

SESSION OF 2024

SUPPLEMENTAL NOTE ON SENATE BILL NO. 462

As Amended by House Committee on
Transportation

Brief*

SB 462, as amended, would grant certain authority to the Director of Vehicles (Director) of the Division of Vehicles (Division), Kansas Department of Revenue (KDOR), regarding the Military Even Exchange Program for commercial driver's licenses (Program) and the Federal Motor Carrier Safety Administration's Drug and Alcohol Clearinghouse Program (Clearinghouse).

Military Even Exchange Program for Commercial Driver's Licenses

The bill would authorize the Director to waive the knowledge and skills test for driving a commercial motor vehicle (CMV) for an applicant who qualifies for a waiver under the Program.

[*Note:* Under the Program, an individual qualifies for an exemption from the knowledge test if the individual:

- Is currently licensed;
- Has been employed within the previous 12 months in a military position requiring operation of a military vehicle equivalent to a CMV; and
- Has submitted a completed application for military skills test waiver.]

*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>

The bill would remove rule and regulation authority of the Secretary of Revenue regarding CMV skills tests administered by community and technical colleges. [Note: No rules and regulations have been promulgated under this authority.]

Drug and Alcohol Clearinghouse

The bill would authorize the Director to adopt rules and regulations necessary to participate in and implement the Clearinghouse.

The bill would require the Director to:

- Query the Clearinghouse prior to issuing or renewing a commercial driver's license (CDL) or instruction permit;
- Review the commercial driver's information when notified by the Clearinghouse of a status change for that driver; and
- Disqualify a driver's commercial driving privileges within 60 days of receiving notice from the Clearinghouse that a driver is in violation of or non-compliant with Clearinghouse requirements.

The bill would require a disqualification of commercial driving privileges to be removed upon notification from the Clearinghouse that the driver:

- Is no longer in violation or non-compliance; or
- Was erroneously identified as in violation of or non-compliant with Clearinghouse requirements. In this case, the bill would require the disqualification to be removed as expeditiously as possible.

The bill would add these provisions to the Kansas Uniform Commercial Drivers' License Act.

Background

The House Committee on Transportation amended the bill to include provisions of SB 462 and HB 2682.

SB 462 (Military Even Exchange Program for Commercial Driver's Licenses)

The bill was introduced by the Senate Committee on Transportation at the request of a representative of KDOR.

[*Note:* A companion bill, HB 2679, has been introduced in the House.]

Senate Committee on Transportation

In the Senate Committee hearing, **proponent** testimony was provided by a representative of KDOR, stating that the Division already accepts Program applicants and this legislation would codify a Division practice and would help increase the pool of qualified commercial drivers' license holders.

Written-only proponent testimony was provided by a representative of the Kansas Motor Carriers Association.

No other testimony was provided.

House Committee on Transportation

In the House Committee hearing, written-only proponent testimony was provided by representatives of KDOR and the Kansas Motor Carriers Association that was substantially similar to the testimony provided to the Senate Committee on Transportation.

No other testimony was provided.

The House Committee amended the bill by adding the contents of HB 2682.

HB 2682 (Drug and Alcohol Clearinghouse)

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

House Committee on Transportation

In the House Committee hearing, a KDOR representative provided **proponent** testimony, who stated the bill would ensure the State is compliant with federal motor carrier regulations and explained the Clearinghouse is an online database that gives employers, state driver license agencies, and state law enforcement personnel real-time information about commercial drivers' drug and alcohol program violations.

Written-only proponent testimony was provided by a representative of the Kansas Motor Carriers Association, stating the Clearinghouse keeps drivers with drug or alcohol events off the roadways.

No other testimony was provided.

[*Note:* The final rule establishing standards for state driver's license agencies became final on November 8, 2021, and established a deadline of November 18, 2024, for state participation in the Clearinghouse (86 FR 55718). The Federal Motor Carrier Safety Administration noted the purpose of the final rule was to ensure driving privileges are removed from CDL and commercial learner's permit holders with drug and alcohol violations and that information is available to law enforcement. The requirement for the Clearinghouse was established in 2012 with enactment of the Moving Ahead for Progress in the 21st Century Act. A driver may be reinstated by completing a "return to duty" process established in federal law.]

Senate Committee on Transportation

In the Senate Committee hearing, **proponent** testimony was provided by representatives of KDOR and the Kansas Department of Transportation (KDOT). Written-only proponent testimony was provided by a representative of the Kansas Motor Carriers Association. Proponent testimony was substantially similar to that provided in the House Committee hearing.

No other testimony was provided.

Fiscal Information

SB 462 (Military Even Exchange Program for Commercial Driver's Licenses)

According to the fiscal note prepared by the Division of the Budget on the bill, KDOR and KDOT indicate enactment of the bill would not have a fiscal effect on agency operations.

HB 2682 (Drug and Alcohol Clearinghouse)

According to the fiscal note provided by the Division of the Budget on HB 2682, KDOR indicates failure to adopt the Clearinghouse program could result in a 5.0 percent reduction in annual Federal Highway Fund allocations, an estimated \$19.0 million for FY 2025. Those reductions could continue or increase in future fiscal years.

KDOT indicates a reduction in Federal Highway Fund allocations would reduce revenues to the State Highway Fund and could require the agency to reassess expenditures for the Eisenhower Legacy Transportation.

Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2025 Governor's Budget Report*.

Kansas Department of Transportation; Kansas Uniform Commercial Drivers' License Act; commercial drivers' license; testing requirements; Federal Motor Carrier Safety Administration; drug and alcohol clearinghouse; rules and regulations