

SESSION OF 2003

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2220

As Amended by House Committee of the Whole

Brief*

HB 2220 would make numerous changes to the Uniform Commercial Drivers' License Act to comply with recent federal regulations.

School Bus Provisions. These provisions would implement a new "S" endorsement for a commercial drivers license (CDL) for school bus drivers. The bill would also waive, until September 30, 2005, the driving test for applicants for a school bus endorsement, if they are currently licensed, have experience driving a school bus, and a have good driving record. In addition, these applicants must provide evidence that during the two-year period immediately prior to applying for the endorsement they have been regularly employed as a school bus driver and:

- have held a valid CDL with a passenger vehicle endorsement to operate a school bus representative of the group the applicant will be driving;
- have not had their driver's license or CDL suspended, revoked, or canceled or been disqualified from operating a commercial motor vehicle;
- have not been convicted of any disqualifying offenses under subsection (a) or (e) of KSA 8-2-142 (sections relating to disqualification for DUI, leaving the scene of an accident, using a commercial vehicle in the commission of a drug felony, or refusal to take a DUI test);
- have not had more than one conviction of any serious traffic violations enumerated under KSA 8-2,128 (moving violations);

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org/klrd>

- have not had any conviction for violations of state or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with a traffic accident; and
- have not been convicted of a motor vehicle traffic violation that resulted in an accident.

Disqualification Provisions. The bill would disqualify a person from driving a commercial motor vehicle for at least one year on first occurrence if the person:

- is convicted of violating KSA 8-2,144 (the statute relating to driving a commercial vehicle under the influence of alcohol or drugs);
- is convicted of violating subsection (b) of KSA 8-2,132 (operating a vehicle while driving privileges are suspended, revoked, or cancelled, while subject to disqualification, or in violation of an out-of-service order);
- has caused a fatality through negligent operation of a commercial motor vehicle; or
- fails or refuses to take an alcohol or drug test.

Persons operating a non-commercial motor vehicle would be disqualified if they are convicted of driving under the influence of alcohol or drugs, or if they refuse or fail to take an alcohol concentration test. Drivers operating any vehicle would be disqualified after conviction for leaving the scene of an accident or using a vehicle to commit a drug felony. Conviction of using a non-commercial vehicle in a drug-related felony would result in lifetime disqualification.

Other Disqualification Provisions. Persons would also be disqualified from driving a commercial motor vehicle for not less than 60 days if convicted of two serious traffic violations, or if convicted of three or more serious traffic violations, committed in a non-commercial vehicle arising from separate incidents occurring within a three-year period, if the convictions result in the revocation or cancellation of a person's driving privileges. The bill also disqualifies a person who operates a commercial motor vehicle in violation of an out-of-service

order or operates a commercial motor vehicle in violation of railroad crossing laws and specifies the penalties therefor.

Diversion Provisions. Under these provisions, a driver would be prohibited from entering into a diversion agreement in lieu of further criminal proceeding that would prevent the driver's conviction for any violation of a state or local traffic control law (except a parking violation) in any type of vehicle from appearing on the driver's record.

The bill would take effect upon its publication in the *Kansas Register*.

Background

The Director of Vehicles, the Executive Director of the Kansas Motor Carriers Association, and a spokesperson for the Kansas Department of Transportation testified in support of the bill at the House Transportation Committee hearings. No one appeared in opposition to the bill at these hearings.

The House Committee of the Whole amendment was technical.

The purpose of the bill is to bring Kansas into compliance with the Federal Motor Carrier Safety Administration (FMCSA) final rule issued July 31, 2002 and effective September 30, 2002. Within three years after the rule's effective date, the FMCSA will penalize states not in substantial compliance with licensing and sanctioning requirements of the CDL program by withholding Motor Carrier Safety Assistance Program money. Compliance would ensure that Kansas would not lose \$16 to \$18 million the first year of enforcement and \$31 to \$33 million the second year. The state has until October 2005 to implement the "S" endorsement, the diversion requirements, and the disqualifications requirements. The railroad crossing regulations were effective October 2002.

The Division of the Budget's fiscal note states that according to the Department of Revenue, the new school bus driver endorsement would require training for personnel. The training could be done within existing resources. The Department states that passage of the bill would require seven days of computer time to implement the bill. The Department notes that if the combined time of implementing the

changes exceeds the agency's resources, additional expenditures for contract programming services may be required.