

HOUSE BILL No. 2604

By Committee on Transportation

Requested by Zach Denney on behalf of the Department of Revenue

1-30

AN ACT concerning motor vehicles; relating to commercial motor vehicles and the Kansas uniform commercial drivers' license act; including gross vehicle weight to determine the class of commercial motor vehicle for drivers' license purposes; modifying the definition of commercial motor vehicle in the uniform act; creating a definition of air mile and gross vehicle weight in the uniform act; amending K.S.A. 8-234b and 8-2,128 and repealing the existing sections.

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

Section 1. K.S.A. 8-234b is hereby amended to read as follows: 8-234b. (a) (1) Every original driver's license issued by the division shall indicate the class or classes of motor vehicles ~~which~~ *that* the licensee is entitled to drive. For this purpose the following classes are established:

(1)(A) Commercial class A motor vehicles include any combination of vehicles with a gross combination weight rating *or gross combination weight, whichever is greater*, of 26,001 pounds or more, ~~providing~~ *provided that* the gross vehicle weight rating *or gross vehicle weight, whichever is greater*, of the vehicle or vehicles being towed is in excess of 10,000 pounds;

(2)(B) commercial class B motor vehicles include any single vehicle with a gross vehicle weight rating *or gross vehicle weight, whichever is greater*, of 26,001 pounds or more, or any such vehicle towing a vehicle not in excess of 10,000 pounds gross vehicle weight rating *or gross vehicle weight, whichever is greater*;

(3)(C) commercial class C motor vehicles include any single vehicle less than 26,001 pounds gross vehicle weight rating *or gross vehicle weight, whichever is greater*, or any such vehicle towing a vehicle not in excess of 10,000 pounds, or any vehicle less than 26,001 pounds gross vehicle weight rating *or gross vehicle weight, whichever is greater*, towing a vehicle in excess of 10,000 pounds gross vehicle weight rating *or gross vehicle weight, whichever is greater*, provided *that* the gross combination weight rating *or gross combination weight, whichever is greater*, of the combination is less than 26,001 pounds comprising:

(A)(i) Vehicles designed to transport 16 or more passengers, including the driver; or

1 ~~(B)~~(ii) vehicles used in the transportation of hazardous materials
2 ~~which~~ that requires the vehicle to be placarded;

3 ~~(4)~~(D) class A motor vehicles include any combination of vehicles
4 with a gross combination weight rating of 26,001 pounds or more,
5 provided the gross combination weight rating of the vehicle or vehicles
6 being towed is in excess of 10,000 pounds, and all other lawful
7 combinations of vehicles with a gross combination weight rating of 26,001
8 pounds, or more; except that, class A does not include a combination of
9 vehicles that has a truck registered as a farm truck under K.S.A. 8-143, and
10 amendments thereto;

11 ~~(5)~~(E) class B motor vehicles include any single vehicle with a gross
12 vehicle weight rating of 26,001 pounds or more, or any such vehicle
13 towing a vehicle not in excess of 10,000 pounds gross vehicle weight
14 rating. Class B motor vehicles do not include a single vehicle registered as
15 a farm truck under K.S.A. 8-143, and amendments thereto, when such
16 farm truck has a gross vehicle weight rating of 26,001 pounds, or more; or
17 any fire truck operated by a volunteer fire department;

18 ~~(6)~~(F) class C motor vehicles include any single vehicle with a gross
19 vehicle weight rating less than 26,001 pounds, or any such vehicle towing
20 a vehicle not in excess of 10,000 pounds gross vehicle weight rating, or
21 any vehicle with a less than 26,001 gross vehicle weight rating towing a
22 vehicle in excess of 10,000 pounds gross vehicle weight rating, provided
23 the gross combination weight rating of the combination is less than 26,001
24 pounds, or any single vehicle registered as a farm truck under K.S.A. 8-
25 143, and amendments thereto, when such farm truck has a gross vehicle
26 weight rating of 26,001 pounds, or more, or any fire truck operated by a
27 volunteer fire department or any autocycle; and

28 ~~(7)~~(G) class M motor vehicles includes motorcycles, but does not
29 include autocycles.

