

**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 Providing)
Direct Assistance or Residential Heating Fuel) Docket No. 26-TRAM- 0169-MIS
during the State of Disaster Emergency)
declared 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 December 17, 2025, Governor Laura Kelly issued a state of disaster emergency proclamation to waive hours of service for fuel transport. Governor Kelly's regional declaration of emergency covers all counties in Kansas and suspends the provisions of any statutes, order or rule and regulation 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). The waiver runs from December 17, 2025 to December 31, 2025.

3. In relevant part, Part 390.23(b) provides:

[§§ 395.3](#) and [395.5 of this chapter](#) shall not apply to a motor carrier or driver operating a commercial motor vehicle so long as the motor carrier or driver is providing direct assistance during an emergency declared by the Governor of a State, their authorized representative, or FMCSA during the emergency period or 14 days from the date of the initial declaration of emergency, whichever is less.

4. 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 is providing relief to all intrastate and interstate motor carriers, pursuant to 49 CFR 390.23 (b) of the Federal Motor Carrier Safety Administration (FMCSA) Regulations. This relief includes a 14-day waiver of 49 CFR 395.3 and 395.5 to motor carriers and drivers providing direct assistance during the emergency that has been declared by Governor Kelly.

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 to motor carriers providing direct assistance during the state of emergency declared by Governor Kelly.

B. All other applicable state and federal regulations shall apply to include but not limited to: Title 49 C.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.

BGF

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 12/18/2025

A handwritten signature in blue ink, appearing to read 'Celeste Chaney-Tucker', is positioned above a horizontal line.

Celeste Chaney-Tucker
Executive Director

CERTIFICATE OF SERVICE

26-TRAM-0169-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 12/18/2025.

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/s/KCC Docket Room

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