

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE.

The meeting was called to order by Chairperson Gary Hayzlett at 1:30 p.m. on February 19, 2003 in Room 519-S of the Capitol.

All members were present except:

Representative Toelkes, excused

Committee staff present:

Bruce Kinzie, Revisor  
Hank Avila, Legislative Research Department  
Mary Galligan, Legislative Research Department  
Betty Boaz, Committee Secretary

Conferees appearing before the committee:

Dennis Wilson, Johnson County Treasurer  
Eileen King, Riley County Treasurer  
Jeremy Anderson, Director of Government Affairs  
Sheila Walker, Director, Motor Vehicle Division  
Walt Darling, Chief Finance Officer, Kansas Highway Patrol  
Tom Whitaker, Executive Director, KS Motor Carrier Association  
Ken Gudenkauf, Ass't. Bureau Chief, Traffic Engineering, KDOT

Others attending:

See attached list

**HB 2143 - Restrictions on distinctive license plates for motor vehicles**

Chairman Hayzlett opened the hearing on **HB 2143** by introducing Dennis Wilson as the first proponent. According to Mr. Wilson, the current method is fine with their association, which states that 500 plates must be sold prior to the state printing and shipping the plates to all county motor vehicle departments for distribution, but needs to add that they will sell and maintain 500 plates to keep this privilege. The association has noticed that the intent and spirit of the law has been violated by some of the groups that have special license permission. These groups are not actually purchasing their required 500 plates, resulting in excessively high running inventories for all counties. The association asks the legislature to require that 500 plates be sold and maintained to keep their special plate status and if the group fails to maintain their statutory requirement that no more plates will be printed, sold or maintained. (ATTACHMENT 1)

The next proponent was Eileen King, Riley County Treasurer and KS County Treasurers' Association Representative. (Attachment 2) Ms. King advised the Committee that each County Treasurer's Office in Kansas acts as an agent in titling and registering vehicles and as such must keep an inventory of all license plates on hand for issuance. The problem that is caused at the local county treasurer's offices is one of secured storage space. With the ever increasing number of specialized plates, the storage problem only gets worse. They now keep an inventory of 22 different kinds of plates in addition to the personalized plates that have been ordered and not yet delivered. In order for the county to have these plates available, the state produces 2000 plates for each category. **HB 2143** would encourage the institutions to actually "guarantee" the 500 plates, in order for the continuance of the plates. She asked for support of **HB 2143**.

Following questions from the Committee, the Chairman asked if there were any other proponents or any opponents. There being none the Chairman closed the hearing on **HB 2143**.

The Chairman appointed a sub-committee to work with the treasurers and Div. of Motor Vehicles to come up with a solution to this problem. The Chairman of the sub-committee will be Representative Faber with Representatives Humerickhouse and Miller.

**HB 2192 - Increasing fees for drivers' licenses and identification cards**

## CONTINUATION SHEET

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE at on February 19, 2003 in Room 519-S of the Capitol.

Chairman Hayzlett opened the hearings on **HB 2192** with Jeremy Anderson being the first proponent. (Attachment 3) He said both **HB 2192** and **HB 2193** are a necessary part of the Governor's FY 2004 budget. **HB 2192** raises the fee for a driver's license from \$12 to \$18. Driver's licenses are renewed every 6 years which means the fee increase equates to \$1 per year to maintain a license. **HB 2193** would raise the cost of a vehicle title fee from \$8 to \$10.

The Chairman recognized Sheila Walker as the next proponent for **HB 2192** (Attachment 4) According to Director Walker, this bill increases the fees to obtain a driver's license or identification card and creates a "photo fee fund" in which photo fees are to be deposited with the Kansas Department of Revenue. The photo fee would continue to generate approximately \$1.5 million each year, and under **HB 2192**, these fees would be deposited directly into a "photo fee fund" at the Kansas Department of Revenue. This fee fund is designed to cover the costs associated with issuing driver's licenses and ID cards. She urged the Committee's support of **HB 2192** and requested it be passed out favorably.

There were no additional proponents and no opponents. After questions, the Chairman closed hearings on **HB 2192**.

