

HOUSE BILL No. 2194

By Committee on Transportation

1-26

1 AN ACT concerning motor vehicles; relating to motorcycles; license fees;
2 location for safety courses; amending K.S.A. 2016 Supp. 8-240 and 8-
3 272 and repealing the existing sections.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2016 Supp. 8-240 is hereby amended to read as
7 follows: 8-240. (a) (1) Every application for an instruction permit shall be
8 made upon a form furnished by the division of vehicles and accompanied
9 by a fee of \$2 for class A, B, C or M and \$5 for all commercial classes.
10 Every other application shall be made upon a form furnished by the
11 division and accompanied by an examination fee of \$3, unless a different
12 fee is required by K.S.A. 8-241, and amendments thereto, and by the
13 proper fee for the license for which the application is made. All
14 commercial class applicants shall be charged a \$15 driving test fee for the
15 drive test portion of the commercial driver's license application. If the
16 applicant is not required to take an examination or the commercial license
17 drive test, the examination or commercial drive test fee shall not be
18 required. The examination shall consist of three tests, as follows: (A)
19 Vision; (B) written; and (C) driving. For a commercial driver's license, the
20 drive test shall consist of three components, as follows: (A) Pre-trip; (B)
21 skills test; and (C) road test. If the applicant fails the vision test, the
22 applicant may have correction of vision made and take the vision test
23 again without any additional fee. If an applicant fails the written test, the
24 applicant may take such test again upon the payment of an additional
25 examination fee of \$1.50. If an applicant fails the driving test, the
26 applicant may take such test again upon the payment of an additional
27 examination fee of \$1.50. If an applicant for a commercial driver's license
28 fails any portion of the commercial drive test, the applicant may take such
29 test again upon the payment of an additional drive test fee of \$10. If an
30 applicant fails to pass all three of the tests within a period of six months
31 from the date of original application and desires to take additional tests,
32 the applicant shall file an application for reexamination upon a form
33 furnished by the division, which shall be accompanied by a reexamination
34 fee of \$3, except that any applicant who fails to pass the written or driving
35 portion of an examination four times within a six-month period, shall be
36 required to wait a period of six months from the date of the last failed

1 examination before additional examinations may be given. Upon the filing
2 of such application and the payment of such reexamination fee, the
3 applicant shall be entitled to reexamination in like manner and subject to
4 the additional fees and time limitation as provided for examination on an
5 original application. If the applicant passes the reexamination, the
6 applicant shall be issued the classified driver's license for which the
7 applicant originally applied, which license shall be issued to expire as if
8 the applicant had passed the original examination.

9 (2) Applicants for class M licenses who have completed prior
10 motorcycle safety training in accordance with department of defense
11 instruction 6055.04 (DoDI 6055.04) are not required to complete further
12 written and driving testing pursuant to paragraph (1) of this subsection.

13 (3) On and after January 1, 2017, an applicant for a class M license
14 who passes a driving examination administered by the division on a three-
15 wheeled motorcycle which is not an autocycle shall have a restriction
16 placed on such applicant's license limiting the applicant to the operation of
17 a registered three-wheeled motorcycle. An applicant for a class M license
18 who passes a driving examination administered by the division on a two-
19 wheeled motorcycle may operate any registered two-wheeled or three-
20 wheeled motorcycle.

21 (4) *An applicant for a class M license who is currently or formerly*
22 *employed as a law enforcement officer, fire fighter, emergency medical*
23 *services personnel or any person who is currently serving or has formerly*
24 *served in the army, navy, marine corps, air force, coast guard, air or army*
25 *national guard or any branch of the military reserves of the United States*
26 *shall be exempt from any fees imposed pursuant to paragraph (1) of this*
27 *subsection. The secretary of revenue may adopt any rules and regulations*
28 *necessary to implement the provisions of this subsection.*

29 (b) (1) For the purposes of obtaining any driver's license or
30 instruction permit, an applicant shall submit, with the application, proof of
31 age and proof of identity as the division may require. The applicant also
32 shall provide a photo identity document, except that a non-photo identity
33 document is acceptable if it includes both the applicant's full legal name
34 and date of birth, and documentation showing the applicant's name, the
35 applicant's address of principal residence and the applicant's social security
36 number. The applicant's social security number shall remain confidential
37 and shall not be disclosed, except as provided pursuant to K.S.A. 74-2012,
38 and amendments thereto. If the applicant does not have a social security
39 number the applicant shall provide proof of lawful presence and Kansas
40 residency. The division shall assign a distinguishing number to the license
41 or permit.

