

Approved 2-7-90  
Date

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES

The meeting was called to order by Sen. Bill Morris at  
Chairperson

9:02 a.m./~~p.m.~~ on February 1, 1990 in room 254-E of the Capitol.

~~All members were present except~~ Members present:

Senators Morris, Doyen, Francisco, Hayden, Kanan, F. Kerr, Martin, Sallee, Thiessen and Vidricksen.

Committee staff present:

Ben Barrett, Legislative Research Department  
Hank Avila, Legislative Research Department  
Bruce Kinzie, Revisor of Statutes  
Louise Cunningham, Committee Secretary

Conferees appearing before the committee:

Mark Wettig, Department of Revenue  
Tom Whitaker, Kansas Motor Carriers Association  
Theresa L. Hodges, Kansas Health and Environmental Laboratory

Hearing and Action on S.B. 484 - Commercial Driver's License Act.

Mark Wettig said the Department was in support of this bill and had some minor technical changes. A copy of his statement explaining the changes dated February 1, 1990 is attached. (Attachment 1).

Tom Whitaker said they support this legislation and also approved of the amendments that appear in the balloon copy of the bill. A copy of his statement is attached. (Attachment 2).

Theresa L. Hodges recommended that the definition of alcohol in terms of urine be deleted from the bill. This would comply with the federal law which limits the definition of alcohol to blood and breath. A copy of her statement is attached. (Attachment 3).

Bruce Kinzie explained the balloon copy of the bill (Attachment 4) along with Attachment A and sections which had been previously discussed. (Attachments 5 and 6).

There was some discussion about the training programs and the cost involved. Mr. Kinzie requested an estimate of the funds which would be distributed to these schools.

A conceptual motion was made by Sen. F. Kerr to adopt the amendments discussed with Mr. Kinzie plus the amendment relating to the definition of alcohol in terms of urine be deleted and recommend the bill favorably for passage. Motion was seconded by Sen. Martin. Motion carried. Sen. Doyen will carry the bill.

Meeting was adjourned at 10:00 a.m.

SENATE TRANSPORTATION AND UTILITIES COMMITTEE

Date 2-1-90 Place 254-E Time 9:02

GUEST LIST

NAME	ADDRESS	ORGANIZATION
Terry Maple	1225W 7 <sup>th</sup> Topeka	Ks. Hwy. Patrol
Larry Deverport	Topeka, Ks.	Ks Motor Riders Assn
Cindy Selpin	Topeka	Budget
Dan Seeborg	Haworth	BMW E
Tom Whitaker	Topeka	Ks. Motor Cyclists Assn
Lee Eisenhauer	"	KLPGA
John W. Smith	"	Dept of Revenue
Mary E Turkington	Topeka	Kansas Motor Carriers Assn.
Warren Hoemann	Overland Park	Yellow Freight System
Mal Will	Lamey	KDOR
Theresa Hodges	Topeka	<del>KDHE</del> KDHE

## MEMORANDUM

**TO:** The Honorable Bill Morris, Chairman  
Senate Transportation and Utilities Committee

**FROM:** Mark E. Wettig  
Special Assistant to the Secretary of Revenue

**DATE:** February 1, 1990

**RE:** Senate Bill 484

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I appreciate the opportunity to appear before you today in support of Senate Bill 484, regarding the Kansas Uniform Commercial Driver License Act.

### BACKGROUND

Senate Bill 484 makes several minor technical changes to the original legislation enacted to comply with the Federal Commercial Motor Vehicle Safety Act of 1986. The requested changes are as follows:

1. Amend K.S.A. 1989 Supp. 8-234b (5) (a) to clarify the definition of a regular Class B license. The current verbage is confusing. With the exception of RV's, firefighting equipment, and buses designed to carry less than 16 passengers, there will be very few regular Class B licenses issued after implementation of CDL.
2. Amend K.S.A. 1989 Supp. 8-2,128 regarding the definition of a serious traffic violation. The Federal Highway Administration issued a Final Rule on CDL Disqualification Standards, which further defined a serious traffic violation. These amendments are requested to be in compliance with the Final Rule.
3. Amend K.S.A. 1989 Supp. 8-2,135 to change the airbrake restriction code to conform with AAMVAnet standards for CDL.
4. Amend K.S.A. 1989 Supp. 8-2,139 regarding the fee charged to obtain a driving record for a CDL license. The fee to obtain a

CDL driving record was originally increased because it was thought that the process to obtain the record would go through the national data-base and an additional fee would be charged to the State. That has now been found to be incorrect, and the current process of providing a driving record will not change.

5. Amend K.S.A. 1989 Supp. 8-2106 to specify if the vehicle being driven was a commercial vehicle. The current statute states that the citation shall contain "the type of vehicle the person was driving". This verbage is to vague and needs to be further clarified.
6. New Section 6 references the appropriate statute regarding the format and information to be contained on the Uniform Complaint and Notice to Appear Citation for CDL purposes.