30 (2) As used in this subsection;

31 (A) "Gross vehicle weight rating" means the value specified by the
32 manufacturer as the maximum loaded weight of a single or a combination
33 (articulated) vehicle. The gross vehicle weight rating of a combination
34 (articulated) vehicle, commonly referred to as the gross combination
35 weight rating, is the gross vehicle weight rating of the power unit plus the
36 gross vehicle weight rating of the towed unit or units.

37 (B) *"Gross vehicle weight" means the weight of the vehicle without*
38 *load plus the weight of any load on such vehicle. The gross vehicle weight*
39 *of a combination (articulated) vehicle (commonly referred to as the "gross*
40 *combination weight") is the gross vehicle weight of the power unit plus the*
41 *gross vehicle weight of the towed unit or units.*

42 (b) Every applicant for an original driver's license shall indicate on
43 such person's application the class or classes of motor vehicles for which

1 the applicant desires a license to drive, and the division shall not issue a
2 driver's license to any person unless such person has demonstrated
3 satisfactorily ability to exercise ordinary and reasonable control in the
4 operation of motor vehicles in the class or classes for which the applicant
5 desires a license to drive. The division shall administer an appropriate
6 examination of each applicant's ability to drive such motor vehicles.
7 Except as provided in K.S.A. 8-2,125 through 8-2,142, and amendments
8 thereto, the director of vehicles may accept a copy of the certificate of a
9 person's road test issued to an individual under the regulatory requirements
10 of the United States department of transportation, in lieu of requiring the
11 person to demonstrate ability to operate any motor vehicle or combination
12 of vehicles, if such certificate was issued not more than three years prior to
13 the person's application for a driver's license.

14 (c) Any person who is the holder of a valid driver's license ~~which that~~
15 entitles the person to drive class A motor vehicles may also drive class B
16 and C motor vehicles. Any person who is the holder of a valid driver's
17 license ~~which that~~ entitles the person to drive class B motor vehicles may
18 also drive class C motor vehicles.

19 (d) The secretary of revenue shall adopt rules and regulations
20 establishing qualifications for the safe operation of the various types, sizes
21 and combinations of vehicles in each class of motor vehicles established in
22 subsection (a). Such rules and regulations shall include the adoption of at
23 least the minimum qualifications for commercial drivers' licenses
24 contained in the commercial motor vehicle safety act of 1986.

25 (e) Any reference in the motor vehicle drivers' license act to a class or
26 classes of motor vehicles is a reference to the classes of motor vehicles
27 established in subsection (a), and any reference in the motor vehicle
28 drivers' license act to a classified driver's license or a class of driver's
29 license means a driver's license ~~which that~~ restricts the holder thereof to
30 driving one or more of such classes of motor vehicles.

31 (f) The secretary of revenue may enter into a contract with any
32 person, who meets the qualifications imposed on persons regularly
33 employed by the division as drivers' license examiners, to accept
34 applications for drivers' licenses and to administer the examinations
35 required for the issuance of drivers' licenses.

36 (g) Notwithstanding the provisions of subsection (a), any person
37 employed as an automotive mechanic who possesses a valid class C
38 driver's license may drive any class A or class B motor vehicle on the
39 highways for the purpose of determining the proper performance of the
40 vehicle, except that this does not include commercial class A, B or C
41 vehicles.

42 Sec. 2. K.S.A. 8-2,128 is hereby amended to read as follows: 8-2,128.
43 As used in this act:

1 (a) "Alcohol" means any substance containing any form of alcohol
2 including, but not limited to, ethanol, methanol, propanol and isopropanol;

3 (b) "alcohol concentration" means:

4 (1) The number of grams of alcohol per 100 milliliters of blood; or

5 (2) the number of grams of alcohol per 210 liters of breath;

6 (c) "commercial driver's license" means a commercial license issued
7 pursuant to K.S.A. 8-234b, and amendments thereto;

8 (d) "commercial driver license system" means the information system
9 established pursuant to the commercial motor vehicle safety act of 1986 to
10 serve as a clearinghouse for locating information related to the licensing
11 and identification of commercial motor vehicle drivers;

12 (e) "instruction permit" means a permit issued pursuant to K.S.A. 8-
13 294, and amendments thereto;

14 (f) "commercial motor vehicle" means a motor vehicle ~~designed or~~
15 ~~used or combination of motor vehicles used in commerce~~ to transport
16 passengers or property; *if the motor vehicle is a:*

