

SENATE BILL No. 215

By Committee on Education

2-10

1 AN ACT concerning transportation; relating to commercial driver's
2 education; transferring authority over driver's education programs
3 operated by certain postsecondary institutions and driver training
4 schools to the department of revenue; authorizing the department of
5 revenue to promulgate rules and regulations therefor; amending K.S.A.
6 8-273, 8-274, 8-275, 8-276, 8-277, 8-278, 8-279 and 8-280 and K.S.A.
7 2020 Supp. 8-272 and repealing the existing sections.
8

9 *Be it enacted by the Legislature of the State of Kansas:*

10 Section 1. K.S.A. 2020 Supp. 8-272 is hereby amended to read as
11 follows: 8-272. (a) Any school district conducting an approved course in
12 driver training and any student attending a nonpublic school accredited by
13 the state board of education conducting an approved course in driver
14 training shall be entitled to participate in the state safety fund created by
15 K.S.A. 8-267, and amendments thereto. In August of each year, the
16 superintendent of each school district and the governing authority of each
17 nonpublic school shall report to the state board of education the number of
18 students who have been in attendance for a complete driver training course
19 conducted by such school district or nonpublic school during the past
20 school year. The state board of education shall certify to the director of
21 accounts and reports the amount due each school district and each student
22 of a nonpublic school entitled to payment under this subsection. The
23 director of accounts and reports shall draw warrants on the state treasurer
24 payable to the treasurer of each school district and to each student of a
25 nonpublic school entitled to payment under this subsection upon vouchers
26 approved by the state board and shall cause such warrants to be delivered
27 to the respective school districts and nonpublic schools. If the amount
28 appropriated in any year from the state safety fund is insufficient to pay
29 the full amount each school district and each student of a nonpublic school
30 is entitled to receive under this subsection, then the entire amount
31 appropriated for such year shall be prorated among all school districts and
32 all students of nonpublic schools in proportion to the amount each school
33 district and each student of a nonpublic school is entitled to receive. No
34 moneys in the state safety fund shall be used for any purpose other than
35 that specified in this subsection or for the support of driver improvement
36 programs. The state board of education shall prescribe all forms necessary

1 for reporting in connection with this act. The funds shall be distributed on
2 or before November 1 each year.

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

40 (2) Any community college conducting an approved course in
41 motorcycle safety shall be entitled to participate in the motorcycle safety
42 fund created by K.S.A. 8-267, and amendments thereto. ~~The state board of~~
43 ~~regents~~ *department of revenue* may establish, by rules and regulations or

1 *by public declaration of the director of vehicles*, standards for the conduct,
2 operation and approval of courses in motorcycle safety and for the
3 qualifications of instructors for such courses conducted by a community
4 college. ~~Such standards shall not include the requirement that instructors~~
5 ~~be licensed by the state board of education.~~ In August of each year, the
6 chief administrative officer of each community college shall report to the
7 state board of regents *and the department* the number of students who
8 have been in attendance for a complete course in motorcycle safety as a
9 part of the driver training course conducted by such community college
10 during the past school year. The state board of regents shall certify to the
11 director of accounts and reports the amount due each community college
12 entitled to payment under this subsection. The director of accounts and
13 reports shall draw warrants on the state treasurer payable to the treasurer
14 of each community college entitled to payment under this subsection upon
15 vouchers approved by the state board *of regents* and shall cause such
16 warrants to be delivered to the respective community colleges. If the
17 amount appropriated in any year from the motorcycle safety fund shall be
18 insufficient to pay the full amount each community college is entitled to
19 receive under this subsection, then the entire amount appropriated for such
20 year shall be prorated among all community colleges in proportion to the
21 amount each community college is entitled to receive. No moneys in the
22 motorcycle safety fund shall be used for any purpose other than that
23 specified in this subsection or for the support of motorcycle driver
24 improvement programs *or department administration*. The *department, in*
25 *consultation with the* state board of regents, shall prescribe all forms
26 necessary for reporting in connection with this act. The funds shall be
27 distributed on or before November 1 each year.

28 (c) (1) ~~For the purpose of~~ *As used in this subsection, "vocational*
29 ~~education school" "institution" means a technical school affiliated with a~~
30 *public university in this state, a technical college or community college;*
31 ~~area vocational-technical school or area vocational school.~~

32 (2) ~~Any vocational education school institution~~ conducting an
33 approved course in truck driving shall be entitled to participate in the truck
34 driver training fund created by K.S.A. 8-267, and amendments thereto.
35 ~~The state board of regents~~ *department* may establish, by rules and
36 regulations *or by public declaration of the director of vehicles*, standards
37 for the conduct, operation and approval of courses in truck driver training
38 and for the qualifications of instructors for such courses. Such standards
39 shall not include the requirement that instructors be certificated by the
40 state board of regents. *Courses in truck driver training for an interstate*
41 *commercial class license shall also comply with the Kansas uniform*
42 *commercial drivers' license act.* In August of each year, the chief
43 administrative officer of each ~~vocational education school~~ *participating*

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

24 Sec. 2. K.S.A. 8-273 is hereby amended to read as follows: 8-273.
 25 ~~The following words and phrases when used in this act shall, unless the~~
 26 ~~context otherwise requires, have the meanings respectively ascribed to~~
 27 ~~them in this section:~~

28 (a) "Motor vehicle:" *means* every vehicle ~~which~~ *that* is self-propelled
 29 upon or by which any person or property is or may be transported or
 30 drawn upon a public highway except devices used exclusively upon
 31 stationary rails or tracks.

