.S.A. 2004 Supp. 22-3717, 45-221 and 75-5291 and repealing the existing sections; also repealing K.S.A. 2004 Supp. 45-221g and 45-221h, by Committee on Federal and State Affairs.

HB 2077, An act concerning the state board of pharmacy, establishing a cancer drug repository program, by Representatives Sloan, Bethell, Hill and Kuether.

HB 2078, An act regulating traffic; concerning lighting equipment for lead motor vehicles in funeral processions; amending K.S.A. 2004 Supp. 8-1723 and repealing the existing section, by Committee on Transportation.

HB 2079, An act concerning big game; amending K.S.A. 2004 Supp. 32-937 and repealing the existing section, by Committee on Federal and State Affairs.

HB 2080, An act concerning sales taxation; relating to exemptions; amending K.S.A. 2004 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

HB 2081, An act concerning county jails; relating to officer training, by Committee on Corrections and Juvenile Justice.

HB 2082, An act concerning property taxation; relating to exemptions; community housing development organizations, by Representative Huff.

HB 2083, An act relating to the consolidation of cities and counties, by Representatives Lane, Burgess, Flora, Gordon, Hutchins, Kirk, Kuether, Mah and Mays.

HB 2084, An act concerning certain public utilities; relating to energy efficiency and conservation programs for certain customers; providing for recovery of certain amounts therefor, by Committee on Utilities.

HB 2085, An act concerning the long term care services task force; relating to the extension of the task force; amending K.S.A. 65-6206 and repealing the existing section, by Committee on Health and Human Services.

HB 2086, An act concerning home health agencies; relating to surveys; amending K.S.A. 65-5104 and repealing the existing section, by Committee on Health and Human Services.

House Concurrent Resolutions

HCR 5004, A concurrent resolution urging Congress to modify the provisions of the National Voter Registration Act of 1993 to simplify the procedure for removal of voters from voter registration lists.

House Resolutions

HR 6006, A resolution remembering the Piatt plane crash.

Senate Bills

SB 33, An act concerning private construction contracts, enacting the Kansas fairness in private construction contract act, by Committee on Commerce.

SB 34, An act concerning exceptions to disclosure of records; amending K.S.A. 45-229 and repealing the existing section, by Committee on Elections and Local Government.

SB 35, An act regulating traffic; concerning school zones; amending K.S.A. 2004 Supp. 8-2118 and repealing the existing section, by Senator Journey.

SB 36, An act concerning the admission to practice law; requirements; fingerprints and criminal history, by Committee on Judiciary.

SB 37, An act concerning business entities; relating to franchise fees; amending K.S.A. 2004 Supp. 17-1513, 17-1618, 17-2036, 17-2037, 17-2718, 17-4634, 17-4677, 17-7503, 17-7504, 17-7505, 17-7507, 17-7509, 17-7510, 17-7512, 17-76,125, 17-76,139, 56-1a606, 56-1a607, 56-1a608, 56a-1201, 56a-1202, 56a-1203 and 75-446 and repealing the existing sections; also repealing K.S.A. 2004 Supp. 17-2036a, 17-7503a, 17-7504a, 17-7505a, 17-7507a, 17-7508, as amended by section 88 of 2004 Senate Bill No. 29, 17-7510a, 17-7512a, 17-76,139a, 56-1a606a and 56-1a607a, by Special Committee on Assessment and Taxation.

SB 38, An act concerning public records not subject to subpoena, discovery or other legal process; amending K.S.A. 22a-243, 44-510j, 65-1,113, 65-2836, 65-4922 and 65-4925 and K.S.A. 2004 Supp. 44-714 and 44-817 and repealing the existing sections, by Committee on Elections and Local Government.

SB 39, An act concerning sheriffs; relating to fees for service; amending K.S.A. 28-110 and repealing the existing section, by Senator Emler.

SB 40, An act concerning the probate code; relating to notice to surviving spouse; amending K.S.A. 2004 Supp. 59-2233 and repealing the existing section, by Committee on Judiciary.

SB 41, An act relating to motor vehicles; concerning the manufacturing of license plates; amending K.S.A. 8-147 and repealing the existing section, by Committee on Transportation.

SB 42, An act concerning teachers; relating to certification thereof; amending K.S.A. 72-1387 and repealing the existing section, by Committee on Education.

SB 43, An act concerning payments to schools for driver training courses; amending K.S.A. 8-272 and repealing the existing section, by Committee on Education.

SB 44, An act concerning the teacher service scholarship program; amending K.S.A. 74-32,101 and 74-32,102 and repealing the existing sections, by Committee on Education.

SB 45, An act concerning property taxation; relating to unpaid real property taxes; judgment and enforcement thereof pursuant to code of civil procedure, by Committee on Assessment and Taxation.

SB 46, An act concerning canceled state warrants; relating to fees for reissuance; amending K.S.A. 46-921 and repealing the existing section, by Senator Emler.

SB 47, An act concerning the department of corrections; relating to the dissemination of department rules and regulations to inmates; amending K.S.A. 2004 Supp. 75-5210 and repealing the existing section, by Committee on Federal and State Affairs.

SB 48, An act concerning schools and school districts; relating to contracts, by Senator Vratil.

SB 49, An act concerning schools and school districts; relating to contracts, by Senator Vratil.

SB 50, An act concerning members of the armed forces; relating to references to the soldiers and sailors civil relief act; amending K.S.A. 59-2208, 59-2223 and 60-203 and K.S.A. 2004 Supp. 58-665 and repealing the existing sections, by Committee on Judiciary.

SB 51, An act amending the tobacco master settlement agreement; release of escrow funds; amending K.S.A. 2004 Supp. 50-6a03 and repealing the existing section, by Committee on Judiciary.

SB 52, An act concerning employment of retired judges; relating to providing employer contribution for health insurance; amending K.S.A. 20-2622 and repealing the existing section, by Committee on Judiciary.

SB 53, An act concerning the code for civil procedure; relating to evidence; expert and other testimony; amending K.S.A. 60-456 and 60-457 and repealing the existing sections; also repealing K.S.A. 60-458, by Committee on Judiciary.

SB 54, An act concerning roofing materials, by Committee on Elections and Local Government.

SB 55, An act concerning the employment security laws; relating to breath alcohol test; conclusive evidence of misconduct; amending K.S.A. 2004 Supp. 44-706 and repealing the existing section, by Committee on Commerce.

SB 56, An act concerning motor-vehicle fuels; relating to retail pump labeling requirements; ethyl alcohol and other alcohol; amending K.S.A. 2004 Supp. 79-3408 and repealing the existing section, by Committee on Agriculture.

Senate Resolutions

SR 1804, A resolution congratulating and commending the members of the 2005 Kansas Teacher of the Year Team.

Doc. No. 031551

(Published in the Kansas Register January 27, 2005.)

Marmaton Watershed Joint District No. 102

Request for Engineering Services

The Marmaton Watershed Joint District No. 102 is soliciting qualified consulting engineering firms for the project listed below. Responding firms should mail their response to Charles Bruner, Contracting Officer, Marmaton Watershed District, P.O. Box 114, Uniontown, KS 66779. Responses must be received by 5 p.m. February 17 for the consulting engineering firm to be considered.

The following criteria will be used as the basis for selection of the consulting engineering firms:

1. Professional qualifications necessary for satisfactory performance of required services;
2. Specialized experience and technical competence with respect to watershed dam design and construction;
3. Work load of firm and capacity to accomplish the work in the required time; and
4. Firm's performance record in contracts with watershed districts and private industry in terms of cost control, quality of work and compliance with performance schedules.

Project: Marmaton Watershed Site J-2 Dam Construction

The scope of services is to provide engineering services for the design plans, drawings, specifications, permit application, construction bidding process, contract documents and other required documentation to be submitted to the Kansas Division of Water Resources for the construction of the Marmaton Watershed Site J-2. This structure is to be designed in accordance with the NRCS e-FOTG Standard 402 and TR 60. Services also will include geologic site investigation, laboratory soil testing, site staking, surveying, construction inspection and testing, and submittal of all required as-built plans and certificates of completion. Services also may include habitat evaluations, wetland determinations, and habitat mitigation planning and gaining of easements required for habitat mitigation.

Site J-2 is located from Highways 3 and 39, 2 miles north and 1 mile east in Section 36, Township 26 South, Range 22 East, Bourbon County, Kansas, and consists of the construction of an earthen dam that controls approximately 7.77 square miles of drainage area. Significant preliminary engineering data and documentation on this project may be reviewed by contacting the contracting officer.

Charles Bruner
Contracting Officer

Doc. No. 031552

State of Kansas

Social and Rehabilitation Services**Request for Proposals**

The Department of Social and Rehabilitation Services announces the release of a request for proposals by the Sexual Predator Treatment Program, Health Care Policy, to provide a highly-structured, safe residential setting for individuals determined to be a "sexually violent predator" (as determined by K.S.A. 59-29a01) requiring nursing home level of care as determined by the Level I, CARE assessment. Vendors interested in receiving a request for proposal should contact Marti Malcolm, SRS Finances, 11th Floor, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612-1570, (785) 296-4295, fax (785) 296-4676. Complete proposals must be received not later than 2 p.m. February 14.

Gary J. Daniels
Acting Secretary of Social and
Rehabilitation Services

Doc. No. 031556

(Published in the Kansas Register January 27, 2005.)

Summary Notice of Bond Sale**City of Minneapolis, Kansas****\$150,000****General Obligation Bonds, Series 2005****(General obligation bonds payable from
unlimited ad valorem taxes)****Bids**

Subject to the notice of bond sale dated January 11, 2005, written and electronic bids will be received on behalf of the clerk of the city of Minneapolis, Kansas (the issuer), in the case of written bids, on behalf of the governing body at City Hall, 218 N. Rock, Minneapolis, KS 67467, and in the case of electronic bids, through i-Deal's BiDCOMP/PARITY electronic bid submission system, until 4 p.m. February 8, 2005, for the purchase of \$150,000 principal amount of General Obligation Bonds, Series 2005. No bid of less than 99 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated March 1, 2005, and will become due on September 1 in the years as follows:

Year	Principal Amount
2006	\$25,000
2007	30,000
2008	30,000
2009	30,000
2010	35,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning March 1, 2006.

Optional Book-Entry-Only System

The successful bidder may elect to have the bonds registered under a book-entry-only system administered through DTC.

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States or a qualified financial surety bond in the amount of \$3,000 (2 percent of the principal amount of the bonds).

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about March 1, 2005, to DTC for the account of the successful bidder or at such bank or trust company in the contiguous United States as may be specified by the successful bidder, or elsewhere at the expense of the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 2004 is \$8,288,830. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold, is \$1,040,000.

Approval of Bonds

The bonds will be sold subject to the legal opinion of Gilmore & Bell, P.C., Wichita, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the issuer, printed on the bonds and delivered to the successful bidder when the bonds are delivered.

Additional Information

Additional information regarding the bonds may be obtained from the undersigned or from the financial advisor at the addresses set forth below:

Written and Facsimile Bid and Good Faith**Deposit Delivery Address:**

Lowell Parrish, Clerk
City Hall
218 N. Rock
Minneapolis, KS 67467
(785) 392-2176
Fax (785) 392-2177
E-mail: citympls@nckcn.com

Good Faith Deposit Delivery Address:

Ranson Financial Consultants, L.L.C.
Financial Advisor
209 E. William, Suite 401
Wichita, KS 67202
Attn: John Haas
Phone (316) 264-3400
Fax (316) 265-5403
E-mail: jhaas@ransonfinancial.com

Dated January 11, 2005.

City of Minneapolis, Kansas

Doc. No. 031554

**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), 75-4201(l) and 75-4209(a)(1)(B).

Effective 1-24-05 through 1-30-05

Term	Rate
1-89 days	2.26%
3 months	2.34%
6 months	2.64%
1 year	2.85%
18 months	3.01%
2 years	3.14%

Derl S. Treff
Director of Investments

Doc. No. 031550

**State of Kansas
Department of Administration
Division of Purchases**

Notice to Bidders

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

02/09/2005	08069	Furnish and Install Pre-Cast Building
02/10/2005	08037	Real Estate Brokerage and Auction Services
02/10/2005	08070	Aluminum Window Assemblies
02/11/2005	08068	Law Enforcement SWAT Command Vehicle
02/11/2005	08072	Janitorial Services
02/11/2005	08074	Chromate Aluminum Sheets
02/14/2005	07968	Design/Furnish Play Structures (Playground Equipment)
02/25/2005	07906	Banking Services
02/25/2005	07907	Banking Services
03/14/2005	07789	Leased Space

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

<http://da.state.ks.us/purch/rfq/>

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

<http://da.state.ks.us/purch/adds/default/htm>

Contractors wishing to bid on the projects listed below must be prequalified. For more information about the prequalification process or to obtain the following bid documents, call (785) 296-8899:

02/15/2005	A-9528	Hubbard Hall Restoration
02/17/2005	A-9782(C)	Partial Roof Replacement
02/17/2005	A-9832 Revised	Landscape Restoration

Chris Howe
Director of Purchases

Doc. No. 031563

**State of Kansas
Department of Health
and Environment**

**Notice Concerning Kansas
Water Pollution Control Permits**

In accordance with Kansas Administrative Regulations 28-16-57 through 63, 28-18-1 through 15, 28-18a-1 through 32, 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, draft permits have been prepared and/or permit applications have been received for discharges to the waters of the United States and the state of Kansas for the class of discharges described below.

The determinations for permit content are based on staff review, applying the appropriate standards, regulations and effluent limitations of the state of Kansas and the EPA, and when issued will result in a State Water Pollution Control Permit and National Pollutant Discharge Elimination System Authorization subject to certain conditions.

All Kansas Department of Health and Environment district office addresses and telephone numbers are listed below.

**Public Notice No. KS-AG-05-007/009
Pending Permits for Confined Feeding Facilities**

Name and Address of Applicant	Legal Description	Receiving Water
Goode Dairy Gary Goode 1101 N. 375th St. West Cheney, KS 67025	NE/4 of Section 17, T27S, R04W, Sedgwick County	Lower Arkansas River Basin

Kansas Permit No. A-ARSG-M037

This is a renewal and modified permit for an existing facility for 400 head (560 animal units) of dairy cattle. The modification is the deletion of the septic tank from the original plan set and its replacement with a concrete tank. Although they have yet to be constructed, the other waste system components contained in the original plan set and original permit are unchanged.

Name and Address of Applicant	Legal Description	Receiving Water
Clinton Jost 2646 AA Ave. Burdick, KS 66838	NE/4 of Section 12, T17S, R05E, Morris County	Neosho River Basin

Kansas Permit No. A-NEMR-B007

This is a renewal permit for an existing operation. The maximum capacity is for 480 head of cattle weighing 700 pounds or greater (480 animal units).

Name and Address of Applicant	Legal Description	Receiving Water
Bornholdt Farms James C. Bornholdt 272 Cimarron Road Inman, KS 67546	SE/4 of Section 28, T20S, R05W, McPherson County	Little Arkansas River Basin

Kansas Permit No. A-LAMP-B002

This is a modification and expansion permit for an existing facility for a maximum of 455 head of cattle weighing 700 pounds or less (227.5 animal units) and 460 head of cattle weighing greater than 700 pounds (460 animal units), for a total of 915 head (687.5 animal units) of cattle. The existing sediment basin will be lined with concrete and the existing retention structure will be expanded in size.

(continued)

Public Notice No. KS-05-005/007

Name and Address of Applicant	Waterway	Type of Discharge
Astaris LLC 622 Emerson Road St. Louis, MO 63141	Kansas River via Municipal Storm Sewer	Process Wastewater & Stormwater Runoff

Kansas Permit No. I-KS31-PO06 Federal Permit No. KS0001511
 Legal Description: NE¼, S29, T12S, R20E, Douglas County
 Facility Location: 440 N. 9th St., Lawrence, KS 66044

Facility Description: The proposed action is to reissue an existing permit for an existing facility. This is an inorganic chemical manufacturing facility producing phosphoric acid and sodium phosphate. There are two adjacent interdependent facilities that have cooling tower blowdown and/or stormwater discharge into the Astaris system: Praxair, producing purified CO₂ from the off gases, and Peak Chemical, producing phosphorus pentasulfide. The proposed permit includes limits for total suspended solids, total residual chlorine, arsenic, total phosphorus and pH. Monitoring of sulfate, sulfide and effluent flow also will be required. The permittee shall be required to perform an acute whole effluent toxicity (WET) test annually. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

Name and Address of Applicant	Waterway	Type of Discharge
Manhattan, City of 1101 Poyntz Ave. Manhattan, KS 66502-5497	Kansas River	Treated Domestic Wastewater

Kansas Permit No. M-KS38-OO01 Federal Permit No. KS0036714
 Legal: NW¼, S16, T10S, R8E, Pottawatomie County

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, fecal coliform, ammonia and pH. Monitoring for total phosphorus, total Kjeldahl nitrogen, nitrate, nitrite, total nitrogen, dissolved oxygen and effluent flow also will be required. The permittee shall be required to perform a chronic whole effluent toxicity (WET) test annually and a priority pollutant scan once during the term of this permit. Included in this permit is a requirement for the permittee to development and implement an approvable local pretreatment program. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

Name and Address of Applicant	Waterway	Type of Discharge
Western Plains Energy, LLC P.O. Box 288 Oakley, KS 67748	South Fork Saline River via Unnamed Tributary	Process Wastewater

Kansas Permit No. I-SA24-PO01 Federal Permit No. KS0093076
 Legal: NW½, S2, T11S, R31W, Gove County
 Facility Name: Western Plains Energy, LLC - Ethanol Plant

Facility Description: The proposed action is to modify an existing permit for operation of an existing wastewater treatment facility treating primarily process wastewater. Modification consists of increased ethanol production to 45 million gallons per year with a corresponding increase in the discharge to 186,000 gpd. Changes in the facility include replacement of a 50 gpm RO system with a 100 gpm RO system, additional cooling tower blowdown and increased softener backwash. All other terms, conditions and provisions of the existing permit shall remain in full force and effect. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

Public Notice No. KS-ND-05-001

Name and Address of Applicant	Legal Location	Type of Discharge
Naco Industries 3445 W. Jones Ave. Garden City, KS 67846	S3, T24S, R33W, Finney County	Nonoverflowing

Kansas Permit No. I-UA14-NP09

Facility Description: The proposed action is to reissue an existing permit for operation of the existing wastewater treatment facility treating primarily contact cooling water. This facility manufactures fittings for PVC pipe. Contact cooling water treated with polyglycol E-400 is directed through evaporative misters and an oil/water separator to a double synthetic-lined north cell and a single synthetic-lined south cell of a two-cell holding lagoon. Water from the lagoon is frequently hauled off-site by a commercial wastewater hauler for treatment at the Garden City wastewater treatment plant. Included in this permit is a schedule of compliance requiring the permittee to submit by August 1, 2005, an engineering report providing recommendations for improvements to the wastewater treatment system to meet KDHE standards for synthetically-lined lagoons and to correct the floating liner. The permittee also is required to complete the improvements in accordance with the KDHE-accepted schedule provided in the engineering report. Discharge of wastewater from this treatment facility to surface waters of the state of Kansas is prohibited by this permit.