### **HB 2193 - Increasing fees for certificates of title**

Chairman Hayzlett opened hearings on **HB 2193**. Sheila Walker was the first proponent and she explained the bill. (Attachment 5) According to Director Walker this bill increases the title fee \$2 (from \$8 to \$10 and lifts the sunset on the Kansas Department of Revenue's VIPS/CAMA fee fund (a fund designed to maintain the DMV's Vehicle Information Processing System and the Property Valuation Division's Computer Assisted Mass Appraisal System), as well as the Kansas Highway Patrol's vehicle fee fund. She concluded by saying passage of **HB 2193** will enable them to furnish county treasurers and appraisers with the tools they need to continue to provide quality customer service.

The Chairman recognized Walt Darling, Chief Finance Officer for KHP. (Attachment 6) According to Mr. Darling, **HB 2193** makes one change to the financing for the Highway Patrol Fleet Program. It eliminates the sunset attached to the title fee financing for this program and thus, allow the program to continue as established by the 1993 Legislature. Mr. Darling concluded by asking the Committee to pass **HB 2193** out favorably so the program may be continued indefinitely.

There were no additional proponents and no opponents. Following questions from the Committee, Chairman Hayzlett closed the hearing on **HB 2193**.

### **HB 2220 - Amending uniform commercial drivers' license act**

The Chairman opened the hearing on **HB 2220** by recognizing Sheila Walker, Director, Motor Vehicles Division. (Attachment 7) There are four major changes to the existing law; it adds an "S" endorsement for school bus drivers, precludes diversion agreements that would prevent a conviction from appearing on the record, adds disqualifications for several new major and serious offenses in a non-commercial motor vehicle and adds several new railroad-highway grade crossing offenses. **HB 2220** would bring Kansas law into compliance with revised federal rules and regulations that must be implemented by the state to receive federal highway funds.

The Chairman recognized Tom Whitaker, Executive Director of the Kansas Motor Carriers Association as the next proponent. (Attachment 8) According to Mr. Whitaker **HB 2220** is legislation to bring Kansas into compliance with revisions to the Commercial Driver's License program mandated by the Motor Carrier Safety Act of 1999. These changes are designed to further improve the safety of motor carrier operations on our nation's highways by making sure that only safe drivers operate commercial motor vehicles. The changes in **HB 2220** to the Kansas Uniform Commercial Driver's License Act would bring Kansas in compliance with the Motor Carrier Safety Act of 1999. The changes eliminate the possibility of being decertified by the federal government to issue CDL's and lose federally-aided highway funds. Mr.

CONTINUATION SHEET

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE at on February 19, 2003 in Room 519-S of the Capitol.

Whitaker concluded by asking the Committee to act favorably on **HB 2220**.

Chairman Hayzlett recognized the last proponent, Ken Gudenkauf, Assistant Chief of the Bureau of Traffic Engineering for KDOT. (Attachment 9) According to Mr. Gudenkauf, **HB 2220** would bring Kansas into compliance with federal requirements for the Commercial Drivers' License. If Kansas does not comply, KDOT stands to lose federal highway funds of \$16 - \$18 million the first year and \$31 - \$33 million the second and subsequent years. He concluded by saying KDOT urges support for passing **HB 2220** out favorably.

There were no other proponents and no opponents. Following questions by the Committee the Chairman closed the hearing on **HB 2220**.

The Chairman called for final action on **HB 2191**. Representative Larkin made a motion to add the amendments as requested by Ed McKechnie, proponent for the bill, amending an additional section to clarify that the borrowing of money from an individual would be allowed and also on page 1 in line 29 by striking the "and" and inserting "or". Representative Henry seconded the motion to amend and the motion carried. Representative Beggs made a motion to move **HB 2191** as amended, out favorably, Representative Henry seconded the motion and the motion carried.

Chairman Hayzlett called for final action on **HB 2192**. Representative Ballard made a motion to move this bill out favorably, seconded by Representative Davis and the motion carried.

The Chairman called for final action on **HB 2193**. Representative Myers made a motion to pass this bill out favorably, seconded by Representative Beggs and the motion carried.

