

Approved: 3/20/95  
Date

MINUTES OF THE HOUSE COMMITTEE ON TRANSPORTATION.

The meeting was called to order by Vice-Chairperson Kenneth King at 1:30 p.m. on March 14, 1995 in Room 519-S of the Capitol.

All members were present except:  
Representative King, excused

Committee staff present: Hank Avila, Legislative Research Department  
Tom Severn, Legislative Research Department  
Bruce Kinzie, Revisor of Statutes  
Ellie Luthye, Committee Secretary

Conferees appearing before the committee:  
Betty McBride, Director of the Division of Vehicles, Dept. of Revenue

Others attending: See attached list

Vice-Chairman Myers called the meeting to order at 1:30 p.m. and opened hearings on **SB 349, concerning uniform commercial driver's license act.** He called on Bruce Kinzie to give an overview of the bill.

The Vice-Chair recognized Betty McBride, Director of the Division of Vehicles, Department of Revenue. She stated this bill was requested as a result of a federal review of the State's Commercial Driver's License program and offers technical amendments to clarify the Uniform Driver's License Act, including the deletion of an obsolete grandfather clause. With these changes, Kansas will be in compliance with new U.S. Department of Transportation rules regarding out-of-service orders. She concluded that failure to enact **SB 349** could jeopardize a significant portion of the federal-aid highway funds allocated to Kansas. (Attachment 1)

Written testimony was presented by the Department of Transportation encouraging the committee to take favorable action on **SB 349.** (Attachment 2)

There were no opponents.

Following questions from the committee the Vice-Chair closed hearings on **SB 349.**

Vice-Chairman Myers opened hearings on **HCR 5011, opposing conversion to the metric system of measurement.**

Bruce Kinzie gave an overview of the bill.

There were no proponents or opponents present.

The Vice-Chair closed hearings on **HCR 5011.**

The minutes for the Transportation Committee for March 9th and 13th were presented for approval or correction. Representative Pottorff made a motion to accept the minutes as presented, seconded by Representative Long and the motion carried.

The meeting was adjourned at 1:50 p.m.

The next meeting is scheduled for March 15, 1995.

# HOUSE TRANSPORTATION COMMITTEE GUEST LIST

DATE: March 14, 1995

NAME	REPRESENTING
John Tami	KCC
Tom Whitaker	Ks Motor Carriers Assn
Wanda Jean	KMHA
Trudy Rode	KDOT

STATE OF KANSAS

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Department of Revenue  
Division of Vehicles

To: Honorable Kenneth King, Chairman  
House Transportation Committee

From: Betty McBride, Director  
Division of Vehicles

Date: March 14, 1995

Mr. Chairman, Members of the Committee,

I am Betty McBride, Director of the Division of Vehicles. I appreciate the opportunity to appear before you today on behalf of the Kansas Department of Revenue to ask your support for Senate Bill 349.

Senate Bill 349 is requested as a result of a federal review of the State Kansas Commercial Driver's License program. This bill offers technical amendments to clarify the Uniform Driver's License Act, including the deletion of an obsolete grandfather clause, and it will bring Kansas into compliance with new U. S. Department of Transportation rules regarding out-of-service orders. As defined under current law, out-of-service is forbidding the operation of a commercial motor vehicle when the driver has any measured or detected alcohol concentration while on duty, operating, or in physical control of a commercial motor vehicle. We are asking to expand this definition to include a declaration by an authorized enforcement officer of either this country, Mexico or Canada, that a vehicle is out-of-service pursuant to federal law. A driver convicted of violating an out-of-service order will be subject to the following disqualifications: first conviction, the driver is disqualified for 90 days; second conviction, the driver is disqualified for one year; third and subsequent convictions, the driver is disqualified for three years.

Grand fathering sections of the statute are no longer applicable, and all other changes are technical in nature.

The Commercial Motor Vehicle Act of 1986 requires that the state comply with minimum federal standards for licensing, reporting, and penalizing persons who hold commercial driver's licenses. Failure to enact Senate Bill 349 could jeopardize a significant portion of the federal-aid highway funds allocated to Kansas. Therefore, Mr. Chairman and members of the committee, I urge your support of Senate Bill 349.

I would stand for any questions you may have at this time.

*House Transportation Committee  
March 14, 1995  
Attachment 1*



## KANSAS DEPARTMENT OF TRANSPORTATION

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E. Dean Carlson  
*Secretary of Transportation*

Bill Graves  
*Governor of Kansas*

**TESTIMONY PROVIDED TO THE  
HOUSE TRANSPORTATION COMMITTEE  
REGARDING S.B. 349**

**March 14, 1995**

Mr. Chairman and Committee Members:

The Kansas Department of Transportation would like to express its support of S.B. 349.

The proposed legislation has been drafted to make the language in Kansas' Uniform Commercial Drivers' License Act conform more closely to the federal requirements. It also includes new requirements for out-of-service orders. This legislation is necessary to implement the U.S. Department of Transportation's Final Rule for Violations of Out-of-Service Orders by Commercial Motor Vehicle Operators, dated May 18, 1994. Failure to pass S.B. 349 could jeopardize a significant portion of the Federal-aid highway funds allocated to Kansas.

The Commercial Motor Vehicle Act of 1986 requires that the state comply with minimum federal standards for the licensing, reporting, and penalizing of individuals who hold commercial drivers' licenses. The penalty for failure to meet those standards is the withholding of ten percent of the funds allocated to the state for several of the largest Federal-aid highway programs, including Interstate Maintenance, the National Highway System, and the Surface Transportation Program, as well as any funds made available to the state under the hold harmless clause in the distribution formula. For FFY 1996, this penalty is estimated to be \$13.6 million dollars. To preserve the State's full Federal-aid entitlement, we encourage the Committee to take favorable action on S.B. 349.

*House Transportation Committee  
March 14, 1995  
Attachment 2*