

SESSION OF 2004

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 383**

As Amended by House Committee on  
Transportation

**Brief\***

SB 383 pertains to the Kansas Uniform Commercial Drivers' License Act (CDL). Specifically, the bill relates to the hazardous materials endorsement (an authorization to a person's CDL that permits the individual to operate a vehicle which transports hazardous materials). The bill provides that, beginning April 1, 2004, or upon final determination by the Transportation Security Administration of the date for implementation of the requirements of 49 CFR 1572, whichever is later, the Division of Vehicles could not issue, renew, upgrade, or transfer a hazardous endorsement for a CDL to a person unless the person met the requirements of 49 C.F.R. 1572 (credentialing and background checks for maritime and land transportation security).

Other provisions would:

- ! require that least 180 days before the expiration of CDL or a hazardous materials endorsement, the Division notify the holder of a hazardous material endorsement that the applicant must pass a transportation security administration security screening process as part of any application for renewal of the endorsement.
- ! require the Division to advise an applicant to file a renewal application as soon as possible, but not later than 90days before the expiration date of the endorsement.
- ! prohibit the Division from issuing a hazardous materials endorsement to any person who does not successfully complete the security screening process.
- ! require an applicant to submit fingerprints to the Division when the individual applies to obtain, renew or transfer a hazardous materials

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\*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>

endorsement for a CDL.

- ! require the Division to charge an applicant a fee of not more than \$100 for collecting the fingerprints and generating the individual's criminal history.
- ! require the Division to revoke a person's hazardous materials endorsement if the person does not meet the standards for security threat assessment under 49 C.R.F. 1572.

The bill would also define "revoke" to mean the process by which the Division cancels, suspends, withdraws, annuls or disqualifies a hazardous material endorsement.

## **Background**

Gary Davenport, Director of Safety and Risk Management of the Kansas Motor Carriers Association (KMCA) testified in support of the bill before the Senate Transportation Committee. Carmen Alldritt, Director of Vehicles testified that the Drivers License Bureau had been working with the KBI and federal agencies to begin the process April 1, 2004. Another conferee, Terry Holdren, Associate State Director, Kansas Farm Bureau Governmental Relations appeared before the Committee to pose questions about the application process and other related matters of interest to the Bureau.

Gary Davenport and Carmen Alldritt also testified before the House Transportation Committee.

The House Transportation Committee amendment was proposed by Gary Davenport, KMCA. The amendment pertained to the implementation date pursuant to final determination by the Transportation Security Administration.

The original fiscal note prepared by the Division of Budget states that the Department of Revenue expects that each driver would pay a \$75 fee under the bill. The Department estimates that only 7.50 percent, or 30,000, of the approximately 40,000 commercial drivers' licenses (CDL) drivers in Kansas who hold a hazardous materials endorsement would renew their endorsement under the bill. If the

fingerprint capture system is active during the last quarter of FY 2004, following passage of the bill, the Department estimates that 1,875 licensees would renew in FY 2004 and 7,500 would renew in FY 2005. Therefore the fees would generate \$140,625 in additional revenue in FY 2004 and \$562,500 in FY 2005. If the system is not started by this time these costs would shift to FY 2005.

The Department also estimates that expenditures of \$237,500 for FY 2004 and \$450,000 for FY 2005 from the agency's photo fee fund are needed to implement the act. For FY 2004, this includes a one-time expense of \$125,000 to install fingerprint capture and processing hardware and software at eight commercial drivers license offices throughout the state, and \$112,500 for records processing fees paid to the KBI and the FBI. In FY 2005, the agency would spend \$450,000 for records processing.