

SESSION OF 2018

**CONFERENCE COMMITTEE REPORT BRIEF
HOUSE BILL NO. 2606**

As Agreed to March 29, 2018

Brief*

HB 2606 would amend law related to testing for a Class M (motorcycle) driver's license, online driver's license renewal, and the length of time a commercial driver's license is valid.

Class M Driver's License Testing

The bill would exempt applicants for Class M driver's licenses who have completed motorcycle safety training in accordance with the Motorcycle Safety Foundation (MSF) instruction from completing further written and driving testing by the Division of Vehicles (Division). The bill would require an applicant seeking exemption from the written and driving tests to provide a copy of the MSF completion form to the Division prior to receiving a Class M license. The bill would clarify the driving examination required for licensure shall be administered by the Division, the U.S. Department of Defense, or as part of a curriculum recognized by the MSF.

Vision Tests for Online Driver's License Renewal

The bill would specify vision test requirements for qualifying applicants for electronic online driver's license renewal. A requirement in continuing law that a driver's

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license examiner administer an eyesight exam prior to renewal of a driver's license would be waived under the conditions listed below:

- The electronic online renewal applicant must be at least 21 years old but less than 50 years old;
- The applicant must certify under penalty of law the applicant's vision meets requirements in continuing law (20/40 or better in at least one eye as tested by the driver's license examiner, 20/60 or better in at least one eye if the applicant submits a vision report from an ophthalmologist or optometrist);
- The applicant must certify under penalty of law the applicant has undergone an examination by a licensed ophthalmologist or a licensed optometrist within the previous year;
- The applicant must authorize the exchange of vision and medical information between the Division and the applicant's ophthalmologist or optometrist; and
- The ophthalmologist or optometrist would have four business days to confirm or deny the vision and medical information of the applicant. The Division would be required to accept the vision and medical information provided for processing the renewal application if the Division does not receive a response from the applicant's ophthalmologist or optometrist within the specified time frame.

The bill would state the provisions allowing waiver of vision examination would expire July 1, 2022, and the bill would require the Division to report to the House and Senate Committees on Transportation by February 1, 2022, regarding the online renewal process and its effects to safety on the state's roads and highways.

The bill would require, rather than authorize as in current law, the Secretary of Revenue to adopt and administer rules and regulations regarding electronic online renewal of a driver's license and specify those rules and regulations could include, but not be limited to, requirements that an electronic online renewal applicant has previously provided documentation of identity, lawful presence, and residence to the Division for electronic scanning.

Commercial Driver's License Renewal

The bill would extend from four years to five years the period of time an original commercial driver's license (CDL) issued on and after July 1, 2018, would be valid. The bill would extend from four years to five years the period of time before expiration of a CDL. The bill also would make conforming and technical amendments to law.

Conference Committee Action

The Conference Committee agreed to the contents of HB 2606, as amended by the Senate Committee on Transportation, and added the contents of Sub. for HB 2194, as amended by the Senate Committee of the Whole, and HB 2511, as amended by the Senate Committee on Transportation.

Background

The Conference Committee report combines provisions of HB 2606, Sub. for HB 2194, and HB 2511, as noted above.

HB 2606 (Vision Testing for Online Driver's License Renewal)

HB 2606 was introduced by the House Committee on Transportation at the request of a representative of the Division, Kansas Department of Revenue (KDOR). In the House Committee hearing, a Division representative testified states currently using online driver's license renewal indicated a need to expand vision testing options to increase online renewal and KDOR had worked with the Kansas Optometric Association (Association) on the bill. The Executive Director of the Association provided neutral testimony. No opponent testimony was presented.

The House Committee adopted a technical amendment requested by the revisor.

In the Senate Committee on Transportation hearing, a representative of the Division and the Executive Director of the Association provided proponent testimony. The Executive Director of the Association noted the Association was neutral on the bill during the House Committee hearing, but became a proponent after working with the Division to ensure the bill upholds vision safety standards. No other testimony was provided.