32 (b) "Drivers' training schools:" *means* any person, partnership or
 33 corporation giving driving instruction to ~~ten~~ (10) or more persons per
 34 calendar year for the purpose of meeting requirements for licensed driving
 35 of motor vehicles in Kansas.

36 (c) "Person:" *means* every natural person, firm, copartnership,
 37 association, corporation; or school.

38 (d) "Department:" *means* the ~~state~~ department of ~~education~~ *revenue*
 39 acting directly or through its duly authorized officers and agents.

40 (e) "State board:" *means* the state board of education.

41 (f) "Drivers' license examiners:" *means* examiners appointed by the
 42 division of vehicles for the purpose of giving drivers' license examinations.

43 Sec. 3. K.S.A. 8-274 is hereby amended to read as follows: 8-274. No

1 person shall operate a driver training school or engage in the business of
2 giving instruction for hire in the driving of motor vehicles or in the
3 preparation of an applicant for examination given by driver license
4 examiners for an operator's or chauffeur's license or permit, unless a
5 license therefor has been secured from the ~~state board~~ department.

6 Sec. 4. K.S.A. 8-275 is hereby amended to read as follows: 8-275.
7 ~~Every person~~ In order *for a person* to qualify to operate a driving school,
8 *such person* shall meet the following requirements:

9 (a) Be of good moral character;

10 (b) maintain an established place of business to the public;:

11 (c) maintain bodily injury and property damage liability insurance on
12 motor vehicles while used in driving instruction, insuring the liability of
13 the driving school, the driving instructors and any person taking
14 instruction in at least the following amounts: ~~One hundred thousand~~
15 ~~dollars~~ (\$100,000) for bodily injury to or death of one person in any one
16 accident and, subject to ~~said such~~ limit for one person, ~~two hundred~~
17 ~~thousand dollars~~ (\$200,000) for bodily injury to or death of two ~~(2)~~ or
18 more persons in any one accident and the amount of ~~twenty thousand~~
19 ~~dollars~~ (\$20,000) for damage to property of others in any one accident.
20 Evidence of such insurance coverage in the form of a certificate from the
21 insurance carrier shall be filed with the ~~state department of education,~~
22 *revenue* and such certificate shall stipulate that the insurance shall not be
23 canceled except upon ~~ten (10) days~~ *10 days'* prior written notice to the
24 ~~state board~~ department. Such insurance shall be written by a company
25 authorized to do business in this state;:

26 (d) provide a continuous surety company bond in the principal sum of
27 ~~two thousand five hundred dollars~~ (\$2,500) for the protection of the
28 contractual rights of students in such form as will meet with the approval
29 of the ~~state board~~ department and written by a company authorized to do
30 business in this state. However, the aggregate liability of the surety for all
31 breaches of the condition of the bond in no event shall exceed the principal
32 sum of ~~two thousand five hundred dollars~~ (\$2,500). The surety on any such
33 bond may cancel such bond on giving ~~thirty (30) days~~ *30 days'* written
34 notice thereof ~~in writing~~ to the ~~state board~~ department and shall be
35 relieved of liability for any breach of any condition of the bond ~~which that~~
36 occurs after the effective date of cancellation;:

37 (e) have the equipment necessary to the giving of proper instruction
38 in the operation of motor vehicles as prescribed by the ~~state board~~
39 *department; and*

40 (f) pay to the ~~board~~ department an application fee of ~~twenty-five~~
41 ~~dollars~~ (\$25).

42 Sec. 5. K.S.A. 8-276 is hereby amended to read as follows: 8-276.
43 ~~Every person~~ In order *for a person* to qualify as an instructor for a driving

1 school, *such person* shall meet the following requirements:

2 (a) Present to the ~~state board~~ *department* evidence of: (1) Credit in
3 driver education and safety from an accredited college or university
4 equivalent to credits in those subjects ~~which are~~ required of instructors in
5 the ~~public schools of Kansas~~ *accredited by the state board*; (2) having a
6 valid ~~Kansas teacher's certificate coded for~~ *credential issued by the state*
7 *board to teach* driver education; or (3) having completed at least 30 hours
8 of classroom and 24 hours of behind the wheel training under the direct
9 supervision of an individual who is presently licensed as an instructor by
10 the state board under ~~paragraphs~~ *paragraph* (1) or (2) and who has been
11 continuously licensed and who has actively instructed students for a period
12 of at least three years.;

13 (b) have knowledge of the Kansas operation lifesaver
14 highway/railroad grade crossing safety program.;

15 (c) be physically able to operate safely a motor vehicle and to train
16 others in the operation of motor vehicles.;

17 (d) provide a certificate of health from a medical doctor stating that
18 such person is ~~free from contagious disease~~. *physically and mentally able*
19 *to safely operate a motor vehicle*.;

20 (e) hold a valid Kansas drivers' license.;

21 (f) pay to the ~~state board~~ *department* an application fee of \$5.