Please note that there may be later additions to these requested changes as a result of the Department's FHWA Annual Review. These changes would be minor clean-up to assure compliance with Federal rules and regulations.

STATEMENT

By The

KANSAS MOTOR CARRIERS ASSOCIATION

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Concerning Senate Bill No. 484 relating to technical amendments to the Kansas Uniform Commercial Drivers' License Act.

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Presented to the Senate Transportation & Utilities Committee, Senator Bill Morris, Chairman; Statehouse, Topeka, Thursday, February 1, 1990.

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MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I am Tom Whitaker, Governmental Relations Director of the Kansas Motor Carriers Association with offices in Topeka. I appear here this morning along with Mary E. Turkington, the Association's Executive Director; and Gary Davenport, Director of Safety and Membership Services for KMCA. We are here today representing our 1,525 member-firms and the highway transportation industry in support of Senate Bill No. 484 and the amendments found in the balloon bill that was presented to you by the Kansas Department of Revenue.

KMCA strongly supports a unified effort by the federal government, the states and the industry to establish a commercial drivers' license system that assures that unqualified persons cannot obtain a commercial drivers' license, and that unsafe commercial drivers who are engaging in unsafe driving practices can be identified through their license record and have their driving privilege suspended or revoked.

ATT. 2  
T&U  
2-1-90

During the 1989 session of the Kansas Legislature, the Legislation was adopted that enacted the Kansas Uniform Commercial Drivers' License Act. We commend the Chairman and this Committee for your work on this important legislation. Senate Bill 484, with adoption of the proposed amendment, would make technical corrections to the Uniform Commercial Drivers' License Act that will make Kansas law consistent with the Federal Motor Carrier Safety Regulations governing the commercial drivers' license.

Additionally, while reviewing the CDL legislation, we discovered that Kansas law did not provide for a class of driver's license for an operator of a farm truck with a gross vehicle weight rating of more than 26,000 lbs. The amendments to Senate Bill 484 provide that a person operating a farm truck with a gross vehicle weight rating in excess of 26,000 lbs. would need to obtain a Class "B" driver's license. The amendments also provide that the driver of a Class "B" farm truck may be 16 years of age instead of the 18-year-old requirement for all vehicles or combination of vehicles described in Class "A" and "B".

We also are proposing that the application fee for a commercial drivers' license be increased from \$12.00 to \$14.00. The \$2.00 increase would be credited to the "truck driver training fund" and provide some financial assistance to Area Vocational Technical Schools and Community Colleges that provide approved truck driver training courses. The truck driver training courses would have to be approved by the State Board of Education before any funds would be released.

Current law provides that 37.5% of all monies received from Class "C" driver's licenses, 20% of all monies received from Class "A" and Class "B" driver's licenses, and 20% of all commercial driver's licenses be deposited into the "state safety fund"; and 20% of the monies received from Class "D" driver's licenses be deposited in the "motorcycle safety fund." The monies in the "state safety fund" and the "motorcycle safety fund" are used to provide funds for driver education courses. The amount of revenue generated for these funds would not change.

Our industry strongly supports the Commercial Drivers' License and also supports the creation of the "truck driver training fund" which would assist with the funding requirements of the Vocational Technical Schools and Community Colleges that provide quality truck driver training courses.

Thank you, Mr. Chairman and members of the Committee, for the opportunity to appear before you. We will be pleased to respond to any questions you may have.

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# State of Kansas

Mike Hayden, Governor

Department of Health and Environment  
Kansas Health and Environmental Laboratory

Forbes Field, Bldg. 740, Topeka, KS 66620-0002

(913) 296-1619

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Stanley C. Grant, Ph.D., Secretary

Testimony presented to  
Senate Transportation and Utilities

by

The Kansas Department of Health and Environment

Senate Bill 484

Section 2 amends 1989 Supp. 8-2,128 which defines terms used with regard to commercial motor vehicle licenses. Definition (b) defines alcohol concentration in terms of blood, breath, and urine. The federal law regarding commercial motor vehicle license limits the definition of alcohol to blood and breath. The federal law states that "alcohol concentration means the concentration of alcohol in a person's blood or breath. When expressed as a percentage, it means the grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath." K.S.A. 8-1013 also defines alcohol concentration only in terms of blood and breath.

In Kansas, urine testing has been primarily reserved for testing for drugs other than alcohol. The laboratories which would perform urine alcohol tests would use a variety of methods for analysis with no recognized standard of performance required. Since alcohol is not a controlled substance listed on Schedule I or II of the Kansas Controlled Substance Act, laboratories performing alcohol testing are not required to be approved under K.S.A. 65-1,107.

Through federal funding, we have been able to place thirty-two evidential, direct breath test instruments throughout the state. This coming year, eighteen additional instruments will be placed into service. This makes reliable, accurate and court-defensible breath alcohol testing easily accessible. Blood alcohol testing is readily available at the Kansas Bureau of Investigation's forensic laboratory.

The KDHE strongly recommends that the definition by alcohol in terms of urine be deleted.