Persons wishing to comment on or object to the draft permits 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 or objections considered in the decision making process. Comments or objections should be submitted to the attention of April Romero for agricultural permits or applications, or to the permit clerk for all other permits, at the Kansas Department of Health and Environment, Division of Environment, Bureau of Water, 1000 S.W. Jackson, Suite 420, Topeka, 66612-1367.

All comments regarding the draft permit or application notice postmarked or received on or before February 26 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate Kansas permit number (KS-AG-05-007/009, KS-05-005/007, KS-ND-05-001) and name of applicant/application as listed when preparing comments.

If no objections are received during the public notice period regarding any proposed permit, the Secretary of Health and Environment will issue the final determination regarding issuance or denial of the proposed permit. If response to this notice indicates significant public interest, a public hearing may be held in conformance with K.A.R. 28-16-61 (28-46-21 for UIC). Media coordination for publication and/or announcement of the public notice or public hearing is handled by the Kansas Department of Health and Environment.

For agricultural permits and applications, a copy of the permit application, supporting documentation and a KDHE-developed fact sheet, if appropriate, is available for review at the appropriate district office:

- Northwest District Office, 2301 E. 13th, Hays, 67601-2651, (785) 625-5664
- North Central District Office, 2501 Market Place, Salina, 67401-7699, (785) 827-9639
- Northeast District Office, 800 W. 24th, Lawrence, 66046-4417, (785) 842-4600

Southwest District Office, 302 W. McArtor Road,
Dodge City, 67801-6098, (620) 225-0596

South Central District Office, 130 S. Market, 6th Floor,
Wichita, 67202-3802, (316) 337-6020

Southeast District Office, 1500 W. 7th, Chanute,
66720, (620) 431-2390

Application information and components of plans and specifications for all new facilities and for expansions of existing swine facilities may be reviewed on the Internet at <http://www.kdhe.state.ks.us/feedlots>.

For all other proposed permits, the draft permit(s), including proposed effluent limitations and special conditions, fact sheets as appropriate, comments received and other information, are on file and may be inspected at the offices of the Kansas Department of Health and Environment, Bureau of Water.

Division of Environment offices are open from 8 a.m. to 5 p.m. Monday through Friday, excluding holidays. These documents are available upon request at the copying cost assessed by KDHE. Additional copies of this public notice also may be obtained at the Division of Environment.

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 031557

State of Kansas

Attorney General

Permanent Administrative
Regulations

Article 1.—PRIVATE DETECTIVES AND AGENCIES

16-1-7. Fees. (a) The following fees shall be charged:

- (1) Application forms and materials \$15.00
- (2) Application for initial private detective license or agency license \$250.00
- (3) Application for initial private detective license by an officer, director, partner, or associate of private detective agency \$100.00
- (4) Renewal of a private detective license or agency license \$175.00
- (5) Renewal of private detective license by an officer, director, partner, or associate of a private detective agency \$100.00
- (6) Application for initial firearm permit \$50.00
- (7) Renewal of firearm permit \$50.00
- (8) Application for initial firearm trainer certificate \$100.00
- (9) Renewal of firearm trainer certificate \$100.00
- (10) Duplicate license \$5.00

(b) All fees shall be submitted by personal check, money order, cashier's check, certified check, or credit card. (Authorized by K.S.A. 2003 Supp. 75-7b22; implementing K.S.A. 2003 Supp. 75-7b04, K.S.A. 2003 Supp. 75-7b05, as amended by L. 2004, ch. 139, sec. 1, K.S.A. 2003 Supp. 75-7b07, as amended by L. 2004, ch. 139, sec. 2, K.S.A. 2003 Supp. 75-7b17, as amended by L. 2004, ch. 139, sec. 4, K.S.A. 2003 Supp. 75-7b21, as amended by L.

2004, ch. 139, sec. 5, and K.S.A. 2003 Supp. 75-7b22; effective Nov. 6, 1998; amended Feb. 11, 2005.)

Article 4.—CONTINUING EDUCATION

16-4-2. Continuing professional education requirements. (a) Commencing December 31, 2006, each applicant for renewal of a private detective license that expires on December 31 of the year of its issuance and is renewed every two years thereafter shall have completed eight hours of acceptable continuing professional education obtained within the biennial renewal period before submitting the renewal application.

(b) For each individual whose initial private detective license is issued on or after July 1, 2004, for renewal of the license the individual shall have completed eight hours of acceptable continuing professional education before submitting the renewal application.

(c) The standards used to determine acceptable continuing professional education shall include the following:

(1) One hour shall equal 50 minutes of participation in a group or self-study program. One-half hour shall equal 25 minutes of participation in a group or self-study program.

(2) The hours devoted to actual preparation time by an instructor or speaker for formal programs shall be computed at a maximum of up to twice the number of continuing education credits that a participant would be entitled to receive.

(3) The hours served as an instructor or speaker shall be included to the extent that the hours contribute to the professional competence of the applicant. Repeated presentations of the same program shall not be counted unless the instructor or speaker demonstrates that the program content was substantially changed and the change required significant additional study or research. (Authorized by and implementing K.S.A. 75-7b18 and K.S.A. 2003 Supp. 75-7b07, as amended by L. 2004, Ch. 139, § 2; effective Feb. 11, 2005.)

16-4-3. Continuing professional education programs; requirements. (a) Any program designed to allow a participant to learn a given subject through interaction with an instructor and other participants either in a classroom or conference setting or by self-study may be approved for continuing education credit if the program meets the following conditions:

(1) The program is a formal program of learning that requires attendance and meets either of the following requirements:

(A) Maintains or improves the professional competence of the applicant in providing detective business services; or

(B) maintains or improves the applicant's ability to operate and manage a detective business.

(2) An outline of the program is prepared in advance and provided to the applicant.

(3) The program is at least 50 minutes in length.

(4) The program is conducted by a person qualified in the subject area.

(5) A record of registration and attendance is retained.

(continued)

(b) The following types of programs shall qualify as acceptable continuing education if they meet the requirements of subsection (a):

(1) Programs offered by the Kansas association of licensed investigators, the Kansas association of private investigators, or any other state or national organization or association of private detectives or investigators;

(2) programs offered by any individual, organization, association, or commission that provides education or training in the subjects identified in paragraph (a)(1)(A) or (B);

(3) university or college credit courses. Each semester hour of credit shall equal 15 hours of continuing education credit. Each quarter hour of credit shall equal 10 hours of continuing education credit; and

(4) university or college noncredit courses. These courses shall qualify for continuing professional education credit that equals the number of actual, full 50-minute class hours attended.

(c) Any individual self-study program that allows a participant to learn a particular subject without the major involvement of an instructor may be eligible for continuing education credit if all of the following conditions are met:

(1)(A) The program is offered by the Kansas association of licensed investigators, the Kansas association of private investigators, or any other state or national organization or association of private detectives or investigators; or

(B) the program is offered by any individual, organization, association, or commission that provides education or training in the subjects identified in paragraph (a)(1)(A) or (B).

(2) The program requires registration.

(3) The program includes a final examination.

(4) The participant scores at least 70 percent on the final examination.

(5) The participant provides a certificate of satisfactory completion.

(d) The amount of credit for self-study programs shall be determined as follows:

(1) Self-study programs may be approved for one hour of continuing education credit for each 50 minutes of participation and one-half hour for each 25-minute period of participation.

(2) The amount of credit shall not exceed the number of recommended hours assigned by the program sponsor.

(e) The training required by K.A.R. 16-6-1 shall not qualify as acceptable continuing professional education. (Authorized by and implementing K.S.A. 75-7b18 and K.S.A. 2003 Supp. 75-7b07, as amended by L. 2004, Ch. 139, § 2; effective Feb. 11, 2005.)

16-4-4. Continuing professional education; documentation. (a) When applying for renewal of the private detective license, each applicant shall provide one copy of all documents evidencing completion of each program of continuing professional education obtained within the biennial renewal period before the applicant's submission of the renewal application. Each document evidencing program completion shall include the following information:

(1) The individual, organization, school, or sponsor conducting the program;

(2) the location of the program attended;

(3) the title of the program, or a brief description of the program;

(4) the dates attended or the date on which the program was completed; and

(5) the number of minutes in which the applicant participated.

(b) Any applicant may be required by the attorney general to verify the information specified in subsection (a) or to provide additional information as a part of the renewal application. (Authorized by and implementing K.S.A. 75-7b18 and K.S.A. 2003 Supp. 75-7b07, as amended by L. 2004, Ch. 139, § 2; effective Feb. 11, 2005.)

Article 6.—FIREARM PERMITS

16-6-1. Training in the handling of firearms. (a) A firearm permit shall not be granted unless, within six months before submission of the application for the permit, the applicant has met the following requirements:

(1) Satisfactorily completed a minimum of 16 clock-hours of education and training in the areas listed in K.A.R. 16-5-4(a)(5)(A) from a certified firearms trainer who is other than the applicant;

(2) passed the written examination specified in K.A.R. 16-5-4(a)(5)(B); and

(3) satisfied the course of fire requirement specified in K.A.R. 16-5-4(a)(5)(C).

(b) Notwithstanding subsection (a), an initial firearm permit may be granted to an applicant who meets both of the following requirements:

(1) Completes law enforcement training pursuant to K.S.A. 75-7b17(a)(2) and amendments thereto; and

(2) provides a certificate attesting to the satisfactory completion of this law enforcement training.

(c) A firearm permit shall not be renewed unless, within each of the two years before expiration of the permit, the applicant has met the following requirements:

(1) Satisfactorily completed a minimum of two-clock hours of training in any of the areas listed in K.A.R. 16-5-4(a)(5)(A) by a certified firearms trainer who is other than the applicant; and

(2) satisfied the course of fire requirement specified in K.A.R. 16-5-4(a)(5)(C).

(d) Firearm permits shall be granted only for the firearm or firearms for which the applicant has satisfactorily completed a course of fire from a firearms trainer as specified in K.A.R. 16-5-4(a)(5)(C).

(e) Notwithstanding subsection (d), an initial firearm permit shall be granted to each applicant for an initial firearm permit who complies with subsection (b), except that the applicant shall notify the Kansas bureau of investigation of each firearm for which the firearm permit is issued.

(f) Each holder of a firearm permit shall notify the attorney general through the Kansas bureau of investigation within 72 hours of any change of or additional firearm that the permit holder intends to carry. The permit holder shall qualify with this firearm by successfully completing a course of fire as specified in K.A.R. 16-5-4(a)(5)(C) within 30 days of changing or adding a firearm. (Authorized by and implementing K.S.A. 2003 Supp. 75-

7b17, as amended by L. 2004, Ch. 139, § 4, and K.S.A. 75-7b18; effective May 1, 1982; amended April 12, 1996; amended Nov. 6, 1998; amended April 7, 2000; amended Feb. 11, 2005.)

Phill Kline
Attorney General

Doc. No. 031553

State of Kansas
State Corporation Commission
Temporary Administrative
Regulations

Article 4.—MOTOR CARRIERS OF PERSONS
AND PROPERTY

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

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

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

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

(4) the operation of commercial motor vehicles designed or used to transport between nine and 15 passengers, including the driver, for direct compensation, if the vehicle is not being operated beyond a radius of 75 air miles from the driver's normal work-reporting location and if the vehicle does not otherwise meet the definition of a commercial motor vehicle, except that motor carriers operating these vehicles shall comply with 49 C.F.R. 390.15, 49 C.F.R. 390.19, and 49 C.F.R. 290.21(a), as adopted by K.A.R. 82-4-3f.

(b) This regulation shall be effective on and after December 29, 2004. (Authorized by and implementing K.S.A. 2003 Supp. 66-1,112, K.S.A. 66-1,112g, and K.S.A. 2003 Supp. 66-1,129, as amended by L. 2004, Ch. 152, § 7; effective Jan. 1, 1971; modified, L. 1981, ch. 424, May 1, 1981; amended May 1, 1984; amended May 1, 1985; amended May 1, 1987; amended April 30, 1990; amended Sept. 16, 1991; amended July 6, 1992; amended May 10, 1993; amended Oct. 3, 1994; amended Jan. 30, 1995; amended Jan. 4, 1999; amended, T-82-9-13-99, Sept. 13, 1999; amended March 3, 2000; amended, T-82-4-7-00, April 17, 2000; amended July 28, 2000; amended, T-82-10-25-01, Oct. 25, 2001; amended Dec. 28, 2001; amended, T-82-12-29-04, Dec. 29, 2004.)

82-4-3a. Hours of service. (a) With the following exceptions, 49 C.F.R. Part 395, as in effect on October 1, 2003, is hereby adopted by reference:

(1) 49 C.F.R. 395.0 shall be deleted.

(2) The following revisions shall be made to 49 C.F.R. 395.1:

(A) 49 C.F.R. 395.1(a)(2), 49 C.F.R. 395.1(h), and 49 C.F.R. 395.1(i) shall be deleted.

(B) 49 C.F.R. 395.1(k) shall be deleted and replaced by the following:

“(k)(1) The provisions of this regulation shall not apply to drivers transporting agricultural commodities or farm supplies for agricultural purposes in the state if the transportation meets the following conditions:

“(A) Is limited to an area within a 100-air-mile radius from the source of the commodities or the distribution point for the farm supplies; and

“(B) is conducted within the planting and harvesting seasons.

“(2) ‘Planting and harvesting seasons’ means the time periods for planting and harvesting that occur between January 1 and December 31.

“(3) ‘Agricultural commodities’ means the unprocessed products of agriculture, horticulture, and cultivation of the soil, including wheat, corn, hay, milo, sorghum, sunflowers, and soybeans. Agricultural commodities shall not include livestock and livestock products, milk, honey, poultry products, timber products, and nursery stock, nor shall the term include the transportation of hazardous materials of the type or quantity that requires the vehicle to be placarded.

“(4) ‘Farm supplies’ means supplies or equipment for use in the planting or harvesting of agricultural commodities, but shall not include the transportation of hazardous materials of the type or quantity that requires the vehicle to be placarded.

“(5) ‘Hazardous materials of the type or quantity that requires the vehicle to be placarded,’ as used in 49 C.F.R. 395.1(k)(3) and (4), means materials that require placarding pursuant to 49 C.F.R. Part 172, as adopted in K.A.R. 82-4-20, but shall not include fertilizer, animal waste used as fertilizer, anhydrous ammonia, and pesticides.”

(3) The following revisions shall be made to 49 C.F.R. 395.2:

(A) The definition of “sleeper berth” shall be deleted and replaced by the following: “‘Sleeper berth’ means a berth conforming to the requirements of 49 C.F.R. 393.76, as adopted in K.A.R. 82-4-3(a)(4).”

(B) The phrase “found by the Secretary to be hazardous under 49 U.S.C. 5103 in a quantity requiring placarding under regulations issued to carry out such section,” which appears in the definition of “transportation of construction materials and equipment,” shall be deleted and replaced by “requiring placarding pursuant to 49 C.F.R. Part 172, as adopted in K.A.R. 82-4-20.”

(4) The following revisions shall be made to 49 C.F.R. 395.8:

(A) The last sentence in 49 C.F.R. 395.8(a)(1) shall be deleted.

(B) The “Note” that appears between 49 C.F.R. 395.8(c) and (d) shall be deleted.

(C) 49 C.F.R. 395.8(e) shall be deleted.

(D) The “Note” that appears between 49 C.F.R. 395.8(h)(5) and (i) shall be deleted.

(continued)

(E) The "Note," including the graphic, that appears after 49 C.F.R. 395.8(k)(2) shall be deleted.

(5) The following revisions shall be made to 49 C.F.R. 395.13:

(A) 49 C.F.R. 395.13(c)(2) shall be deleted and replaced by the following:

"Within fifteen days following the date any driver is placed out of service, the motor carrier that employed the driver shall personally deliver or place in the U.S. mail to the division administrator or the state director of the federal motor carrier safety administration a signed certification in a form acceptable to the commission. Any signed certification acceptable to the commission shall include the following information:

"(i) All violations have been corrected;

"(ii) action has been taken to assure compliance with 49 C.F.R. 395.1, 49 C.F.R. 395.2, 49 C.F.R. 395.3, 49 C.F.R. 395.5, 49 C.F.R. 395.8, 49 C.F.R. 395.13, and 49 C.F.R. 395.15; and

"(iii) the motor carrier understands that false certification can result in appropriate enforcement action."

(B) The phrase "as adopted in K.A.R. 82-4-3k" shall be added before the phrase "pertaining to attendance and surveillance of commercial motor vehicles," which appears in 49 C.F.R. 395.13(d)(4).

(6) The last sentence in 49 C.F.R. 395.15(b)(3) shall be deleted.

(7)(A) The phrase "special agent of the Federal Motor Carrier Safety Administration (as defined in appendix B to this subchapter)," which appears in 49 C.F.R. 395.1, 49 C.F.R. 395.2, 49 C.F.R. 395.3, 49 C.F.R. 395.5, 49 C.F.R. 395.8, 49 C.F.R. 395.13, and 49 C.F.R. 395.15, 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 has been certified in the inspection of motor carriers based on the motor carrier safety assistance program standards."

(B) The phrases "Federal Motor Carrier Safety Administration" and "FMCSA," which appear in 49 C.F.R. 395.1, 49 C.F.R. 395.2, 49 C.F.R. 395.3, 49 C.F.R. 395.5, 49 C.F.R. 395.8, 49 C.F.R. 395.13, and 49 C.F.R. 395.15, shall be deleted and replaced by "commission."

(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.

(c) No wrecker or tow truck, as defined by K.S.A. 66-1329 and amendments thereto, with a gross vehicle weight rating or gross combination vehicle weight rating of 26,000 pounds or less shall be subject to this regulation.

(d) This regulation shall be effective on and after December 29, 2004. (Authorized by and implementing K.S.A. 2003 Supp. 66-1,112, K.S.A. 66-1,112g, and K.S.A. 2003 Supp. 66-1,129, as amended by L. 2004, Ch. 152, § 7; effective, T-82-12-16-03, Jan. 4, 2004; effective, T-82-4-27-04, May 3, 2004; effective, T-82-8-23-04, August 31, 2004; effective, T-82-12-29-04, Dec. 29, 2004.)

82-4-3b. Procedures for transportation workplace drug and alcohol testing programs. (a) With the follow-

ing exceptions, 49 C.F.R. Part 40, as in effect on October 1, 2003, is hereby adopted by reference:

(1) 49 C.F.R. 40.1 shall be deleted.

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

(A) The following definition of "approved test" shall be added after the definition of "Alcohol use":

"'Approved test' means a drug or alcohol test conducted in compliance with this regulation and K.A.R. 82-4-3c."

(B) The following definition of "Custody and control form" shall be added after the definition of "Cancelled test":

"'Custody and control form' (CCF) means a form as described in 49 C.F.R. 40.45."

(C) The definition of "Employee" shall be deleted and replaced by the following:

"'Employee' means any person employed by a motor carrier subject to this regulation and K.A.R. 82-4-3c. 'Employee' shall include those currently performing safety-sensitive functions and applicants for employment subject to pre-employment testing."

(D) In the definition of "Employer," the phrase "subject to DOT agency regulations requiring compliance with this part" shall be deleted and replaced by "subject to this regulation and K.A.R. 82-4-3c."

(E) In the definition of "Evidential Breath Testing Device," the phrase "as in effect on May 4, 2001, and hereby adopted by reference," shall appear after the phrase "NHTSA's Conforming Products List (CPL)."

(F) The following revisions shall be made to the definition of "Laboratory":

(i) The words "by DOT" shall be deleted.

