

As Amended by House Committee

Session of 2024

SENATE BILL No. 462

By Committee on Transportation

2-6

1 AN ACT concerning motor carriers; relating to the Kansas uniform
2 commercial drivers' license act; authorizing the director of vehicles to
3 waive the knowledge and skills test for driving a commercial vehicle
4 for an applicant that provides evidence that such applicant qualifies for
5 the military even exchange program for a commercial driver's license;
6 **authorizing the director of vehicles to adopt rules and regulations**
7 **for participation in the federal motor carrier safety**
8 **administration's drug and alcohol clearinghouse program;**
9 **disqualifying a person's commercial driving privileges when such**
10 **person has violated or is in noncompliance with the requirements**
11 **of the clearinghouse;** amending K.S.A. 8-2,133 and repealing the
12 existing section.
13

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

15 **New Section 1. (a) The director is authorized to adopt any rules**
16 **and regulations necessary for the participation in and implementation**
17 **of the federal motor carrier safety administration's drug and alcohol**
18 **clearinghouse program under 49 C.F.R. § 382, as in effect on July 1,**
19 **2024.**

20 **(b) Prior to issuing or renewing a commercial driver's license or**
21 **instruction permit, the director shall query the federal motor carrier**
22 **safety administration's drug and alcohol clearinghouse. The director**
23 **shall review the commercial driver's information when notified by the**
24 **clearinghouse of a status change to the commercial driver.**

25 **(c) The director shall disqualify a driver's commercial driving**
26 **privileges within 60 days of receiving notice from the federal motor**
27 **carrier safety administration's drug and alcohol clearinghouse that a**
28 **driver is found to be in violation of or noncompliance with the**
29 **clearinghouse requirements.**

30 **(d) A disqualification of commercial driving privileges pursuant**
31 **to this section shall be removed upon notification from the federal**
32 **motor carrier safety administration's drug and alcohol clearinghouse**
33 **that the driver is no longer in violation of or noncompliance with the**
34 **clearinghouse requirements.**

35 **(e) A disqualification of commercial driving privileges pursuant**
36 **to this section shall be removed, as expeditiously as possible, following**

1 notification from the federal motor carrier safety administration's
2 drug and alcohol clearinghouse that the driver was erroneously
3 identified as in violation of or noncompliance with the clearinghouse
4 requirements.

5 **(f) This section shall be a part of and supplemental to the Kansas**
6 **uniform commercial drivers' license act.**

7 ~~Section 1.~~ **Sec. 2.** K.S.A. 8-2,133 is hereby amended to read as
8 follows: 8-2,133. (a) Except as provided in K.S.A. 8-2,146, and
9 amendments thereto, or as provided in K.S.A. 8-2,148, and amendments
10 thereto, no person may be issued a commercial driver's license unless that
11 person is a resident of this state and has passed a knowledge and skills test
12 for driving a commercial motor vehicle—~~which~~ *that* complies with
13 minimum federal standards established by 49 C.F.R. § 383, subparts E, G
14 and H and has satisfied all other requirements of the commercial motor
15 vehicle safety act in addition to other requirements imposed by state law or
16 federal regulation. The tests shall be prescribed and conducted by the
17 secretary, except that the secretary may accept the results of a person's
18 knowledge test conducted in another state if such test complies with
19 minimum federal standards. The secretary shall accept results of a person's
20 skills test given in accordance with the provisions of subsection (c).

21 (b) The secretary may authorize a person, including an agency of this
22 or another state, an employer, a private driver training facility or other
23 private institution, or a department, agency or instrumentality of local
24 government, to administer the skills test specified by this section, if:

25 (1) The test is the same which would otherwise be administered by
26 the state; and

27 (2) the third party has entered into an agreement with the state which
28 complies with requirements of 49 C.F.R. § 383.75.

29 (c) The secretary shall authorize any community college or technical
30 college, upon such community college's or technical college's request, to
31 administer the skills test required by subsection (a). The secretary shall
32 grant priority status to requests by any community college or technical
33 college with a truck driver training course in place as of July 1, 2014. The
34 secretary shall authorize such testing—~~which~~ *that* complies with the
35 requirements of 49 C.F.R. part 383 in an agreement between the requesting
36 community college or technical college and the state. ~~The secretary shall~~
37 ~~adopt rules and regulations to implement the testing procedure provided~~
38 ~~for in this subsection before January 1, 2015.~~

39 (d) A commercial driver's license or commercial driver's instruction
40 permit may not be issued to a person while the person is subject to a
41 disqualification from driving a commercial motor vehicle, or while the
42 person's driver's license is suspended, revoked or canceled in any state; nor
43 shall a commercial driver's license be issued to a person who has a

1 commercial driver's license issued by any other state unless the person first
2 surrenders all such licenses, which must be returned to the issuing state for
3 cancellation.

4 (e) The director may authorize the skills test required by subsection
5 (a) to be waived for an applicant that provides evidence of military
6 commercial vehicle driving experience *or that such applicant qualifies for*
7 *a waiver under the military even exchange program*. To qualify for such a
8 waiver, the applicant must satisfy the criteria established by 49 C.F.R. §
9 383.77.

10 Sec. ~~2~~ **3**. K.S.A. 8-2,133 is hereby repealed.

11 Sec. ~~3~~ **4**. This act shall take effect and be in force from and after its
12 publication in the statute book.