Testimony presented by: Theresa L. Hodges, Section Chief  
Laboratory Improvement Program Office  
Kansas Health and Environmental Laboratory  
February 1, 1990

ATT. 3  
T&U  
2-1-90



SENATE BILL No. 484

By Committee on Transportation and Utilities

1-17

9 AN ACT concerning the Kansas uniform commercial driver's license  
10 act; amending K.S.A. 8-234b, as amended by section 19 of chapter  
11 38 of the 1989 Session Laws of Kansas and K.S.A. 1989 Supp.  
12 8-2,128, 8-2,135, 8-2,139 and 8-2106 and repealing the existing  
13 sections; also repealing K.S.A. 1989 Supp. 12-4205.

14  
15 *Be it enacted by the Legislature of the State of Kansas:*

16 Section 1. K.S.A. 8-234b, as amended by section 19 of chapter  
17 38 of the 1989 Session Laws of Kansas, is hereby amended to read  
18 as follows: 8-234b. (a) Every original driver's license issued by the  
19 division shall indicate the class or classes of motor vehicles which  
20 the licensee is entitled to drive. For this purpose the following classes  
21 are established:

- 22 ~~(1) Commercial class A motor vehicles include any combination~~
- 23 ~~truck tractor and trailer or semitrailer combinations; truck and trailer~~
- 24 ~~or semitrailer combinations registered for a gross weight of 26,001~~
- 25 ~~pounds or more, provided the gross weight of the vehicle being~~
- 26 ~~towed is in excess of 10,000 pounds and all other lawful combinations~~
- 27 ~~of vehicles registered for a gross weight of 26,001 pounds, or more;~~
- 28 (2) commercial class B motor vehicles include any single vehicle
- 29 registered for a gross weight of 26,001 pounds or more and any such
- 30 vehicle towing a vehicle with a gross weight not in excess of 10,000
- 31 pounds;
- 32 (3) commercial class C motor vehicles include any single vehicle
- 33 trucks registered for a gross weight of less than 26,001 pounds or
- 34 any such vehicle towing a vehicle with a gross weight not in excess
- 35 of 10,000 pounds comprising:
- 36 (i) Vehicles designed to transport 16 or more passengers, in-
- 37 cluding the driver; or
- 38 (ii) vehicles used in the transportation of hazardous materials
- 39 which requires the vehicle to be placarded;
- 40 (4) class A motor vehicles include any combination truck tractor
- 41 and trailer or semitrailer combinations; truck and trailer or semitrailer
- 42 combinations registered for a gross weight of 26,001 pounds or more,
- 43 ~~provided the gross weight of the vehicle being towed is in excess~~

Insert Attachment A

4-2

~~of 10,000 pounds and all other lawful combinations of vehicles registered for a gross weight of 26,001 pounds, or more; except that, class A does not include a combination of vehicles that has a truck registered as a farm truck under subsection (2) of K.S.A. 8-143, and amendments thereto;~~

(5) class B motor vehicles includes: ~~(A) any single vehicle trucks registered for a gross weight of 26,001 pounds, or more, and any such vehicle towing a vehicle with a gross weight not in excess of 10,000 pounds; and (B) school buses, church buses and day care program buses registered for a gross weight of 26,001 pounds or more and designed to transport 15 or fewer passengers, including the driver, are included.~~ Class B does not include trucks vehicles registered as farm trucks under subsection (2) of K.S.A. 8-143, and amendments thereto;

(6) class C motor vehicles include trucks registered for a gross weight of less than 26,001 pounds; passenger cars; combinations of vehicles registered for a gross weight of less than 26,001 pounds; oil field pulling units of any gross weight; and trucks or truck and trailer or semitrailer combinations registered for a gross weight of less than 26,001 pounds, when the truck is registered under subsection (2) of K.S.A. 8-143, and amendments thereto, as a farm truck, and

(7) class D motor vehicles includes motorcycles.

(b) Every applicant for an original driver's license shall indicate on such person's application the class or classes of motor vehicles for which the applicant desires a license to drive, and the division shall not issue a driver's license to any person unless such person has demonstrated satisfactorily ability to exercise ordinary and reasonable control in the operation of motor vehicles in the class or classes for which the applicant desires a license to drive. The division shall administer an appropriate examination of each applicant's ability to drive such motor vehicles. Except as provided in K.S.A. 1989 Supp. 8-2,125 through 8-2,142, and amendments thereto, the director of vehicles may accept a copy of the certificate of a person's road test issued to an individual under the regulatory requirements of the United States department of transportation, in lieu of requiring the person to demonstrate ability to operate any motor vehicle or combination of vehicles, if such certificate was issued not more than three years prior to the person's application for a driver's license.

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

Insert Attachment A

1 vehicles may also drive class C motor vehicles.