(ii) The last sentence shall be deleted.

(G) The definition of "Office of Drug and Alcohol Policy and Compliance" shall be deleted.

(H) In the definition of "Qualification Training," the term "DOT" shall be deleted and replaced by "commission."

(I) In the definition of "Refresher Training," the phrase "DOT agency drug and alcohol testing regulations" shall be deleted and replaced by "K.A.R. 82-4-3c."

(J) The definition of "Secretary" shall be deleted.

(K) 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 officers in the state who have been certified in the inspection of motor carriers based on the motor carrier safety assistance program standards."

(L) In the definition of "Substance Abuse Professional," the term "DOT" shall be deleted and replaced by "commission."

(M) The following definition of "unapproved test" shall be added after the definition for "Substituted specimen":

"'Unapproved test' means a drug or alcohol test not conducted in compliance with this regulation or K.A.R. 82-4-3c."

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

(4) The following revisions shall be made to 49 C.F.R. 40.11:

(A) In paragraph (b), the phrase "the DOT agency regulations" shall be deleted and replaced by "this regulation and K.A.R. 82-4-3c."

(B) Paragraph (c) shall be deleted and replaced by the following:

"All agreements and arrangements, written or unwritten, between and among employers and service agents concerning the implementation of the commission's drug and alcohol testing requirements shall require compliance with all applicable provisions of this regulation and K.A.R. 82-4-3c."

(5) The following revisions shall be made to 49 C.F.R. 40.13:

(A) The following revisions shall be made to paragraphs (a) and (b):

(i) The term "DOT" shall be deleted and replaced by "These approved."

(ii) The term "non-DOT" shall be deleted and replaced by "unapproved."

(B) In paragraph (b), the phrase "a DOT" shall be deleted and replaced by "an approved."

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

(i) The first instance of the term "DOT" found in the first sentence shall be deleted and replaced by "an approved."

(ii) The phrase "DOT agency regulations" appearing in the first sentence shall be deleted and replaced by "K.A.R. 82-4-3c."

(iii) The phrase "a DOT" found in the second sentence shall be deleted and replaced by "an approved."

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

(i) The phrase "a DOT" shall be deleted and replaced by "an approved."

(ii) The phrase "DOT agency" shall be deleted and replaced by "commission."

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

(i) The first two instances of the term "DOT" shall be deleted and replaced by "approved."

(ii) The term "non-DOT" shall be deleted and replaced by "unapproved."

(iii) The last instance of the term "DOT" shall be deleted.

(F) The following revisions shall be made to paragraph (f):

(i) The words "the CCF or the ATF" shall be deleted and replaced by "an approved form."

(ii) The term "non-DOT" shall be deleted and replaced by "unapproved."

(iii) The term "DOT" shall be deleted and replaced by "approved."

(iv) The words "and agencies" shall be deleted.

(v) In the last sentence, the phrase "CCF and ATF" shall be deleted and replaced by "approved forms."

(vi) The term "DOT-mandated" shall be deleted and replaced by "approved."

(6) The following revisions shall be made to 49 C.F.R. 40.15:

(A) In paragraph (a), the term "DOT agency" shall be deleted and replaced by "commission."

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

(i) The first and second instance of the term "DOT" shall be deleted and replaced by "approved."

(ii) All instances of the phrase "a DOT agency" shall be deleted and replaced by "the commission."

(7) The last sentence of 49 C.F.R. 40.17 shall be deleted.

(8) The following revisions shall be made to 49 C.F.R. 40.21:

(A) In paragraph (a), the phrase "a DOT agency" shall be deleted and replaced by "the commission."

(B) In paragraph (b), the term "concerned DOT agency" shall be deleted and replaced by "commission."

(C) Paragraphs (b)(1), (b)(2), and (b)(3) shall be deleted.

(D) Paragraph (c)(1)(iv) shall be deleted.

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

(i) The phrase "Administrator of the concerned DOT agency" shall be deleted and replaced by "commission."

(ii) The words "he or she" shall be deleted and replaced by "the commission."

(F) In paragraph (d)(1), the phrase "Administrator, or his or her designee" shall be deleted and replaced by "commission."

(G) The following revisions shall be made to paragraph (d)(2):

(i) The phrase "Administrator, or his or her designee" shall be deleted and replaced by "commission."

(ii) The term "DOT agency" shall be deleted and replaced by "commission."

(H) In paragraph (e), the term "DOT agency" shall be deleted and replaced by "commission."

(9) The following revisions shall be made to 49 C.F.R. 40.25:

(A) In paragraph (b), the term "DOT-regulated" shall be deleted and replaced by "commission-regulated."

(B) In paragraph (b)(4), the term "DOT agency" shall be deleted and replaced by "commission."

(C) The following revisions shall be made to paragraph (b)(5):

(i) The phrase "a DOT" shall be deleted and replaced by "an approved."

(ii) The remaining term "DOT" shall be deleted and replaced by "the commission's."

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

(i) The phrase "a DOT agency drug and alcohol regulation" shall be deleted and replaced by "this regulation or K.A.R. 82-4-3c or both."

(ii) The remaining term "DOT agency" shall be deleted and replaced by "commission."

(10) 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:

(continued)

“(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.”

(11) 49 C.F.R. 40.29 shall be deleted.

(12) The following revisions shall be made to 49 C.F.R. 40.31:

(A) In paragraph (a), the term “DOT” shall be deleted and replaced by “approved.”

(B) In paragraph (c), the phrase “DOT agency” shall be deleted and replaced by “commission.”

(13) The following revisions shall be made to 49 C.F.R. 40.33:

(A) In the first paragraph, the term “DOT” shall be deleted and replaced by “approved.”

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

(i) The words “this part, the current ‘DOT Urine Specimen Collection Procedures Guidelines,’ and DOT agency” shall be deleted and replaced by “commission.”

(ii) The last sentence of paragraph (a) shall be deleted.

(C) In paragraph (c)(2)(i), the term “DOT” shall be deleted and replaced by “approved.”

(D) Paragraphs (d), (d)(1), (d)(2), and (d)(3) shall be deleted.

(E) In paragraph (g), the phrase “DOT agency” shall be deleted and replaced by “special agents and authorized.”

(14) 49 C.F.R. 40.37 shall be deleted.

(15) In paragraph 49 C.F.R. 40.41(a), the term “a DOT” shall be deleted and replaced by “an approved.”

(16) In 49 C.F.R. 40.43(e)(1), the term “DOT agency representatives” shall be deleted and replaced by “special agent or authorized representative.”

(17) The following revisions shall be made to 49 C.F.R. 40.45:

(A) Paragraph (a) shall be deleted and replaced by the following:

“(1) A commission-approved CCF form shall be used to document every urine collection required by the approved drug testing program. A commission-approved CCF form shall be a form containing the information listed below. There shall be five copies of the CCF form. Each form shall be labeled as follows:

“(A) ‘Copy 1 — Laboratory’;

“(B) ‘Copy 2 — Medical Review Officer Copy’;

“(C) ‘Copy 3 — Collector Copy’;

“(D) ‘Copy 4 — Employer Copy’; and

“(E) ‘Copy 5 — Donor Copy.’

“(2) All five copies of the CCF form shall contain the following information:

“(A) The following information on the form may be completed by either the collector or the employee representative:

“(i) Employer information, including the name, address, and identification number issued pursuant to K.A.R. 82-4-8h;

“(ii) the MRO name, address, telephone number, and fax number;

“(iii) the donor’s social security or employee identification number;

“(iv) the reason for the testing;

“(v) the tests performed;

“(vi) the collection site address; and

“(vii) the collector’s home telephone number and facsimile number;

“(B) The following information on the form shall be completed by the collector:

“(i) an indication of whether the specimen temperature within four minutes of collection was between 90 degrees and 100 degrees Fahrenheit;

“(ii) an indication regarding whether the specimen was single or split, or whether no specimen was provided; and

“(iii) a space for any other remarks the collector shall provide;

“(C) The collector shall certify the following information with his or her signature:

“(i) the collector’s name, clearly printed;

“(ii) the date and time the collector released the specimen bottle for delivery to the laboratory; and

“(iii) the name of the delivery service transferring the specimen to the laboratory; and

“(D) The laboratory shall certify the following information by signature:

“(i) the name, printed clearly, of the person signing the certification as the employee of the laboratory receiving the specimen;

“(ii) an indication of whether the specimen bottle seal is intact; and

“(iii) an indication of who at the laboratory the specimen bottle was released to.

“(2) In addition to the information required in paragraph (a)(2) above, Copy 1 of the CCF shall include the following:

“(A) A specimen bottle seal, marked as ‘A,’ which shall contain the following information:

“(i) The specimen identification number;

“(ii) a circle in the center of the label which shall indicate which portion of the labels shall be positioned over the cap of the specimen bottle;

“(iii) the date the specimen was collected; and

“(iv) a space for the donor to initial the seal.

“(B) A specimen bottle seal, marked as ‘B,’ which shall contain the following information:

“(i) The specimen identification number;

“(ii) an indication that this is a split of the specimen bottle marked as ‘A’;

“(iii) a circle in the center of the label which shall indicate which portion of the labels shall be positioned over the cap of the specimen bottle;

“(iv) the date the specimen was collected; and

“(v) a space for the donor to initial the seal.

“(C) The following information, which shall be completed by the primary laboratory:

“(i) An indication of whether the test was negative or whether it contained evidence of the presence of a specific drug in the urine;

“(ii) a space for any additional remarks;

“(iii) the name of the testing laboratory, if it is a laboratory other than the one listed as having received the specimen according to paragraph (1)(D)(i);

“(iv) the printed name and signature of the scientist certifying the chain of custody and the test results; and

“(v) the date the certification was signed.

“(D) The following information, if split specimen results are tested by a secondary laboratory:

“(i) The secondary laboratory’s name and address;

“(ii) an indication of whether the secondary laboratory was able to confirm the primary laboratory’s results;

“(iii) if the secondary laboratory was unable to confirm the primary laboratory’s results, an indication of why;

“(iv) the printed name and signature of the scientist certifying the chain of custody and the test results; and

“(v) the date the certification was signed.

“(3) In addition to the information required in paragraph (a)(2) above, Copy 2, Copy 3, Copy 4, and Copy 5 shall contain the following:

“(A) The following information shall be provided by the donor:

“(i) The printed name and signature of the donor certifying that the donor provided his or her own urine to the collector, that the specimen was unadulterated, that the specimen bottle was sealed with a tamper-evident seal in the donor’s presence, and that the information provided on the seals and the CCF is correct;

“(ii) the date the CCF was signed by the donor;

“(iii) the donor’s daytime and evening telephone numbers; and

“(iv) the donor’s date of birth.

“(B) The medical review officer examining the primary specimen shall indicate whether:

“(i) the test was canceled;

“(ii) the donor refused to test because the sample was adulterated, substituted, or diluted;

“(iii) the test results were negative; or

“(iv) the test results were positive.

“(C) The medical review officer examining the primary specimen shall provide the following information:

“(i) Any remarks in addition to the test results;

“(ii) the printed name and signature of the medical review officer examining the specimen; and

“(iii) the date the medical review officer signed the CCF.

“(D) The medical review officer examining the split specimen shall provide the following information:

“(i) whether the primary medical review officer’s test results were confirmed or unconfirmed;

“(ii) If the primary medical review officer’s test results were not confirmed, a reason why;

“(iii) the printed name and signature of the medical review officer examining the split specimen; and

“(iv) the date the CCF was signed by the medical review officer examining the split specimen.”

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

(i) In the first sentence, the term “non-Federal” shall be deleted and replaced by “unapproved.”

(ii) In the first sentence, the words “Federal” and “DOT” shall be deleted.

(iii) In the second sentence, the words “expired Federal” shall be deleted and replaced by “unapproved.”

(iv) The third sentence shall be deleted.

(C) Paragraph (c)(3) shall be deleted.

(D) Paragraph (e) shall be deleted.

(18) The following revisions shall be made to 49 C.F.R. 40.47:

(A) The last sentence of paragraph (a) shall be deleted.

(continued)

(B) The term "non-Federal" shall be deleted and replaced by "unapproved."

(C) The remaining uses of the term "DOT" shall be deleted and replaced by "approved."

(19) The following revisions shall be made to 49 C.F.R. 40.49:

(A) The term "DOT" shall be deleted and replaced by "approved."

(B) The phrase "as in effect on October 1, 2003, and hereby adopted by reference" shall be added after the phrase "Appendix A of this part."

(20) The following revisions shall be made to 49 C.F.R. 40.61:

(A) In paragraph (b)(1), the phrase "a DOT" shall be deleted and replaced by "an approved."

(B) The following revisions shall be made to paragraph (f)(3):

(i) The phrase "DOT agency authorized" shall be deleted.

(ii) The phrase "required by K.A.R. 82-4-6d, and by 49 C.F.R. 491.45, 391.45, and 391.49, as adopted by K.A.R. 82-4-3g" shall be added after "medical examination."

(21) The following revisions shall be made to 49 C.F.R. 40.63:

(A) Paragraph (a) shall be deleted and replaced by the following: "Complete the appropriate portions of the CCF as set forth in 49 C.F.R. 40.45."

(B) In paragraph (e), the term "(Step 2)" shall be deleted.

(22) The following revisions shall be made to 49 C.F.R. 40.65:

(A) Paragraph (b)(3) shall be deleted and be replaced by the following: "Indicate on the CCF whether the specimen temperature is within the acceptable range."

(B) Paragraph (b)(4) shall be deleted and replaced by the following: "If the specimen temperature is outside the acceptable range, indicate that finding in the space provided on the CCF."

(23) The following changes shall be made to 49 C.F.R. 40.67:

(A) Paragraph (e)(1) shall be deleted and replaced by the following: "Indicate the reason for the directly observed collection the same as for the first collection."

(B) Paragraph (e)(2) shall be deleted and replaced by the following: "Indicate on the CCF that the collection was observed and the reasons why."

(C) In paragraph (f), the term "(Step 2)" shall be deleted.

(24) In 49 C.F.R. 40.69(f), the term "(Step 2)" shall be deleted.

(25) The following revisions shall be made to 49 C.F.R. 40.71:

(A) In paragraph (a), the phrase "DOT agency drug testing regulations" shall be deleted and replaced by "this regulation and K.A.R. 82-4-3c."

(B) Paragraph (b)(1) shall be deleted and replaced by the following: "Indicate on the CCF that this was a split specimen collection."

(C) In paragraph (b)(7), the term "(Step 2)" shall be deleted.

(D) In paragraph (b)(8), the term "a DOT agency regulation" shall be deleted and replaced by "K.A.R. 82-4-

6d or 49 C.F.R. 391.41, 391.43, 391.45, or 391.49, as adopted by K.A.R. 82-4-3g."

(26) The following revisions shall be made to 49 C.F.R. 40.73:

(A) In paragraph (a)(1), the terms "(Step 5)" and "(Step 2)" shall be deleted.

(B) In paragraph (a)(9), the phrase "applicable DOT agency regulations" shall be deleted and replaced by "the commission."

(27) 49 C.F.R. 40.81(b), (b)(1), (b)(2), (c), and (d) shall be deleted.

(28) The following revisions shall be made to 49 C.F.R. 40.83:

(A) Paragraph (b) shall be deleted.

(B) In paragraph (e), the phrase "in Step 4" shall be deleted.

(C) In paragraph (g), the phrase "a non-Federal form or an expired Federal" shall be deleted and replaced by "an unapproved."

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

(29) In 49 C.F.R. 40.85, the first two sentences shall be deleted and replaced by "The urine specimens shall be tested for only the following five drugs:"

(30) The following revisions shall be made to 49 C.F.R. 40.91:

(A) In paragraph (c), the second sentence shall be deleted.

(B) Paragraph (e) shall be deleted and replaced by the following: "If a substance appears in a specimen which cannot be identified, complete testing of the specimen for drugs to the extent technically feasible."

(31) In 49 C.F.R. 40.99(b), the phrase "in accordance with HHS requirements" shall be deleted.

(32) In 49 C.F.R. 40.101(b), the words "the Department regards as creating" shall be deleted and replaced by "create."

(33) The following revisions shall be made to 49 C.F.R. 40.103:

(A) In paragraphs (a) and (b), the term "DOT-covered" shall be deleted and replaced by "commission-regulated motor carrier."

(B) In paragraph (c), the term "DOT" shall be deleted and replaced by "approved."

(C) In paragraphs (c) and (c)(1), the phrase "with a substance cited in HHS guidance" shall be deleted.

(34) In 49 C.F.R. 40.105(c), the last two sentences shall be deleted.

(35) The following revisions shall be made to 49 C.F.R. 40.107:

(A) The words "ODAPC, a DOT agency, or a DOT-regulated" shall be deleted and replaced by "a special agent or authorized representative or a commission-regulated."

(B) The remaining term "DOT" shall be deleted and replaced by "approved."

(36) The following revisions shall be made to 49 C.F.R. 40.111:

(A) In paragraph (a), the phrase "as in effect on October 1, 2003, and hereby adopted by reference," shall be added after the term "Appendix B to this part."

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

(37) 49 C.F.R. 40.113 shall be deleted.

(38) The following revisions shall be made to 49 C.F.R. 40.121:

(A) In the first paragraph, the term "DOT" shall be deleted and replaced by "approved."

(B) The following revisions shall be made to paragraph (b)(3):

(i) The first instance of the phrase "the DOT MRO Guidelines, and the DOT agency regulations" shall be deleted and replaced by "K.A.R. 82-4-3c."

(ii) The last sentence shall be deleted.

(C) Paragraph (c)(1)(vi) shall be deleted and replaced by "Provisions of this regulation and K.A.R. 82-4-3c, as well as issues that MROs confront in carrying out their duties under this regulation and K.A.R. 82-4-3c."

(D) In paragraph (c)(2), the term "DOT-mandated" shall be deleted and replaced by "approved."

(E) Paragraphs (c)(3), (c)(3)(i), (c)(3)(ii), (c)(3)(iii), and (d)(3) shall be deleted.

(F) In paragraph (e), the term "DOT agency" shall be deleted and replaced by "special agents and authorized."

(39) The following revisions shall be made to 49 C.F.R. 40.123:

(A) The following revisions shall be made to paragraph (b)(3):

(i) The words "the ODAPC or a relevant DOT agency" shall be deleted and replaced by "the commission."

(ii) The second occurrence of the term "DOT" shall be deleted.

(iii) The remaining occurrences of the term "DOT" shall be deleted and replaced by "the commission."

(B) In paragraph (e), the first parenthetical phrase shall be deleted.

(C) In paragraph (h), the term "other DOT agency regulations" shall be deleted and replaced by "this regulation and K.A.R. 82-4-3c."

(40) The following revisions shall be made to 49 C.F.R. 40.127:

(A) In paragraph (e) the words "place a check mark in the 'Negative' box (Step 6)" shall be deleted and replaced by "indicate whether the results were negative."

(B) In paragraph (g), the words "check the 'Test Cancelled' box (Step 6)" shall be deleted and replaced by "indicate that the test was cancelled."

(C) In paragraph (g)(4), the term "DOT agencies" shall be deleted and replaced by "the commission."

(41) The following revisions shall be made to 49 C.F.R. 40.129:

(A) In paragraph (c), the words "place a check mark in the 'Positive' box (Step 6)" shall be deleted and replaced by "indicate that the test was positive."

