

HOUSE BILL No. 2724

By Committee on Taxation

2-17

1 AN ACT concerning the uniform commercial driver's license act;
2 definitions, tank vehicle; amending K.S.A. 2013 Supp. 8-2,128 and
3 repealing the existing section.
4

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

6 Section 1. K.S.A. 2013 Supp. 8-2,128 is hereby amended to read as
7 follows: 8-2,128. As used in this act:

8 (a) "Alcohol" means any substance containing any form of alcohol
9 including, but not limited to, ethanol, methanol, propanol and isopropanol;

10 (b) "alcohol concentration" means:

11 (1) The number of grams of alcohol per 100 milliliters of blood; or

12 (2) the number of grams of alcohol per 210 liters of breath;

13 (c) "commercial driver's license" means a commercial license issued
14 pursuant to K.S.A. 8-234b, and amendments thereto;

15 (d) "commercial driver license system" means the information system
16 established pursuant to the commercial motor vehicle safety act of 1986 to
17 serve as a clearinghouse for locating information related to the licensing
18 and identification of commercial motor vehicle drivers;

19 (e) "instruction permit" means a permit issued pursuant to K.S.A. 8-
20 294, and amendments thereto;

21 (f) "commercial motor vehicle" means a motor vehicle designed or
22 used to transport passengers or property, if:

23 (1) The vehicle has a gross vehicle weight rating of 26,001 or more
24 pounds or such lesser rating, as determined by rules and regulations
25 adopted by the secretary, but shall not be more restrictive than the federal
26 regulation;

27 (2) the vehicle is designed to transport 16 or more passengers,
28 including the driver; or

29 (3) the vehicle is transporting hazardous materials and is required to
30 be placarded in accordance with 49 C.F.R. § 172, subpart F;

31 (g) "controlled substance" means any substance so classified under
32 K.S.A. 2013 Supp. 21-5701, and amendments thereto;

33 (h) "conviction" means an unvacated adjudication of guilt or a
34 determination that a person has violated or failed to comply with the law
35 and in a court of original jurisdiction or an administrative proceeding, an
36 unvacated forfeiture of bail or collateral deposited to secure the person's

1 appearance in court, a plea of guilty or nolo contendere accepted by the
2 court, the payment of a fine or court cost, or violation of a condition of
3 release without bail, regardless of whether the penalty is rebated,
4 suspended or probated;

5 (i) "disqualification" means any of the following:

6 (1) The suspension, revocation, or cancellation of a commercial
7 driver's license by the state or jurisdiction of issuance;

8 (2) any withdrawal of a person's privileges to drive a commercial
9 motor vehicle by a state or other jurisdiction as the result of a violation of
10 state or local law relating to motor vehicle traffic control, other than
11 parking, vehicle weight or vehicle defect violations;

12 (3) a determination by the federal motor carrier safety administration
13 that a person is not qualified to operate a commercial motor vehicle under
14 49 C.F.R. § 391;

15 (j) "drive" means to drive, operate or be in physical control of a motor
16 vehicle in any place open to the general public for purposes of vehicular
17 traffic. For purposes of K.S.A. 8-2,137, 8-2,138, 8-2,142, 8-2,144 and 8-
18 2,145, and amendments thereto, "drive" includes operation or physical
19 control of a motor vehicle anywhere in the state;

20 (k) "driver" means any person who drives, operates or is in physical
21 control of a commercial motor vehicle, in any place open to the general
22 public for purposes of vehicular traffic, or who is required to hold a
23 commercial driver's license;

24 (l) "driver's license" means any driver's license or any other license or
25 permit to operate a motor vehicle issued under, or granted by, the laws of
26 this state, including:

27 (1) Any temporary license or instruction;

28 (2) the privilege of any person to drive a motor vehicle whether or not
29 such person holds a valid license; or

30 (3) any nonresident's operating privilege;

31 (m) "employer" means any person, including the United States, a
32 state or a political subdivision of a state, who owns or leases a commercial
33 motor vehicle or assigns a person to drive a commercial motor vehicle;

34 (n) "endorsement" means an authorization to an individual's
35 commercial driver's license required to permit the individual to operate
36 certain types of commercial motor vehicles;

37 (o) "felony" means any offense under state or federal law that is
38 punishable by death or imprisonment for a term exceeding one year;

39 (p) "gross vehicle weight rating" means the value specified by the
40 manufacturer as the maximum loaded weight of a single or a combination
41 (articulated) vehicle. The gross vehicle weight rating of a combination
42 (articulated) vehicle (commonly referred to as the "gross combination
43 weight rating") is the gross vehicle weight rating of the power unit plus the