2 (d) The secretary of revenue shall adopt rules and regulations  
3 establishing qualifications for the safe operation of the various types,  
4 sizes and combinations of vehicles in each class of motor vehicles  
5 established in subsection (a). Such rules and regulations shall include  
6 the adoption of at least the minimum qualifications for commercial  
7 drivers' licenses contained in the commercial motor vehicle safety  
8 act of 1986.

9 (e) Any reference in the motor vehicle drivers' license act to a  
10 class or classes of motor vehicles is a reference to the classes of  
11 motor vehicles established in subsection (a), and any reference in  
12 the motor vehicle drivers' license act to a classified driver's license  
13 or a class of driver's license means a driver's license which restricts  
14 the holder thereof to driving one or more of such classes of motor  
15 vehicles.

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

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

27 Sec. 2. K.S.A. 1989 Supp. 8-2,128 is hereby amended to read  
28 as follows: 8-2,128. As used in this act:

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

32 (b) "alcohol concentration" means:

- 33 (1) The number of grams of alcohol per 100 milliliters of blood;
- 34 (2) the number of grams of alcohol per 210 liters of breath; or
- 35 (3) the number of grams of alcohol per 67 milliliters of urine;

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

38 (d) "commercial driver license system" means the information  
39 system established pursuant to the commercial motor vehicle safety  
40 act of 1986 to serve as a clearinghouse for locating information related  
41 to the licensing and identification of commercial motor vehicle  
42 drivers;

43 (e) "instruction permit" means a permit issued pursuant to K.S.A.

Insert New Sections

1 1988 1989 Supp. 8-294, and amendments thereto;

2 (f) "commercial motor vehicle" means a motor vehicle designed  
3 or used to transport passengers or property, if:

4 (1) The vehicle has a gross vehicle weight rating of 26,001 or  
5 more pounds or such lesser rating, as determined by rules and  
6 regulations adopted by the secretary, but shall not be more restrictive  
7 than the federal regulation;

8 (2) the vehicle is designed to transport 16 or more passengers,  
9 including the driver; or

10 (3) the vehicle is transporting hazardous materials and is required  
11 to be placarded in accordance with 49 C.F.R. 172, subpart F, ef-  
12 fective January 1, 1991;

13 (g) "controlled substance" means any substance so classified un-  
14 der K.S.A. 65-4101, and amendments thereto;

15 (h) "conviction" means an unvacated, adjudication of guilt or a  
16 determination that a person has violated or failed to comply with  
17 the law and in a court of original jurisdiction or an administrative  
18 proceeding, an unvacated forfeiture of bail or collateral deposited to  
19 secure the person's appearance in court, a plea of guilty or nolo  
20 contendere accepted by the court, the payment of a fine or court  
21 cost, or violation of a condition of release without bail, regardless  
22 of whether the penalty is rebated, suspended or probated;

23 (i) "disqualification" means a prohibition against driving a com-  
24 mercial motor vehicle;

25 (j) "drive" means to drive, operate or be in physical control of  
26 a motor vehicle in any place open to the general public for purposes  
27 of vehicular traffic. For purposes of K.S.A. 1989 Supp. 8-2,137, 8-  
28 2,138 and 8-2,142, "drive" includes operation or physical control of  
29 a motor vehicle anywhere in the state;

30 (k) "driver" means any person who drives, operates or is in phys-  
31 ical control of a commercial motor vehicle, in any place open to the  
32 general public for purposes of vehicular traffic, or who is required  
33 to hold a commercial driver's license;

34 (l) "driver's license" means any driver's license or any other li-  
35 cense or permit to operate a motor vehicle issued under, or granted  
36 by, the laws of this state, including:

37 (1) Any temporary license or instruction;

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

40 (3) any nonresident's operating privilege;

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

1 motor vehicle;

2 (n) "endorsement" means an authorization to an individual's com-  
3 mercial driver's license required to permit the individual to operate  
4 certain types of commercial motor vehicles;

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

7 (p) "gross vehicle weight rating" means the value specified by  
8 the manufacturer as the maximum loaded weight of a single or a  
9 combination (articulated) vehicle, or registered gross weight, which-  
10 ever is greater. The gross vehicle weight rating of a combination  
11 (articulated) vehicle (commonly referred to as the "gross combination  
12 weight rating" is the gross vehicle weight rating of the power unit  
13 plus the gross vehicle weight rating of the towed unit or units;

14 (q) "hazardous materials" has the meaning as that found in section  
15 103 of the hazardous materials transportation act, 49 U.S.C. 1801 *et*  
16 *seq*;

17 (r) "motor vehicle" means every vehicle which is self-propelled,  
18 and every vehicle which is propelled by electric power obtained  
19 from overhead trolley wires but not operated upon rails, except ve-  
20 hicles moved solely by human power and motorized wheel chairs;

21 (s) "out of service order" means a temporary prohibition against  
22 driving a commercial motor vehicle, which is imposed when a driver  
23 has any measured or detected alcohol concentration while on duty,  
24 or operating, or in physical control of a commercial motor vehicle;