22 Sec. 6. K.S.A. 8-277 is hereby amended to read as follows: 8-277. (a)
23 The ~~state board~~ *department* shall issue a license certificate to each
24 applicant to conduct a driver training school or to each driver training
25 instructor when the ~~state board~~ *department* is satisfied that such ~~person~~
26 *applicant* has met the qualifications required under this act.

27 (b) All ~~outstanding~~ licenses issued to any driver training school or
28 driver training instructor pursuant to the provisions of this act, shall expire
29 as a matter of law at midnight on December 31 of the calendar year for
30 which the license was issued, unless sooner canceled, suspended or
31 revoked under the provisions of K.S.A. 8-279, *and amendments thereto*.

32 (c) The license of each driver training school and each driver training
33 instructor may be renewed subject to the same conditions as the original
34 license, and upon payment of the same fee.

35 (d) All applications for renewal of a driver training school license or
36 driver training instructor's license shall be on a form prescribed by the
37 ~~state board~~ *department*, and ~~must shall~~ be filed with the ~~state~~ department
38 ~~of education~~ not more than ~~sixty (60)~~ days, nor ~~less fewer~~ than ~~ten (10)~~
39 days preceding the expiration date of the license to be renewed.

40 Sec. 7. K.S.A. 8-278 is hereby amended to read as follows: 8-278. (a)
41 The ~~state board~~ *department* is authorized to prescribe by rules and
42 regulations, standards for the eligibility, conduct and operation of driver
43 training schools and instructors and to adopt other reasonable rules and

1 regulations to carry out the provisions of this act.

2 (b) *All rules and regulations of the state board of education*
3 *pertaining to functions of the driver's training school license act in*
4 *existence on July 1, 2021, shall continue to be effective and shall be*
5 *deemed to be duly adopted rules and regulations of the secretary of*
6 *revenue until revised, amended, revoked or nullified pursuant to law.*

7 (c) *All orders and directives of the state department of education*
8 *pertaining to functions of the driver's training school license act on July 1,*
9 *2021, shall continue to be effective and shall be deemed to be orders and*
10 *directives of the department until revised, amended or nullified by the state*
11 *director of vehicles.*

12 Sec. 8. K.S.A. 8-279 is hereby amended to read as follows: 8-279.
13 ~~The state board~~ *department* may cancel, suspend, revoke or refuse to
14 renew any driver's training school or driver's training instructor license if
15 *any of the following occurs:*

16 (a) ~~When the state board~~ *The department* is satisfied that the licensee
17 fails to meet the requirements to receive or hold a license under this act;

18 (b) ~~Whenever~~ the licensee fails to keep the records required herein;

19 (c) ~~Whenever~~ the licensee permits fraud or engages in fraudulent
20 practices either with reference to the applicant or the ~~state board~~
21 *department*, or induces or countenances fraud or fraudulent practices on
22 the part of any applicant for a driver's license or permit;

23 (d) ~~Whenever~~ the licensee fails to comply with any provision of this
24 act or any of the rules and regulations of the ~~state board~~ *department* made
25 pursuant thereto;

26 (e) ~~Whenever~~ the licensee represents ~~himself or herself~~ *such licensee*
27 as an agent or employee of the ~~state board~~ *department* or license
28 examiners or uses advertising designed to lead or which would reasonably
29 have the effect of leading persons to believe that such licensee is in fact an
30 employee or representative of the ~~state board~~ *department* or license
31 examiners;

32 (f) ~~Whenever~~ the licensee or any employee or agent of the licensee
33 solicits driver training or instruction in an office of any department of the
34 state having to do with the administration of any law relating to motor
35 vehicles; *or*

36 (g) ~~Whenever~~ the licensee has had ~~his or her~~ *their* operator's or
37 chauffeur's license canceled, suspended or revoked.

38 Sec. 9. K.S.A. 8-280 is hereby amended to read as follows: 8-280. (a)
39 *There is hereby created in the state treasury the commercial driver*
40 *education fund. The commercial driver education fund shall be*
41 *administered by the department of revenue. All expenditures from the*
42 *commercial driver education fund shall be made in accordance with*
43 *appropriation acts upon warrants of the director of accounts and reports*

1 *issued pursuant to vouchers approved by the secretary of revenue.*

2 (b) All moneys received under this act shall be remitted to the state
3 treasurer in accordance with the provisions of K.S.A. 75-4215, and
4 amendments thereto. Upon receipt of each such remittance, the state
5 treasurer shall deposit the entire amount in the state treasury to the credit
6 of the ~~state safety fund created by K.S.A. 8-267, and amendments thereto~~
7 *commercial driver education fund.*

8 Sec. 10. K.S.A. 8-273, 8-274, 8-275, 8-276, 8-277, 8-278, 8-279 and
9 8-280 and K.S.A. 2020 Supp. 8-272 are hereby repealed.

10 Sec. 11. This act shall take effect and be in force from and after its
11 publication in the statute book.