17 (1) ~~The vehicle has a gross vehicle weight rating of 26,001 or more~~
18 ~~pounds or such lesser rating, as determined by rules and regulations~~
19 ~~adopted by the secretary, but shall not be more restrictive than the federal~~
20 ~~regulation~~ *Combination Vehicle (Group A) having a gross combination*
21 *weight rating or gross combination weight, whichever is greater, of 26,001*
22 *pounds or more inclusive of a towed unit or units with a gross vehicle*
23 *weight rating or gross vehicle weight, whichever is greater, of more than*
24 *10,000 pounds;*

25 (2) ~~the vehicle is designed to transport 16 or more passengers,~~
26 ~~including the driver~~ *Heavy Straight Vehicle (Group B) having a gross*
27 *vehicle weight rating or gross vehicle weight, whichever is greater, of*
28 *26,001 pounds or more; or*

29 (3) ~~the vehicle is transporting hazardous materials and is required to~~
30 ~~be placarded in accordance with 49 C.F.R. § 172, subpart F~~ *Small*
31 *Vehicle (Group C) that does not meet Group A or Group B requirements*
32 *but either is:*

33 (A) *Designed to transport 16 or more passengers, including the*
34 *driver; or*

35 (B) *of any size and is used in the transportation of hazardous*
36 *materials as defined by this section;*

37 (g) "controlled substance" means any substance so classified under
38 K.S.A. 21-5701, and amendments thereto;

39 (h) "conviction" means an unvacated adjudication of guilt or a
40 determination that a person has violated or failed to comply with the law
41 and in a court of original jurisdiction or an administrative proceeding, an
42 unvacated forfeiture of bail or collateral deposited to secure the person's
43 appearance in court, a plea of guilty or nolo contendere accepted by the

1 court, the payment of a fine or court cost, or violation of a condition of
2 release without bail, regardless of whether the penalty is rebated,
3 suspended or probated;

4 (i) "disqualification" means any of the following:

5 (1) The suspension, revocation, or cancellation of a commercial
6 driver's license by the state or jurisdiction of issuance;

7 (2) any withdrawal of a person's privileges to drive a commercial
8 motor vehicle by a state or other jurisdiction as the result of a violation of
9 state or local law relating to motor vehicle traffic control, other than
10 parking, vehicle weight or vehicle defect violations;

11 (3) a determination by the federal motor carrier safety administration
12 that a person is not qualified to operate a commercial motor vehicle under
13 49 C.F.R. § 391;

14 (j) "drive" means to drive, operate or be in physical control of a motor
15 vehicle in any place open to the general public for purposes of vehicular
16 traffic. For purposes of K.S.A. 8-2,137, 8-2,138, 8-2,142, 8-2,144 and 8-
17 2,145, and amendments thereto, "drive" includes operation or physical
18 control of a motor vehicle anywhere in the state;

19 (k) "driver" means any person who drives, operates or is in physical
20 control of a commercial motor vehicle, in any place open to the general
21 public for purposes of vehicular traffic, or who is required to hold a
22 commercial driver's license;

23 (l) "driver's license" means any driver's license or any other license or
24 permit to operate a motor vehicle issued under, or granted by, the laws of
25 this state, including:

26 (1) Any temporary license or instruction;

27 (2) the privilege of any person to drive a motor vehicle whether or not
28 such person holds a valid license; or

29 (3) any nonresident's operating privilege;

30 (m) "employer" means any person, including the United States, a
31 state or a political subdivision of a state, who owns or leases a commercial
32 motor vehicle or assigns a person to drive a commercial motor vehicle;

33 (n) "endorsement" means an authorization to an individual's
34 commercial driver's license required to permit the individual to operate
35 certain types of commercial motor vehicles;

36 (o) "felony" means any offense under state or federal law that is
37 punishable by death or imprisonment for a term exceeding one year;

38 (p) "gross vehicle weight rating" means the value specified by the
39 manufacturer as the maximum loaded weight of a single or a combination
40 (articulated) vehicle. The gross vehicle weight rating of a combination
41 (articulated) vehicle (commonly referred to as the "gross combination
42 weight rating") is the gross vehicle weight rating of the power unit plus the
43 gross vehicle weight rating of the towed unit or units;