25 (t) "residence" means the place which is adopted by a person as  
26 the person's place of habitation and to which, whenever the person  
27 is absent, the person has the intention of returning. When a person  
28 eats at one place and sleeps at another, the place where the person  
29 sleeps shall be considered the person's residence;

30 (u) "secretary" means the secretary of the Kansas department of  
31 revenue;

32 (v) "serious traffic violation" means:

33 (1) Excessive speeding, as is defined by rules and regulations  
34 adopted by the secretary, but shall not be less restrictive than  
35 the federal regulation as 15 miles per hour or more over the posted  
36 speed limit;

37 (2) reckless driving, as defined under K.S.A. 8-1566, and amend-  
38 ments thereto ~~including following another vehicle too closely, as~~  
39 ~~defined under K.S.A. 8-1523, and amendments thereto;~~

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

43 (4) changing lanes of traffic illegally or erratically, as defined

1 under K.S.A. 8-1548, and amendments thereto; ~~or~~

2 ~~(4) (5)~~ any other violation of a state or local law relating to motor  
3 vehicle traffic control, other than a parking violation, which the  
4 secretary determines by rule and regulation to be serious;

5 (w) "state" means a state of the United States and the District  
6 of Columbia;

7 (x) "state of domicile" means that state where a person has such  
8 person's true, fixed and permanent home and principal residence  
9 and to which such person has the intention of returning whenever  
10 such person is absent;

11 (y) "tank vehicle" means any commercial motor vehicle that is  
12 designed to transport any liquid or gaseous material within a tank  
13 that is either permanently or temporarily attached to the vehicle or  
14 the chassis. Such vehicles include, but are not limited to, cargo  
15 tanks, as defined in 49 C.F.R. 171 in effect on January 1, 1991.  
16 However, this definition does not include portable tanks having a  
17 rated capacity under 1,000 gallons;

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

20 (aa) "division" means the division of motor vehicles of the Kansas  
21 department of revenue.

22 Sec. 3. K.S.A. 1989 Supp. 8-2,135 is hereby amended to read  
23 as follows: 8-2,135. (a) The commercial driver's license shall be  
24 marked "commercial driver's license" or "CDL," and must be, to  
25 the maximum extent practicable, tamper proof. It shall include, but  
26 not be limited to, the following information:

27 (1) The requirements set out in K.S.A. 8-243, and amendments  
28 thereto;

29 (2) the person's social security number or any number or iden-  
30 tifier deemed appropriate by the state licensing authority;

31 (3) the class or type of commercial motor vehicle or vehicles  
32 which the person is authorized to drive together with any endorse-  
33 ments or restriction;

34 (4) the name of this state; and

35 (5) the dates between which the license is valid.

36 (b) Commercial drivers' licenses issued pursuant to K.S.A. 8-  
37 234b, and amendments thereto, may be issued with the following  
38 endorsements or restrictions; and the holder of a valid commercial  
39 driver's license may drive all vehicles in the class for which that  
40 license is issued, and all lesser classes of vehicles, except motorcycles  
41 and vehicles which require an endorsement, unless the proper en-  
42 dorsement appears on the license;

43 (1) "H" — authorizes the driver to drive a vehicle transporting

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

(6)

ATTACHMENT A

- (1) Commercial class A motor vehicles include any combination of vehicles with a gross combined weight rating of 26,001 pounds or more, provided the gross vehicle weight rating of the vehicle or vehicles being towed is in excess of 10,000 pounds and all other lawful combinations of vehicles with a gross combined weight rating of 26,001 pounds, or more;
- (2) commercial class B motor vehicles include any single vehicle with a gross vehicle weight rating of 26,001 pounds or more, or any such vehicle towing a vehicle not in excess of 10,000 pounds gross vehicle weight rating;
- (3) commercial class C motor vehicles include any single vehicle less than 26,001 pounds gross vehicle weight rating, 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 towing a vehicle in excess of 10,000 pounds gross vehicle weight rating, provided the gross combined weight rating of the combination is less than 26,001 pounds comprising:
  - (i) Vehicles designed to transport 16 or more passengers, including the driver; or
  - (ii) vehicles used in the transportation of hazardous materials which requires the vehicle to be placarded;
- (4) class A motor vehicles include any combination of vehicles with a gross combined weight rating of 26,001 pounds or more, provided the gross combined weight rating of the vehicle or vehicles being towed is in excess of 10,000 pounds, and all other lawful combinations of vehicles with a gross combined weight rating of 26,001 pounds, or more; except that, class A does not include a combination of vehicles that has a truck registered as a farm truck under subsection (2) of K.S.A. 8-143, and amendments thereto;

ATTACHMENT A

(5) class B motor vehicles includes any single vehicle with a gross vehicle weight rating of 26,001 pounds or more, or any such vehicle towing a vehicle not in excess of 10,000 pounds gross vehicle weight rating. Class B. motor vehicles includes a single vehicle registered as a farm truck under subsection (2) of K.S.A. 8-143, and amendments thereto, when such farm truck has a gross vehicle weight rating of 26,001 pounds or more.

