

SESSION OF 2023

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2020

As Amended by Senate Committee on
Transportation

Brief*

HB 2020, as amended, would add to employment-related law that a requirement for or use of a motor carrier safety improvement will not affect or change the worker status of a driver.

The bill would define two terms:

- “Motor carrier safety improvement,” to mean any device, equipment, software, technology, procedure, training, policy, program, or operational practice intended and used primarily to improve or facilitate compliance with traffic or motor carrier safety laws or the safety of the vehicle, the vehicle operator, or a third-party public roadway user; and
- “Worker status,” to mean the classification under state law of a motor vehicle driver who transports property for compensation as an agent, employee, jointly employed employee, borrowed servant, or independent contractor for a motor carrier.

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

*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>

Background

The bill was introduced by the House Committee on Transportation at the request of a representative of the Kansas Motor Carriers Association (KMCA).

House Committee on Transportation

In the House Committee hearing, a representative of the KMCA and a transportation attorney provided **proponent** testimony. They stated requiring use of safety-related technologies and monitoring or training drivers with regard to safety can be viewed by courts and regulators as exerting control, using safety technologies and providing training would increase safety for all, and the bill would not affect other indicators of control that may result in the classification of independent transportation contractors as employees.

Written-only neutral testimony was provided by representatives of the International Brotherhood of Teamsters Joint Council 56, Kansas Corporation Commission, and Kansas Highway Patrol. The neutral testimony requested placement of the language in Kansas Statutes Annotated Chapter 44, Labor and Industries, rather than with motor carrier safety requirements in Chapter 66, Public Utilities, and narrowing the definition of a motor carrier safety improvement.

No opponent testimony was provided.

Senate Committee on Transportation

In the Senate Committee hearing, a representative of the KMCA and a transportation attorney provided **proponent** testimony. They stated that eight other states have passed similar legislation addressing classification of independent transportation contractors and motor carrier employees when

dealing with implementation safety-related monitoring technologies. No other testimony was provided.

The Senate Committee amended the bill to make it effective upon publication in the *Kansas Register*.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Kansas Department of Transportation, the Kansas Highway Patrol, and the Kansas Corporation Commission indicate enactment of the bill would have no fiscal effect on the operations of the agencies.

Worker status; contractor; employment; motor carrier; safety