42 (2) The division shall not issue any driver's license or instruction
43 permit to any person who fails to provide proof that the person is lawfully

1 present in the United States. Before issuing a driver's license or instruction
2 permit to a person, the division shall require valid documentary evidence
3 that the applicant: (A) Is a citizen or national of the United States; (B) is an
4 alien lawfully admitted for permanent or temporary residence in the
5 United States; (C) has conditional permanent resident status in the United
6 States; (D) has an approved application for asylum in the United States or
7 has entered into the United States in refugee status; (E) has a valid,
8 unexpired nonimmigrant visa or nonimmigrant visa status for entry into
9 the United States; (F) has a pending application for asylum in the United
10 States; (G) has a pending or approved application for temporary protected
11 status in the United States; (H) has approved deferred action status; or (I)
12 has a pending application for adjustment of status to that of an alien
13 lawfully admitted for permanent residence in the United States or
14 conditional permanent resident status in the United States.

15 (3) If an applicant provides evidence of lawful presence set out in
16 subsections (b)(2)(E) through (2)(I), or is an alien lawfully admitted for
17 temporary residence under subsection (b)(2)(B), the division may only
18 issue a driver's license to the person under the following conditions: (A) A
19 driver's license issued pursuant to this subparagraph shall be valid only
20 during the period of time of the applicant's authorized stay in the United
21 States or, if there is no definite end to the period of authorized stay, a
22 period of one year; (B) a driver's license issued pursuant to this
23 subparagraph shall clearly indicate that it is temporary and shall state the
24 date on which it expires; (C) no driver's license issued pursuant to this
25 subparagraph shall be for a longer period of time than the time period
26 permitted by K.S.A. 8-247(a), and amendments thereto; and (D) a driver's
27 license issued pursuant to this subparagraph may be renewed, subject at
28 the time of renewal, to the same requirements and conditions as set out in
29 this subsection (b) for the issuance of the original driver's license.

30 (4) The division shall not issue any driver's license or instruction
31 permit to any person who is not a resident of the state of Kansas, except as
32 provided in K.S.A. 8-2,148, and amendments thereto.

33 (5) The division shall not issue a driver's license to a person holding a
34 driver's license issued by another state without making reasonable efforts
35 to confirm that the person is terminating or has terminated the driver's
36 license in the other state.

37 (6) The parent or guardian of an applicant under 16 years of age shall
38 sign the application for any driver's license submitted by such applicant.

39 (c) Every application shall state the full legal name, date of birth,
40 gender and address of principal residence of the applicant, and briefly
41 describe the applicant, and shall state whether the applicant has been
42 licensed as a driver prior to such application, and, if so, when and by what
43 state or country. Such application shall state whether any such license has

1 ever been suspended or revoked, or whether an application has ever been
2 refused, and, if so, the date of and reason for such suspension, revocation
3 or refusal. In addition, applications for commercial drivers' licenses and
4 instruction permits for commercial licenses must include the following:
5 The applicant's social security number; the person's signature; the person's:
6 (1) Digital color image or photograph; or (2) a laser engraved photograph;
7 certifications, including those required by 49 C.F.R. § 383.71(a), effective
8 January 1, 1991; a consent to release driving record information; and, any
9 other information required by the division.

10 (d) When an application is received from a person previously licensed
11 in another jurisdiction, the division shall request a copy of the driver's
12 record from the other jurisdiction. When received, the driver's record shall
13 become a part of the driver's record in this state with the same force and
14 effect as though entered on the driver's record in this state in the original
15 instance.

16 (e) When the division receives a request for a driver's record from
17 another licensing jurisdiction the record shall be forwarded without charge.

18 (f) A fee shall be charged as follows:

19 (1) For a class C driver's license issued to a person at least 21 years of
20 age, but less than 65 years of age, \$18;

21 (2) for a class C driver's license issued to a person 65 years of age or
22 older, \$12;

23 (3) for a class M driver's license issued to a person at least 21 years of
24 age, but less than 65 years of age, \$12.50;

25 (4) for a class M driver's license issued to a person 65 years of age or
26 older, \$9;

27 (5) for a class A or B driver's license issued to a person who is at least
28 21 years of age, but less than 65 years of age, \$24;

29 (6) for a class A or B driver's license issued to a person 65 years of
30 age or older, \$16;

31 (7) for any class of commercial driver's license issued to a person 21
32 years of age or older, \$18; or

33 (8) for class A, B, C or M, or a farm permit, or any commercial
34 driver's license issued to a person less than 21 years of age, \$20.

35 A fee of \$10 shall be charged for each commercial driver's license
36 endorsement, except air brake endorsements which shall have no charge.

37 A fee of \$3 per year shall be charged for any renewal of a license issued
38 prior to the effective date of this act to a person less than 21 years of age.

39 If one fails to make an original application or renewal application for a
40 driver's license within the time required by law, or fails to make
41 application within 60 days after becoming a resident of Kansas, a penalty
42 of \$1 shall be added to the fee charged for the driver's license.