(B) In paragraph (d), the words "check the 'test cancelled' box (Step 6)" shall be deleted and replaced by "indicate that the test was cancelled."

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

(i) The words "check the 'refusal to test because:' box (Step 6)" shall be deleted and replaced by "indicate that the test was refused because it was adulterated or substituted."

(ii) The words "check the 'Adulterated' or 'Substituted' box, as appropriate" shall be deleted.

(42) 49 C.F.R. 40.145 shall be revised as follows:

(A) In paragraph (g)(2)(ii)(A), the term "a DOT" shall be deleted and replaced by "an approved."

(B) In paragraph (g)(2)(ii)(B), the term "DOT agency regulation" shall be deleted and replaced by "commission statute, regulation, or order."

(C) In paragraph (g)(5), the term "ODAPC" shall be deleted and replaced by "the commission."

(43) The following revisions shall be made to 49 C.F.R. 40.151:

(A) In paragraph (a), the term "DOT" shall be deleted.

(B) In paragraph (c), the phrase "DOT agency drug or alcohol regulation" shall be deleted and replaced by "this regulation or K.A.R. 82-4-8c."

(C) In paragraph (e), a period shall be placed after the word "drug," and the remainder of the paragraph shall be deleted.

(44) In 49 C.F.R. 40.155(b), the words "check the 'dilute' box (Step 6)" shall be deleted and replaced by "indicate that the specimen is dilute."

(45) In 49 C.F.R. 40.159(a)(4)(i) and (a)(5)(i), and 49 C.F.R. 40.161(a), the words "Place a check mark in the 'Test Cancelled' box (Step 6)" shall be deleted and replaced by "Indicate that the test was cancelled."

(46) In 49 C.F.R. 40.163(e), the term "DOT" shall be deleted and replaced by "special agent or authorized."

(47) 49 C.F.R. 40.169 shall be deleted.

(48) The following revisions shall be made to 49 C.F.R. 40.183:

(A) In paragraph (a), the words "checking the 'Reconfirmed' box or the 'Failed to Reconfirm' box (Step 5(b))" shall be deleted and replaced by "indicating whether the test was reconfirmed."

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

(i) The words "check the 'Failed to Reconfirm' box" shall be deleted and replaced by "indicate that the attempt to reconfirm failed."

(ii) The term "(Step 5(b))" shall be deleted.

(49) The following revisions shall be made to 49 C.F.R. 40.187:

(A) The following revisions shall be made to paragraphs (b)(2), (c)(2), (d)(3), (e)(3), and (f)(3):

(i) The phrase "Appendix D to this part" shall be deleted and replaced by "paragraph (i)."

(ii) The term "ODAPC" shall be deleted and replaced by "commission."

(B) In paragraph (g), the words "sign and date (Step 7) of" shall be deleted and replaced by "signature and date on."

(C) The following paragraph shall be added after paragraph (h):

"(i) When there is a failure to reconfirm, the MRO shall inform the commission by telefacsimile to (785) 271-3283, or by mail to the transportation division, Kansas corporation commission, 1500 S.W. Arrowhead Road, Topeka, KS 66604. The following format shall be used to provide the information to the commission:

"(1) MRO name, address, phone number, and telefacsimile number;

"(2) collection site name, address, and phone number;

(continued)

- “(3) date of collection;
- “(4) specimen identification number;
- “(5) laboratory accession number;
- “(6) primary specimen laboratory name, address, and telephone number;
- “(7) date result reported or certified by primary laboratory;
- “(8) split specimen laboratory name, address, and telephone number;
- “(9) date split specimen result reported or certified by split specimen laboratory;
- “(10) primary specimen results for the primary specimen;
- “(11) reason for split specimen failure-to-reconfirm result;
- “(12) actions taken by the MRO;
- “(13) additional information explaining the reason for cancellation; and
- “(14) name of individual submitting the report, if not the MRO.”

(50) 49 C.F.R. 40.189 shall be deleted.

(51) The following revisions shall be made to 49 C.F.R. 40.191:

(A) In paragraph (d)(1), the term “(Step 2)” shall be deleted.

(B) In paragraph (d)(2), the words “checking the ‘refused to test because’ box (Step 6)” shall be deleted and replaced by “indicating that the test was refused.”

(52) The following revisions shall be made to 49 C.F.R. 40.193:

(A) In paragraph (b)(2), (b)(3), and (b)(4), the term “(Step 2)” shall be deleted.

(B) In paragraph (d)(1)(i), the words “Check ‘Test Cancelled’ (Step 6)” shall be deleted and replaced by “Indicate that the test was cancelled.”

(C) In paragraph (d)(2)(i), the words “Check ‘Refusal to test because’ (Step 6)” shall be deleted and replaced by “Indicate that the test was refused.”

(53) In 49 C.F.R. 40.195(b)(1), the words “Check ‘Negative’ (Step 6)” shall be deleted and replaced by “Indicate that the results are negative.”

(54) The following revisions shall be made to 49 C.F.R. 40.203(d)(3):

(A) The words “a non-Federal form or an expired Federal” shall be deleted and replaced by “an unapproved.”

(B) The last two sentences shall be deleted.

(55) The following revisions shall be made to 49 C.F.R. 40.205(b)(2):

(A) In the first sentence, the words “a non-Federal form or an expired Federal” shall be deleted and replaced by “an unapproved.”

(B) The first instance of the term “DOT” shall be deleted and replaced by “commission.”

(C) In the third sentence, the words “non-Federal forms or expired Federal” shall be deleted and replaced by “unapproved.”

(D) The second instance of the term “DOT” shall be deleted and replaced by “approved.”

(56) The following revisions shall be made to 49 C.F.R. 40.207:

(A) In paragraphs (a)(1) and (b), the term “DOT” shall be deleted and replaced by “commission.”

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

(i) The term “DOT” shall be deleted and replaced by “approved.”

(ii) The term “a non-DOT” shall be deleted and replaced by “an unapproved.”

(57) The following revisions shall be made to 49 C.F.R. 40.208:

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

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

(ii) The word “checked” shall be deleted and replaced by “noted.”

(B) Paragraph (c) shall be deleted.

(58) The following revisions shall be made to 49 C.F.R. 40.213:

(A) In the first paragraph, the term “DOT” shall be deleted and replaced by “commission.”

(B) In paragraph (a), the words “and the current DOT guidance” and the last sentence of the paragraph shall be deleted.

(C) Paragraph (b)(1) shall be deleted.

(D) Paragraphs (d), (d)(1), (d)(2), and (e) shall be deleted and replaced by the following:

“All BAT’s and STT’s shall, no less frequently than every five years from the date on which they met the requirements of paragraphs (b) and (c), complete refresher training which meets the requirements of paragraphs (b) and (c).”

(E) In paragraph (g), the phrase “DOT agency” shall be deleted and replaced by “special agent and authorized.”

(F) In paragraph (h)(2), the term “DOT” shall be deleted and replaced by “commission.”

(59) 49 C.F.R. 40.217 shall be deleted.

(60) In 49 C.F.R. 40.223(b), the phrase “DOT agency” shall be deleted and replaced by “special agent or authorized.”

(61) The following revisions shall be made to 49 C.F.R. 40.225:

(A) Paragraph (a) shall be deleted and replaced by the following:

“(a) (1) A commission-approved alcohol testing form (‘ATF’) shall be used for every approved alcohol test. There shall be three copies of the ATF form. Each form shall be labeled as follows:

“(A) ‘Copy 1 — Original — Forward to the Employer’;

“(B) ‘Copy 2 — Employee Retains’; and

“(C) ‘Copy 3 — Alcohol Technician Retains.’

“(2) All three copies of the ATF form shall contain the following information:

“(A) The top of the form shall be referred to as ‘step 1’ and shall consist of information completed by the alcohol technician, and shall include:

“(i) The employee’s name;

“(ii) the employee’s social security number or employee identification number;

“(iii) the employer’s name and address;

“(iv) the DER’s name and telephone number; and

“(v) whether the test is being done at random, for reasonable suspicion, post-accident, for return to duty, as a follow-up, or for pre-employment.

“(B) The second part of the form shall be referred to as ‘step 2’ and shall be a dated certification signed by the employee that he or she is about to submit to alcohol testing and that the identifying information on the form is true and correct.

“(C) The third part of the form shall be referred to as ‘step 3’ and shall consist of information completed by the alcohol technician, including:

“(i) A signed and dated certification that the alcohol technician conducted the alcohol testing on the named employee in compliance with the alcohol testing regulations, that the alcohol technician is certified to conduct such testing, and that the results were properly recorded;

“(ii) an indication of whether the technician is a BAT or STT;

“(iii) an indication of whether a saliva or breath device was used to conduct the test;

“(iv) an indication of whether there was a 15-minute wait;

“(v) the test number;

“(vi) the testing device name;

“(vii) the testing device lot number and expiration date, or serial number;

“(viii) the testing device activation time;

“(ix) the time the testing device was read;

“(x) the result indicated by the testing device;

“(xi) the results of any confirmation test;

“(xii) any additional remarks;

“(xiii) the alcohol technician’s company name, address, and telephone number;

“(xiv) the alcohol technician’s printed name;

“(xv) the date the alcohol technician signed the form.

“(D) The fourth part of the form shall be referred to as ‘step 4’ and shall be a signed and dated certification completed by the employee if the test result is 0.02 or higher. The certification shall state that the employee submitted to the alcohol test, and that the test results are accurately recorded on the form. The certification shall further state that the employee understands he or she shall not drive, perform safety-sensitive duties, or operate heavy equipment because the alcohol test result is 0.02 or higher.”

(B) Paragraph (c) shall be deleted.

(62) The following revisions shall be made to 49 C.F.R. 40.227:

(A) In paragraphs (a) and (b), the term “non-DOT” shall be deleted and replaced by “unapproved.”

(B) The term “DOT” as it appears in the first instance in paragraph (a) and in paragraph (b) shall be deleted and replaced by “approved.”

(C) In paragraph (a), the last sentence shall be deleted.

(63) In 49 C.F.R. 40.229, the phrase “adopted in this regulation” shall be added after “conforming products lists (CPL).”

(64) In 49 C.F.R. 40.231(a), the last sentence shall be deleted.

(65) The following revisions shall be made to 49 C.F.R. 40.233:

(A) Paragraphs (a), (a)(1), and (a)(2) shall be deleted.

(B) In paragraph (c)(2), the words “as in effect on August 13, 1997, and appearing in Volume 62 of the Code of Federal Regulations, beginning at page 43425, and

hereby adopted by reference” shall be added after the phrase “Calibrating Units for Breath Alcohol Tests.”

(66) The following revisions shall be made to 49 C.F.R. 40.261(d):

(A) The phrase “a non-DOT” shall be deleted and replaced by “an unapproved.”

(B) The phrase “DOT agency” shall be deleted and replaced by “commission.”

(67) The following revisions shall be made to 49 C.F.R. 40.265:

(A) In paragraph (c)(1)(i), the term “DOT” shall be deleted and replaced by “commission.”

(B) In paragraph (c)(1)(ii), the phrase “of the appropriate DOT agency regulations” shall be deleted and replaced by “of the applicable commission statutes, regulations, and orders.”

(68) In 49 C.F.R. 40.269(c), the term “a non-DOT” shall be deleted and replaced by “an unapproved.”

(69) The following revisions shall be made to 49 C.F.R. 40.271(b)(2):

(A) The term “a non-DOT” shall be deleted and replaced by “an unapproved.”

(B) The phrase “valid DOT” shall be deleted and replaced by “approved.”

(C) The remaining term “non-DOT” shall be deleted and replaced by “unapproved.”

(D) The remaining term “DOT” shall be deleted and replaced by “approved.”

(70) The following revisions shall be made to 49 C.F.R. 40.273:

(A) In paragraph (b), the term “DOT” shall be deleted and replaced by “commission.”

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

(i) The term “DOT” shall be deleted and replaced by “approved.”

(ii) The words “a non-DOT” shall be deleted and replaced by “an unapproved.”

(71) The following revisions shall be made to 49 C.F.R. 40.281:

(A) The following revisions shall be made to paragraph (b)(3):

(i) The term “DOT agency” shall be deleted and replaced by “commission.”

(ii) The words “and the DOT SAP guidelines” shall be deleted.

(iii) The last sentence shall be deleted.

(B) In paragraphs (c)(1)(iii) and (c)(1)(iv), the term “DOT” shall be deleted and replaced by “commission.”

(C) Paragraphs (c)(3), (c)(3)(i), (c)(3)(ii), and (c)(3)(iii) shall be deleted.

(D) In paragraph (d)(1), the term “DOT” shall be deleted and replaced by “commission drug and alcohol testing.”

(E) In paragraph (e), the phrase “DOT agency” shall be deleted and replaced by “special agent and authorized.”

(72) 49 C.F.R. 40.283 shall be deleted.

(73) The following revisions shall be made to 49 C.F.R. 40.285:

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

(continued)

(i) The term "DOT" shall be deleted and replaced by "commission."

(ii) The term "DOT agency" shall be deleted and replaced by "commission."

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

(i) The first instance of the term "DOT" shall be deleted.

(ii) The words "a DOT" shall be deleted and replaced by "an approved."

(iii) The words "DOT agency" shall be deleted and replaced by "commission."

(iv) The last instance of the term "DOT" shall be deleted and replaced by "commission."

(74) In 49 C.F.R. 40.287, the term "DOT" shall be deleted and replaced by "commission."

(75) In 49 C.F.R. 40.289(a) and (b), the term "DOT" shall be deleted and replaced by "commission."

(76) In 49 C.F.R. 40.293, the term "DOT" in the first paragraph and paragraphs (b), (b)(1), (f), and (f)(2) shall be deleted and replaced by "commission."

(77) In 49 C.F.R. 40.295(a), the term "DOT" shall be deleted and replaced by "commission."

(78) In 49 C.F.R. 40.305(c), the term "DOT agency" shall be deleted and replaced by "commission."

(79) The following revisions shall be made to 49 C.F.R. 40.307:

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

(B) In paragraph (c), the term "DOT agency" shall be deleted and replaced by "commission."

(80) The following revisions shall be made to 49 C.F.R. 40.311:

(A) In paragraph (e)(3), the term "DOT" shall be deleted and replaced by "commission."

(B) In paragraph (g), the words "DOT agency representatives (e.g., inspectors conducting an audit or safety investigation) and representatives of the NTSB in an accident investigation" shall be deleted and replaced by "special agents and authorized representatives."

(81) 49 C.F.R. 40.313 shall be deleted.

(82) In the first paragraph of 49 C.F.R. 40.321, the term "DOT" shall be deleted and replaced by "commission."

(83) In 49 C.F.R. 40.323(a)(1), the term "DOT" shall be deleted and replaced by "commission."

(84) The following revisions shall be made to 49 C.F.R. 40.327:

(A) In paragraph (a)(1), the term "DOT agency" shall be deleted and replaced by "commission."

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

(i) The first instance of the term "DOT agency" shall be deleted and replaced by "commission."

(ii) The words "the commission" shall be added before the phrase "a DOT agency."

(85) In 49 C.F.R. 40.329(a), the term "DOT-mandated" shall be deleted and replaced by "commission."

(86) The following revisions shall be made to 49 C.F.R. 40.331:

(A) In paragraph (b), the phrase "DOT agency" shall be deleted and replaced by "special agent or authorized."

(B) In paragraphs (b)(1), (b)(2), and (c)(1), the term "DOT agency" shall be deleted and replaced by "commission."

(C) In paragraph (c), the term "DOT agency representatives" shall be deleted and replaced by "a special agent or authorized representative."

(D) In paragraph (c)(2), the term "DOT agency" shall be deleted and replaced by "commission."

(E) In paragraph (f), the term "ODAPC" shall be deleted and replaced by "the commission."

(87) The following revisions shall be made to 49 C.F.R. 40.333:

(A) In paragraph (b), the parenthetical text shall be deleted.

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

(i) The term "DOT agency" shall be deleted and replaced by "commission."

(ii) The last sentence shall be deleted.

(C) In paragraph (e), the phrase "DOT agency personnel" shall be deleted and replaced by "a special agent or authorized representative."

(88) In 49 C.F.R. 40.343, the term "DOT agency" shall be deleted and replaced by "commission."

(89) In 49 C.F.R. 40.345(b), the phrase "to this part" shall be deleted and replaced by "as in effect on October 1, 2003, and hereby incorporated by reference."

(90) The following revisions shall be made to 49 C.F.R. 40.347:

(A) In paragraph (b), the phrase "the DOT agency" shall be deleted and replaced by "commission."

(B) In paragraph (b)(1), the phrase "each DOT agency" shall be deleted and replaced by "the commission."

(C) The following revisions shall be made to paragraph (b)(2):

(i) The term "DOT agency" shall be deleted and replaced by "commission."

(ii) The term "DOT covered" shall be deleted and replaced by "commission-regulated."

(91) The following revisions shall be made to 49 C.F.R. 40.349:

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

(B) In paragraph (e), the term "DOT agency" shall be deleted and replaced by "special agent or authorized."

(92) In 49 C.F.R. 40.353(c), the term "DOT agency" shall be deleted and replaced by "commission."

(93) The following revisions shall be made to 49 C.F.R. 40.355:

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

(i) The term "DOT" shall be deleted and replaced by "commission."

(ii) The last sentence shall be deleted.

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

(i) The term "DOT agency" shall be deleted and replaced by "commission."

(ii) The term "DOT" shall be deleted and replaced by "commission."

(iii) The word "Department" shall be deleted and replaced by "commission."

(94) 49 C.F.R. 40.361 through 49 C.F.R. 40.413 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.

(c) This regulation shall be effective on and after December 29, 2004. (Authorized by and implementing K.S.A. 2003 Supp. 66-1,112, K.S.A. 66-1,112g, and K.S.A. 2003 Supp. 66-1,129, as amended by L. 2004, Ch. 152, § 7; effective, T-82-12-29-04, Dec. 29, 2004.)

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, 2003, is hereby adopted by reference:

(1) 49 C.F.R. 382.101 shall be deleted.

(2) 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)(2), the word "or" shall be deleted.

(C) The following shall be added after paragraph (a)(3): "or (4) the Kansas uniform commercial drivers' license act, found at K.S.A. 8-2,126 *et seq.*"

(D) In paragraph (c), the phrase "Sec. 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)(1) shall be deleted.

(F) 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."

(G) 49 C.F.R. 382.103(d)(3) shall be deleted.

(3) 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."

(4) The following revisions shall be made to 49 C.F.R. 382.107:

(A) In the first paragraph, the phrase "Secs. 386.2 and 390.5 of this subchapter, and Sec. 40.3 of this title" shall be deleted and replaced by "49 C.F.R. 390.5, as adopted by K.A.R. 82-4-3f, and 49 C.F.R. 40.3, as adopted by K.A.R. 82-4-3b."

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

(C) The definition of "commercial motor vehicle" shall be deleted.

(D) In the definition of "consortium/third party administrator," the phrase "DOT-regulated employers" shall be deleted and replaced by the phrase "Kansas-regulated or USDOT-regulated employers." The phrase "DOT drug and alcohol testing programs" shall be deleted and replaced by "Kansas or USDOT drug and alcohol testing programs."

(E) In the definition of "controlled substances," the phrase "Sec. 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."

