

As Amended by House Committee

Session of 2014

HOUSE BILL No. 2693

By Committee on Agriculture and Natural Resources

2-14

1 AN ACT concerning commercial driver's licensing; relating to the
2 knowledge and skills test; ~~seasonal commercial driver's license;~~
3 amending K.S.A. 8-2,146 and K.S.A. 2013 Supp. 8-2,133 and repealing
4 the existing sections **section**.

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

7 Section 1. K.S.A. 2013 Supp. 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 complies with minimum
13 federal standards established by 49 C.F.R. § 383, subparts E, G and H and
14 has satisfied all other requirements of the commercial motor vehicle safety
15 act in addition to other requirements imposed by state law or federal
16 regulation. The tests shall be prescribed and conducted by the secretary,
17 except that the secretary may accept the results of a person's knowledge
18 test conducted in another state if such test complies with minimum federal
19 standards. *The secretary shall accept results of a person's knowledge and*
20 *skills tests 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 ~~Hutchinson~~ any community college,*
30 *Pratt community college, Barton county community college, Garden City*
31 *community college, Fort Scott community college, and Dodge City*
32 *community or technical college, upon each such community college's or*
33 **technical college's request, to administer the knowledge and skills tests**
34 **required by subsection (a). The secretary shall authorize such testing**
35 **which complies with the requirements of 49 C.F.R. 383.75 in an**
36 **agreement between the requesting community college or technical**

1 **college and the state.** *The secretary shall adopt rules and regulations to*
2 *implement the testing procedure provided for in this subsection.*

3 ~~(e)~~(d) A commercial driver's license or commercial driver's
4 instruction permit may not be issued to a person while the person is subject
5 to a disqualification from driving a commercial motor vehicle, or while the
6 person's driver's license is suspended, revoked or canceled in any state; nor
7 shall a commercial driver's license be issued to a person who has a
8 commercial driver's license issued by any other state unless the person first
9 surrenders all such licenses, which must be returned to the issuing state for
10 cancellation.

11 ~~(d)~~(e) The director may authorize the skills test required by
12 subsection (a) to be waived for an applicant that provides evidence of
13 military commercial vehicle driving experience. To qualify for such a
14 waiver, the applicant must satisfy the criteria established by 49 C.F.R. §
15 383.77.

16 ~~Sec. 2.—K.S.A. 8-2,146 is hereby amended to read as follows: 8-2,146.~~

17 ~~(a) The division may issue to an applicant who is a resident of this state~~
18 ~~and who is at least 18 years of age a seasonal commercial driver's license~~
19 ~~for the operation of commercial class A, commercial class B and~~
20 ~~commercial class C motor vehicles. Any person applying for or who is~~
21 ~~issued a seasonal commercial driver's license shall be subject to the~~
22 ~~provisions of K.S.A. 8-2,125 through 8-2,145, and amendments thereto,~~
23 ~~except that an applicant shall not be required to pass a knowledge or skills~~
24 ~~test as required by subsection (a) of K.S.A. 8-2,133, and amendments~~
25 ~~thereto.~~

26 ~~(b) Seasonal commercial drivers' licenses issued pursuant to~~
27 ~~subsection (a) shall allow the operation of commercial motor vehicles~~
28 ~~owned by the following specific farm-related service industries:~~

29 ~~(1) Farm retail outlets and suppliers;~~

30 ~~(2) agri-chemical businesses;~~

31 ~~(3) custom harvesters; and~~

32 ~~(4) livestock feeders.~~

33 ~~(c) An applicant who has not held a driver's license for at least one~~
34 ~~year shall not be eligible for a seasonal commercial driver's license. An~~
35 ~~applicant who has between one and two years' driving experience shall~~
36 ~~comply with the provisions of subparagraphs (A) through (G) of paragraph~~
37 ~~(1) of subsection (b) of K.S.A. 8-2,133, and amendments thereto, for the~~
38 ~~applicant's entire driving history. An applicant with more than two years'~~
39 ~~driving experience shall comply with the provisions of subparagraphs (A)~~
40 ~~through (G) of paragraph (1) of subsection (b) of K.S.A. 8-2,133, and~~
41 ~~amendments thereto. The requirements contained in subparagraphs (A)~~
42 ~~through (G) of paragraph (1) of subsection (b) of K.S.A. 8-2,133, and~~
43 ~~amendments thereto, shall be confirmed prior to any renewal or~~

1 revalidation of a seasonal commercial driver's license.

2 ~~(d) Any person issued a seasonal commercial driver's license, shall~~
3 ~~not operate any vehicles used in the transportation of hazardous materials~~
4 ~~which requires the vehicle to be placarded, except for diesel fuel in~~
5 ~~quantities of 1,000 gallons or less; liquid fertilizers in vehicles or~~
6 ~~implements of husbandry with total capacities of 3,000 gallons or less; and~~
7 ~~solid fertilizers that are not transported with any organic substance.~~

8 ~~(e) A seasonal commercial driver's license issued pursuant to~~
9 ~~subsection (a) shall be valid for a consecutive 180-day period from the~~
10 ~~date of issuance of such license. A person shall be issued only one seasonal~~
11 ~~commercial driver's license for any twelve-month period.~~

12 ~~(f) Any person issued a seasonal commercial driver's license pursuant~~
13 ~~to subsection (a), shall not operate a commercial motor vehicle beyond~~
14 ~~150 miles from the place of business or from the farm being served.~~

15 ~~(g) As used in this section:~~

16 ~~(1) "Farm retail outlets and suppliers" means any retail outlet and~~
17 ~~supplier that transports either agricultural products, farm machinery, farm~~
18 ~~supplies, or both, to or from a farm;~~

19 ~~(2) "agri-chemical businesses" means any business that transports~~
20 ~~agricultural chemicals to or from a farm.~~

21 ~~(h) A person who has been issued a seasonal commercial driver's~~
22 ~~license and who is convicted of violating the provisions of this section, the~~
23 ~~division, upon receiving a report of conviction, shall revoke such person's~~
24 ~~seasonal commercial license for the remainder of the period specified in~~
25 ~~subsection (e).~~

26 ~~(i) The secretary may adopt rules and regulations necessary to carry~~
27 ~~out the provisions of this section.~~

28 ~~(j) The provisions of this section shall be a part of, and supplemental~~
29 ~~to, the Kansas uniform commercial drivers' license act.~~

30 ~~Sec. 3. 2. K.S.A. 8-2,146 and K.S.A. 2013 Supp. 8-2,133 are is~~
31 ~~hereby repealed.~~

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