

SESSION OF 2024

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2682

As Recommended by House Committee on
Transportation

Brief*

HB 2682 would authorize the Director of Vehicles (Director), Kansas Department of Revenue (KDOR), to adopt rules and regulations necessary to participate in and implement the Federal Motor Carrier Safety Administration's Drug and Alcohol Clearinghouse Program (Clearinghouse).

The bill would require the Director to:

- Query the Clearinghouse prior to issuing or renewing a commercial driver's license (CDL) or instruction permit;
- Review the commercial driver's information when notified by the Clearinghouse of a status change for that driver; and
- Disqualify a driver's commercial driving privileges within 60 days of receiving notice from the Clearinghouse that a driver is in violation of or non-compliant with Clearinghouse requirements.

The bill would require a disqualification of commercial driving privileges to be removed upon notification from the Clearinghouse that the driver:

- Is no longer in violation or non-compliance; or

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

- Was erroneously identified as in violation of or non-compliant with Clearinghouse requirements. In this case, the bill would require the disqualification to be removed as expeditiously as possible.

The bill would add these provisions to the Kansas Uniform Commercial Drivers' License Act.

Background

The bill was introduced by the House Committee on Transportation at the request of a KDOR representative.

House Committee on Transportation

In the House Committee hearing, a KDOR representative provided **proponent** testimony, who stated the bill would ensure the State is compliant with federal motor carrier regulations and explained the Clearinghouse is an online database that gives employers, state driver license agencies, and state law enforcement personnel real-time information about commercial drivers' drug and alcohol program violations.

Written-only proponent testimony was provided by a representative of the Kansas Motor Carriers Association, stating the Clearinghouse keeps drivers with drug or alcohol events off the roadways.

No other testimony was provided.

[*Note:* The final rule establishing standards for state driver's license agencies became final on November 8, 2021, and established a deadline of November 18, 2024, for state participation in the Clearinghouse (86 FR 55718). The Federal Motor Carrier Safety Administration noted the purpose of the final rule was to ensure driving privileges are removed from CDL and commercial learner's permit holders

with drug and alcohol violations and that information is available to law enforcement. The requirement for the Clearinghouse was established in 2012 with enactment of the Moving Ahead for Progress in the 21st Century Act. A driver may be reinstated by completing a “return to duty” process established in federal law.]

Fiscal Information

According to the fiscal note provided by the Division of the Budget on the bill, KDOR indicates failure to adopt the Clearinghouse program could result in a 5.0 percent reduction in annual Federal Highway Fund allocations, an estimated \$19.0 million for FY 2025. Those reductions could continue or increase in future fiscal years.

The Kansas Department of Transportation indicates a reduction in Federal Highway Fund allocations would reduce revenues to the State Highway Fund and could require the agency to reassess expenditures for the Eisenhower Legacy Transportation.

Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2025 Governor’s Budget Report*.

Commercial driver’s license; Federal Motor Carrier Safety Administration; drug and alcohol clearinghouse; rules and regulations