(F) The definition of "DOT agency" shall be deleted and replaced by the following: "'USDOT agency' means an agency of the United States department of transportation administering regulations requiring alcohol or drug testing or both in accordance with 49 C.F.R. Part 40, as adopted by K.A.R. 82-4-3b."

(G) The definition of "driver" shall be deleted.

(H) The following revisions shall be made to the definition of "employer":

(i) The phrase "DOT agency regulations" shall be deleted and replaced by "Kansas or USDOT agency regulations."

(ii) The phrase "DOT drug and alcohol program requirements" shall be deleted and replaced by "Kansas or USDOT drug and alcohol program requirements."

(iii) The phrase "DOT agency regulations" shall be deleted and replaced by "Kansas or USDOT agency regulations."

(I) The definition of "licensed medical practitioner" shall be deleted.

(J) The following revisions shall be made to the definition of "refusal to submit":

(i) The phrase "DOT agency regulations" shall be deleted and replaced by "Kansas and USDOT agency regulations."

(ii) In paragraph (1), the phrase "Sec. 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."

(iii) In paragraphs (2) and (3), the phrase "Sec. 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."

(iv) In paragraph (4), the phrase "Secs. 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."

(v) In paragraph (5), the phrase "Sec. 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."

(vi) In paragraph (7), the phrase "Sec. 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."

(K) The following revisions shall be made to the definition of "safety-sensitive function":

(i) The phrase "Secs. 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-h."

(ii) The phrase "Sec. 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."

(5) 49 C.F.R. 382.109 shall be deleted.

(6) In 49 C.F.R. 382.117, the phrase "49 CFR part 40, Subpart R" shall be deleted and replaced by "49 C.F.R. Part 40, Subpart R, as adopted by K.A.R. 82-4-3b."

(7) The following revisions shall be made to 49 C.F.R. 382.119:

(A) The phrase "Federal Motor Carrier Safety Administration" shall be deleted and replaced by "transportation division of the corporation commission."

(B) The phrase "as adopted by K.A.R. 82-4-3b" shall be inserted after the phrase "49 CFR 40.21."

(continued)

(C) The last sentence of paragraph (b) shall be deleted and replaced by the following: "The employer shall send a written request, which shall include all of the information required by that section to the Director of the Transportation Division, Kansas Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, KS 66604."

(D) In paragraphs (c) and (d), the phrase "Administrator or the Administrator's designee" shall be deleted and replaced by "director of the transportation division of the Kansas corporation commission."

(E) Paragraph (e) shall be deleted.

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

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

(A) In paragraph (b)(3), the phrase "DOT agency" shall be deleted and replaced by "state or USDOT agency."

(B) In paragraphs (c)(1)(iii) and (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) The following revisions shall be made to 49 C.F.R. 382.303(h)(3):

(A) The phrase "(as defined in Sec. 571.3 of this title)" shall be deleted.

(B) The phrase "Sec. 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) The following revisions shall be made to 49 C.F.R. 382.305:

(A) Paragraphs (c), (d), (e), (f), (g), (h), and (n) shall be deleted.

(B) In paragraph (j), the phrase "FMCSA Administrator" shall be deleted and replaced by "director of the transportation division of the Kansas corporation commission."

(C) In paragraph (o), the phrase "DOT agency" shall be deleted and replaced by "USDOT or state agency."

(12) In 49 C.F.R. 382.309, 382.311, and 382.605, 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."

(13) In 49 C.F.R. 382.403(c)(13), 382.403(d)(8), 382.503, and 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."

(14) 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 "part 40, subpart G, 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 (c)(5)(iv), the phrase "Sec. 40.213(a)" shall be deleted and replaced by "49 C.F.R. 40.213(a), as adopted by K.A.R. 82-4-3b."

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

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

(i) The phrase "Sec. 390.31 of this subchapter" shall be deleted and replaced by "49 C.F.R. 390.31, as adopted by K.A.R. 82-4-3f."

(ii) The phrase "Federal Motor Carrier Safety Administration" shall be deleted and replaced by "transportation division of the Kansas corporation commission."

(F) Paragraph (e) shall be deleted.

(15) 49 C.F.R. 382.403 shall be revised as follows:

(A) In paragraph (a), the words "Secretary of Transportation, any DOT agency, or" shall be deleted.

(B) In paragraph (b), the words "Federal Motor Carrier Safety Administration" and "FMCSA" shall be deleted and replaced by "transportation division of the Kansas corporation commission."

(C) In paragraphs (c)(2), (d)(2), and (e), the phrase "state or" shall be inserted before "DOT agency."

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

(A) In paragraphs (c) and (d), the words "the Secretary of Transportation, any DOT agency, or" shall be deleted.

(B) Paragraph (e) shall be deleted.

(C) In paragraph (g), the phrase "state or" shall be added before the phrase "DOT drug."

(D) In paragraph (g), the phrase "Sec. 40.323(a)(2)" shall be deleted and replaced by "49 C.F.R. 40.323(a)(2), as adopted by K.A.R. 82-4-3b."

(E) In paragraph (h), the phrase "Sec. 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."

(17) In 49 C.F.R. 382.407 and 382.409, the phrase "part 40, Subpart G, 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."

(18) In 49 C.F.R. 382.413, the phrase "Sec. 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."

(19) The following revisions shall be made to 49 C.F.R. 382.501:

(A) The phrase "state or" shall be added before the phrase "DOT agency."

(B) 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. 83-4-3f."

(20) 49 C.F.R. 382.507 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.

(c) This regulation shall be effective on and after December 29, 2004. (Authorized by and implementing K.S.A. 2003 Supp. 66-1,112, K.S.A. 66-1,112g, and K.S.A. 2003 Supp. 66-1,129, as amended by L. 2004, Ch. 152, § 7; effective, T-82-12-29-04, Dec. 29, 2004.)

82-4-3d. Safety fitness procedures. (a) With the following exceptions, 49 C.F.R. Part 385, as in effect on October 1, 2003, is hereby adopted by reference:

(1) In 49 C.F.R. 385.1, paragraphs (a) and (b) shall be deleted.

(2) The following revisions shall be made to 49 C.F.R. 385.3:

(A) In paragraph (1) of the definition of "Reviews," the last sentence shall be deleted.

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

(3) The first paragraph of 49 C.F.R. 385.5 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 in order to reduce the risks associated with:"

(4) 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 issue determine an appropriate safety rating for a motor carrier. Information gathered shall be information the FMCSA may consider in assessing a safety rating, including:"

(5) 49 C.F.R. 385.9 through 49 C.F.R. 385.19 shall be deleted.

(6) In 49 C.F.R. 385.103(d) and (e), the phrase "or the commission in cooperation with the FMCSA" shall be added after the phrase "The FMCSA" at the beginning of the sentence.

(7) 49 C.F.R. 385.105 shall be deleted.

(8) The following revisions shall be made to 49 C.F.R. 385.107:

(A) In paragraph (a), the words "as adopted by K.A.R. 82-4-3d(a)(12)" shall be added after the phrase "in Appendix A to this part."

(B) Paragraphs (b), (c), and (d) shall be deleted.

(9) The following changes shall be made to 49 C.F.R. 385.109:

(A) In paragraph (a), the words "B to this part" shall be deleted and replaced by "A to 49 C.F.R. Part 385, as adopted in K.A.R. 82-4-3d(a)(12), and Section VII of Appendix B to 49 C.F.R. Part 385, as adopted in K.A.R. 82-4-3d(a)(13)."

(B) Paragraphs (b), (c), and (d) shall be deleted.

(10) 49 C.F.R. 385.111 through 49 C.F.R. 385.119 shall be deleted.

(11) 49 C.F.R. 385.301 through 49 C.F.R. 385.337 shall be deleted.

(12) The following revisions shall be made to Appendix A to 49 C.F.R. Part 385, as in effect on October 1, 2003, and hereby adopted by reference:

(A) Section I shall be deleted.

(B) In Section II, paragraphs (a), (b), (b)(1), (b)(2), and (b)(3) shall be deleted.

(C) The following revisions shall be made to Section III:

(i) In paragraph (a), the phrase "or a special agent or authorized representative" shall be added after the phrase "the FMCSA."

(ii) In paragraph (d), the phrase "as adopted by K.A.R. 82-4-3d(a)(13)" shall be added after the phrase "List of Acute and Critical Regulations."

(iii) Paragraphs (g) and (h) shall be deleted.

(iv) Sections III.A, III.B, and III.C shall be deleted.

(D) Section IV shall be deleted.

(13) Section VII of Appendix B to 49 C.F.R. Part 385, as in effect on October 1, 2003, is hereby adopted by reference. However, the references to Sec. 395.1(h)(1)(i) through Sec. 395.1(h)(2)(iv) 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.

(c) This regulation shall be effective on and after December 29, 2004. (Authorized by K.S.A. 2003 Supp. 66-1,112, K.S.A. 66-1,112g, and K.S.A. 2003 Supp. 66-1,129, as amended by L. 2004, Ch. 152, § 7; implementing K.S.A. 2003 Supp. 66-1,112, K.S.A. 66-1,112g, K.S.A. 2003 Supp. 66-1,129, as amended by L. 2004, Ch. 152, § 7, and K.S.A. 2003 Supp. 66-1,142a; effective, T-82-12-29-04, Dec. 29, 2004.)

82-4-3e. 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, 2003, is hereby adopted by reference:

(1) 49 C.F.R. 387.1 shall be deleted.

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

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

(i) The phrase "for-hire" shall be deleted and replaced by "public."

(ii) The words "interstate or foreign" shall be deleted and replaced by "intrastate."

(B) In paragraph (b), the words "interstate, foreign, or" shall be deleted.

(C) In paragraph (c)(1), the phrase "in interstate or foreign commerce" shall be deleted and replaced by "as adopted by K.A.R. 82-4-20."

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

(3) The following revisions shall be made to 49 C.F.R. 387.5:

(A) In the definition of "evidence of security," the words "a surety bond or" shall be deleted.

(B) In the definition of "financial responsibility," the words "or surety bonds" shall be deleted.

(C) In the definition of "for-hire carriage," the term "for-hire" shall be deleted and replaced by "public."

(D) In the definition of "insured and principal" the term "surety bond" shall be deleted.

(E) The definition of "motor carrier" shall be deleted.

(4) The following revisions shall be made to 49 C.F.R. 387.7:

(A) In paragraph (b)(1), the phrase "surety bonds" shall be deleted.

(B) In paragraph (b)(2), the phrase "and surety bonds" shall be deleted.

(continued)

(C) Paragraphs (b)(3), (b)(3)(i), (b)(3)(ii), and (b)(3)(iii) shall be deleted.

(D) In paragraph (c), the phrases "and surety bonds," "or surety bonds," and "or surety" shall be deleted.

(E) Paragraphs (d)(1) and (d)(2) shall be deleted.

(F) The following revisions shall be made to paragraph (d)(3):

(i) The phrase "Federal Motor Carrier Safety Administration" shall be deleted and replaced by "Kansas Insurance Department."

(ii) The words "Sec. 387.309, provided the motor carrier maintains a satisfactory safety rating as determined by the Federal Motor Carrier Safety Administration under part 385 of this chapter" shall be deleted and replaced by "K.S.A. 66-1,128."

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

(i) The words "United States by motor carriers domiciled in a contiguous foreign country" shall be deleted and replaced by "state."

(ii) The words "or MCS-82" shall be deleted.

(H) In paragraph (g), the term "United States" shall be deleted and replaced by "state of Kansas."

(5) The following revisions shall be made to the "schedule of limits—public liability" in 49 C.F.R. 387.9:

(A) The term "for-hire" shall be deleted and replaced by "public."

(B) The phrase "interstate or foreign" shall be deleted and replaced by "intrastate."

(C) The phrase "interstate, foreign, or" shall be deleted.

(D) The phrase "as adopted by K.A.R. 82-4-20" shall be added after "49 CFR 171.8," "49 CFR 173.403," and "49 CFR 172.101."

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

(A) In the first paragraph, the words "or surety bond" shall be deleted.

(B) In paragraph (a), the words "or bonds in each State in which the motor carrier operates" shall be deleted and replaced by "in the state of Kansas."

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

(i) The words "or bonds" shall be deleted.

(ii) The phrase "any State in which the motor carrier operates" shall be deleted and replaced by "the state of Kansas."

(D) In paragraph (c), the words "any State in which the motor carrier operates" shall be deleted and replaced by "the state of Kansas."

(7) The following revisions shall be made to 49 C.F.R. 387.15:

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

(i) The phrase "and surety bonds (Illustration II)" shall be deleted.

(ii) The phrase "FMCSA and approved by the OMB" shall be deleted and replaced by "commission."

(iii) The phrase "and surety bonds" shall be deleted.

(iv) The following sentence shall be deleted: "The continuous coverage requirement does not apply to Mexican motor carriers insured under Sec. 387.7(b)(3) of this subpart."

(v) The phrase "and surety bond" shall be deleted.

(vi) The following sentence shall be added to the end of the paragraph: "A form approved by the Commission for liability insurance for the motor carriers listed in 49 C.F.R. 387.3 shall be called a Form MCS-90, and shall be in a form substantially similar to the following:"

(B) The following revisions shall be made to Illustration I:

(i) The terms "(3/82)," "Form Approved," "OMB No. 2125-0074," and "Under Sections 29 and 30 of the Motor Carrier Act of 1980," appearing near the top of Illustration I, shall be deleted.

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

(iii) The term "FMCSA's" shall be deleted and replaced by "commission's."

(iv) The phrase "at its office in Washington, DC" shall be deleted.

(v) The definition of "motor vehicle" shall be deleted.

(vi) The phrase "sections 29 and 30 of the Motor Carrier Act of 1980 and the rules and regulations of the Federal Motor Carrier Safety Administration," which is in the paragraph that begins "The insurance policy to which this endorsement is attached," shall be deleted and replaced by "K.S.A. 66-1,128 and K.A.R. 82-4-3e."

(vii) The phrase "sections 29 and 30 of the Motor Carrier Act of 1980," which is in the paragraph beginning "In consideration," shall be deleted and replaced by "K.S.A. 66-1,128 and K.A.R. 82-4-3e."

(C) Illustration II shall be deleted.

(8) 49 C.F.R. 387.17 shall be deleted.

(9) The following revisions shall be made to 49 C.F.R. 387.25:

(A) The term "for-hire" shall be deleted and replaced by "public."

(B) The words "interstate or foreign" shall be deleted and replaced by "intrastate."

(10) The following revisions shall be made to 49 C.F.R. 387.27(a):

(A) The term "for-hire" shall be deleted and replaced by "public."

(B) The words "interstate or foreign" shall be deleted and replaced by "intrastate."

(11) 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.

(12) The following revisions shall be made to 49 C.F.R. 387.31:

(A) In paragraph (b), the term "surety bonds" shall be deleted.

(B) In paragraph (b)(2), the words "and surety bonds" shall be deleted.

(C) Paragraphs (3), (3)(i), and (3)(ii) shall be deleted.

(D) In paragraph (c), the phrases "and surety bonds," "or surety bonds," and "or surety bond" shall be deleted.

(E) In paragraph (d)(1) shall be deleted and replaced by "Form MCS-90B issued by an insurer."

(F) Paragraph (d)(2) shall be deleted.

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

(i) The phrase "within the United States" shall be deleted and replaced by "in intrastate commerce within the state of Kansas."

(ii) The phrase "(Forms MC-90B or MCS-82B)" shall be deleted and replaced by "(Form MCS-90B)."

(H) In paragraph (g), the phrase "entry into the United States" shall be deleted and replaced by "the ability to operate within the state of Kansas."

(13) The following revisions shall be made to 49 C.F.R. 387.33:

(A) The phrase "interstate or foreign" shall be deleted and replaced by "intrastate."

(B) In the schedule of limits, the term "for-hire" shall be deleted and replaced by "public."

(14) The following revisions shall be made to 49 C.F.R. 387.35:

(A) In the first paragraph, the phrases "or surety bond" and "or surety" shall be deleted.

(B) In paragraph (a), the words "or bonds in each State in which the motor carrier operates" shall be deleted and replaced by "in the state of Kansas pursuant to K.S.A. 66-1,128."

(C) Paragraphs (b) and (c) shall be deleted.

(15) 49 C.F.R. 387.39 and the associated graphics shall be deleted and replaced by the following:

"Endorsements for policies of insurance shall be in a form approved by the commission. Endorsements to policies of insurance shall specify that coverage will remain in effect continuously until terminated, as required by 49 C.F.R. 387.31. The endorsement shall be issued in the exact name of the motor carrier. A form approved by the commission for liability insurance for the motor carriers described in 49 C.F.R. 387.27 shall be called a form MCS-90B and shall be in a form substantially similar to the form prescribed in 49 C.F.R. 387.9."

(16) 49 C.F.R. 387.41 through 49 C.F.R. 387.419 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.

(c) This regulation shall be effective on and after December 29, 2004. (Authorized by and implementing K.S.A. 2003 Supp. 66-1,112, K.S.A. 66-1,112g, and K.S.A. 2003 Supp. 66-1,129, as amended by L. 2004, Ch. 152, § 7; effective, T-82-12-29-04, Dec. 29, 2004.)

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, 2003, is hereby adopted by reference:

(1) 49 C.F.R. 390.1 shall be deleted.

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

(A) In paragraph (a), the word "interstate" shall be deleted and replaced by "intrastate."

(B) Paragraphs (b) and (c) shall be deleted.

(C) 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. 82-4-3m, and K.A.R. 82-4-20."

(D) 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. 82-4-3m, and K.A.R. 82-4-20."

(E) Paragraphs (f), (f)(1), (f)(2), (f)(3), (f)(4), (f)(5), (f)(6)(i), and (f)(6)(ii) shall be deleted.

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

(A) The following definitions shall be deleted:

(i) Commercial motor vehicle;

(ii) conviction;

(iii) driveaway-towaway operation;

(iv) exempt motor carrier;

(v) farm vehicle;

(vi) for-hire motor carrier;

(vii) gross combination weight rating;

(viii) gross vehicle weight rating;

(ix) hazardous material;

(x) hazardous substance;

(xi) hazardous waste;

(xii) highway;

(xiii) interstate commerce;

(xiv) intrastate commerce;

(xv) medical examiner;

(xvi) motor carrier;

(xvii) motor vehicle;

(xviii) operator;

(xix) other terms;

(xx) person;

(xxi) private motor carrier;

(xxii) private motor carrier of passengers (business);

(xxiii) private motor carrier of passengers (nonbusiness);

(xxiv) school bus;

(xxv) school bus operation;

(xxvi) secretary;

(xxvii) state; and

(xxviii) United States.

(B) 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 appendix F to Title 49, Chapter III, Subchapter B, as in effect on October 1, 2003, and hereby adopted by reference."

(C) The definition of "Out of service order" shall be deleted and replaced by the following:

"Out-of-service order means a declaration by a special agent or authorized representative that a driver, a commercial motor vehicle, or a motor carrier operation is out-of-service pursuant to 49 C.F.R. 392.5, as adopted by K.A.R. 82-4-3h, 49 C.F.R. 395.13, as adopted by K.A.R. 82-4-3a, or 49 C.F.R. 396.9, as adopted by K.A.R. 82-4-3j."

(continued)

(D) 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. 82-4-3e, K.A.R. 82-4-3f, K.A.R. 82-4-3g, K.A.R. 82-4-3j, and K.A.R. 83-4-3k."

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

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

(E) 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 officers in the state who have been certified in the inspection of motor carriers based on the motor carrier safety assistance program standards."