The Senate Committee amended the bill to require the Division to report to the Senate Committee, as well as to the House Committee; clarify the time frame for a response by the applicant's ophthalmologist or optometrist; require the Secretary to adopt rules and regulations; and raise the minimum online applicant age from 18 to 21. [*Note: The Conference Committee retained these amendments.*]

According to the fiscal note prepared by the Division of the Budget on HB 2606, as introduced, KDOR indicates enactment of the bill could reduce the need for state driver's license examiners. KDOR indicated a survey of 32 other states that implemented online renewal found all but one did so within existing resources; however, KDOR cannot

accurately estimate the bill's fiscal effect on agency operations. The Board of Examiners in Optometry indicates enactment of the bill would have no fiscal effect on the agency. Any fiscal effect associated with enactment of HB 2606 is not reflected in *The FY 2019 Governor's Budget Report*.

Sub. for HB 2194 (Class M Driver's License Testing)

A representative of ABATE of Kansas, Inc., spoke in support of HB 2194 in the hearing of the House Committee on Transportation, which had introduced the bill. He stated the U.S. Department of Defense and the Department of Education both recognize curriculum developed by the MSF, which he described as the primary curriculum used in the country, and often use the same instructor. No other testimony was provided.

The bill was referred to the House Committee on Appropriations on February 21, 2017, and rereferred to the House Committee on Transportation on February 22, 2017.

The House Committee on Transportation amended the bill to exempt those who complete curriculum recognized by the Department of Education from further testing and to remove provisions regarding fees for certain applicants for Class M driver's licenses; the House Committee recommended the amended bill as a substitute bill.

A representative of ABATE of Kansas, Inc., presented proponent testimony to the Senate Committee on Transportation in 2018. No other testimony was presented.

The Senate Committee amended the bill to require the curriculum be recognized by the MSF as well as by the Department of Education, require MSF proof of curriculum completion, clarify driving examination administration, and update statutory references.

The Senate Committee of the Whole amended the bill to clarify the applicant seeking exemption from the written and driving tests would be required to provide a course completion form, specify the driving examination could be administered as part of the curriculum recognized by the MSF rather than by the Department of Education, and remove provisions regarding Department of Education standards be followed if a course is completed outside of Kansas. [Note: The Conference Committee retained these amendments.]

The fiscal note prepared by the Division of the Budget on HB 2194, as introduced, is not applicable to the substitute bill, as amended. Any fiscal effect associated with HB 2194 is not reflected in *The FY 2019 Governor's Budget Report*.

HB 2511 (Commercial Driver's License Renewal)

HB 2511 was introduced by the House Committee on Transportation at the request of Representative Lusker. In the House Committee hearing, Representative Neighbor appeared as a proponent. She stated the change would align the validity period with that of a hazardous materials endorsement for a CDL, for which fingerprinting and clearance from the Transportation Security Administration are required. A representative of the Kansas Cooperative Council stated the bill would save its members money and increase efficiency and noted it is not uncommon for more than half of the employees at an agriculture cooperative to have CDLs. A representative of the Kansas Agribusiness Retailers Association, the Kansas Grain and Feed Association, and Renew Kansas provided written-only proponent testimony. A representative of the Division provided neutral testimony. No opponent testimony was presented.

In the Senate Committee on Transportation hearing, Representative Lusker appeared as a proponent on behalf of Representative Neighbor. Representatives of the Kansas Cooperative Council and the Kansas Motor Carriers Association also provided proponent testimony. A

representative of the Kansas Agribusiness Retailers Association, the Kansas Grain and Feed Association, and Renew Kansas provided written-only proponent testimony. A representative of the Division provided neutral testimony. No opponent testimony was presented.

The Senate Committee amended the bill to specify the date of initial license issuance as on and after July 1, 2018. [Note: The Conference Committee retained this amendment.]

According to the corrected fiscal note prepared by the Division of the Budget on HB 2511, as introduced, KDOR estimates enactment of the bill would reduce state revenues by \$189,062 annually beginning in FY 2023: \$95,207 from the State Highway Fund; \$24,791 from the State Safety Fund of the Department of Education; \$13,022 from the Truck Driver Training Fund of the Board of Regents; \$3,956 from the Motorcycle Safety Fund of the Department of Education; and \$52,086 from the Photo Fee Fund of KDOR. KDOR estimates the bill would require additional expenditures of \$1,470 for programming costs. Any fiscal effect of HB 2511 is not reflected in *The FY 2019 Governor's Budget Report*.

driver's license; testing; optometrist; license renewal; motorcycle; class M license; commercial driver's license (CDL); vision

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