The Chairman called for final action on **HB 2220**. Representative Compton made a motion to pass this bill out favorably, seconded by Representative Dreher and the motion carried.

The meeting adjourned at 2:45 p.m. The next meeting of the House Transportation Committee will be Thursday, February 20, 2003.



2/19/2003

TO: Representative Gary Hayzlett  
Chairman, House Transportation Committee

FROM: Dennis Wilson  
Johnson County Treasurer

Testimony on HB 2143

Chairman Hayzlett and Committee

Thank you for this opportunity to testify on behalf of the Kansas County Treasurer's Association on the above referenced bill.

The association of one hundred five counties supports HB2143 and would ask that the committee also support our efforts in passing this bill.

This bill is NOT designed to stop the sale of any personal license plates or stop special interest groups from seeking the legislatures approval of special plates. The current method that the legislature has been handling the special plate needs is fine with our association, which states that 500 must be sold prior to the state printing and shipping the plates to all county motor vehicle departments for distribution, but needs to add that they will sell and maintain 500 plates to keep this privilege.

The association has noticed that the intent and the spirit of the law have been violated by some of the groups that now have special license permission. These groups do not actually purchase their required 500 plates, resulting in excessively high running inventories for all counties. It is time consuming and cost prohibitive to print, receipt, store, train staff on issuance requirements and maintain special plates that will sit there for years and never be sold.

We want to make a note that this bill in no way will affect the military plates like Purple Heart, POW and Veterans. It will affect college institutions and special interest groups like Ag in the Classroom, as well as others. The following is a sample of how many have been sold by some groups.

Children's Trust Fund	434
Shriners	349
Ag in the Classroom	37
Baker University	32
Public Service	0

Our association would ask that the legislature require that 500 plates be sold and maintained to keep their special plate status and if the group fails to maintain their statutory requirement, that no more plates will be printed, sold or maintained.

We ask that this committee move out this bill favorably.

House Transportation  
Date: 2-19-03  
Attachment # 1



TREASURER'S OFFICE

R. Eileen King, CFM, CFE  
County Treasurer

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TO: House Transportation Committee, Gary Hayzlett, Chairman.  
FROM: Eileen King, Riley County Treasurer & KCTA Representative  
DATE: February 19, 2003  
RE: HB 2143

Each County Treasurer's office in Kansas acts as an agent for the state in Titling and Registering vehicle. As such it is necessary to keep an inventory of all license plates on hand for issuance. In 1995, the Director of Vehicles and the County Treasurer's came to the legislature because there were so many different organizations that were requesting special plates. At that time the Director of Vehicles and the legislature agreed that 500 license plates was a reasonable minimum to require that organizations guarantee for the production of the plates. The \$40 special plate fee is not collected until the tags are actually issued. My understanding is that this money goes into the Highway Fund rather than to the Division of Vehicles for offsetting the production costs.

The problem that is caused at the local county treasurer's offices is one of storage. Most counties have a limited amount of secured storage space for the license plates. With an ever-increasing number of specialized plates, the storage problem only gets worse. In 1995, we had 5 specialty plates, since that time we have added 5 different Educational Institution plates and 3 other specialized plates for organizations. We now keep an inventory of 22 different kinds of plates, in addition to the personalized plates that have been ordered and not yet delivered. As of January 17, 2003, the following amounts of specialized plates had been issued statewide.

Educational Plates: 6921

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KSU & KU	5068
Pittsburg State	937
Wichita State	884
Baker University	32

Children's Trust Fund	434
Shriner's	349
Ag in the Classroom	37
Public Service	0

As you can see, not all of the institutions have achieved the 500 plates that they guaranteed to the state. In order for each county to have these plates available, the state produces 2000 plates for each category. This allows for a prorated amount to go to each county, the smallest counties get a supply of 5 specialty plates. The idea behind the various plates is very worthwhile, but we all need to think of the indirect costs associated with all of these plates, especially in the tight budgets that we are all facing. HB 2143 would allow for the continuation of the specialized plates, but it would encourage the institutions to actually "guarantee" the 500 plates, in order for the continuance of the plates.

I ask for your support of HB 2143.