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

(5) In 49 C.F.R. 390.11, the phrase "part 325 of subchapter A or in this subchapter" shall be deleted and replaced by "K.A.R. 82-4-3a through K.A.R. 82-4-3m, and K.A.R. 82-4-20."

(6) The following revisions shall be made to 49 C.F.R. 390.15:

(A) The first instance of the phrase "of the Federal Motor Carrier Safety Administration" shall be deleted.

(B) The second instance of the phrase "of the Federal Motor Carrier Safety Administration" shall be deleted and replaced by "or special agent."

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

(A) Paragraph (a) shall be deleted and replaced by the following:

"Each motor carrier that conducts intrastate operations in the state of Kansas shall file a motor carrier identification report, which shall be known as a Form MCS-150, at the following times:"

(B) Paragraph (b) shall be deleted and replaced by the following:

"The Form MCS-150 shall contain the following information:

"(1) The Kansas-specific USDOT number assigned to the carrier pursuant to K.A.R. 82-4-8h;

"(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 telefacsimile 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 in the state;

"(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;

"(14) the number of drivers that operate outside a 100-mile radius;

"(15) the number of drivers with commercial drivers' licenses;

"(16) the total number of drivers; and

"(17) 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."

(C) In paragraph (c), the words "FMCSA's Office of Data Analysis and Information Systems" shall be deleted and replaced by "commission's transportation division."

(D) Paragraph (c)(1) shall be deleted and replaced by the following:

"The completed Form MCS-150 shall be filed with the commission at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604."

(E) Paragraph (c)(2) shall be deleted.

(F) Paragraphs (e), (f), and (g) shall be deleted.

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

(A) In paragraph (a), the words "as defined in Sec. 390.5, subject to subchapter B of this chapter must" shall be deleted and replaced by "required to be marked pursuant to K.A.R. 82-4-8h shall."

(B) In paragraph (b)(2), the words "Kansas-specific" shall be added before the phrase "motor carrier."

(C) Paragraphs (b)(5), (b)(5)(i), (b)(5)(ii), and (b)(5)(iii) shall be deleted.

(D) In paragraph (e)(2)(iii)(B)(1), the words "'interstate' or 'intrastate'" shall be deleted and replaced by "intra-state."

(E) 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."

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

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

(A) In paragraph (a), the phrase "Parts 390 through 399 of this chapter" shall be deleted and replaced by "K.A.R. 82-4-3e, and K.A.R. 82-4-3f through K.A.R. 82-4-3m."

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

(C) In paragraph (c)(1), the phrase "Secs. 395.3(a) and 395.5(a) of this chapter" shall be deleted and replaced by "49 C.F.R. 395.3(a) and 49 C.F.R. 395.5(a), as adopted by K.A.R. 82-4-3c."

(10) The following revisions shall be made to 49 C.F.R. 390.25:

(A) The word "regional" shall be inserted before the term "FMCSA Field Administrator."

(B) The words "in the region in which the motor carrier's principal place of business is located" shall be deleted.

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

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

(A) In paragraph (a), the phrase "this subchapter" shall be deleted and replaced by "K.A.R. 82-4-3a through K.A.R. 82-4-3m, and K.A.R. 82-4-20."

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

(i) The phrase "of the Federal Motor Carrier Safety Administration" shall be deleted.

(ii) The word "Federal" appearing in the last sentence shall be deleted.

(13) In 49 C.F.R. 390.33, the phrase "this subchapter and part 325 of subchapter A" shall be deleted and replaced by "K.A.R. 82-4-3a through K.A.R. 82-4-3m, and K.A.R. 82-4-20."

(14) The following revisions shall be made to 49 C.F.R. 390.35:

(A) In paragraph (a), the phrase "by part 325 of subchapter A or this subchapter" shall be deleted and replaced by "K.A.R. 82-4-3a through K.A.R. 82-4-3m, and K.A.R. 82-4-20."

(B) In paragraphs (b) and (c), the phrase "this subchapter or part 325 of subchapter A" shall be deleted and replaced by "K.A.R. 82-4-3a through K.A.R. 82-4-3m, and K.A.R. 82-4-20."

(14) 49 C.F.R. 390.37 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.

(c) This regulation shall be effective on and after December 29, 2004. (Authorized by and implementing K.S.A. 2003 Supp. 66-1,112, K.S.A. 66-1,112g, and K.S.A. 2003 Supp. 66-1,129, as amended by L. 2004, Ch. 152, § 7; effective, T-82-12-29-04, Dec. 29, 2004.)

82-4-3g. Qualifications of drivers. (a) With the following exceptions, 49 C.F.R. Part 391, as in effect on October 1, 2003, is hereby adopted by reference:

(1) In 49 C.F.R. 392.2(c), the phrase "Sec. 390.5" shall be deleted and replaced by "K.A.R. 82-4-1(c)."

(2) 49 C.F.R. 391.11(b)(1) shall be deleted.

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

(A) In paragraphs (c)(1)(i) and (c)(2)(iii), the phrase "of this subchapter" shall be deleted and replaced by "as adopted by K.A.R. 82-4-3a."

(B) The phrase "as adopted by K.A.R. 82-4-3h" shall be added to the end of paragraph (c)(2)(i)(C).

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

(4) In 49 C.F.R. 391.21(b)(11), the phrase "as defined by Part 383 of this subchapter" shall be deleted.

(5) In 49 C.F.R. 391.25(b)(1), the phrase "Federal Motor Carrier Safety Regulations in this subchapter or hazardous materials regulations (49 CFR chapter I, subchapter C)" shall be deleted and replaced by "commission motor carrier safety regulations."

(6) 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.

(7) In 49 C.F.R. 391.33(a)(1), the phrase "as defined in Sec. 383.5 of this subchapter" shall be deleted.

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

(A) The paragraph that appears between paragraphs (a) and (b) shall be deleted.

(B) 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.

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

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

(A) In paragraph (a), the phrase "examiner as defined in Sec. 390.5 of this subchapter" shall be deleted and replaced by "licensed medical practitioner, as defined by K.A.R. 82-4-1."

(B) In paragraph (b), the phrase "medical examiner" shall be deleted and replaced by "licensed medical practitioner, as defined by K.A.R. 82-4-1."

(C) In paragraph (c)(1), the phrase "including the medical advisory criteria prepared by the FMCSA as guidelines to aid the medical examiner in making the qualification determination" shall be deleted.

(D) In paragraph (f), the words "and examination form. Existing forms may be used until current printed supplies are depleted or until September 30, 2004, whichever occurs first" shall be deleted.

(E) 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."

(F) The last sentence of paragraph (h) shall be deleted.

(G) The editorial note found after paragraph (h) shall be deleted.

(10) 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 word "interstate" shall be deleted and replaced by the word "intrastate."

(C) In paragraphs (c) and (d), the phrase "Director, Office of the Bus and Truck Standards and Operations (MC-PSD)" 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: "Peti-

(continued)

tions shall be filed in accordance with K.A.R. 82-1-225 and K.S.A. 77-601 *et seq.*"

(E) In paragraph (f), the first two occurrences of the phrase "Director, Office of the Bus and Truck Standards and Operations (MC-PSD)" shall be deleted and replaced by the phrase "director of the commission's transportation division." The clause "or until the Director, Office of Bus and Truck Standards and Operations (MC-PSD) orders otherwise" shall be deleted.

(11) 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 "the 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), the words "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) In paragraph (c)(1)(iii), the phrase "U.S. DOT" shall be deleted.

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

(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 "the 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) 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 "the following form" shall be deleted and replaced by "a form substantially similar to the following."

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

(iv) The term "FMCSRs" shall be deleted and replaced by "commission's regulations regarding motor carrier safety."

(12) The following revisions shall be made to 49 C.F.R. 391.51(b)(8):

(A) The phrase "Field Administrator, Division Administrator, or State Director" shall be deleted and replaced

by "the director of the transportation division of the commission."

(B) The phrase "or under K.A.R. 82-4-6d" shall be added at the end of the paragraph.

(13) 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" shall be deleted and replaced by "commission's motor carrier regulations found in Article 4."

(14) 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."

(15) 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 "Sec. 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."

(16) 49 C.F.R. 391.67 shall be deleted.

(17) In 49 C.F.R. 391.68(a), "(b)(1)" shall be deleted.

(18) 49 C.F.R. 391.69 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.

(c) This regulation shall be effective on and after December 29, 2004. (Authorized by and implementing K.S.A. 2003 Supp. 66-1,112, K.S.A. 66-1,112g, and K.S.A. 2003 Supp. 66-1,129, as amended by L. 2004, Ch. 152, § 7; effective, T-82-12-29-04, Dec. 29, 2004.)

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, 2003, is hereby adopted by reference:

(1) In 49 C.F.R. 392.2, the words after the word "jurisdiction," including the last sentence of this section, shall be deleted and replaced by "of the state of Kansas."

(2) 49 C.F.R. 392.4 shall be revised as follows:

(A) Paragraph (a)(1) shall be deleted and replaced by the following:

"(1) Any substance listed in schedule I of 21 C.F.R. 1308.11, which is hereby adopted by reference as in effect on April 1, 2003."

(B) In paragraph (c), the phrase "Sec. 382.107" shall be deleted and replaced by "49 C.F.R. 382.107, as adopted by K.A.R. 82-4-3c."

(3) 49 C.F.R. 392.5 shall be revised as follows:

(A) In paragraph (a)(1), the phrase "Sec. 382.107" 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 "hereby adopted by reference as in effect on January 7, 2003" 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 as in effect on January 7, 2003."

(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 act for judicial review and civil enforcement of agency actions, found at K.S.A. 77-601 et seq."

(4) In 49 C.F.R. 392.8, the phrase "Sec. 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."

(5) In 49 C.F.R. 392.9, the phrase "Secs. 393.100 through 393.142 of this subchapter" shall be deleted and replaced by "49 C.F.R. 393.100 through 393.142, as adopted by K.A.R. 82-4-3i."

(6) 49 C.F.R. 392.9a shall be deleted.

(7) 49 C.F.R. 392.10 shall be revised as follows:

(A) In paragraph (a)(4), the phrase "Parts 107 through 180 of this title" shall be deleted and replaced by "49 C.F.R. 107.105, 107.502, and Parts 171, 172, 173, 177, 178, and 180, as adopted by K.A.R. 82-4-20."

(B) In paragraph (a)(5), the phrase "Sec. 173.120 of this title" shall be deleted and replaced by "49 C.F.R. 173.120, as adopted by K.A.R. 82-4-20."

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

(D) In paragraph (b)(1), the phrase "Sec. 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."

(8) The phrase "Sec 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."

(9) The following revisions shall be made to 49 C.F.R. 392.51:

(A) In paragraph (b), the phrase "as adopted by K.A.R. 82-4-20" shall be inserted after the phrase "Parts 171, 172, 173, and 178."

(B) In paragraph (b), the phrase "hereby incorporated by reference as in effect on July 1, 2003" shall be inserted after the phrase "29 CFR 1910.106."

(10) 49 C.F.R. 392.62 shall be revised as follows:

(A) In paragraph (a), the phrase "Sec. 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 "Sec. 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."

(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.

(c) This regulation shall be effective on and after December 29, 2004. (Authorized by and implementing K.S.A. 2003 Supp. 66-1,112, K.S.A. 66-1,112g, and K.S.A. 2003 Supp. 66-1,129, as amended by L. 2004, Ch. 152, § 7; effective, T-82-12-29-04, Dec. 29, 2004.)

82-4-3i. Parts and accessories necessary for safe operation. (a) With the following exceptions, 49 C.F.R. Part 393, as in effect on October 1, 2003, is hereby adopted by reference:

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

(A) The following definition shall be added after the definition of "curb weight":

"DOT C-2, DOT C-3, and DOT C-4. These terms shall be defined by figure 29, found in 49 C.F.R. 571.108 as in effect on October 1, 2003, and figure 29 is hereby adopted by reference."

(B) In the definition of "low chassis vehicle," the phrase "of Sec. 571.224 in effect on the date of manufacture, or a subsequent edition" shall be deleted and replaced by "found in S5.1.1, S5.1.2, and S5.1.3 of 49 C.F.R. 571.224, as in effect on October 1, 2003, and hereby adopted by reference."

(C) The definition of "manufactured home" shall be deleted and replaced by the following:

"Manufactured home means a structure as defined by K.S.A. 58-4202(a), as in effect January 21, 2003, and hereby adopted by reference. The term shall also include structures that meet the requirements of K.S.A. 58-5202(a) except the size requirements. 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 such structures shall be distinguishable on the structures and in its records from the series of serial numbers used for manufactured homes."

(D) The following definition shall be added after the definition of "manufactured home":

"Optically combined. This term refers to two or more lights that share the same body and have one lens totally or partially in common."

(E) The definition for "reflective material" shall be deleted.

(F) In the definition of "special purpose vehicle," the phrase "of Sec. 571.224 (paragraphs S5.1.1 through

(continued)

S5.1.3), in effect on the date of manufacture or a subsequent edition" shall be deleted and replaced by "found in S5.1.1, S5.1.2, and S5.1.3 of 49 C.F.R. 571.224, as adopted by reference above."

(2) 49 C.F.R. 393.7 shall be deleted.

(3) The following revisions shall be made to 49 C.F.R. 393.11:

(A) In the first paragraph, the third and fourth sentences shall be deleted.

(B) The phrase "Paragraphs 393.22 and S4.4 of 49 CFR 571.108, Equipment combinations" in the sentence between Table 1 and the footnotes shall be deleted and replaced by the following:

"49 C.F.R. 393.22. Lamp and reflector combinations which comply with the following shall also be permitted:

"Two or more lamps, reflective devices, or items of associated equipment may be combined if the requirements for each lamp, reflective device, and item of associated equipment are met, with the following exceptions:

"(a) No high-mounted stop lamp shall be combined with any other lamp or reflective device, other than with a cargo lamp.

"(b) No high-mounted stop lamp shall be combined optically with any cargo lamp.

"(c) No clearance lamp shall be combined optically with any tail lamp."

(4) The following revisions shall be made to 49 C.F.R. 393.13:

(A) In paragraph (a), the phrase "Sec. 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.

(B) Paragraph (b) shall be deleted and replaced by the following:

"(b) Retroflective sheeting and reflex reflectors. Unless otherwise preempted by federal law, motor carriers shall retrofit their trailers with a conspicuity system that meets the following requirements:

"(1) Conspicuity systems. Each trailer not exempted from the commission's safety regulations found in Article 4 of these regulations shall be equipped with either retroflective sheeting that meets the requirements of paragraph (B), reflex reflectors that meet the requirements of paragraph (C), or a combination of retroflective sheeting and reflex reflectors that meets the requirements of paragraph (D).

"(2) Retroflective sheeting.

"(A) Construction. Retroflective sheeting shall consist of a smooth, flat, transparent exterior film with retroflective elements embedded or suspended beneath the film so as to form a non-exposed retroflective optical system.

"(B) Performance requirements. Retroflective sheeting shall meet the minimum photometric performance requirements specified in Figure 29 as found in 49 C.F.R. 571.108, and adopted by reference above.

"(C) Sheeting pattern. Retroflective sheeting shall be applied in a pattern of alternating white and red color segments to the sides and rear of each trailer, and to the rear of each truck tractor, and in white to the upper rear corners of each trailer and truck tractor as specified in this paragraph, and, as appropriate, as shown in figures 30-1 through 30-4, or figure 31 found in 49 C.F.R. 571.108.

Figures 30-1 through 30-4 and figure 31, as found in 49 C.F.R. 571.108 and as in effect on October 1, 2003, are hereby adopted by reference.

"(D) Sheeting length. Except for a segment that is trimmed to clear obstructions or lengthened to provide red sheeting near red lamps, each white or red segment shall have a length of 300 mm plus or minus 150 mm. Neither white nor red sheeting shall represent more than two-thirds of the aggregate of any continuous strip marking the width of a trailer, or any continuous or broken strip marking its length.

"(E) Sheeting width. Retroflective sheeting shall have a width of not less than 50 mm for grade DOT-C2 sheeting, 75 mm for grade DOT-C3 sheeting, or 100 mm for grade DOT-C4 sheeting.

"(F) Sheeting retroreflection. The coefficients for retroreflection of each segment of red or white sheeting shall not be less than the minimum values specified in Figure 29 as adopted above for grades DOT-C2, DOT-C3, and DOT-C4.

"(G) Location. Retroflective sheeting shall be applied to each trailer and truck tractor as specified in paragraphs (c) and (d) below, but need not be applied to discontinuous surfaces such as outside ribs, stake post pickets on platform trailers, and external protruding beams, or to items of equipment such as door hinge and lamp bodies on trailers and body joints, stiffening beads, drip rails and rolled surfaces on truck tractors. The edge of white sheeting shall not be located closer than 75 mm to the edge of the luminous lens area of any red or amber lamp that is required by K.A.R. 82-4-3i. The edge of red sheeting shall not be located closer than 75 mm to the edge of the luminous lens area of any amber lamp that is required by K.A.R. 82-4-3i.

"(H) Certification. In order to demonstrate that the retroflective sheeting meets the standards of paragraphs (B)(i) and (ii), the letters DOT-C2, DOT-C3, or DOT-C4, as appropriate, shall appear at least once on the exposed surface of each white or red segment of reflective sheeting, and at least once every 300 mm on the retroflective sheeting that is white only. The characters shall not be less than 3 mm high, and shall be permanently stamped, etched, molded, or printed in indelible ink.

"(3) Reflex Reflectors. Each trailer or truck tractor to which paragraph (b)(1) applies that does not conform with either paragraph (B) or paragraph (D) shall be equipped with reflex reflectors as set forth in this paragraph.

"(A) Visibility of reflector by color.

"(i) Red reflex reflector. Each red reflex reflector shall provide, at an observation angle of 0.2 degree, not less than 33 millicandelas per lux at any light entrance angle between 30 degrees left and 30 degrees right, including an entrance angle of 0 degree, and not less than 75 millicandelas per lux at any light entrance angle between 45 degrees left and 45 degrees right.

"(ii) White reflex reflector. Each white reflex reflector shall also provide at an observation angle of 0.2 degree, not less than 1,250 millicandelas per lux at any light angle of 0.2 degree, not less than 1,250 millicandelas per lux at any light entrance angle between 30 degrees left and 30 degrees right, including an entrance angle of 0 degree,

and not less than 33 millicandelas per lux at any light entrance angle between 45 degrees left and 45 degrees right. A white reflex reflector complying with this paragraph when tested in a horizontal orientation may be installed in all orientations specified for rear upper locations in paragraphs (viii) element 2, and (x), element 2 above if, when tested in a vertical orientation, it provides an observation angle of 0.2 degree not less than 1,680 millicandelas per lux at a light entrance angle of 0 degree, not less than 1,120 millicandelas per lux at any light entrance angle from 10 degrees down to 10 degrees up, and not less than 560 millicandelas per lux at any light entrance angle from 20 degrees right to 20 degrees left.

(B) Certification. In order to demonstrate that the retroflective sheeting meets the standards of K.A.R. 82-4-3i, the letters DOT-C shall appear on the exposed surface of each reflex reflector. The letters shall not be less than 3 mm high, and shall be permanently stamped, etched, molded, or printed in indelible ink.