(6) class C motor vehicles includes any single vehicle with a gross vehicle weight rating less than 26,001 pounds, or any such vehicle towing a vehicle not in excess of 10,000 pounds gross vehicle weight rating, or any vehicle with a less than 26,001 gross vehicle weight rating towing a vehicle in excess of 10,000 pounds gross vehicle weight rating, provided the gross combined weight rating of the combination is less than 26,001 pounds, or any oil field pulling units of any gross weight;



Sec. . K.S.A. 8-237, as amended by section 23 of chapter 38 of the 1989 Session Laws of Kansas, is hereby amended to read as follows: 8-237. The division of vehicles shall not issue any driver's license to any person:

(a) Who is under the age of 16 years, except that the division may issue a restricted class C or D license, as provided in this act, to any person who is at least 14 years of age upon the written application of the person's parent or guardian. Except as hereafter provided, the application of the parent or guardian shall be submitted to the division. The governing body of any city, by ordinance, may require the application of any person who is under 16 years of age and who resides within the city to be first submitted to the chief law enforcement officer of the city. The board of county commissioners of any county, by resolution, may require the application of any person who is under 16 years of age and who resides within the county and outside the corporate limits of any city to be first submitted to the chief law enforcement officer of the county. No ordinance or resolution authorized by this subsection shall become effective until a copy of it is transmitted to the division of vehicles. The chief law enforcement officer of any city or county which has adopted the ordinance or resolution authorized by this subsection shall make a recommendation on the application as to the necessity for the issuance of the restricted license, and the recommendation shall be transmitted, with the application, to the division of vehicles. If the division finds that it is necessary to issue the restricted license, it shall issue a driver's license to the person.

A restricted class C license issued under this subsection shall entitle the licensee, while possessing the license, to operate any motor vehicle in class C, as designated in K.S.A. 8-234b, and amendments thereto. A restricted class D license shall entitle the licensee, while possessing such license, to operate a motorcycle. The restricted license shall entitle the

licensee to operate the appropriate vehicle at any time: (1) While going to or from or in connection with any job, employment or farm-related work; (2) on days while school is in session, over the most direct and accessible route between the licensee's residence and school of enrollment for the purposes of school attendance; (3) when the licensee is operating a passenger car, at any time when accompanied by an adult who is the holder of a valid commercial driver's license, class A, B or C driver's license and who is actually occupying a seat beside the driver; or (4) when the licensee is operating a motorcycle, at any time when accompanied by an adult who is the holder of a valid class D driver's license and who is operating a motorcycle in the general proximity of the licensee.

A restricted driver's license issued under this subsection is subject to suspension or revocation in the same manner as any other driver's license. In addition, the division may suspend the restricted driver's license upon receiving satisfactory evidence that: (1) The licensee has violated the restriction of the license, (2) the licensee has been involved in two or more accidents chargeable to the licensee or (3) the recommendation of the chief law enforcement officer of any city or county requiring the recommendation has been withdrawn. The suspended license shall not be reinstated for one year or until the licensee reaches the age of 16, whichever period is longer.

(b) Who is under the age of 18 years for the purpose of driving a commercial or class A or B motor vehicle, except that a person operating a farm truck under class B may be 16 years of age or older.

(c) Whose license is currently revoked, suspended or canceled in this or any other state, except as provided in K.S.A. 8-256, and amendments thereto.

(d) Who is a habitual drunkard, habitual user of narcotic drugs or habitual user of any other drug to a degree which renders the user incapable of safely driving a motor vehicle.

(e) Who has previously been adjudged to be afflicted with or

suffering from any mental disability or disease and who, at the time of making application for a driver's license, has not been restored to capacity in the manner provided by law, except that this limitation shall apply to any person known to have suffered any seizure disorder, until the procedure specified in paragraph (7) of subsection (f) of K.S.A. 8-247, and amendments thereto, has been complied with.

(f) Who is required by the motor vehicle drivers' license act to take an examination, unless the person has successfully passed the examination.

(g) Who is at least 16 years of age and less than 17 years of age, who is applying for a driver's license for the first time since reaching 16 years of age and who, three times or more, has been adjudged to be a traffic offender under the Kansas juvenile code or a juvenile offender under the Kansas juvenile offenders code, by reason of violation of one or more statutes regulating the movement of traffic on the roads, streets or highways of this state, except that, in the discretion of the director, the person may be issued a driver's license which is restricted in the same manner as drivers' licenses issued to persons under the age of 16 years. No person described by this subsection shall be eligible to receive a driver's license which is not restricted until the person has reached the age of 17 years.

