

HOUSE BILL No. 2393

By Committee on Appropriations

3-15

1 AN ACT concerning hazardous material endorsements on commercial
2 driver's licenses; abolishing the hazmat fee fund; amending K.S.A.
3 2016 Supp. 8-267 and 8-2,151 and repealing the existing sections.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2016 Supp. 8-267 is hereby amended to read as
7 follows: 8-267. All moneys received under this act shall be remitted by the
8 secretary of revenue to the state treasurer in accordance with the
9 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
10 each such remittance, the state treasurer shall deposit the entire amount in
11 the state treasury and shall:

12 (a) Credit 37.5% of all moneys so received from class C driver's
13 licenses and 20% of all moneys so received from class M driver's licenses
14 and 20% of all moneys so received from class A or B driver's licenses and
15 20% of all moneys so received from all commercial driver licensee classes
16 remaining after the \$2 credit provided in subsection (c) to a special fund,
17 which is hereby created and shall be known as the state safety fund;

18 (b) credit 20% of all moneys so received from class M driver's
19 licenses to a special fund which is hereby created and shall be known as
20 the motorcycle safety fund;

21 (c) credit \$2 from each commercial driver's license fee to a special
22 fund which is hereby created and shall be known as the truck driver
23 training fund;

24 (d) credit all photo fees collected under K.S.A. 8-243, and
25 amendments thereto, to the photo fee fund; *and*

26 ~~(e) credit all hazardous materials endorsement fees collected under~~
27 ~~K.S.A. 2016 Supp. 8-2,151, and amendments thereto, to the hazmat fee~~
28 ~~fund; and~~

29 ~~(f)~~ credit the driver improvement clinic fees collected under K.S.A. 8-
30 255, and amendments thereto, as follows:

31 (1) Credit 50% of each such fee to the division of vehicles operating
32 fund; and

33 (2) credit 50% of each such fee to the correctional services special
34 revenue fund.

35 Moneys in the state safety fund and in the motorcycle safety fund shall
36 be distributed to provide funds for driver training courses in the schools in

1 Kansas and for the administration of this act, as the legislature shall
2 provide. In addition, moneys in the motorcycle safety fund shall be
3 distributed to provide funds for courses in motorcycle safety in community
4 colleges in Kansas. Moneys in the truck driver training fund shall be
5 distributed to provide funds for courses in truck driver training in
6 community colleges, area vocational schools and area vocational-technical
7 schools in Kansas. Except as otherwise provided by K.S.A. 8-241, and
8 amendments thereto, the state treasurer shall credit the balance of all
9 moneys received under this act, including all moneys received from
10 commercial driver's license endorsements to the state highway fund.

11 Sec. 2. K.S.A. 2016 Supp. 8-2,151 is hereby amended to read as
12 follows: 8-2,151. (a) Beginning July 1, 2004, or upon final determination
13 by the transportation security administration of the date for
14 implementation of the requirements of 49 C.F.R. § 1572, whichever is
15 later, the division shall not issue, renew, upgrade or transfer a hazardous
16 materials endorsement for a commercial driver's license to any person
17 authorizing that person to operate a commercial motor vehicle transporting
18 a hazardous material in commerce unless the individual complies with the
19 requirements of 49 C.F.R. § 1572.

20 (b) At least 60 days before the expiration date of a commercial
21 driver's license or hazardous materials endorsement, the division shall
22 notify the holder of a hazardous materials endorsement that the person
23 must pass a transportation security administration security screening
24 process, 49 C.F.R. § 1572, as part of any application for renewal of the
25 hazardous materials endorsement. The notice must advise the person that,
26 in order to expedite the security screening process, the person should file a
27 renewal application as soon as possible, but not later than 30 days before
28 the date of expiration of the endorsement. Any person who does not
29 successfully complete the security screening process, shall not be issued a
30 hazardous materials endorsement.

31 ~~(c) An individual must submit fingerprints, in a form and manner~~
32 ~~specified by the division, when such individual applies to obtain, renew or~~
33 ~~transfer a hazardous materials endorsement for a commercial driver's~~
34 ~~license. A fee not to exceed \$100 shall be charged to such individual for~~
35 ~~collecting the fingerprints and generating the individual's criminal history.~~

36 ~~(d) There is hereby created in the state treasury the hazmat fee fund.~~
37 ~~All moneys credited to the hazmat fee fund shall be used by the~~
38 ~~department of revenue only for the purpose of funding the collecting of~~
39 ~~fingerprints and the generating of the criminal history of individuals~~
40 ~~applying for the hazardous materials endorsement for a commercial~~
41 ~~driver's license. All expenditures from the hazmat fee fund shall be made~~
42 ~~in accordance with appropriation acts, upon warrants of the director of~~
43 ~~accounts and reports issued pursuant to vouchers approved by the~~

1 ~~secretary of the department of revenue~~ *On the effective date of this act, the*
2 *director of accounts and reports shall transfer all moneys in the hazmat*
3 *fee fund to the state general fund. On the effective date of this act, all*
4 *liabilities of the hazmat fee fund are hereby transferred to and imposed on*
5 *the state general fund and the hazmat fee fund is hereby abolished.*
6 ~~(e)~~ *(d)* The division shall revoke a person's hazardous materials
7 endorsement if the person does not meet the standards for security threat
8 assessment under 49 C.F.R. § 1572.
9 ~~(f)~~ *(e)* For the purpose of this section "revoke" means the process by
10 which the division cancels, suspends, withdraws, annuls or disqualifies a
11 hazardous material endorsement.
12 ~~(g)~~ *(f)* The provisions of this section shall be a part of and
13 supplemental to the Kansas uniform commercial drivers' license act.
14 Sec. 3. K.S.A. 2016 Supp. 8-267 and 8-2,151 are hereby repealed.
15 Sec. 4. This act shall take effect and be in force from and after its
16 publication in the statute book.