43 *No fee shall be imposed pursuant to this subsection for any class M*

1 *driver's license if the person is currently or was formerly employed as a*
2 *law enforcement officer, fire fighter, emergency medical services personnel*
3 *or any person who is currently serving or has formerly served in the army,*
4 *navy, marine corps, air force, coast guard, air or army national guard or*
5 *any branch of the military reserves of the United States. The secretary of*
6 *revenue may adopt any rules and regulations necessary to implement the*
7 *provisions of this subsection.*

8 (g) Any person who possesses an identification card as provided in
9 K.S.A. 8-1324, and amendments thereto, shall surrender such
10 identification card to the division upon being issued a valid Kansas driver's
11 license or upon reinstatement and return of a valid Kansas driver's license.

12 (h) The division shall require that any person applying for a driver's
13 license submit to a mandatory facial image capture. The captured facial
14 image shall be displayed on the front of the applicant's driver's license.

15 (i) The director of vehicles may issue a temporary driver's license to
16 an applicant who cannot provide valid documentary evidence as defined
17 by subsection (b)(2), if the applicant provides compelling evidence
18 proving current lawful presence. Any temporary license issued pursuant to
19 this subsection shall be valid for one year.

20 (j) For purposes of this subsection, the division may rely on the
21 division's most recent, existing color digital image and signature image of
22 the applicant for the class C or M driver's license if the division has the
23 information on file. The determination on whether an electronic online
24 renewal application or equivalent of a driver's license is permitted shall be
25 made by the director of vehicles or the director's designee. The division
26 shall not renew a driver's license through an electronic online or equivalent
27 process if the license has been previously renewed through an electronic
28 online application in the immediately preceding driver's license period. No
29 renewal under this subsection shall be granted to any person who is: (1)
30 Younger than 30 days from turning 21 years of age; (2) 65 years of age or
31 older; (3) a registered offender pursuant to K.S.A. 22-4901 et seq., and
32 amendments thereto; or (4) has a temporary driver's license issued
33 pursuant to K.S.A. 8-240(b)(3), and amendments thereto, provided the
34 license is not otherwise withdrawn. The secretary of revenue may adopt
35 and administer rules and regulations to implement a program to permit an
36 electronic online renewal of a driver's license.

37 Sec. 2. K.S.A. 2016 Supp. 8-272 is hereby amended to read as
38 follows: 8-272. (a) Any school district conducting an approved course in
39 driver training and any student attending a nonpublic school accredited by
40 the state board of education conducting an approved course in driver
41 training shall be entitled to participate in the state safety fund created by
42 K.S.A. 8-267, and amendments thereto. In August of each year, the
43 superintendent of each school district and the governing authority of each

1 nonpublic school shall report to the state board of education the number of
2 students who have been in attendance for a complete driver training course
3 conducted by such school district or nonpublic school during the past
4 school year. The state board of education shall certify to the director of
5 accounts and reports the amount due each school district and each student
6 of a nonpublic school entitled to payment under this subsection. The
7 director of accounts and reports shall draw warrants on the state treasurer
8 payable to the treasurer of each school district and to each student of a
9 nonpublic school entitled to payment under this subsection upon vouchers
10 approved by the state board and shall cause such warrants to be delivered
11 to the respective school districts and nonpublic schools. If the amount
12 appropriated in any year from the state safety fund is insufficient to pay
13 the full amount each school district and each student of a nonpublic school
14 is entitled to receive under this subsection, then the entire amount
15 appropriated for such year shall be prorated among all school districts and
16 all students of nonpublic schools in proportion to the amount each school
17 district and each student of a nonpublic school is entitled to receive. No
18 moneys in the state safety fund shall be used for any purpose other than
19 that specified in this subsection or for the support of driver improvement
20 programs. The state board of education shall prescribe all forms necessary
21 for reporting in connection with this act. The funds shall be distributed on
22 or before November 1 each year.

23 (b) (1) Any school district conducting an approved course in
24 motorcycle safety as a part of an approved course in driver training; any
25 student attending a nonpublic school accredited by the state board of
26 education conducting an approved course in motorcycle safety as a part of
27 an approved course in driver training or any community college
28 conducting an approved course in motorcycle safety shall be entitled to
29 participate in the motorcycle safety fund created by K.S.A. 8-267, and
30 amendments thereto. The state board of education may establish, by rules
31 and regulations, standards for the conduct, operation and approval of
32 courses in motorcycle safety and for the qualifications of instructors for
33 such courses conducted by a school district or nonpublic accredited school.
34 Such standards shall not include: (A) The requirement that instructors be
35 licensed by the state board of education; or (B) *the requirement that the*
36 *course be conducted in the state of Kansas if all other requirements are*
37 *satisfied.* In August of each year, the superintendent of each school district
38 or the governing authority of each nonpublic school shall report to the
39 state board of education the number of students who have been in
40 attendance for a complete course in motorcycle safety as a part of the
41 driver training course conducted by such school district or nonpublic
42 school during the past school year. The state board of education shall
43 certify to the director of accounts and reports the amount due each school