1 gross vehicle weight rating of the towed unit or units;

2 (q) "hazardous materials" means any material that has been
3 designated as hazardous under 49 U.S.C. § 5103 and is required to be
4 placarded under subpart F of 49 C.F.R. part 172 or any quantity of a
5 material listed as a select agent or toxin in 42 C.F.R. part 73;

6 (r) "motor vehicle" means every vehicle which is self-propelled, and
7 every vehicle which is propelled by electric power obtained from overhead
8 trolley wires but not operated upon rails, except vehicles moved solely by
9 human power and motorized wheel chairs;

10 (s) "out-of-service order" means a temporary prohibition against
11 driving a commercial motor vehicle, which is imposed when a driver has
12 any measured or detected alcohol concentration while on duty, or
13 operating, or in physical control of a commercial motor vehicle or a
14 declaration by an authorized enforcement officer of a federal, state,
15 Canadian, Mexican or local jurisdiction that a driver, a commercial motor
16 vehicle or a motor carrier operation, is out-of-service pursuant to 49 C.F.R.
17 Part 386.72, 392.5, 395.13, 396.9 or such compatible laws, or the North
18 American out-of-service criteria;

19 (t) "residence" means the place which is adopted by a person as the
20 person's place of habitation and to which, whenever the person is absent,
21 the person has the intention of returning. When a person eats at one place
22 and sleeps at another, the place where the person sleeps shall be considered
23 the person's residence;

24 (u) "secretary" means the secretary of the Kansas department of
25 revenue;

26 (v) "serious traffic violation" means:

27 (1) Excessive speeding, is defined as 15 miles per hour or more over
28 the posted speed limit;

29 (2) reckless driving, as defined under K.S.A. 8-1566, and
30 amendments thereto;

31 (3) a violation of any state or local law relating to motor vehicle
32 traffic control, other than a parking violation, arising in connection with an
33 accident or collision resulting in death to any person;

34 (4) changing lanes of traffic illegally or erratically, as defined under
35 K.S.A. 8-1548, and amendments thereto;

36 (5) following another vehicle too closely, as defined under K.S.A. 8-
37 1523, and amendments thereto;

38 (6) a violation of subsection (a) of K.S.A. 8-2,132, and amendments
39 thereto; or

40 (7) any other violation of a state or local law relating to motor vehicle
41 traffic control, other than a parking violation, which the secretary
42 determines by rule and regulation to be serious;

43 (w) "state" means a state of the United States and the District of

1 Columbia;

2 (x) "state of domicile" means that state where a person has such
3 person's true, fixed and permanent home and principal residence and to
4 which such person has the intention of returning whenever such person is
5 absent;

6 (y) ~~"tank vehicle" means any commercial motor vehicle that is~~
7 ~~designed to transport any liquid or gaseous material within a tank that is~~
8 ~~either permanently or temporarily attached to the vehicle or the chassis.~~
9 ~~Such vehicles include, but are not limited to, cargo tanks, as defined in 49~~
10 ~~C.F.R. § 171. However, this definition does not include portable tanks~~
11 ~~having a rated capacity under 1,000 gallons a tank vehicle, as defined in~~
12 ~~49 C.F.R. § 383.5, as in effect on the date of this act or such later version~~
13 ~~as adopted by rules and regulations of the secretary pursuant to K.S.A. 8-~~
14 ~~2,140, and amendments thereto;~~

15 (z) "United States" means the 50 states and the District of Columbia;

16 (aa) "division" means the division of vehicles of the Kansas
17 department of revenue;

18 (bb) "director" means the director of the division of vehicles of the
19 Kansas department of revenue;

20 (cc) "foreign country" means any jurisdiction other than the United
21 States;

22 (dd) "nonresident commercial driver's license" means a license issued
23 pursuant to K.S.A. 8-2,148, and amendments thereto;

24 (ee) "fatality" means the death of a person as a result of a motor
25 vehicle accident;

26 (ff) "noncommercial motor vehicle" means a motor vehicle or
27 combination of motor vehicles not defined by the term commercial motor
28 vehicle in subsection (f);

29 (gg) "school bus" means a commercial motor vehicle used to
30 transport preprimary, primary or secondary school students from home to
31 school, from school to home or to and from school-sponsored events.
32 School bus does not include a bus used as a common carrier.

33 Sec. 2. K.S.A. 2013 Supp. 8-2,128 is hereby repealed.

34 Sec. 3. This act shall take effect and be in force from and after its
35 publication in the statute book.