# KANSAS

OFFICE OF THE GOVERNOR

KATHLEEN SEBELIUS, GOVERNOR

## House Transportation Committee

### Testimony from Jeremy Anderson, Director of Government Affairs

February 19, 2003

Mr. Chairman and members of the committee,

Thank you for allowing me the opportunity to testify in support of HB 2192 and HB 2193. Both of these bills are necessary parts of the Governor's FY 2004 budget recommendation.

HB 2192 raises the fee for a driver's license from \$12 to \$18. Driver's licenses are renewed every 6 years which means the fee increase equates to \$1 per year to maintain a license. The fee increase is estimated to raise approximately \$2.1 million in FY 2004. The increase would be used to offset State General Fund expenditures in the Dept. of Revenue.

HB 2193 would raise the cost of a vehicle title fee from \$8 to \$10. The change is estimated to raise \$1.6 million in FY 2004 and also would be used to offset State General Fund expenditures in the Dept. of Revenue.

Together, these bills allow for the reduction of almost \$3.7 million of State General Fund financing in the Governor's recommended budget. If these bills are not passed that money needs to be added back in order for the Dept. of Revenue to continue its current operations.

The House Budget Subcommittee that deals with the Dept. of Revenue budget has adopted the Governor's recommendation regarding these funding changes.





# K A N S A S

JOAN WAGNON, ACTING SECRETARY

DEPARTMENT OF REVENUE  
DIVISION OF VEHICLES

KATHLEEN SEBELIUS, GOVERNOR

**TO:** Chairman Gary Hayzlett  
Members of the House Transportation Committee

**FROM:** Sheila J. Walker, Director of Vehicles *Sheila J. Walker*

**DATE:** February 19, 2003

**SUBJECT:** House Bill 2192 – Driver’s License Fees

Mr. Chairman, members of the committee, I am Sheila Walker, Director of the Kansas Department of Revenue’s Division of Vehicles. Thank you for allowing me to testify in support of House Bill 2192. This bill increases the fees to obtain a driver’s license or identification card and creates a “photo fee fund” in which photo fees are to be deposited with the Kansas Department of Revenue.

Under this bill, persons issued a four-year driver’s license or ID card will be charged an additional \$4; persons issued a six-year driver’s license or ID card will be charged an additional \$6. Persons with a motorcycle license, in conjunction with a driver’s license, will also pay an additional \$4 or \$6 for the motorcycle license as well, depending on their age (persons under 21 and over 65 have a four-year license; persons between the ages of 21 and 65 have a six-year license).

Here’s a breakdown of the current and proposed fees for a basic, Class C four-year and six-year license:

	Current Four-Year	Proposed Four-Year	Current Six-Year	Proposed Six-Year
License Fee	\$8	\$12	\$12	\$18
Photo Fee	\$2	\$2	\$2	\$2
Exam Fee	\$3	\$3	\$3	\$3
<b>Total</b>	<b>\$13</b>	<b>\$17</b>	<b>\$17</b>	<b>\$23</b>

The proposed fee increase is expected to generate an additional \$2.075 million annually.

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The photo fee would continue to generate approximately \$1.5 million each year, and under this bill, these fees would be deposited directly into a “photo fee fund” at the Kansas Department of Revenue. This fee fund is designed to cover the costs associated with issuing drivers’ licenses and ID cards.

The license fees in Kansas have been at \$2 a year for at least 10 years, if not longer. The proposed new fees are comparable to surrounding states:

Oklahoma	\$19
Colorado	\$15
Nebraska	\$18.75
Missouri	\$10 for 3-year; \$19 for a 6-year

We appreciate the Committee’s support of House Bill 2192, and request that you pass it out favorably.



**K A N S A S**

JOAN WAGNON, ACTING SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

DEPARTMENT OF REVENUE  
DIVISION OF VEHICLES

**TO:** Chairman Gary Hayzlett  
Members of the House Transportation Committee

**FROM:** Sheila J. Walker, Director of Vehicles *Sheila J. Walker*

**DATE:** February 19, 2003

**SUBJECT:** House Bill 2193 – Title Fees

Mr. Chairman, members of the committee, I am Sheila Walker, Director of the Kansas Department of Revenue's Division of Vehicles. Thank you for allowing me to testify in support of House Bill 2193.

