

SENATE BILL No. 462

AN ACT concerning motor carriers; relating to the Kansas uniform commercial drivers' license act; authorizing the director of vehicles to waive the knowledge and skills test for driving a commercial vehicle for an applicant that provides evidence that such applicant qualifies for the military even exchange program for a commercial driver's license; authorizing the director of vehicles to adopt rules and regulations for participation in the federal motor carrier safety administration's drug and alcohol clearinghouse program; disqualifying a person's commercial driving privileges when such person has violated or is in noncompliance with the requirements of the clearinghouse; amending K.S.A. 8-2,133 and repealing the existing section.

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

New Section 1. (a) The director is authorized to adopt any rules and regulations necessary for the participation in and implementation of the federal motor carrier safety administration's drug and alcohol clearinghouse program under 49 C.F.R. § 382, as in effect on July 1, 2024.

(b) Prior to issuing or renewing a commercial driver's license or instruction permit, the director shall query the federal motor carrier safety administration's drug and alcohol clearinghouse. The director shall review the commercial driver's information when notified by the clearinghouse of a status change to the commercial driver.

(c) The director shall disqualify a driver's commercial driving privileges within 60 days of receiving notice from the federal motor carrier safety administration's drug and alcohol clearinghouse that a driver is found to be in violation of or noncompliance with the clearinghouse requirements.

(d) A disqualification of commercial driving privileges pursuant to this section shall be removed upon notification from the federal motor carrier safety administration's drug and alcohol clearinghouse that the driver is no longer in violation of or noncompliance with the clearinghouse requirements.

(e) A disqualification of commercial driving privileges pursuant to this section shall be removed, as expeditiously as possible, following notification from the federal motor carrier safety administration's drug and alcohol clearinghouse that the driver was erroneously identified as in violation of or noncompliance with the clearinghouse requirements.

(f) This section shall be a part of and supplemental to the Kansas uniform commercial drivers' license act.

Sec. 2. K.S.A. 8-2,133 is hereby amended to read as follows: 8-2,133. (a) Except as provided in K.S.A. 8-2,146, and amendments thereto, or as provided in K.S.A. 8-2,148, and amendments thereto, no person may be issued a commercial driver's license unless that person is a resident of this state and has passed a knowledge and skills test for driving a commercial motor vehicle—~~which~~ *that* complies with minimum federal standards established by 49 C.F.R. § 383, subparts E, G and H and has satisfied all other requirements of the commercial motor vehicle safety act in addition to other requirements imposed by state law or federal regulation. The tests shall be prescribed and conducted by the secretary, except that the secretary may accept the results of a person's knowledge test conducted in another state if such test complies with minimum federal standards. The secretary shall accept results of a person's skills test given in accordance with the provisions of subsection (c).

(b) The secretary may authorize a person, including an agency of this or another state, an employer, a private driver training facility or other private institution, or a department, agency or instrumentality of local government, to administer the skills test specified by this section, if:

(1) The test is the same which would otherwise be administered by the state; and

(2) the third party has entered into an agreement with the state

which complies with requirements of 49 C.F.R. § 383.75.

(c) The secretary shall authorize any community college or technical college, upon such community college's or technical college's request, to administer the skills test required by subsection (a). The secretary shall grant priority status to requests by any community college or technical college with a truck driver training course in place as of July 1, 2014. The secretary shall authorize such testing ~~which that~~ complies with the requirements of 49 C.F.R. part 383 in an agreement between the requesting community college or technical college and the state. ~~The secretary shall adopt rules and regulations to implement the testing procedure provided for in this subsection before January 1, 2015.~~

(d) A commercial driver's license or commercial driver's instruction permit may not be issued to a person while the person is subject to a disqualification from driving a commercial motor vehicle, or while the person's driver's license is suspended, revoked or canceled in any state; nor shall a commercial driver's license be issued to a person who has a commercial driver's license issued by any other state unless the person first surrenders all such licenses, which must be returned to the issuing state for cancellation.

(e) The director may authorize the skills test required by subsection (a) to be waived for an applicant that provides evidence of military commercial vehicle driving experience *or that such applicant qualifies for a waiver under the military even exchange program*. To qualify for such a waiver, the applicant must satisfy the criteria established by 49 C.F.R. § 383.77.

Sec. 3. K.S.A. 8-2,133 is hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the SENATE, and passed that body

SENATE concurred in
HOUSE amendments _____

President of the Senate.

Secretary of the Senate.

Passed the HOUSE
as amended _____

Speaker of the House.

Chief Clerk of the House.

APPROVED _____

Governor.