Sec. . K.S.A. 1988 Supp. 8-240, as amended by section 26 of chapter 38 of the 1989 Session Laws of Kansas, is hereby amended to read as follows: 8-240. (a) Every application for an instruction permit shall be made upon a form furnished by the division of vehicles and accompanied by a fee of \$2 for class A, B or C, and \$5 for all commercial classes. Every other application shall be made upon a form furnished by the division and accompanied by an examination fee of \$3 and by the proper fee for the license for which the application is made. If the applicant is not required to take an examination the examination fee shall not be required. The examination shall consist of three tests, as follows: (1) Vision; (2) written; and (3) driving. If the applicant fails the vision test, the applicant may have correction of vision made and take the vision test again without any additional fee. If an applicant fails the written test, the applicant may take such test again upon the payment of an additional examination fee of \$1.50. If an applicant fails the driving test, the applicant may take such test again upon the payment of an additional examination fee of \$1.50. If an applicant fails to pass all three of the tests within a period of six months from the date of original application and desires to take additional tests, the applicant shall file an application for reexamination upon a form furnished by the division, which shall be accompanied by a reexamination fee of \$3. Upon the filing of such application and the payment of such reexamination fee, the applicant shall be entitled to reexamination in like manner and subject to the additional fees and time limitation as provided for examination on an original application. If the applicant passes the reexamination, the applicant shall be issued the classified driver's license for which the applicant originally applied, which license shall be issued to expire as if the applicant had passed the original examination.

(b) Every application shall state the name, date of birth, sex and residence address of the applicant, and briefly describe

the applicant, and shall state whether the applicant has theretofore been licensed as a driver, and, if so, when and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for such suspension, revocation or refusal. In addition to the above criteria, applications for commercial drivers' licenses and instruction permits for commercial licenses must include the following: The applicant's social security number; the person's signature; the person's color photograph; certifications, including those required by 49 C.F.R. 383.71(a), effective January 1, 1991; a consent to release driving record information; and, any other information required by the division.

(c) When an application is received from a person previously licensed in another jurisdiction, the division shall request a copy of the driver's record from the other jurisdiction. When received, the driver's record shall become a part of the driver's record in this state with the same force and effect as though entered on the driver's record in this state in the original instance.

(d) When the division receives a request for a driver's record from another licensing jurisdiction the record shall be forwarded without charge.

(e) A fee of \$8 shall be charged for a class C driver's license, a fee of \$5 shall be charged for a class D driver's license, a fee of \$12 shall be charged for a class A or B driver's license and a fee of ~~\$12~~ \$14 for any class of commercial license. A fee of \$10 shall be charged for each commercial driver's license endorsement, except air brake endorsements which shall have no charge.

If one fails to make an original application or renewal application for a driver's license within the time required by law, or fails to make application within 60 days after becoming a resident of Kansas, a penalty of \$1 shall be added to the fee charged for the driver's license.

Sec. . K.S.A. 1989 Supp. 8-267 is hereby amended to read as follows: 8-267. All moneys received under this act shall be paid over by the secretary of revenue to the state treasurer who shall:

(a) Credit 37.5% of all moneys so received from class C driver's licenses and 20% of all moneys so received from class D driver's licenses and 20% of all moneys so received from class A or B driver's licenses and 20% of all moneys so received from all commercial driver licensee classes to a special fund, which is hereby created and shall be known as the "state safety fund" and ~~who shall;~~

(b) credit 20% of all moneys so received from class D driver's licenses to a special fund which is hereby created and shall be known as the "motorcycle safety fund-"; and

(c) credit \$2 from each commercial driver's license fee to a special fund which is hereby created and shall be known as the "truck driver training fund."

Moneys in the state safety fund and in the motorcycle safety fund shall be distributed to provide funds for driver training courses in the schools in Kansas and for the administration of this act, as the legislature shall provide. In addition, moneys in the motorcycle safety fund shall be distributed to provide funds for courses in motorcycle safety in community colleges in Kansas. Moneys in the truck driver training fund shall be distributed to provide funds for courses in truck driver training in community colleges, area vocational schools and area vocational-technical schools in Kansas. The state treasurer shall credit the balance of all moneys received under this act, including all moneys received from commercial driver's license endorsements to the state highway fund.

Sec. . K.S.A. 1989 Supp. 8-272 is hereby amended to read as follows: 8-272. (a) Any school district conducting an approved course in driver training and any student attending a nonpublic school accredited by the state board of education conducting an approved course in driver training shall be entitled to participate in the state safety fund created by K.S.A. 8-267, and amendments thereto. In August of each year, the superintendent of each school district and the governing authority of each nonpublic school shall report to the state board of education the number of students who have been in attendance for a complete driver training course conducted by such school district or nonpublic school during the past school year. From the state safety fund in the state treasury, \$1,540,000 shall be distributed in the manner hereinafter provided to the respective school districts and nonpublic schools on order of the state board of education in the ratio that the number of students in each school district or nonpublic school in attendance for such complete courses bears to the total number of students in all such schools and nonpublic schools in attendance for such complete courses. The state board of education shall certify to the director of accounts and reports the amount due each school district and each student of a nonpublic school. The director of accounts and reports shall draw warrants on the state treasurer payable to the treasurer of each school district and to each student of a nonpublic school entitled to payment under this subsection upon vouchers approved by the state board and shall cause such warrants to be delivered to the respective school districts and nonpublic schools. If the amount appropriated in any year from the state safety fund shall be insufficient to pay the full amount each school district and each student of a nonpublic school is entitled to receive under this subsection, then the entire amount appropriated for such year shall be prorated among all school districts and all students of nonpublic schools in proportion to the amount each school district and each

student of a nonpublic school is entitled to receive. No moneys in the state safety fund shall be used for any purpose other than that specified in this subsection or for the support of driver improvement programs. The state board of education shall prescribe all forms necessary for reporting in connection with this act. The funds shall be distributed on or before November 1 each year.