This bill increases the title fee \$2 (from \$8 to \$10) and lifts the sunset on the Kansas Department of Revenue's VIPS/CAMA fee fund (a fund designed to maintain the DMV's Vehicle Information Processing System and the Property Valuation Division's Computer Assisted Mass Appraisal System), as well as the Kansas Highway Patrol's vehicle fee fund.

The \$2 increase is expected to generate an additional \$1.6 million annually.

The Kansas Department of Revenue appreciates the Committee's favorable consideration of lifting the sunset imposed on these funds. Technology is ever changing and needs to be funded on a continuing basis. The Kansas Divisions of Motor Vehicles and Property Valuation strongly rely on county treasurers and county appraisers to provide face-to-face customer service to all citizens registering vehicles and owning property in the state of Kansas. Passage of this bill will enable us to furnish county treasurers and appraisers with the tools they need to continue to provide quality customer service. Legislative Post Auditors have, in the past, indicated the department's expenditures from the fund are accountable and responsible.

While some states charge upwards of \$50, a \$10 Kansas title fee would still be comparable to surrounding states:

Oklahoma	\$11.00
Nebraska	\$10.00
Colorado	\$9.50
Missouri	\$8.50

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We appreciate the Committee's support of House Bill 2193, and request that you pass it out favorably.



# K A N S A S

COL. DON BROWNLEE, SUPERINTENDENT

KATHLEEN SEBELIUS, GOVERNOR

## KANSAS HIGHWAY PATROL

Kansas Highway Patrol  
Summary of Testimony on HB 2193  
For the House Transportation Committee  
By Mr. Walter Darling  
February 19, 2003  
1:30 p.m.-519S

Mr. Chairman and members of the Committee, my name is Walt Darling. I am the Chief Finance Officer for the Kansas Highway Patrol and am pleased to appear before you today in support of House Bill 2193.

House Bill 2193 makes one change to the financing for the Highway Patrol Fleet Program. It eliminates the sunset attached to the title fee financing for this program and thus, allows the program to continue as established by the 1993 Legislature.

Prior to FY 1994, motor vehicles used by the patrol were financed annually through direct appropriations of approximately \$2.5 million from the State General Fund. The subject matter in House Bill 2193 was established by the 1993 Legislature when it passed the then Senate Bill 212, which created a new Fleet Program within the patrol. This new program provided both an alternative means for financing the Patrol's motor vehicles and a process for allowing the patrol to continually replace its used vehicles at a lower, and thus safer, level of mileage.

The alternate financing provided by the Legislature in the statutes being amended here replaces the financing previously provided from the State General Fund. However, equally important to the Fleet Program is the authority provided by the 1993 Legislature in KSA 74-2124, which allows the Patrol to sell its cars and use the resale value to purchase new vehicles. Thus, while the annual revenue being discussed here replaced the monies previously provided from the State General Fund the additional monies provided by the resale of vehicles, when captured and recaptured year after year is what allows the agency to maintain its lower level of vehicle mileage. An early objective of the 1993 Legislature was to provide these lower mileage vehicles to local units of government. This objective has been achieved.

Several questions have been answered since the program was established.

1. The Patrol has learned that market forces affect financing under the program. In 1995 and 1996, when the price of motor vehicles increased from \$14,000 to \$19,000, our revenue was insufficient to finance the program. That financing level was adjusted by the 1996 Legislature.

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2. The Patrol has learned that resale price is critical to maintaining revenues at the level needed to match the revenue under the title fees. Care and maintenance of vehicles has become very important and officers are held to a higher level of accountability regarding the care of their vehicle.
3. Under the auspices of two studies by the Division of Post Audit (1997; 1998), the Patrol has learned that the optimum mileage point for these cars to ensure the balance between the financing sources is a point just prior to 50,000 miles.
4. Through difficulties regarding the interpretation of the program intent, we learned that written policies are critical to ensuring program integrity. In a special audit of those policies in 1999 by McBride, Lock & Associates of Kansas City, the Patrol fine-tuned its internal policies and ensured that the program intent could be easily facilitated. Those policies were submitted to the Legislature in that year.
5. Finally, the Patrol has learned that the financing available for hiring troopers significantly impacts the financing needed for vehicles. During the past several years, the Patrol has lost a large number of officers. These positions have been held vacant due to salary shrinkage rates that have increased to 14%. The lack of officers reduces the number of cars that need to be issued. Savings that have accumulated in the program have been transferred to the State General Fund. The transfers included \$1.2 million in FY 2000; \$1.8 million in FY 2002, and \$1.0 million in FY 2003.

