

Testimony in Support of House Bill 2681 House Committee on Transportation

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The Kansas Highway Patrol appreciates the opportunity to provide written and verbal testimony in support of House Bill 2681. This bill changes the definition of a commercial motor vehicle as it pertains to commercial driver's license (CDL) law.

The Kansas uniform commercial driver's license act became effective in 1991. It exists to implement the federal commercial Motor Vehicle Safety act of 1986 and reduce or prevent commercial motor vehicle crashes, fatalities, and injuries. One way to accomplish this is to strengthen driver licensing and testing standards. Large trucks and buses require special skills to operate. They are usually longer, wider, taller and heavier than passenger vehicles. These vehicles also have reduced visibility compared to smaller vehicles on the roadway. Additionally, since truck drivers often operate across state lines, federal regulations exist to enhance uniformity nationwide. The trucking industry is highly regulated in part because of the size of vehicles being operated and the potential for catastrophic results when they are involved in collisions. When state laws conflict with federal regulations, it burdens the trucking industry and causes confusion, even among law enforcement officers.

Federal regulations prescribe a uniform definition of a commercial motor vehicle (CMV) as it pertains to CDL law. The federal definition of a CMV under the CDL law in the Code of Federal Regulations Title 49, Part 383, uses either the gross vehicle weight rating or the gross vehicle weight (49 CFR § 383.5). The gross vehicle weight rating is the value specified by the manufacturer as the loaded weight of a single vehicle. The gross vehicle weight is the actual weight of a vehicle when driven onto a scale.

Kansas Statutes Annotated (KSA) defines the classes of vehicles in KSA 8-234b and KSA 8-2,128, only using the term "gross vehicle weight rating". This definition differs from federal regulation since it does not include the gross vehicle weight when determining whether a vehicle requires the driver to hold a CDL to operate the vehicle. It is not uncommon for a commercial vehicle to be exempt from CDL requirements based on the gross vehicle weight rating, (i.e., under 26,001 lbs.), but be physically loaded to a point that the gross vehicle or combination weight is 26,001 lbs. or more, thereby requiring a CDL by federal law.

Under the current Kansas law, the lack of uniformity with federal regulation presents a burden to drivers and motor carriers. For example, an interstate driver could potentially receive guidance from Kansas law enforcement or even a roadside inspection indicating that he does not require a CDL based on the gross vehicle or combination weight rating. However, upon entering a neighboring state (e.g., Nebraska or Missouri) he could be cited, declared out of service, or possibly even arrested for failing to possess a CDL if the gross vehicle weight or combination weight is 26,001 lbs. or more and meets the federal

definition of a CDL required vehicle. This can happen because many other states' laws that define what a CMV is, match the federal definition.

In closing, the Kansas Highway Patrol supports HB 2681, but to further enhance uniformity for interstate trucking operations, we believe that HB 2681 should also include a change to K.S.A. 8-234b. For continuity, the Kansas Highway Patrol would recommend that the language in 8-234b be changed to reflect "gross vehicle weight or gross combination weight, whichever is greater" in conjunction with gross combination weight rating reflected in all driver's license classes.

To mirror K.S.A. 8-234b the Kansas Highway Patrol would also suggest that K.S.A. 8-2,128 also include "gross vehicle weight or gross combination weight" in conjunction with gross combination weight rating.

These changes would ensure drivers of larger vehicles are properly qualified to operate such vehicles and provide continuity between states while using terminology from federal regulations. Therefore, this ultimately supports the mission and goals of the Patrol to reduce the number and severity of traffic crashes in our state.

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