(b) Any school district conducting an approved course in motorcycle safety as a part of an approved course in driver training; any student attending a nonpublic school accredited by the state board of education conducting an approved course in motorcycle safety as a part of an approved course in driver training or any community college conducting an approved course in motorcycle safety shall be entitled to participate in the motorcycle safety fund created by K.S.A. 8-267, and amendments thereto. The state board of education may establish, by rules and regulations, standards for the conduct, operation and approval of courses in motorcycle safety and for the qualifications of instructors for such courses. Such standards shall not include the requirement that instructors be certificated by the state board of education. In August of each year, the superintendent of each school district, the governing authority of each nonpublic school or the chief administrative officer of each community college shall report to the state board of education the number of students who have been in attendance for a complete course in motorcycle safety as a part of the driver training course conducted by such school district, nonpublic school or community college during the past school year. From the motorcycle safety fund in the state treasury, \$210,000 shall be distributed in the manner hereinafter provided to the respective school districts, nonpublic schools and community colleges on order of the state board of education in the ratio that the number of students in each school district, nonpublic school or community college in attendance for such complete courses in motorcycle safety bears to the total number of students in all such schools, nonpublic



schools and community colleges in attendance for such complete courses. The state board of education shall certify to the director of accounts and reports the amount due each school district, each student of a nonpublic school and each community college. The director of accounts and reports shall draw warrants on the state treasurer payable to the treasurer of each school district, to each student of a nonpublic school and to each treasurer of each community college entitled to payment under this subsection upon vouchers approved by the state board and shall cause such warrants to be delivered to the respective school districts, nonpublic schools and community colleges. If the amount appropriated in any year from the motorcycle safety fund shall be insufficient to pay the full amount each school district, each student of a nonpublic school and each community college is entitled to receive under this subsection, then the entire amount appropriated for such year shall be prorated among all school districts, all students of nonpublic schools and all community colleges in proportion to the amount each school district, each student of a nonpublic school and each community college is entitled to receive. No moneys in the motorcycle safety fund shall be used for any purpose other than that specified in this subsection or for the support of motorcycle driver improvement programs. The state board of education shall prescribe all forms necessary for reporting in connection with this act. The funds shall be distributed on or before November 1 each year.

(c) For the purpose of this subsection, "vocational education school" means community college, area vocational-technical school or area vocational school. Any vocational education school conducting an approved course in truck driving shall be entitled to participate in the truck driver training fund created by K.S.A. 8-267, and amendments thereto. The state board of education may establish, by rules and regulations, standards for the conduct, operation and approval of courses in truck driver training and for the qualifications of

instructors for such courses. Such standards shall not include the requirement that instructors be certificated by the state board of education. In August of each year, the chief administrative officer of each vocational education school shall report to the state board of education the number of students who have been in attendance for a complete course in truck driver training conducted by such vocational education school during the past school year. From the truck driver training fund in the state treasury, \$            shall be distributed in the manner hereinafter provided to the respective vocational education school on order of the state board of education in the ratio that the number of students in each vocational education school in attendance for such complete courses in truck driver training bears to the total number of students in all such vocational education schools in attendance for such complete courses. The state board of education shall certify to the director of accounts and reports the amount due each vocational education school. The director of accounts and reports shall draw warrants on the state treasurer payable to the treasurer of each vocational education school entitled to payment under this subsection upon vouchers approved by the state board and shall cause such warrants to be delivered to the respective vocational education school. If the amount appropriated in any year from the truck driver training fund shall be insufficient to pay the full amount each vocational education school is entitled to receive under this subsection, then the entire amount appropriated for such year shall be prorated among all vocational education schools in proportion to the amount each vocational education school is entitled to receive. No moneys in the truck driver training fund shall be used for any purpose other than that specified in this subsection or for the support of truck driver training programs. The state board of education shall prescribe all forms necessary for reporting in connection with this act. The funds shall be distributed on or before November 1 each year.

New Sec. . (a) There is hereby established in every community college conducting a truck driver training course a fund which shall be called the "truck driver training course fund". The truck driver training course fund shall consist of all moneys deposited therein or transferred thereto according to law. All moneys received by community colleges from distributions made from the truck driver training course fund and from tuition, fees or charges for truck driver training courses shall be credited to the truck driver training course fund. The expenses of community colleges directly attributable to truck driver training courses shall be paid from the truck driver training course fund.