This program has been successful because of the Patrol's dedication to its success and the oversight that has been provided by the Governor and the Legislature. When market forces crippled the program 1996, the Governor and the Legislature adjusted the revenue stream to provide additional resources. When a shortage of officers occurred, and fewer cars were purchased, the excess revenue in the fund was transferred to the State General Fund. Under the recommendations of the Governor for FY's 2003 and 2004, the Highway Patrol will be replacing 70 officers lost to retirements or other turnover. Particularly in FY 2004, the need for additional cars will be increased as these additional officers are brought on line. I believe that in the past decade, by annual reviews and periodic audits, the Patrol has gained the trust of the Governor and the Legislature in the implementation and operation of this program. I ask you to pass this measure, as introduced, so that the program may be continued indefinitely.

I appreciate the opportunity to appear before your committee, and will stand for any questions you may have.



# K A N S A S

JOAN WAGNON, ACTING SECRETARY

DEPARTMENT OF REVENUE  
DIVISION OF VEHICLES

KATHLEEN SEBELIUS, GOVERNOR

**TO:** Chairman Gary Hayzlett  
Members of the House Transportation Committee

**FROM:** Sheila J. Walker, Director of Vehicles *Sheila J. Walker*

**DATE:** February 19, 2003

**SUBJECT:** House Bill 2220 – Federal CDL Regulations

Mr. Chairman, members of the committee, I am Sheila Walker, Director of the Kansas Department of Revenue's Division of Vehicles. Thank you for allowing me to testify in support of House Bill 2220.

The U.S. Department of Transportation, Federal Motor Carrier Safety Administration, published its Final Rule on Commercial Driver's License Standards, Requirements and Penalties and the Commercial Driver's License (CDL) Program Improvements and Noncommercial Motor Vehicle Violations on July 31, 2002 (49 CFR Parts 350, 383, 384 and 390).

In order for the State Highway Fund to avoid losing \$16 to \$18 million the first year and \$31 to \$33 million the second year, Kansas must pass state laws that mirror these federal regulations. House Bill 2220 will bring Kansas into compliance with the revised federal rule, which must be implemented by all states to protect highway funds.

There are four major changes to existing law:

- Adds an "S" endorsement for school bus drivers;
- Precludes diversion agreements that would prevent a conviction from appearing on the record;
- Adds disqualifications for several new major and serious offenses in a non-commercial motor vehicle; and
- Adds several new railroad-highway grade crossing offenses.

## "S" Endorsement for School Bus Drivers

The regulations require the state to implement a new "S" endorsement on CDLs for school bus drivers. The Division will need to revise its written tests and drive tests for applicants who wish to obtain the new endorsement. (We expect the American Association of Motor Vehicle Administrators to assist with the preparation of those tests.)

We will also need to revise the application process to verify that the applicant meets the specifications outlined in (b)(1) through (b)(7) on Page 1. (Has the applicant held a CDL with a passenger vehicle endorsement? Have the applicant's driving privileges been suspended, revoked or cancelled? Has the driver been convicted of any disqualifying offenses? Etc.)

The Kansas Department of Education reports there are approximately 6,000 school busses in the state. It is unknown exactly how many active school bus drivers there are in Kansas. Current active school bus drivers may be "grandfathered in" for the new endorsement. Under the bill, these drivers could have the endorsement added to their license before September 30, 2005, without being subject to the new driving skills test. We may see longer lines leading up to the deadline in order for school bus drivers to be "grandfathered in."

The new school bus driver endorsement change will require some examiner training, which can be accomplished with existing resources.

