

Substitute for HOUSE BILL No. 2135

By Committee on Judiciary

2-21

AN ACT concerning drivers' licenses; relating to obtaining such license; amending K.S.A. 2000 Supp. 8-237, 8-240 and 8-1324 and repealing the existing sections.

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

Section 1. K.S.A. 2000 Supp. 8-237 is hereby amended to read as follows: 8-237. The division of vehicles shall not issue any driver's license to any person:

(a) Who is under the age of 16 years, except that the division may issue a restricted class C or M license, as provided in this act, to any person who: (1) Is at least 15 years of age; (2) has successfully completed an approved course in driver training; (3) has held an instructional permit issued under the provisions of K.S.A. 8-239, and amendments thereto, for a period of at least six months and has completed at least 25 hours of adult supervised driving; and (4) upon the written application of the person's parent or guardian. The required adult supervised driving required in clause (3) above shall be conducted by an adult who is at least 21 years of age and is the holder of a valid commercial driver's license, class A, B or C driver's license. Except as hereafter provided, the application of the parent or guardian shall be submitted to the division. The governing body of any city, by ordinance, may require the application of any person who is under 16 years of age and who resides within the city to be first submitted to the chief law enforcement officer of the city. The board of county commissioners of any county, by resolution, may require the application of any person who is under 16 years of age and who resides within the county and outside the corporate limits of any city to be first submitted to the chief law enforcement officer of the county. No ordinance or resolution authorized by this subsection shall become effective until a copy of it is transmitted to the division of vehicles. The chief law enforcement officer of any city or county which has adopted the ordinance or resolution authorized by this subsection shall make a recommendation on the application as to the necessity for the issuance of the restricted license, and the recommendation shall be transmitted, with the application, to the division of vehicles. If the division finds that it is necessary to issue the restricted license, it shall issue a driver's license to the

1 person.

2 A restricted class C license issued under this subsection shall entitle
3 the licensee, while possessing the license, to operate any motor vehicle
4 in class C, as designated in K.S.A. 8-234b, and amendments thereto. A
5 restricted class M license shall entitle the licensee, while possessing such
6 license, to operate a motorcycle. The restricted license shall entitle the
7 licensee to operate the appropriate vehicle at any time:

8 (1) While going to or from or in connection with any job, employment
9 or farm-related work;

10 (2) on days while school is in session, over the most direct and ac-
11 cessible route between the licensee's residence and school of enrollment
12 for the purposes of school attendance;

13 (3) when the licensee is operating a passenger car, at any time when
14 accompanied by an adult who is the holder of a valid commercial driver's
15 license, class A, B or C driver's license and who is actually occupying a
16 seat beside the driver; or

17 (4) when the licensee is operating a motorcycle, at any time when
18 accompanied by an adult who is the holder of a valid class M driver's
19 license and who is operating a motorcycle in the general proximity of the
20 licensee.

21 Any licensee issued a restricted license under this subsection shall not
22 operate any motor vehicle with nonsibling minor passengers and any con-
23 viction for violating this provision shall be construed as a moving traffic
24 violation for the purpose of K.S.A. 8-255, and amendments thereto.

25 A restricted driver's license issued under this subsection is subject to
26 suspension or revocation in the same manner as any other driver's license.
27 In addition, the division may suspend the restricted driver's license upon
28 receiving satisfactory evidence that: (1) The licensee has violated the re-
29 striction of the license, (2) the licensee has been involved in two or more
30 accidents chargeable to the licensee or (3) the recommendation of the
31 chief law enforcement officer of any city or county requiring the rec-
32 ommendation has been withdrawn. The suspended license shall not be
33 reinstated for one year or until the licensee reaches the age of 16, which-
34 ever period is longer.

35 Any licensee issued a restricted license under this subsection who: (1)
36 Is under the age of 16 years and is convicted of two or more moving
37 traffic violations committed on separate occasions shall not be eligible to
38 receive a driver's license which is not restricted in accordance with the
39 provisions of this subsection until the person reaches 17 years of age; or
40 (2) fails to provide the required affidavit stating that the licensee has
41 completed at least 50 hours of adult supervised driving with 10 of those
42 hours being at night shall not be eligible to receive a driver's license which
43 is not restricted in accordance with the provisions of this subsection until

1 the person provides such affidavit to the division or the person reaches
2 17 years of age, whichever occurs first.

3 Any licensee issued a restricted license under this subsection on and
4 after July 1, 1999, shall provide prior to reaching 16 years of age, a signed
5 affidavit of either a parent or guardian, stating that the applicant has
6 completed the required 25 hours prior to being issued a restricted license
7 and 25 hours of additional adult supervised driving. Of the 50 hours re-
8 quired by this subsection, at least 10 of those hours shall be at night. The
9 adult supervised driving shall be conducted by an adult who is at least 21
10 years of age and is the holder of a valid commercial driver's license, class
11 A, B or C driver's license.

12 Evidence of failure of any licensee who was required to complete the
13 50 hours of adult supervised driving under this subsection shall not be
14 admissible in any action for the purpose of determining any aspect of
15 comparative negligence or mitigation of damages.

16 (b) Who is under the age of 18 years, except as provided in K.S.A.
17 2000 Supp. 8-2,147, and amendments thereto, for the purpose of driving
18 a commercial or class A or B motor vehicle.

19 (c) Whose license is currently revoked, suspended or canceled in this
20 or any other state, except as provided in K.S.A. 8-256, and amendments
21 thereto.

