



U.S. Department
of Transportation

Federal Motor Carrier
Safety Administration

Office of the Administrator

1200 New Jersey Ave, SE
Washington, DC 20590

January 11, 2022

The Honorable Laura Kelly
Governor of Kansas
Capitol, 300 SW 10th Avenue
Suite 212S
Topeka, KS 66612-1590

Dear Governor Kelly:

On July 23, 2019, the Federal Motor Carrier Safety Administration (FMCSA) published its final rule titled, "Lifetime Disqualification for Human Trafficking." This regulation was mandated under the "No Human Trafficking on Our Roads Act," and prohibits an individual from operating a commercial motor vehicle (CMV), as defined by 49 CFR 383.5, for life, if that individual uses a CMV in the commission of a felony involving a severe form of trafficking in persons, as defined in 22 U.S.C. 7102(11). States have until September 23, 2022, to come into compliance with this final rule. On that date, States will be required to verify that drivers are subject to a lifetime ban of their commercial driving privileges if convicted of a felony involving a severe form of human trafficking while using a CMV.

The compliance date is now less than a year away, and FMCSA wants to ensure that Kansas is prepared to implement the requirement. A State's readiness to implement the human trafficking final rule includes three critical components:

- First, passing legislation and/or regulations, as necessary, to implement the lifetime disqualification for convictions of human trafficking regulations in your State or in another State. This also includes ensuring all elements of the definition for a severe form of trafficking in persons located in 22 U.S.C. 7102(11) are covered in your State's criminal definition(s) of human trafficking. If Kansas has not passed the necessary legislation for either element, we ask that you ensure that this is achieved expeditiously, so your State meets the September 23, 2022, compliance date.
- Second, modifying your State's information technology systems and procedures, as necessary, to accommodate the transmission and receipt of driver-specific human trafficking convictions and/or withdrawal data from other State Driver Licensing Agencies.
- Finally, ensuring your staff is trained and prepared to appropriately handle this disqualification promptly and accurately.

Our FMCSA Division Office in Kansas is available as a resource to help your State be prepared and compliant with the human trafficking disqualification requirements by the September 23, 2022. States that are not in compliance may be subject to decertification of their Commercial Driver's License (CDL) programs and/or withholding of up to 4 percent of the National Highway Performance Program and the Surface Transportation Block Grant Program funds that would otherwise be apportioned under 23 U.S.C. 104(b)(1) and (2).

Once implemented, this disqualification will help ensure that our Nation's highways are safe from drivers that use CMVs for human trafficking. We thank you in advance for ensuring Kansas completes the critical actions necessary by the September 23, 2022, compliance date.

Should you have any questions regarding the requirements or the resources available to you, please contact Nikki McDavid, Chief of the CDL Division, by email at nikki.mcdavid@dot.gov, or via phone at 202-366-0831.

Sincerely,

A handwritten signature in black ink, appearing to read "Meera Joshi". The signature is fluid and cursive, with the first name "Meera" and last name "Joshi" clearly distinguishable.

Meera Joshi
Deputy Administrator

cc: Director David Harper