1 (q) "hazardous materials" means any material that has been
2 designated as hazardous under 49 U.S.C. § 5103 and is required to be
3 placarded under subpart F of 49 C.F.R. part 172 or any quantity of a
4 material listed as a select agent or toxin in 42 C.F.R. part 73;

5 (r) "motor vehicle" means every vehicle ~~which~~ that is self-propelled,
6 and every vehicle ~~which~~ that is propelled by electric power obtained from
7 overhead trolley wires but not operated upon rails, except vehicles moved
8 solely by human power and motorized wheel chairs;

9 (s) "out-of-service order" means a temporary prohibition against
10 driving a commercial motor vehicle, which is imposed when a driver has
11 any measured or detected alcohol concentration while on duty, or
12 operating, or in physical control of a commercial motor vehicle or a
13 declaration by an authorized enforcement officer of a federal, state,
14 Canadian, Mexican or local jurisdiction that a driver, a commercial motor
15 vehicle or a motor carrier operation, is out-of-service pursuant to 49 C.F.R.
16 part 386.72, 392.5, 395.13, 396.9 or such compatible laws, or the North
17 American out-of-service criteria;

18 (t) "residence" means the place ~~which~~ that is adopted by a person as
19 the person's place of habitation and ~~to which~~ where, whenever the person
20 is absent, the person has the intention of returning. When a person eats at
21 one place and sleeps at another, the place where the person sleeps shall be
22 considered the person's residence;

23 (u) "secretary" means the secretary of the Kansas department of
24 revenue;

25 (v) "serious traffic violation" means:

26 (1) Excessive speeding, is defined as 15 miles per hour or more over
27 the posted speed limit;

28 (2) reckless driving, as defined under K.S.A. 8-1566, and
29 amendments thereto;

30 (3) a violation of any state or local law relating to motor vehicle
31 traffic control, other than a parking violation, arising in connection with an
32 accident or collision resulting in death to any person;

33 (4) changing lanes of traffic illegally or erratically, as defined under
34 K.S.A. 8-1548, and amendments thereto;

35 (5) following another vehicle too closely, as defined under K.S.A. 8-
36 1523, and amendments thereto;

37 (6) a violation of subsection (a) of K.S.A. 8-2,132, and amendments
38 thereto; or

39 (7) any other violation of a state or local law relating to motor vehicle
40 traffic control, other than a parking violation, ~~which~~ that the secretary
41 determines by rule and regulation to be serious;

42 (w) "state" means a state of the United States and the District of
43 Columbia;

1 (x) "state of domicile" means that state where a person has such
2 person's true, fixed and permanent home and principal residence and ~~to~~
3 ~~which~~ where such person has the intention of returning whenever such
4 person is absent;

5 (y) "tank vehicle" means a tank vehicle, as defined in 49 C.F.R. §
6 383.5, as in effect on the date of this act or such later version as adopted by
7 rules and regulations of the secretary pursuant to K.S.A. 8-2,140, and
8 amendments thereto;

9 (z) "United States" means the 50 states and the District of Columbia;

10 (aa) "division" means the division of vehicles of the Kansas
11 department of revenue;

12 (bb) "director" means the director of the division of vehicles of the
13 Kansas department of revenue;

14 (cc) "foreign country" means any jurisdiction other than the United
15 States;

16 (dd) "nonresident commercial driver's license" means a license issued
17 pursuant to K.S.A. 8-2,148, and amendments thereto;

18 (ee) "fatality" means the death of a person as a result of a motor
19 vehicle accident;

20 (ff) "noncommercial motor vehicle" means a motor vehicle or
21 combination of motor vehicles not defined by the term commercial motor
22 vehicle in subsection (f);

23 (gg) "school bus" means a commercial motor vehicle used to
24 transport preprimary, primary or secondary school students from home to
25 school, from school to home or to and from school-sponsored events.
26 "School bus" does not include a bus used as a common carrier;

27 (hh) "air mile" means 6,076 feet or 1.1507 statute miles; and

28 (ii) "gross vehicle weight" means the weight of the vehicle without
29 load plus the weight of any load on such vehicle. The gross vehicle weight
30 of a combination (articulated) vehicle (commonly referred to as the "gross
31 combination weight") is the gross vehicle weight of the power unit plus the
32 gross vehicle weight of the towed unit or units.

33 Sec. 3. K.S.A. 8-234b and 8-2,128 are hereby repealed.

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