1 district and each student of a nonpublic school entitled to payment under
2 this subsection. The director of accounts and reports shall draw warrants
3 on the state treasurer payable to the treasurer of each school district and to
4 each student of a nonpublic school entitled to payment under this
5 subsection upon vouchers approved by the state board and shall cause such
6 warrants to be delivered to the respective school districts and nonpublic
7 schools. If the amount appropriated in any year from the motorcycle safety
8 fund shall be insufficient to pay the full amount each school district and
9 each student of a nonpublic school is entitled to receive under this
10 subsection, then the entire amount appropriated for such year shall be
11 prorated among all school districts and all students of nonpublic schools in
12 proportion to the amount each school district and each student of a
13 nonpublic school is entitled to receive. No moneys in the motorcycle
14 safety fund shall be used for any purpose other than that specified in this
15 subsection or for the support of motorcycle driver improvement programs.
16 The state board of education shall prescribe all forms necessary for
17 reporting in connection with this act. The funds shall be distributed on or
18 before November 1 each year.

19 (2) Any community college conducting an approved course in
20 motorcycle safety shall be entitled to participate in the motorcycle safety
21 fund created by K.S.A. 8-267, and amendments thereto. The state board of
22 regents may establish, by rules and regulations, standards for the conduct,
23 operation and approval of courses in motorcycle safety and for the
24 qualifications of instructors for such courses conducted by a community
25 college. Such standards shall not include the requirement that instructors
26 be licensed by the state board of education. In August of each year, the
27 chief administrative officer of each community college shall report to the
28 state board of regents the number of students who have been in attendance
29 for a complete course in motorcycle safety as a part of the driver training
30 course conducted by such community college during the past school year.
31 The state board of regents shall certify to the director of accounts and
32 reports the amount due each community college entitled to payment under
33 this subsection. The director of accounts and reports shall draw warrants
34 on the state treasurer payable to the treasurer of each community college
35 entitled to payment under this subsection upon vouchers approved by the
36 state board and shall cause such warrants to be delivered to the respective
37 community colleges. If the amount appropriated in any year from the
38 motorcycle safety fund shall be insufficient to pay the full amount each
39 community college is entitled to receive under this subsection, then the
40 entire amount appropriated for such year shall be prorated among all
41 community colleges in proportion to the amount each community college
42 is entitled to receive. No moneys in the motorcycle safety fund shall be
43 used for any purpose other than that specified in this subsection or for the

1 support of motorcycle driver improvement programs. The state board of
2 regents shall prescribe all forms necessary for reporting in connection with
3 this act. The funds shall be distributed on or before November 1 each year.

4 (c) For the purpose of this subsection, "vocational education school"
5 means community college, area vocational-technical school or area
6 vocational school. Any vocational education school conducting an
7 approved course in truck driving shall be entitled to participate in the truck
8 driver training fund created by K.S.A. 8-267, and amendments thereto.
9 The state board of regents may establish, by rules and regulations,
10 standards for the conduct, operation and approval of courses in truck
11 driver training and for the qualifications of instructors for such courses.
12 Such standards shall not include the requirement that instructors be
13 certificated by the state board of regents. In August of each year, the chief
14 administrative officer of each vocational education school shall report to
15 the state board of regents the number of students who have been in
16 attendance for a complete course in truck driver training conducted by
17 such vocational education school during the past school year. The state
18 board of regents shall certify to the director of accounts and reports the
19 amount due each vocational education school entitled to payment under
20 this subsection. The director of accounts and reports shall draw warrants
21 on the state treasurer payable to the treasurer of each vocational education
22 school entitled to payment under this subsection upon vouchers approved
23 by the state board of regents and shall cause such warrants to be delivered
24 to the respective vocational education school. If the amount appropriated
25 in any year from the truck driver training fund shall be insufficient to pay
26 the full amount each vocational education school is entitled to receive
27 under this subsection, then the entire amount appropriated for such year
28 shall be prorated among all vocational education schools in proportion to
29 the amount each vocational education school is entitled to receive. No
30 moneys in the truck driver training fund shall be used for any purpose
31 other than that specified in this subsection or for the support of truck driver
32 training programs. The state board of regents shall prescribe all forms
33 necessary for reporting in connection with this act. The funds shall be
34 distributed on or before November 1 each year.

35 Sec. 3. K.S.A. 2016 Supp. 8-240 and 8-272 are hereby repealed.

36 Sec. 4. This act shall take effect and be in force from and after its
37 publication in the statute book.