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Mark Burghart, Secretary



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To: House Committee on Transportation
From: Kent Selk, Driver Services Manager
Date: February 12, 2024
RE: House Bill 2682

Thank you, Chairman Francis, and Committee members, for the opportunity to provide proponent testimony for HB 2682. This bill ensures Kansas is compliant with Federal Motor Carrier Associations rule on Drug and Alcohol Clearing House; 49 CFR 382. Failure to comply with Federal Motor Carrier regulations would result in a reduction in state highway funding.

This legislation would authorize the Director of Vehicles to implement the necessary rules and regulations for participation in the Federal Motor Carrier Associations Drug and Alcohol Clearinghouse program (DACH). The DACH is an online database that gives employers, State Driver Licensing Agencies, and State law enforcement personnel real time information about CDL holders' drug and alcohol program violations. The DACH program is intended to promote safer highways and ensure that only qualified drivers are eligible to obtain and retain a CDL.

Beginning November 18, 2024, States receiving Motor Carrier Safety Assistance Program grant funds, of which Kansas is one, must comply with the following:

- State Driver Licensing Agencies must not issue, renew, upgrade, or transfer a commercial driver's license (CDL), or commercial learner's permit (CLP), as applicable, for any individual prohibited under FMCSA's regulations from performing safety-sensitive functions, including driving a commercial motor vehicle (CMV), due to one or more drug and alcohol program violations.
- State Driver Licensing Agencies must, upon receipt of notification that a driver is prohibited from operating a CMV due to a drug and alcohol program violation, initiate the downgrade process to remove the CLP or CDL privilege from the driver's license within 60 days.
- Drivers completing the return-to-duty process before the downgrade process is completed would no longer be prohibited from operating a CMV and thus would no longer be subject to a downgrade.

Failure to comply with the requirements listed above by the compliance date (November 18, 2024) would result in a reduction in state highway funding. Thus, it is imperative that this bill be passed expeditiously to avoid a loss in funding.

Thank you for the opportunity to speak with you and the committee,

I stand for questions.