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To: Chairman Mike Petersen, Senate Transportation Committee

From: Zach Denney, Director of Government Affairs, Kansas Department of Revenue

Date: Wednesday, March 4

RE: HB 2606

Thank you, Chairman and Committee members, for the opportunity to provide proponent testimony on HB 2606.

HB 2606 was introduced at the request of the Kansas Department of Revenue (KDOR). The intent of this bill is to align Kansas law with federal commercial driver's license (CDL) regulations. Under federal law, a "conviction" is specifically defined to include non-judicial DUI resolution paths such as diversion, continued without a finding, or suspended imposition of sentence.

Until recently, KDOR understood that Kansas statute already mirrored federal CDL regulations regarding the definition of "conviction," and we had been suspending CDLs based on the belief that a diversion agreement constituted a conviction for purposes of CDL suspension following a DUI violation. However, a recent Kansas Court of Appeals decision—issued in a case in which KDOR was a defendant—determined otherwise. The Court found that the inclusion of the word "and" in K.S.A. 8-2,128(h) substantially changes the meaning and intent of the statute.

KDOR introduced this bill to ensure Kansas statute mirrors federal regulations and to clarify that a CDL may be suspended for a DUI violation even when the driver enters into a diversion agreement, consistent with longstanding policy.

Thank you. I stand for questions.