(4) Combination of sheeting and reflectors. Each trailer or truck tractor to which paragraph (b)(1) applies may use a combination of retroflective materials as long as they are located as specified by paragraphs (c) and (d) below."

(5) In 49 C.F.R. 393.17(c)(1), the phrase "Sec. 392.30" shall be deleted and replaced by "49 C.F.R. 392.30, as adopted by K.A.R. 82-4-3h."

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

(A) In paragraph (c), the clause "if there be at least one such lamp conforming to the appropriate SAE Standard \1\ for such lamps on each side of the vehicle" and the related footnote shall be deleted.

(B) In paragraph (d), the words "and shall conform to the appropriate specification set forth in the SAE Standards \1\ for 'Electric Head Lamps for Motor Vehicles' or 'Sealed-Beam Head Lamp Units for Motor Vehicles'" and the related footnote shall be deleted.

(7) In 49 C.F.R. 393.25, paragraphs (c), (c)(1), (c)(2), (c)(3), (d), (d)(1), (d)(2), (d)(3), (d)(4), and (d)(5), and the related footnote, shall be deleted.

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

(A) Paragraphs (b) and (c) shall be deleted.

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

(9) The following changes shall be made to 49 C.F.R. 393.27:

(A) In paragraph (a), the second sentence and paragraphs (a)(1), (a)(2), and (a)(3) shall be deleted.

(B) In paragraph (b), the phrase "to comply with FMVSS 571.108" shall be deleted.

(10) In 49 C.F.R. 393.33, the clause "which conform to the SAE Standard \1\ for 'Cable Terminals' or by cable terminals" and the related footnote shall be deleted.

(11) The following revisions shall be made to 49 C.F.R. 393.40(c)(2):

(A) The words "to which the emergency brake system requirements of Federal Motor Vehicle Safety Standard No. 105 (Sec. 571.105 of this title) applied at the time of

its manufacture" shall be deleted and replaced by "using hydraulic or electrical brake systems."

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

(12) In 49 C.F.R. 393.41(a), the phrase "as required by FMVSS 571.121" shall be deleted.

(13) 49 C.F.R. 393.42(b)(1)(ii) shall be deleted and replaced by "Manufactured between July 24, 1980, and October 27, 1986, must have been retrofitted to meet the requirements of this section if the brake components have been removed."

(14) In 49 C.F.R. 393.45, paragraphs (a)(6), (b), (b)(1), (b)(1)(i), (b)(1)(ii), (b)(1)(iii), (b)(1)(iv), (b)(1)(v), and (b)(2) shall be deleted.

(15) In 49 C.F.R. 393.46, paragraphs (e) and (f) shall be deleted.

(16) The following revisions shall be made to 49 C.F.R. 393.51:

(A) In paragraph (b), the phrase "performs as follows" shall be deleted and replaced by "must be readily audible or visible to the driver." Paragraphs (b)(1) and (b)(2) shall be deleted.

(B) In paragraph (c), the phrase "must be equipped and perform, as follows" shall be deleted, and a period shall be added to the end of the sentence. Paragraphs (c)(1), (c)(1)(i), and (c)(1)(ii) shall be deleted and replaced by the following sentence: "The vehicle must have a low air pressure warning device that provides a readily audible or visible continuous warning to the driver whenever the pressure of the compressed air in the braking system is below a specified pressure, which must be at least one-half of the compressor governor cutout pressure."

(17) 49 C.F.R. 393.53 shall be deleted.

(18) The following revisions shall be made to 49 C.F.R. 393.55:

(A) In paragraph (a), the clause "that meets the requirements of Federal Motor Vehicle Safety Standard (FMVSS) No. 105 (49 CFR 571.105, S5.5)" shall be deleted.

(B) In paragraph (b), the clause "that meets the requirements of FMVSS No. 105 (49 CFR 571.105, S5.3)" shall be deleted.

(C) In paragraph (c)(1), the clause "that meets the requirements of FMVSS No. 121 (49 CFR 471.121, S5.1.6.1(b))" shall be deleted.

(D) In paragraph (c)(2), the clause "that meets the requirements of FMVSS No. 121 (49 CFR 571.121, S5.1.6.1(a) for trucks and buses, S5.2.3 for semitrailers, and converter dollies and full trailers" shall be deleted.

(E) In paragraph (d)(1), the phrase "(49 CFR 571.121, S5.1.6.2(a))" shall be deleted.

(F) In paragraph (d)(2), the last sentence shall be deleted.

(G) In paragraph (d)(3), the last sentence shall be deleted.

(H) In paragraph (e), the clause "which meets the requirements of FMVSS No. 121 (49 CFR 571.121, S5.2.3.3)" shall be deleted.

(19) 49 C.F.R. 393.60(a) shall be deleted.

(20) The following revisions shall be made to 49 C.F.R. 393.61:

(A) In paragraph (b)(2), the phrase "Federal Motor Vehicle Safety Standard No. 217, part 571 of this title" shall

(continued)

be deleted and replaced by "49 C.F.R. 571.217, as in effect on October 1, 2003, and hereby adopted by reference."

(B) In paragraph (b)(3), the phrase "Federal Motor Vehicle Safety Standard No. 217, part 571 of this title" shall be deleted and replaced by "49 C.F.R. 571.217, as adopted by this regulation."

(C) In paragraph (c)(1), the phrase "the required free opening when subjected to the drop test specified in Test 25 of the American Standard Safety Code referred to in Sec. 393.60" shall be deleted and replaced by "a free opening when subjected to a drop test." The following words shall be deleted: "with the type of laminated glass specified in Test 25 of the Code. The sash for such windows shall be constructed of such material and be of such design and construction as to be continuously capable of complying with the above requirement."

(D) In paragraphs (c)(2) and (c)(3), the phrase "Federal Motor Vehicle Safety Standard No. 217 (Sec. 571.217) of this title" shall be deleted and replaced by "49 C.F.R. 571.217, as adopted by this regulation."

(21) In 49 C.F.R. 393.63(b) and (c), the phrase "Federal Motor Vehicle Safety Standard No. 217 (Sec. 571.217) of this title" shall be deleted and replaced by "49 C.F.R. 571.217, as adopted by this regulation."

(22) The following revisions shall be made to 49 C.F.R. 393.67:

(A) Paragraph (a)(6) shall be deleted.

(B) Paragraph (c)(3) shall be deleted and replaced by "Threads. At least four full threads must be in engagement in each fitting."

(C) In paragraph (f)(3), the clause "The certificate must be in the form set forth in either of the following:" and paragraphs (c)(3)(i), (c)(3)(ii), and (c)(3)(iii) shall be deleted.

(23) 49 C.F.R. 393.69 shall be deleted.

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

(A) Paragraph (h)(8) and the related footnote shall be deleted.

(B) The following revisions shall be made to paragraph (h)(9):

(i) The phrase "requirements of the Federal Motor Carrier Safety Administration" shall be deleted and replaced by "appropriate requirements."

(ii) The following sentence shall be deleted: "Tow-bar certification manufactured before the effective date of this regulation must meet requirements in effect at the time of manufacture."

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

(25) The following revisions shall be made to 49 C.F.R. 393.75:

(A) In paragraphs (g)(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."

(B) In paragraph (g)(1), the phrase "Or, in the absence of such a marking, more than 18 percent over the load rating specified in any of the publications of any of the organizations listed in FMVSS No. 119 (49 CFR 571.119, S5.1(b))" shall be deleted.

(C) In paragraph (g)(2), the phrase "or, in the absence of such a marking, the load rating specified in any of the publications of any of the organizations listed in FMVSS No. 119 (49 CFR 571.119, S5.1(b))" shall be deleted.

(26) The following revisions shall be made to 49 C.F.R. 393.77(b):

(A) The note appearing between paragraphs (7) and (8) shall be deleted.

(B) In paragraph (15), the last sentence shall be deleted.

(C) In paragraph (15)(i), the phrase "Sec. 177.834(1) of this title" shall be deleted and replaced by "49 C.F.R. 177.834(a) as adopted by K.A.R. 82-4-20."

(27) The following revisions shall be made to 49 C.F.R. 393.80:

(A) In paragraph (a), the last sentence shall be deleted.

(B) In paragraph (b), the following clause shall be deleted: "provided that if the mirrors are replaced they shall be replaced with mirrors meeting, as a minimum, the requirements of FMVSS No. 111 (49 CFR 571.111) in force at the time the vehicle was manufactured."

(28) The following revisions shall be made to 49 C.F.R. 393.86:

(A) Paragraph (a)(1) shall be deleted and replaced by the following:

"General requirements for trailers and semitrailers manufactured on or after January 26, 1988. Each trailer and semitrailer with a gross vehicle weight rating of 10,000 pounds or more, and manufactured on or after January 26, 1998, must be equipped with a rear impact guard. The requirements of paragraph (a) of this section do not apply to pole trailers as defined by 49 C.F.R. 390.5 and adopted by K.A.R. 82-4-3f, pulpwood trailers, low chassis vehicles, special purpose vehicles, wheels back vehicles as defined in 49 C.F.R. 393.5, and trailers towed in driveaway-towaway operations as defined in 49 C.F.R. 390.5 and adopted by K.A.R. 82-4-3f."

(B) In paragraph (a)(6), the phrase "as required by FMVSS No. 223 (49 CFR 571.223, S5.3)" shall be deleted.

(C) Paragraph (a)(6)(iii) shall be deleted.

(29) In 49 C.F.R. 393.90, the phrase "of the Federal Motor Carrier Safety Administration's regulations" shall be deleted.

(30) 49 C.F.R. 393.93 shall be deleted and replaced by the following:

"All motor vehicles shall be equipped with safety belts and shoulder harnesses in compliance with K.S.A. 8-1749."

(31) The following revisions shall be made to 49 C.F.R. 393.94:

(A) The footnote in paragraph (c) shall be deleted.

(B) Paragraph (c)(4) shall be deleted and replaced by the following: "Set the sound level meter to the A-weighting network, 'fast' meter response."

(C) Paragraph (d) shall be deleted.

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

(A) Paragraphs (a), (a)(1) and the related footnote, (a)(2)(i) and the related footnote, (a)(2)(ii), (a)(2)(ii)(A), (a)(2)(ii)(B), (a)(2)(iii), (a)(3), and (a)(4) shall be deleted and replaced by "Fire Extinguisher. Each motor vehicle shall be equipped with a fire extinguisher as set forth in K.A.R. 82-4-8a."

(B) In paragraph (f)(1)(i), the clause "which satisfy the requirements of SAE Standard J597, 'Liquid Burning Emergency Flares,'" shall be deleted.

(C) In paragraph (f)(1)(ii), the clause "which satisfy the requirements of SAE Standard J596, 'Electric Emergency Lanterns,'" shall be deleted.

(D) In paragraph (f)(1)(v), the clause "that conform to the requirements of Federal Motor Vehicle Safety Standard No. 125, Sec. 571.125 of this title" shall be deleted.

(E) In paragraph (f)(2)(i), the clause "that conform to the requirements of Federal Motor Vehicle Safety Standard No. 125, Sec. 571.125 of this title" shall be deleted.

(F) In paragraph (f)(2)(ii), the clause "Sec. 392.22" shall be deleted and replaced by "49 C.F.R. 392.22, as adopted by K.A.R. 82-4-3h."

(G) In paragraph (g), the phrase "as defined by 49 C.F.R. 171.101 and adopted by K.A.R. 82-4-20" shall be added after the words "Division 1.1, 1.2, 1.3 (explosives) hazardous materials; any cargo tank motor vehicle used for the transportation of Division 2.1 (flammable gas) or class 3 (flammable liquid) hazardous materials."

(H) Paragraphs (h)(2), (h)(2)(i), and (h)(2)(ii) shall be deleted.

(I) In paragraph (i)(2), the words "Reflecting elements to be Class A. Each reflecting element or surface shall meet the requirement for a red Class A reflector contained in the SAE Recommended Practice \1\ 'Reflex Reflectors'" and the related footnote shall be deleted.

(J) In paragraph (j), the last three sentences, the second of which is in parentheses, shall be deleted.

(33) The following revisions shall be made to 49 C.F.R. 393.104:

(A) Paragraph (e), the related table, and the related footnotes shall be deleted.

(B) Paragraph (f)(2) shall be deleted and replaced by the following:

"If a tiedown is repaired, it must be repaired sufficiently either to support the working load limits set forth in 49 C.F.R. 393.108 or according to the manufacturer's instructions."

(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.

(c) This regulation shall be effective on and after December 29, 2004. (Authorized by and implementing K.S.A. 2003 Supp. 66-1,112, K.S.A. 66-1,112g, and K.S.A. 2003 Supp. 66-1,129, as amended by L. 2004, Ch. 152, § 7; effective, T-82-12-29-04, Dec. 29, 2004.)

82-4-3j. Inspection, repair, and maintenance. (a) With the following exceptions, 49 C.F.R. Part 396, as in effect on October 1, 2003, is hereby adopted by reference:

(1) 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."

(2) 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 subchap-

ter)" 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 has been 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 commission, as described in K.A.R. 82-4-3l(a)(2)(B)."

(C) In paragraph (c)(1), the term "'Out of Service Vehicle' sticker" shall mean "a form approved by the commission, as described in K.A.R. 82-4-3l(a)(6)(C)."

(D) In paragraph (c)(2), the term "Vehicle Examination Report" shall mean the form described in K.A.R. 82-4-3l(a)(6)(B).

(E) In paragraph (d)(3)(ii), the phrase "issuing agency" shall be deleted and replaced by "transportation division of the commission."

(3) The following revisions shall be made to 49 C.F.R. 396.17:

(A) In paragraph (a), the phrase "of this subchapter" shall be deleted and replaced by "as in effect on October 1, 2001, which is hereby adopted by reference."

(B) The "Note" appearing between paragraphs (a) and (b) shall be deleted.

(C) In paragraph (h), the words "penalty provisions provided by 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."

(4) The following revisions shall be made to 49 C.F.R. 396.19(a)(1):

(A) The phrase "as adopted by K.A.R. 82-4-3i" shall be added after "49 C.F.R. Part 393."

(B) The phrase "as adopted by K.A.R. 82-4-3i" shall be added after the phrase "and appendix G." The phrase "of this subchapter" shall be deleted.

(5) In 49 C.F.R. 396.21(b)(2) and (3), the word "Federal" shall be deleted.

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

(A) In paragraph (b)(1), the phrase "by the Administrator" shall be deleted.

(B) In paragraph (b)(2), the term "FMCSA" shall be deleted and replaced by "transportation division of the Kansas corporation commission."

(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.

(c) This regulation shall be effective on and after December 29, 2004. (Authorized by and implementing K.S.A. 2003 Supp. 66-1,112, K.S.A. 66-1,112g, and K.S.A. 2003 Supp. 66-1,129, as amended by L. 2004, Ch. 152, § 7; effective, T-82-12-29-04, Dec. 29, 2004.)

82-4-3k. Transportation of hazardous materials; driving and parking rules. (a) With the following excep-

(continued)

tions, 49 C.F.R. Part 397, as in effect on October 1, 2003, is hereby adopted by reference:

(1) In 49 C.F.R. 397.1(a), the phrase "of this title" shall be deleted and replaced by "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. 82-4-3f through K.A.R. 82-4-3k." The phrase "of this title" shall be deleted and replaced by "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 "of this title" shall be deleted and replaced by "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 "of this title" shall be deleted and replaced by "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," "FMCSA," "Motor carrier," and "Motor vehicle" shall be deleted.

(B) In the definition of "Indian tribe," the phrase "as in effect on January 7, 2003, which is hereby adopted by reference" shall be added after "25 U.S.C. 450b."

(C) In the definition of "NRHM," the phrase "as adopted by K.A.R. 82-4-20" shall be added after "49 CFR 172.504."

(D) 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) In 49 C.F.R. 397.69, paragraph (b) shall be deleted.

(11) The following revisions shall be made to 49 C.F.R. 397.71:

(A) In paragraph (b), the word "Federal" shall be deleted.

(B) Paragraph (b)(1)(ii) and the related footnote shall be deleted.

(C) Paragraph (b)(5) shall be deleted.

(12) The following revisions shall be made to 49 C.F.R. 397.73:

(A) Paragraph (a) and its related footnote shall be deleted and replaced by the following: "Information on NRHM routing designations shall be made available to the public by the States and Indian tribes in the form of maps, lists, road signs, or a combination thereof. If road signs are used, those signs and their placements must comply with all applicable laws."

(B) Paragraph (b) shall be deleted and replaced by the following: "Each state or Indian tribe, through its routing agency, shall provide information identifying all NRHM routing designations which exist within their jurisdiction to the director of the transportation division, Kansas corporation commission, 1500 S.W. Arrowhead Road, Topeka, KS 66604. Information on any changes or new NRHM routing designations shall be furnished within 60 days after establishment to the director."

(13) The following revisions shall be made to 49 C.F.R. 397.75:

(A) Unless otherwise noted in this subsection, the word "Administrator" shall be deleted and replaced by "commission."

(B) Paragraph (b)(1) shall be deleted and replaced by the following: "Be submitted to the director of the transportation division, Kansas corporation commission, 1500 S.W. Arrowhead Road, Topeka, KS 66604."

(C) In paragraph (b)(7), the word "Federal" shall be deleted.

(D) In paragraph (c)(2), the word "Federal" shall be deleted and replaced by "Kansas."

(E) In paragraph (g), the last sentence 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(1)."

(C) In paragraph (b)(2), the phrase "as adopted by K.A.R. 82-4-20" shall be added after "49 CFR 173.403(l) and (y)."

(D) 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(l), as adopted by K.A.R. 82-4-20, shall provide the following information with the director within 90 days following acceptance of the package:"

(E) 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) The following revisions shall be made to 49 C.F.R. 397.103:

(A) In paragraph (a), the words "'Guidelines for Selecting Preferred Highway Routes for Highway Route Controlled Quantity Shipments of Radioactive Materials,' or an equivalent" shall be deleted and replaced by "a."

(B) Paragraph (c)(1) shall be deleted and replaced by the following: "The state gives written notice to the director."

(C) In paragraph (c)(2), the term "FMCSA" shall be deleted and replaced by "director."

(D) Paragraph (d) shall be deleted and replaced by the following: "A list of state-designated preferred routes shall be available from the director upon request."

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

(c) This regulation shall be effective on and after December 29, 2004. (Authorized by and implementing K.S.A. 2003 Supp. 66-1,112, K.S.A. 66-1,112g, and K.S.A. 2003 Supp. 66-1,129, as amended by L. 2004, Ch. 152, § 7; effective, T-82-12-29-04, Dec. 29, 2004.)

82-4-31. Transportation of migrant workers. (a) With the following exceptions, 49 C.F.R. Part 398, as in effect on October 1, 2003, 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(b), as in effect on January 7, 2003, 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 January 7, 2003, 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 commerce, as defined in 49 C.F.R. 390.5" shall be deleted and replaced by "within the state of Kansas."

(B) In paragraph (b)(2), the phrase "in interstate commerce, must comply with the applicable requirements of 49 CFR parts 385, 390, 391, 392, 393, 395, and 396" shall be deleted and replaced by "must comply with the applicable requirements of 49 C.F.R. Part 385, as adopted by K.A.R. 82-4-3d, 49 C.F.R. Part 390, as adopted by K.A.R. 82-4-3f, 49 C.F.R. Part 391, as adopted by K.A.R. 82-4-3g, 49 C.F.R. Part 392, as adopted by K.A.R. 82-4-3h, 49 C.F.R. Part 393, as adopted by K.A.R. 82-4-3i, 49 C.F.R. Part 395, as adopted by K.A.R. 82-4-3a, and 49 C.F.R. Part 396, as adopted by K.A.R. 82-4-3j."

