

**CONFERENCE COMMITTEE REPORT BRIEF
SENATE BILL NO. 215**

As Agreed to March 29, 2022

Brief*

SB 215 would authorize school district boards of education to contract with transportation network companies for the purpose of transporting eight or fewer people to and from school or school-related activities and transfer authority for certain postsecondary driver's education and driver training schools to the Kansas Department of Revenue (KDOR).

Transportation Network Companies

The bill would authorize a school district board of education to establish requirements in the contract that are in addition to requirements in the TNC Services Act. It also would authorize the Kansas State Department of Education to issue guidance to school districts on this topic.

The bill would require TNC drivers providing services under these contracts to undergo a criminal history record check like those required of employees or volunteers at a business or organization that provides care to children, people who are elderly, or individuals with disabilities and to review a driving history research report for each TNC driver.

The bill would require a TNC providing these services to provide an annual safety report to the State Board of Education for any safety incidents occurring within the previous calendar year and to name the school district as an additional insured party on the TNC's automobile insurance policy.

The bill would specify the TNC Services Act and the contract between a TNC and a school district board of education would govern the services provided, and rules and regulations of the State Board of Education concerning the transportation of students would not apply.

The bill would require a board of education that contracts with a TNC to provide school transportation services to:

- Provide notice to a student's parent or guardian that the student will be riding with a TNC;

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- Provide an annual disclaimer to the parent or guardian of a student who may be transported by a TNC, that the school district uses TNC services, and that the relationship between the school district and the TNC is governed by a contract and not the rules and regulations of the State Board of Education;
- Permit the parent or guardian to not allow such student to ride with a TNC; and
- Maintain insurance coverage or endorsement for students transported by a TNC that covers students as though the students were in the care, custody, and control of the school district even when being transported by a TNC.

Driver's Education Courses and Authority

The bill would transfer responsibility for motorcycle education and truck driver training programs operated by postsecondary institutions from the State Board of Regents to KDOR and for driver training schools from the State Board of Education to KDOR.

The bill also would authorize a student aged 19 or younger attending an approved community college driver training course to participate in the State Safety Fund.

The term “vocational education school” within the bill would be changed to “institution” and would be defined as a “technical school affiliated with a public university in this state, a technical college, or community college.”

The bill would require all courses in truck driver training taught for an interstate commercial class license to comply with the Kansas Uniform Commercial Driver's License Act.

A requirement for becoming a licensed teacher at a driver training school would be amended from requiring the applicant provide a certificate of health from a medical doctor declaring such person “free from contagious disease” to one declaring such person “physically and mentally able to safely operate a motor vehicle.”

The bill would state that all rules and regulations, orders, and directives from the State Department of Education regarding driver's training school licensure shall remain in effect until revised, amended, or nullified by the Director of Vehicles, Department of Revenue. The bill would authorize the Department of Revenue to establish standards for motorcycle safety courses and truck driver training by public declaration of the Director of Vehicles, as well as by rules and regulations.

The bill would establish the Commercial Driver Education Fund within the State Treasury under the administration of the Department of Revenue. All expenditures from the fund would be subject to appropriations. Moneys collected under the Drivers' Training School License Act would be deposited into this fund rather than into the State Safety Fund.

The bill would make various technical amendments and date changes. The bill would make a conforming amendment to KSA 8-267 to permit moneys in the State Safety Fund to provide funds for driver training courses in community colleges in Kansas.

Conference Committee Action

The Conference Committee agreed to the provisions of SB 215, as amended by the House Committee on Education, and agreed to add the contents of HB 2596, as amended by the House Committee of the Whole with the addition of language requiring TNCs to review driving history research reports for each TNC driver and to require each local board of education to maintain either insurance coverage or an endorsement for students transported by TNCs.

Background

The Conference Committee agreed to add the contents of HB 2596, as amended by the House Committee of the Whole, to SB 215, as amended by the House Committee on Education, with additional provisions to require TNCs to review driving history research reports for each TNC driver and to require each local board of education either maintain insurance coverage or an endorsement for students transported by TNCs.

SB 215 (Driver's Education Courses and Authority)

The bill was introduced by the Senate Committee on Commerce at the request of a representative of the Department of Revenue.

Senate Committee on Education

In the Senate Committee hearing on January 27, 2022, **proponent** testimony was provided by representatives of Johnson County Community College and the Department of Revenue. The proponents primarily discussed the efficiency gained by having driver education programs overseen by the agency that issues licenses. Written-only proponent testimony was provided by representatives of the State Board of Regents and the State Department of Education.

No other testimony was provided.

The Senate Committee made the following amendments to the bill:

- Included community colleges as being entitled to participate in the State Safety Fund when conducting approved courses of driver training;
- Limited State Safety Fund reimbursements to community colleges to reimbursements for students 19 years of age and under; and
- Made technical amendments and date changes. [*Note: The Conference Committee retained all amendments made by the Senate Committee on Education.*]

[*Note: The State Safety Fund, created in KSA 2021 Supp. 8-267, receives a percentage of moneys received from classes A, B, C, and M driver's licenses.*]

House Committee on Education

In the House Committee hearing on March 16, 2022, **proponent** testimony was provided by representatives from Johnson County Community College, Division of Vehicles of the Department of Revenue, and the State Department of Education. The proponents spoke to how cost-effective and efficient the process would be if the bill were to pass. Written-only proponent testimony was provided by the State Board of Regents.

No other testimony was provided.

The House Committee amended the bill to allow moneys in the State Safety Fund to be used to provide driver training courses in community colleges in Kansas. [*Note: The Conference Committee retained this amendment.*] [*Note: This amendment was at the recommendation of the Office of the Revisor of Statutes staff in order to conform to existing statute.*]

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Department of Revenue would require \$74,483 from the State General Fund to update the driver's licensing system and for 1.0 position to maintain the program. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2023 Governor's Budget Report*.

HB 2596 (Transportation Network Companies)

The bill was introduced by the House Committee on Transportation at the request of a representative of HopSkipDrive.

House Committee on Transportation

A representative of HopSkipDrive, a TNC, provided **proponent** testimony. The proponent noted requirements for drivers in the TNC Services Act and in company policies and stated certain department of education requirements the company had seen in various states are not applicable to TNC services. Written-only proponent testimony was provided by a representative of Aligned, described as a coalition of business leaders committed to improving education in Kansas.

A representative of United School Administrators of Kansas provided **opponent** testimony, stating concerns with safety and lack of Kansas State Department of Education oversight of the TNC services.

No other testimony was provided.

The House Committee amended the bill to authorize the Kansas State Department of Education to issue guidance to school districts contracting with a TNC and to require each TNC to provide an annual safety report to the State Board of Education. [*Note: The Conference Committee retained this amendment.*]

House Committee of the Whole

The House Committee of the Whole amended the bill to:

- Add requirements of a school district that contracts for school transportation services with a TNC, to include providing notices to parents, permitting a parent or guardian to not allow such student to ride with a TNC, and maintaining insurance that covers the students transported by the TNC, and
- Require the TNC to name its contracting school district as an additional insured party on its automobile insurance policy.

[*Note:* The Conference Committee retained all amendments made by the House Committee of the Whole.]

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on HB 2596 as introduced, enactment of the bill would have no fiscal effect on state aid to school districts or the operations of the Kansas State Department of Education. Any costs would be borne by local school districts choosing to contract with a TNC.

Department of Revenue; State Board of Regents; community college; driver's education; state safety fund; transportation network company; school; school district; contract; insurance

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