

**THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS**

Before Commissioners: Andrew J. French, Chairperson
 Dwight D. Keen
 Annie Kuether

In the Matter of a Temporary Waiver of)
Federal Regulations for Carriers Transporting)
Fuel during the State of Emergency declared) Docket No. 25-TRAM- 391-MIS
by Governor Kelly.)

ORDER GRANTING TEMPORARY WAIVER OF FEDERAL REGULATIONS
LIMITING HOURS OF SERVICE FOR CARRIERS

This matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. Having reviewed the pleadings and record, the Commission makes the following findings:

1. Pursuant to K.S.A. 66-1,108b, 66-1,111, 66-1,112, and 66-1,114b, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in 49 C.F.R. 390.5 and as adopted by K.A.R. 82-4-3f, doing business or procuring business in Kansas, and is empowered to do all things necessary and convenient for the exercise of such power, authority, and jurisdiction.

2. On April 30, 2025, Governor Laura Kelly issued a state of disaster emergency proclamation related to fuel shortages. Governor Kelly's regional declaration of emergency covers all 105 counties in Kansas and suspends the provisions of any statutes, order or rule and regulation that would prevent, hinder, or delay in any way necessary action in coping with the disaster as set forth in K.S.A. 48-925(c)(1).

3. K.S.A. 77-536(a) provides State agencies with the authority to act when there is "an immediate danger to the public health, safety or welfare requiring immediate state agency

action.” Pursuant to K.S.A. 77-536(a), the Commission grants specific relief to all intrastate and interstate motor carriers or drivers operating commercial motor vehicles who are providing direct assistance pursuant to 49 CFR 390.23(b) of the Federal Motor Carrier Safety Administration (FMCSA) Regulations as adopted by K.A.R. 82-4-3f. This relief consists of a 14-day waiver of the limitation on the hours of service found in 49 CFR 395.3 and 395.5, as adopted by K.A.R. 82-4-3a, to carriers transporting fuel in Kansas.

THEREFORE, THE COMMISSION ORDERS:

A. To protect the motor carriers assisting in relief efforts, there will be a 14-day waiver of 49 CFR 395.3 and 395.5, as adopted by K.A.R. 82-4-3a, to carriers transporting fuel in Kansas.

B. All other applicable state and federal regulations shall apply to include but not limited to: Title 49C.F.R. Part 382 as adopted by K.A.R.82 4-3c, Controlled Substances and Alcohol Use and Testing; the Kansas Motor Vehicle Driver’s License Act, K.S.A. 8-234 et seq. and Title 49 C.F.R. Part 383 Commercial Driver’s License Standards as adopted by the Kansas Uniform Commercial Drivers’ License Act, K.S.A. 8-2,125 et. seq., the federal Minimum Levels of Financial Responsibility (insurance requirements) Title 49 C.F.R. Part 387 as adopted by K.A.R. 82-4-3n and state insurance requirements as provided in K.A.R. 82-4-23, and the regulations governing transportation of hazardous materials in Kansas in 49 C.F.R. Part 107, 171, 172, 173, 177, 178 and 180 as adopted by K.A.R. 82-4-20.

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 05/01/2025



Celeste Chaney-Tucker
Executive Director

BGF

CERTIFICATE OF SERVICE

25-TRAM-391-MIS

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 05/01/2025.

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