

HOUSE BILL No. 2679

By Committee on Transportation

Requested by Zach Denney on behalf of the Department of Revenue

2-5

1 AN ACT concerning motor carriers; relating to the Kansas uniform
2 commercial drivers' license act; authorizing the director of vehicles to
3 waive the knowledge and skills test for driving a commercial vehicle
4 for an applicant that provides evidence that such applicant qualifies for
5 the military even exchange program for a commercial driver's license;
6 amending K.S.A. 8-2,133 and repealing the existing section.
7

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

9 Section 1. K.S.A. 8-2,133 is hereby amended to read as follows: 8-
10 2,133. (a) Except as provided in K.S.A. 8-2,146, and amendments thereto,
11 or as provided in K.S.A. 8-2,148, and amendments thereto, no person may
12 be issued a commercial driver's license unless that person is a resident of
13 this state and has passed a knowledge and skills test for driving a
14 commercial motor vehicle ~~which~~ that complies with minimum federal
15 standards established by 49 C.F.R. § 383, subparts E, G and H and has
16 satisfied all other requirements of the commercial motor vehicle safety act
17 in addition to other requirements imposed by state law or federal
18 regulation. The tests shall be prescribed and conducted by the secretary,
19 except that the secretary may accept the results of a person's knowledge
20 test conducted in another state if such test complies with minimum federal
21 standards. The secretary shall accept results of a person's skills test given
22 in accordance with the provisions of subsection (c).

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

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

29 (2) the third party has entered into an agreement with the state which
30 complies with requirements of 49 C.F.R. § 383.75.

31 (c) The secretary shall authorize any community college or technical
32 college, upon such community college's or technical college's request, to
33 administer the skills test required by subsection (a). The secretary shall
34 grant priority status to requests by any community college or technical
35 college with a truck driver training course in place as of July 1, 2014. The

1 secretary shall authorize such testing ~~which~~ *that* complies with the
2 requirements of 49 C.F.R. part 383 in an agreement between the requesting
3 community college or technical college and the state. ~~The secretary shall~~
4 ~~adopt rules and regulations to implement the testing procedure provided~~
5 ~~for in this subsection before January 1, 2015.~~

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

14 (e) The director may authorize the skills test required by subsection
15 (a) to be waived for an applicant that provides evidence of military
16 commercial vehicle driving experience *or that such applicant qualifies for*
17 *a waiver under the military even exchange program*. To qualify for such a
18 waiver, the applicant must satisfy the criteria established by 49 C.F.R. §
19 383.77.

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

21 Sec. 3. This act shall take effect and be in force from and after its
22 publication in the statute book.