

SESSION OF 2016

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 349**

As Amended by Senate Committee on  
Transportation

**Brief\***

SB 349 would exempt a person holding a commercial class A driver's license and acting within the scope of the person's employment as an employee of a custom harvester operation to operate a service vehicle transporting 1,000 gallons or less of diesel and clearly marked with a "flammable" or "combustible" placard, as appropriate, from obtaining a hazardous materials endorsement for that driver's license. Current law limits transportation of diesel fuel to 119 gallons in a tank without the driver having a hazardous materials endorsement.

The bill would be in effect upon publication in the *Kansas Register*.

**Background**

A provision in the federal Fixing America's Surface Transportation Act (Public Law 114-94), enacted in December 2015, authorizes states to waive the requirement for a hazardous materials endorsement under the circumstances described in the bill.

A commercial class A license allows its holder to drive any combination of vehicles with a gross combination weight rating of 26,001 pounds or more, providing the gross vehicle weight rating of the vehicle or vehicles being towed exceeds 10,000 pounds (KSA 2015 Supp. 8-234b). Requirements to

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\*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>

obtain a hazardous materials endorsement include federal background checks based on fingerprints, and an applicant is disqualified if the applicant has been convicted of any of a number of criminal offenses including espionage, treason, improper transportation of a hazardous material, and making a bomb threat. Applicants for any types of endorsement to a commercial driver's license must pass knowledge tests.

SB 349 was requested by a representative of U.S. Custom Harvesters, Inc. (USCHI). Representatives of USCHI, the Kansas Agribusiness Retailers Association, the Kansas Cooperative Council, the Kansas Grain and Feed Association, and the Kansas Livestock Association testified in favor of the bill to the Senate Committee on Transportation. The proponents generally stated the bill would provide staffing flexibility and would align Kansas law with recent changes made at the federal level. A representative of the Petroleum Marketers and Convenience Store Association of Kansas testified as an opponent to the bill. The representative indicated the bill, as introduced, was too broad in providing the exemption to employees of agrichemical business, farm retail outlets and suppliers, and livestock feeders.

The Senate Committee on Transportation amended the bill to remove extending the exemption from having a hazardous materials endorsement also to employees of agrichemical businesses, farm retail outlets and suppliers, and livestock feeders.

No fiscal note was available when the Senate Committee took action on the bill.