

## Substitute for HOUSE BILL No. 2194

By Committee on Transportation

3-16

---

1 AN ACT concerning motor vehicles; relating to motorcycles, approved  
2 safety training curriculum, location for safety courses; amending  
3 K.S.A. 2016 Supp. 8-240 and 8-272 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) *or curriculum recognized by the*  
12 *department of education* are not required to complete further written and  
13 driving testing pursuant to paragraph (1) of this subsection.

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

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

35 (2) The division shall not issue any driver's license or instruction  
36 permit to any person who fails to provide proof that the person is lawfully  
37 present in the United States. Before issuing a driver's license or instruction  
38 permit to a person, the division shall require valid documentary evidence  
39 that the applicant: (A) Is a citizen or national of the United States; (B) is an  
40 alien lawfully admitted for permanent or temporary residence in the  
41 United States; (C) has conditional permanent resident status in the United  
42 States; (D) has an approved application for asylum in the United States or  
43 has entered into the United States in refugee status; (E) has a valid,

1 unexpired nonimmigrant visa or nonimmigrant visa status for entry into  
2 the United States; (F) has a pending application for asylum in the United  
3 States; (G) has a pending or approved application for temporary protected  
4 status in the United States; (H) has approved deferred action status; or (I)  
5 has a pending application for adjustment of status to that of an alien  
6 lawfully admitted for permanent residence in the United States or  
7 conditional permanent resident status in the United States.

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

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

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

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

32 (c) Every application shall state the full legal name, date of birth,  
33 gender and address of principal residence of the applicant, and briefly  
34 describe the applicant, and shall state whether the applicant has been  
35 licensed as a driver prior to such application, and, if so, when and by what  
36 state or country. Such application shall state whether any such license has  
37 ever been suspended or revoked, or whether an application has ever been  
38 refused, and, if so, the date of and reason for such suspension, revocation  
39 or refusal. In addition, applications for commercial drivers' licenses and  
40 instruction permits for commercial licenses must include the following:  
41 The applicant's social security number; the person's signature; the person's:  
42 (1) Digital color image or photograph; or (2) a laser engraved photograph;  
43 certifications, including those required by 49 C.F.R. § 383.71(a), effective

1 January 1, 1991; a consent to release driving record information; and, any  
2 other information required by the division.

3 (d) When an application is received from a person previously licensed  
4 in another jurisdiction, the division shall request a copy of the driver's  
5 record from the other jurisdiction. When received, the driver's record shall  
6 become a part of the driver's record in this state with the same force and  
7 effect as though entered on the driver's record in this state in the original  
8 instance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

43 (i) The director of vehicles may issue a temporary driver's license to

1 an applicant who cannot provide valid documentary evidence as defined  
2 by subsection (b)(2), if the applicant provides compelling evidence  
3 proving current lawful presence. Any temporary license issued pursuant to  
4 this subsection shall be valid for one year.

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

22 Sec. 2. K.S.A. 2016 Supp. 8-272 is hereby amended to read as  
23 follows: 8-272. (a) Any school district conducting an approved course in  
24 driver training and any student attending a nonpublic school accredited by  
25 the state board of education conducting an approved course in driver  
26 training shall be entitled to participate in the state safety fund created by  
27 K.S.A. 8-267, and amendments thereto. In August of each year, the  
28 superintendent of each school district and the governing authority of each  
29 nonpublic school shall report to the state board of education the number of  
30 students who have been in attendance for a complete driver training course  
31 conducted by such school district or nonpublic school during the past  
32 school year. The state board of education shall certify to the director of  
33 accounts and reports the amount due each school district and each student  
34 of a nonpublic school entitled to payment under this subsection. The  
35 director of accounts and reports shall draw warrants on the state treasurer  
36 payable to the treasurer of each school district and to each student of a  
37 nonpublic school entitled to payment under this subsection upon vouchers  
38 approved by the state board and shall cause such warrants to be delivered  
39 to the respective school districts and nonpublic schools. If the amount  
40 appropriated in any year from the state safety fund is insufficient to pay  
41 the full amount each school district and each student of a nonpublic school  
42 is entitled to receive under this subsection, then the entire amount  
43 appropriated for such year shall be prorated among all school districts and

1 all students of nonpublic schools in proportion to the amount each school  
2 district and each student of a nonpublic school is entitled to receive. No  
3 moneys in the state safety fund shall be used for any purpose other than  
4 that specified in this subsection or for the support of driver improvement  
5 programs. The state board of education shall prescribe all forms necessary  
6 for reporting in connection with this act. The funds shall be distributed on  
7 or before November 1 each year.

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

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

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

32 (c) For the purpose of this subsection, "vocational education school"  
33 means community college, area vocational-technical school or area  
34 vocational school. Any vocational education school conducting an  
35 approved course in truck driving shall be entitled to participate in the truck  
36 driver training fund created by K.S.A. 8-267, and amendments thereto.  
37 The state board of regents may establish, by rules and regulations,  
38 standards for the conduct, operation and approval of courses in truck  
39 driver training and for the qualifications of instructors for such courses.  
40 Such standards shall not include the requirement that instructors be  
41 certificated by the state board of regents. In August of each year, the chief  
42 administrative officer of each vocational education school shall report to  
43 the state board of regents the number of students who have been in

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

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

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