(3) In 49 C.F.R. 398.3(b)(9), the phrase "of the Federal Motor Carrier Safety Regulations of the Federal Motor Carrier Safety Administration" shall be deleted.

(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 Sec. 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 has been 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 material 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;

(continued)

“(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:

“(1) A statement that the motor vehicle has been declared out of service;

“(2) 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;

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

“(4) the number and dates of the inspection; and

“(5) 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 “Sec. 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 “MCS Form 63” shall be deleted and replaced by “on a form 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) 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.

(c) This regulation shall be effective on and after December 29, 2004. (Authorized by and implementing K.S.A. 2003 Supp. 66-1,112, K.S.A. 66-1,112g, and K.S.A. 2003 Supp. 66-1,129, as amended by L. 2004, Ch. 152, § 7; effective, T-82-12-29-04, Dec. 29, 2004.)

82-4-3m. Employee safety and health standards.

(a) With the following exceptions, 49 C.F.R. Part 399, as in effect on October 1, 2003, is hereby adopted by reference:

(1) 49 C.F.R. 399.201 shall be deleted.

(2) In 49 C.F.R. 399.205, the definition of “person” shall be deleted.

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

(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.

(c) This regulation shall be effective on and after December 29, 2004. (Authorized by and implementing K.S.A. 2003 Supp. 66-1,112, K.S.A. 66-1,112g, and K.S.A. 2003 Supp. 66-1,129, as amended by L. 2004, Ch. 152, § 7; effective, T-82-12-29-04, Dec. 29, 2004.)

Susan K. Duffy
Executive Director

Doc. No. 031502

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28-15a-6	New	V. 23, p. 1369
28-15a-11	New	V. 23, p. 1369

28-15a-21	New	V. 23, p. 1369
28-15a-23		
through		
28-15a-29	New	V. 23, p. 1369, 1370
28-15a-31	New	V. 23, p. 1370
28-15a-33	New	V. 23, p. 1370
28-15a-41	New	V. 23, p. 1370
28-15a-42	New	V. 23, p. 1370
28-15a-43	New	V. 23, p. 1370
28-15a-60		
through		
28-15a-66	New	V. 23, p. 1370
28-15a-70	New	V. 23, p. 1370
28-15a-72		
through		
28-15a-76	New	V. 23, p. 1370, 1371
28-15a-80		
through		
28-15a-91	New	V. 23, p. 1371
28-15a-100	New	V. 23, p. 1371
28-15a-101	New	V. 23, p. 1371
28-15a-110	New	V. 23, p. 1371
28-15a-111	New	V. 23, p. 1371
28-15a-130		
through		
28-15a-135	New	V. 23, p. 1371, 1372
28-15a-151		
through		
28-15a-155	New	V. 23, p. 1372
28-15a-170	New	V. 23, p. 1372
28-15a-172		
through		
28-15a-175	New	V. 23, p. 1372, 1373
28-15a-201		
through		
28-15a-210	New	V. 23, p. 1373
28-15a-500		
through		
28-15a-503	New	V. 23, p. 1373, 1374
28-15a-530		
through		
28-15a-536	New	V. 23, p. 1374
28-15a-540		
through		
28-15a-544	New	V. 23, p. 1374
28-15a-550		
through		
28-15a-553	New	V. 23, p. 1374
28-15a-560		
through		
28-15a-564	New	V. 23, p. 1374, 1375
28-15a-570	New	V. 23, p. 1375
28-15a-571	New	V. 23, p. 1375
28-16-28b		
through		
28-16-28f	Amended	V. 24, p. 42-51
28-16-28g	New	V. 24, p. 52
28-16-58	Amended	V. 24, p. 52
28-17-1	Amended (T)	V. 23, p. 1597
28-17-6	Amended (T)	V. 23, p. 1598
28-17-20	Amended (T)	V. 23, p. 1598
28-17-22	New (T)	V. 23, p. 1600
28-19-720	Amended	V. 23, p. 1596
28-19-735	Amended	V. 23, p. 1596
28-19-750	Amended	V. 23, p. 1596
28-19-750a	New	V. 23, p. 1596
28-29-75		
through		
28-29-82	Amended	V. 23, p. 203-205
28-31-10	Amended	V. 23, p. 1486
28-35-145	Amended	V. 23, p. 1404
28-35-146	Amended	V. 23, p. 1404
28-35-146a	New	V. 23, p. 1404
28-35-147	Revoked	V. 23, p. 1404
28-35-147a	New	V. 23, p. 1404

AGENCY 30: SOCIAL AND REHABILITATION SERVICES

Reg. No.	Action	Register
30-4-50	Amended	V. 23, p. 894
30-4-90	Amended (T)	V. 23, p. 897
30-4-90	Amended	V. 23, p. 1104
30-5-59	Amended	V. 23, p. 1637
30-5-64	Amended	V. 23, p. 1717

30-5-71	Amended	V. 23, p. 1211
30-6-91	New	V. 23, p. 894
30-10-18	Amended (T)	V. 24, p. 23
30-46-10	Amended	V. 23, p. 977
30-46-13	Amended	V. 23, p. 978
30-46-15	Amended	V. 23, p. 978
30-46-16	Amended	V. 23, p. 978
30-46-17	Amended	V. 23, p. 978

AGENCY 40: KANSAS INSURANCE DEPARTMENT

Reg. No.	Action	Register
40-1-48	Amended	V. 23, p. 426
40-1-50	New (T)	V. 23, p. 244
40-1-50	New	V. 23, p. 951
40-1-51	New	V. 23, p. 361
40-2-26	Amended	V. 23, p. 151
40-2-27	New	V. 23, p. 825
40-3-6	Amended	V. 23, p. 1212
40-3-20	Revoked	V. 23, p. 693
40-3-53	New (T)	V. 24, p. 15

AGENCY 44: DEPARTMENT OF CORRECTIONS

Reg. No.	Action	Register
44-5-115	Amended (T)	V. 23, p. 384
44-5-115	Amended	V. 23, p. 952
44-7-104	Amended (T)	V. 23, p. 385
44-7-104	Amended	V. 23, p. 953
44-7-113	Amended (T)	V. 23, p. 386
44-7-113	Amended	V. 23, p. 955
44-12-313	Amended (T)	V. 23, p. 386
44-12-313	Amended	V. 23, p. 955
44-12-601	Amended (T)	V. 23, p. 387
44-12-601	Amended	V. 23, p. 955

AGENCY 63: BOARD OF MORTUARY ARTS

Reg. No.	Action	Register
63-1-4	Amended	V. 23, p. 1533
63-3-21	Amended	V. 23, p. 1533
63-5-1	Amended	V. 23, p. 1534
63-6-1	Amended	V. 23, p. 1534

AGENCY 65: BOARD OF EXAMINERS IN OPTOMETRY

Reg. No.	Action	Register
65-4-3	Amended	V. 23, p. 893
65-5-5	Revoked	V. 23, p. 1596
65-5-11	New	V. 23, p. 893
65-5-12	New	V. 23, p. 1596
65-8-5	Revoked	V. 23, p. 893

AGENCY 66: BOARD OF TECHNICAL PROFESSIONS

Reg. No.	Action	Register
66-6-4	Amended	V. 24, p. 79
66-8-5	Amended	V. 23, p. 95
66-8-8	New	V. 24, p. 80
66-9-6	Amended	V. 24, p. 80
66-9-7	New	V. 24, p. 80
66-10-14	New	V. 24, p. 80
66-14-3	Amended	V. 24, p. 80
66-14-5	Amended	V. 24, p. 81

AGENCY 68: BOARD OF PHARMACY

Reg. No.	Action	Register
68-1-3a	Amended	V. 23, p. 1739
68-7-20	New	V. 23, p. 382

AGENCY 69: BOARD OF COSMETOLOGY

Reg. No.	Action	Register
69-1-4	Amended (T)	V. 24, p. 14

AGENCY 70: BOARD OF VETERINARY EXAMINERS

Reg. No.	Action	Register
70-5-1	Amended	V. 23, p. 360

AGENCY 71: KANSAS DENTAL BOARD

Reg. No.	Action	Register
71-1-1	Revoked	V. 23, p. 151
71-1-2	Revoked	V. 23, p. 151

(continued)

71-1-3	Revoked	V. 23, p. 151
71-1-8	Revoked	V. 23, p. 151
71-1-10	Revoked	V. 23, p. 151
71-1-11	Revoked	V. 23, p. 151
71-1-15	Amended	V. 23, p. 151
71-2-1	Revoked	V. 23, p. 151
71-2-4	Revoked	V. 23, p. 151
71-2-5	Amended	V. 23, p. 717
71-2-6	Revoked	V. 23, p. 718
71-2-7	Amended	V. 23, p. 718
71-2-9	Revoked	V. 23, p. 151
71-2-11	Amended	V. 23, p. 1286
71-2-12	Revoked	V. 23, p. 151
71-3-2	Amended	V. 23, p. 1286
71-3-4	Amended	V. 23, p. 1286
71-3-5	Revoked	V. 23, p. 151
71-3-9	New	V. 23, p. 1286
71-4-1	Amended	V. 23, p. 151
71-4-3	Revoked	V. 23, p. 152
71-6-1	Amended	V. 23, p. 383
71-6-5	Amended	V. 23, p. 718
71-7-1	New	V. 23, p. 152

AGENCY 82: STATE CORPORATION COMMISSION

Reg. No.	Action	Register
82-3-101	Amended	V. 23, p. 426
82-3-108	Amended	V. 23, p. 1739
82-3-123	Amended	V. 23, p. 1740
82-3-123a	Amended	V. 23, p. 1740
82-3-138	Amended	V. 23, p. 1741
82-3-208	Amended	V. 23, p. 1741
82-3-301	Revoked	V. 23, p. 1742
82-3-304	Amended	V. 23, p. 1742
82-3-312	Amended	V. 23, p. 1742
82-3-314	New	V. 23, p. 1743
82-3-600	Amended	V. 23, p. 429
82-3-600a	Amended	V. 23, p. 430
82-3-600b	Revoked	V. 23, p. 430
82-3-601a	Amended	V. 23, p. 430
82-3-601b	Amended	V. 23, p. 431
82-3-602	Amended	V. 23, p. 431
82-3-603	Amended	V. 23, p. 431
82-3-604	Amended	V. 23, p. 432
82-3-605	Revoked	V. 23, p. 432
82-3-606	Amended	V. 23, p. 432
82-3-607	New	V. 23, p. 433
82-3-700	through	
82-3-704	Amended (T)	V. 23, p. 152-155
82-3-700	through	
82-3-704	Amended	V. 23, p. 538-541
82-3-705	through	
82-3-710	New (T)	V. 23, p. 155-158
82-3-705	through	
82-3-710	New	V. 23, p. 541-544
82-3-1005	Amended	V. 23, p. 1743
82-4-3a	New (T)	V. 23, p. 1285

AGENCY 88: BOARD OF REGENTS

Reg. No.	Action	Register
88-16-5b	New	V. 23, p. 1595
88-23-2	Amended	V. 23, p. 276
88-23-2a	New	V. 23, p. 278
88-23-3	Revoked	V. 23, p. 279
88-23-3a	New	V. 23, p. 279
88-26-1	through	
88-26-16	New	V. 23, p. 1487-1491
88-27-1	New	V. 23, p. 1491
88-27-2	New	V. 23, p. 1492

AGENCY 91: DEPARTMENT OF EDUCATION

Reg. No.	Action	Register
91-1-230	New	V. 23, p. 1106
91-1-231	New	V. 23, p. 1107
91-1-232	New	V. 23, p. 1108
91-1-235	New	V. 23, p. 1108
91-1-236	New	V. 23, p. 1109

91-1-68a	through	
91-1-68e	Revoked	V. 23, p. 1111
91-8-2	Revoked	V. 23, p. 1493
91-8-15	Revoked	V. 23, p. 1493
91-8-16	Revoked	V. 23, p. 1493
91-8-17	Revoked	V. 23, p. 1493
91-8-19	Revoked	V. 23, p. 1493
91-8-26	Revoked	V. 23, p. 1493
91-8-30	through	
91-8-33	Revoked	V. 23, p. 1493
91-9-11	Revoked	V. 23, p. 1493
91-18-24	Revoked	V. 23, p. 280
91-18-27	Revoked	V. 23, p. 280
91-18-29	Revoked	V. 23, p. 280
91-18-34	Revoked	V. 23, p. 280
91-18-40	Revoked	V. 23, p. 280
91-25-1a	Revoked	V. 23, p. 1493
91-25-1c	Revoked	V. 23, p. 1493
91-25-2	Revoked	V. 23, p. 1493
91-25-3a	Revoked	V. 23, p. 1493
91-25-4a	Revoked	V. 23, p. 1493
91-25-17	Revoked	V. 23, p. 1493
91-25-18	Revoked	V. 23, p. 1493
91-25-19	Revoked	V. 23, p. 1493

AGENCY 92: DEPARTMENT OF REVENUE

Reg. No.	Action	Register
92-26-4	Amended	V. 23, p. 1533

AGENCY 94: BOARD OF TAX APPEALS

Reg. No.	Action	Register
94-2-21	Amended (T)	V. 23, p. 896
94-2-21	Amended	V. 23, p. 1375

AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-11-1	Amended (T)	V. 23, p. 580
100-11-1	Amended	V. 23, p. 1042
100-28a-1	Amended	V. 23, p. 1558
100-29-7	Amended	V. 23, p. 1558
100-49-4	Amended	V. 23, p. 1148
100-54-4	Amended (T)	V. 23, p. 383
100-54-4	Amended	V. 23, p. 1042
100-55-4	Amended (T)	V. 23, p. 383
100-55-4	Amended	V. 23, p. 1042
100-69-5	Amended	V. 23, p. 1558
100-72-8	New	V. 24, p. 14
100-72-9	New	V. 23, p. 1558

AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

Reg. No.	Action	Register
102-2-8	Amended	V. 23, p. 1137
102-3-7a	Amended	V. 23, p. 1139
102-4-3a	Amended	V. 23, p. 1141
102-4-4a	Amended	V. 23, p. 1143
102-4-7a	Amended	V. 23, p. 1144
102-5-4a	Amended	V. 23, p. 1145
102-5-7a	Amended	V. 23, p. 1147

AGENCY 108: STATE EMPLOYEES HEALTH CARE COMMISSION

Reg. No.	Action	Register
108-1-1	Amended	V. 23, p. 1189
108-1-4	Amended	V. 23, p. 823

AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES

Reg. No.	Action	Register
109-3-2	New	V. 23, p. 202

AGENCY 110: DEPARTMENT OF COMMERCE

Reg. No.	Action	Register
110-8-1	through	
110-8-6	Revoked	V. 23, p. 1595
110-8-8	through	
110-8-11	Revoked	V. 23, p. 1595
110-10-1	New	V. 23, p. 180

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 by the Kansas Lottery from 2001 through 2003 can be found in the Vol. 22, No. 52, December 25, 2003 Kansas Register. The following regulations were filed after January 1, 2004:

Reg. No.	Action	Register
111-2-151	through	
111-2-156	New	V. 23, p. 95, 96
111-2-154	Amended	V. 23, p. 261
111-2-155	Amended	V. 23, p. 262
111-2-156	Amended	V. 23, p. 262
111-2-157	New	V. 23, p. 262
111-2-158	New	V. 23, p. 459
111-2-159	New	V. 23, p. 901
111-2-160	New	V. 23, p. 1655
111-2-161	New	V. 23, p. 1655
111-2-162	New	V. 23, p. 1655
111-2-163	New	V. 24, p. 15
111-3-13	Amended	V. 23, p. 1433
111-3-22	Amended	V. 23, p. 97
111-4-881	Amended	V. 23, p. 97
111-4-1448	Amended	V. 23, p. 98
111-4-2052	Amended	V. 23, p. 262
111-4-2055	Amended	V. 23, p. 263
111-4-2057	Amended	V. 23, p. 263
111-4-2074	Amended	V. 23, p. 98
111-4-2093	Amended	V. 23, p. 309
111-4-2094	New	V. 23, p. 100
111-4-2095	through	
111-4-2115	New	V. 23, p. 264-275
111-4-2097	Amended	V. 23, p. 310
111-4-2098	Amended	V. 23, p. 310
111-4-2116	through	
111-4-2125	New	V. 23, p. 311-318
111-4-2126	through	
111-4-2146	New	V. 23, p. 459-471
111-4-2147	through	
111-4-2160	New	V. 23, p. 901-909
111-4-2161	through	
111-4-2173	New	V. 23, p. 1025-1033
111-4-2174	New	V. 23, p. 1074
111-4-2175	New	V. 23, p. 1075
111-4-2176	New	V. 23, p. 1076
111-4-2177	through	
111-4-2180	New	V. 23, p. 1169-1171
111-4-2181	through	
111-4-2185	New	V. 23, p. 1343-1346
111-4-2186	through	
111-4-2195	New	V. 23, p. 1434-1438
111-4-2196	through	
111-4-2205	New	V. 23, p. 1655-1659
111-4-2206	through	
111-4-2213	New	V. 24, p. 15-22
111-5-96	Amended	V. 23, p. 101
111-5-111	through	
111-5-115	New	V. 23, p. 245, 246
111-5-113	Amended	V. 23, p. 472
111-5-114	Amended	V. 23, p. 472
111-6-1	Amended	V. 23, p. 1439
111-6-7	Amended	V. 23, p. 1440
111-6-26	New	V. 24, p. 23
111-7-188	through	
111-7-192	New	V. 23, p. 319, 320
111-7-190	Amended	V. 23, p. 473
111-7-192	Amended	V. 23, p. 473
111-9-122	New	V. 23, p. 910
111-9-123	New	V. 23, p. 910

111-1-1 through 111-11-11 New V. 23, p. 911-914
 111-11-1 Amended V. 23, p. 1077
 111-12-1 New V. 23, p. 914

AGENCY 112: RACING AND GAMING COMMISSION

Reg. No.	Action	Register
112-10-3	Amended	V. 23, p. 93
112-10-5	Amended	V. 23, p. 1073
112-10-6	Amended	V. 23, p. 1073
112-10-6a	New	V. 23, p. 1074

112-10-13 New V. 23, p. 495
 112-13-2 Amended V. 23, p. 94

AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
115-2-2	Amended	V. 23, p. 1581
115-2-3	Amended	V. 23, p. 1581
115-2-3a	New	V. 23, p. 1582
115-3-2	Amended	V. 23, p. 1043
115-4-14	New	V. 23, p. 1583
115-7-1	Amended	V. 23, p. 1584
115-18-10	Amended	V. 23, p. 1043

115-18-14 Amended V. 23, p. 1585

AGENCY 117: REAL ESTATE APPRAISAL BOARD

Reg. No.	Action	Register
117-2-2	Amended	V. 23, p. 1407
117-3-2	Amended	V. 23, p. 1408
117-4-2	Amended	V. 23, p. 1408
117-6-3	Amended	V. 24, p. 77
117-7-1	Amended	V. 24, p. 78
117-8-1	Amended	V. 24, p. 78
117-9-1	Amended	V. 23, p. 150

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