### **Preclude Diversion Agreements**

The federal regulations preclude a commercial driver from entering into a diversion agreement that would prevent a conviction from appearing on the driver's record (New Section 2, starting on Line 43 of Page 1). This part of the regulation is intended to prohibit "masking" or allowing diversions for traffic violations *that would normally be recorded on the driving record.*

### **Disqualifications for New Major & Serious Offenses in a Non-CMV**

The federal regulations increase the type and number of violations that can result in either new or longer sanctions against the driving privileges of CDL-holders (Pages 8 and 9). The most dramatic change is the requirement to disqualify CDL-holders from operating a commercial motor vehicle (CMV) for convictions of major and serious traffic violations while operating a non-commercial vehicle (non-CMV).

For example, a CDL-holder would be disqualified from driving a commercial motor vehicle for one year if convicted of a first-time DUI in a non-commercial motor vehicle. Currently, the CDL-holder is still eligible to drive his commercial motor vehicle because, following a 30-day suspension of all driving privileges, DUI offenders are restricted to and from work and during the course of employment (as well as to and from school, to and from alcohol treatment, and during a medical emergency). With this change, the CDL-holder would only be eligible to drive a non-commercial motor vehicle with the same restrictions.

### **Railroad-Highway Grade Crossing**

The federal regulations add six new offenses at a railroad-highway grade crossing that disqualify commercial drivers from operating a commercial motor vehicle (starting on Line 36 of Page 9).

For instance, a commercial driver who is not required to always stop, but fails to slow down and check that the tracks are clear of an approaching train, would be disqualified from driving a commercial motor vehicle for 60 days for a first conviction; 120 days for a second conviction in three years; and one year for a third or subsequent conviction in three-years.

### **In Conclusion**

The bill also adds to the list of serious traffic violations (Page 4, Line 27) a violation of subsection (a) of K.S.A. 8-2,132, which refers to driving a CMV without obtaining a CDL; driving a CMV without a CDL in the driver's possession; and driving a CMV without the proper class of CDL or endorsements.

Finally, the bill specifies that no person shall drive a commercial motor vehicle in violation of an out-of-service order. The consequences for such conviction (with and without hazardous materials) are outlined on Page 9, Lines 9 through 30.

The state has three years (until October 2005) to implement the "S" endorsement, the diversion preclusion, and the new major and serious offenses in a non-CMV. However, the railroad crossing offenses were effective October 2002.

This bill takes effect upon publication in the Kansas Register. To avoid losing \$16 to \$18 million in federal funding this fiscal year, we respectfully request the Committee to pass this bill out favorably.





# KANSAS MOTOR CARRIERS ASSOCIATION

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TOM WHITAKER  
Executive Director

## Legislative Testimony

Presented by the Kansas Motor Carriers Association  
Before the House Transportation Committee  
Representative Gary Hayzlett, Chairman  
Wednesday, February 19, 2003

### **In Support of House Bill No. 2220**

#### **MR. CHAIRMAN AND MEMBERS OF THE HOUSE TRANSPORTATION COMMITTEE:**

I am Tom Whitaker, executive director of the Kansas Motor Carriers Association. I appear here this afternoon representing our 1,250 member firms and the Kansas trucking industry in support of House Bill 2220.

KMCA strongly supported the Kansas Uniform Commercial Driver's License Act when it was adopted by the Kansas Legislature during the 1989 session. The commercial driver's license system was established to insure that unqualified and unsafe persons cannot obtain a license to operate a commercial motor vehicle (CMV).

KMCA strongly supports all laws designed to increase commercial motor vehicle safety including:

- Commercial driver's license
- Drug and alcohol testing
- Annual vehicle inspections
- Increased roadside inspections

House Bill 2220 is legislation to bring Kansas into compliance with revisions to the Commercial Driver's License program mandated by the Motor Carrier Safety Act of 1999. These changes are designed to further improve the safety of motor carrier operations on our nation's highways by making sure that only safe drivers operate commercial motor vehicles.

