Session of 2011

SENATE BILL No. 34

By Committee on Judiciary

AN ACT concerning driver's licenses; relating to habitual violators; motorized bicycles; amending K.S.A. 8-286 and 8-288 and K.S.A. 2010 Supp. 8-235 and 8-287 and repealing the existing sections.

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

Section 1. K.S.A. 2010 Supp. 8-235 is hereby amended to read as follows: 8-235. (a) No person, except those expressly exempted, shall drive any motor vehicle upon a highway in this state unless such person has a valid driver's license. No person shall receive a driver's license unless and until such person surrenders or with the approval of the division, lists to the division all valid licenses in such person's possession issued to such person by any other jurisdiction. All surrendered licenses or the information listed on foreign licenses shall be returned by the division to the issuing department, together with information that the licensee is now licensed in a new jurisdiction. No person shall be permitted to have more than one valid license at any time.

(b) Any person licensed under the motor vehicle drivers' license act may exercise the privilege granted upon all streets and highways in this state and shall not be required to obtain any other license to exercise such privilege by any local authority. Nothing herein shall prevent cities from requiring licenses of persons who drive taxicabs or municipally franchised transit systems for hire upon city streets, to protect the public from drivers whose character or habits make them unfit to transport the public. If a license is denied, the applicant may appeal such decision to the district court of the county in which such city is located by filing within 14 days after such denial, a notice of appeal with the clerk of the district court and by filing a copy of such notice with the city clerk of the involved city. The city clerk shall certify a copy of such decision of the city governing body to the clerk of the district court and the matter shall be docketed as any other cause and the applicant shall be granted a trial of such person's character and habits. The matter shall be heard by the court de novo in accordance with the code of civil procedure. The cost of such appeal shall be assessed in such manner as the court may direct.

(c) Any person operating in this state a motor vehicle, except a motorcycle, which is registered in this state other than under a temporary thirty-day permit shall be the holder of a driver's license which is
classified for the operation of such motor vehicle, and any person
operating in this state a motorcycle which is registered in this state shall
be the holder of a class M driver's license, except that any person
operating in this state a motorcycle which is registered under a temporary
thirty-day permit shall be the holder of a driver's license for any class of
motor vehicles.

(d) No person shall drive any motorized bicycle upon a highway of
this state unless: (1) Such person has a valid driver's license which
entitles the licensee to drive a motor vehicle in any class or classes; (2)
such person is at least 15 years of age and has passed the written and
visual examinations required for obtaining a class C driver's license, in
which case the division shall issue to such person a class C license which
clearly indicates such license is valid only for the operation of motorized
bicycles; or (3) such person has had their driving privileges suspended,
for a violation other than a violation of K.S.A. 8-1567 or 8-1567a, and
amendments thereto, and has made application to the division for the
issuance of a class C license for the operation of motorized bicycles, in
accordance with paragraph (2), in which case the division shall issue to
such person a class C license which clearly indicates such license is valid
only for the operation of motorized bicycles; or (4) such person has had
their driving privileges revoked under K.S.A. 8-286, and amendments
thereto, and has made application to the division for issuance of a class
C license for the operation of motorized bicycles, in accordance with
paragraph (2), in which case the division shall issue to such person a
class C license which clearly indicates such license is valid only for the
operation of motorized bicycles.

(e) Violation of this section shall constitute a class B nonperson
misdemeanor.

Sec. 2. K.S.A. 8-286 is hereby amended to read as follows: 8-286.
Whenever the files and records of the division shall disclose that the
record of convictions of any person is such that the person is an habitual
violator, as prescribed by K.S.A. 8-285, and amendments thereto, the
division promptly shall revoke the person's driving privileges for a period
of three years, except as allowed under subsection (d)(4) of K.S.A. 8-235,
and amendments thereto.

Sec. 3. K.S.A. 2010 Supp. 8-287 is hereby amended to read as
follows: 8-287. Except as allowed under subsection (d)(4) of K.S.A. 8-
235, and amendments thereto, operation of a motor vehicle in this state
while one's driving privileges are revoked pursuant to K.S.A. 8-286, and
amendments thereto, is a class A nonperson misdemeanor. The person
found guilty of a third or subsequent conviction of this section shall be
sentenced to not less than 90 days imprisonment and fined not less than
$1,500. The person convicted shall not be eligible for release on
probation, suspension or reduction of sentence or parole until the person
has served at least 90 days' imprisonment. The 90 days' imprisonment
mandated by this subsection may be served in a work release program
only after such person has served 48 consecutive hours' imprisonment,
provided such work release program requires such person to return to
confinement at the end of each day in the work release program. The
court may place the person convicted under a house arrest program
pursuant to K.S.A. 21-4603b section 249 of chapter 136 of the 2010
Session Laws of Kansas, and amendments thereto, or any municipal
ordinance to serve the remainder of the minimum sentence only after
such person has served 48 consecutive hours' imprisonment.

Sec. 4. K.S.A. 8-288 is hereby amended to read as follows: 8-288.
Except as allowed under subsection (d)(4) of K.S.A. 8-235, and
amendments thereto, no license to operate a motor vehicle in Kansas shall
be issued to a person for a period of three years from the date of the
division's order revoking such person's driving privileges pursuant to
K.S.A. 8-286, and amendments thereto, and until the person's driving
privileges have been restored.

Sec. 5. K.S.A. 8-286 and 8-288 and K.S.A. 2010 Supp. 8-235 and 8-
287 are hereby repealed.

Sec. 6. This act shall take effect and be in force from and after its
publication in the statute book.