House Bill 2220 makes the following changes in the current Kansas Commercial Driver's License laws:

- Establishes requirements for a newly created school bus endorsement to promote the safe operation of school buses and distinguish the difference between school bus operations and commercial passenger bus operations. Page 1
- Prohibits diversion agreements that would prevent a driver's conviction of any violation in any type of vehicle from appearing on the driver's record. Page 1, line 43 – Page 2, line 7.

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- Establishes a new “S” endorsement for operators of school buses. Page 7, line 9
- Adds definition for “fatality”, “noncommercial motor vehicle”, and “school bus”. Page 5, lines 10-18
- Updates CDL disqualification from operating a CMV and includes nonCMV convictions of the same nature as those for a CDL. Page 8, lines 5-22.
- Updates CDL disqualifications for serious traffic violations to include nonCMV revocations, cancellations or suspensions. Page 9, lines 2-8
- Establishes disqualifications from driving a CMV in violation of an out-of-service order. Page 9, line 9- 30.
- Establishes disqualifications from driving a CMV for convictions of operating a CMV in violation of federal, state and local laws or regulations of railroad-highway grade crossing. Page 9, line 31- page 10, line 14.

The changes in HB 2220 to the Kansas Uniform Commercial Driver’s License Act would bring Kansas in compliance with the Motor Carrier Safety Act of 1999. The changes eliminate the possibility being decertified by the federal government to issue CDL’s and lose federally-aided highway funds.

Kansas Motor Carriers Association respectfully requests that the House Transportation Committee act favorably on HB 2220. We thank you for the opportunity to appear before you today and would be pleased to respond to any questions you may have.

# What is the CDL and who has to have one?

The Commercial Driver's License, or CDL, is more than just an innovative and efficient method of licensing commercial drivers. It is a dramatic improvement in highway safety. Thanks to the CDL program, law enforcement officials now have a method of removing unsafe truck and bus drivers from our highways.

Quite simply, the CDL is a single commercial driver's license, valid throughout the United States that ensures that the licensees are qualified to drive their vehicles and they have been uniformly tested.

The concept originated as part of the Commercial Motor Vehicle Safety Act of 1986, enacted to resolve the long-standing problem of multiple licensing, and make sure drivers operating commercial motor vehicles are qualified. Under past licensing systems it was easy for some truck and bus drivers to obtain licenses from various states. With licenses from various states, drivers could hide violations and poor driving records from employers, licensing agents and law enforcement officials.

The CDL puts the licensing systems of all states on equal footing. Before the CDL program, many states did not have a classified licensing system. Drivers of heavy trucks could become licensed without demonstrating an ability to safely handle the equipment. The CDL program changed those inequities. It keeps unqualified and unsafe drivers off the highways by creating a national, single-license system that tests a driver's knowledge and driving skills and cross-checks the driver's record on a national data base before the CDL is issued.

The key to the success of the CDL program is the Commercial Driver's License Information System (CDLIS), a national computer network connected to the licensing agencies in all 50 states and the District of Columbia. This computer network ensures that drivers who are licensed have been tested and have not had any disqualifying offenses in any state.

All drivers operating a commercial motor vehicle in interstate or intrastate commerce with a gross vehicle weight rating of more than 26,000 pounds, vehicles designed to transport 16 or more passengers, or drivers hauling "placarded" loads of hazardous material must have a CDL.

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**TESTIMONY BEFORE THE  
HOUSE TRANSPORTATION COMMITTEE**

**REGARDING HOUSE BILL 2220  
RELATING TO THE UNIFORM COMMERCIAL  
DRIVERS' LICENSE ACT**

**FEBRUARY 19, 2003**

Mr. Chairman and Members of the Committee:

Good afternoon, I am Ken Gudenkauf, Assistant Chief of the Bureau of Traffic Engineering for the Kansas Department of Transportation (KDOT). On behalf of KDOT, I appreciate the opportunity to testify before you today.

This bill would bring Kansas into compliance with federal requirements for the Commercial Drivers' License. If Kansas does not comply, KDOT stands to lose federal highway funds of \$16 - \$18 million the first year and \$31 - \$33 million the second and subsequent years.

We appreciate the opportunity to voice our support for the proposed bill and request your favorable consideration of House Bill 2220.

House Transportation  
Date: 2-19-03  
Attachment # 9