22 (d) Who is a habitual drunkard, habitual user of narcotic drugs or
23 habitual user of any other drug to a degree which renders the user in-
24 capable of safely driving a motor vehicle.

25 (e) Who has previously been adjudged to be afflicted with or suffering
26 from any mental disability or disease and who, at the time of making
27 application for a driver's license, has not been restored to capacity in the
28 manner provided by law. Application of this limitation to any person
29 known to have suffered any seizure disorder is subject to the provisions
30 of paragraph (7) of subsection (e) of K.S.A. 8-247, and amendments
31 thereto.

32 (f) Who is required by the motor vehicle drivers' license act to take
33 an examination, unless the person has successfully passed the
34 examination.

35 (g) Who is at least 16 years of age and less than 17 years of age, who
36 is applying for a driver's license for the first time since reaching 16 years
37 of age and who, three times or more, has been adjudged to be a traffic
38 offender under the Kansas juvenile code or a juvenile offender under the
39 Kansas juvenile justice code, by reason of violation of one or more statutes
40 regulating the movement of traffic on the roads, streets or highways of
41 this state, except that, in the discretion of the director, the person may
42 be issued a driver's license which is restricted in the manner the division
43 deems to be appropriate. No person described by this subsection shall be

1 eligible to receive a driver's license which is not restricted until the person
2 has reached the age of 17 years.

3 (h) Who has not submitted proof of age or proof of identity, as re-
4 quired by K.S.A. 8-240, and amendments thereto.

5 (i) ~~Whose~~ *Who has not submitted proof of lawful presence in the*
6 *United States is in violation of federal immigration laws or has not ob-*
7 *tained an internal revenue service individual taxpayer identification*
8 *number.*

9 Sec. 2. K.S.A. 2000 Supp. 8-240 is hereby amended to read as fol-
10 lows: 8-240. (a) Every application for an instruction permit shall be made
11 upon a form furnished by the division of vehicles and accompanied by a
12 fee of \$2 for class A, B, C or M and \$5 for all commercial classes. Every
13 other application shall be made upon a form furnished by the division
14 and accompanied by an examination fee of \$3, unless a different fee is
15 required by K.S.A. 8-241, and amendments thereto, and by the proper
16 fee for the license for which the application is made. If the applicant is
17 not required to take an examination the examination fee shall not be
18 required. The examination shall consist of three tests, as follows: (1) Vi-
19 sion; (2) written; and (3) driving. If the applicant fails the vision test, the
20 applicant may have correction of vision made and take the vision test again
21 without any additional fee. If an applicant fails the written test, the ap-
22 plicant may take such test again upon the payment of an additional ex-
23 amination fee of \$1.50. If an applicant fails the driving test, the applicant
24 may take such test again upon the payment of an additional examination
25 fee of \$1.50. If an applicant fails to pass all three of the tests within a
26 period of six months from the date of original application and desires to
27 take additional tests, the applicant shall file an application for reexami-
28 nation upon a form furnished by the division, which shall be accompanied
29 by a reexamination fee of \$3, except that any applicant who fails to pass
30 the written or driving portion of an examination four times within a six-
31 month period, shall be required to wait a period of six months from the
32 date of the last failed examination before additional examinations may be
33 given. Upon the filing of such application and the payment of such re-
34 examination fee, the applicant shall be entitled to reexamination in like
35 manner and subject to the additional fees and time limitation as provided
36 for examination on an original application. If the applicant passes the
37 reexamination, the applicant shall be issued the classified driver's license
38 for which the applicant originally applied, which license shall be issued
39 to expire as if the applicant had passed the original examination.

40 (b) (1) For the purposes of obtaining any driver's license, an appli-
41 cant shall submit, with the application, proof of age or proof of identity,
42 or both, as the division may require.

43 (2) An applicant who submits proof of age or of identity issued by an

1 entity other than a state or the United States shall also submit such proof
2 as the division may require that the applicant is lawfully present in the
3 United States *or has obtained an internal revenue service individual tax-*
4 *payer identification number.*

5 (3) The division shall not issue any driver's license to any person who
6 is not lawfully present in the United States *or has not obtained an internal*
7 *revenue service individual taxpayer identification number.*

8 (4) The division shall not issue any driver's license to any person who
9 is not a resident of the state of Kansas, except as provided in K.S.A. 2000
10 Supp. 8-2,148, and amendments thereto.

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

13 (c) Every application shall state the name, date of birth, sex and res-
14 idence address of the applicant, and briefly describe the applicant, and
15 shall state whether the applicant has theretofore been licensed as a driver,
16 and, if so, when and by what state or country, and whether any such
17 license has ever been suspended or revoked, or whether an application
18 has ever been refused, and, if so, the date of and reason for such suspen-
19 sion, revocation or refusal. In addition to the above criteria, applications
20 for commercial drivers' licenses and instruction permits for commercial
21 licenses must include the following: The applicant's social security num-
22 ber; the person's signature; the person's color photograph; certifications,
23 including those required by 49 C.F.R. 383.71(a), effective January 1,
24 1991; a consent to release driving record information; and, any other
25 information required by the division.

26 (d) When an application is received from a person previously licensed
27 in another jurisdiction, the division shall request a copy of the driver's
28 record from the other jurisdiction. When received, the driver's record
29 shall become a part of the driver's record in this state with the same force
30 and effect as though entered on the driver's record in this state in the
31 original instance.

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

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

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

38 (2) for a class C driver's license issued to a person less than 21 years
39 of age or 65 years of age or older, or a farm permit, \$8;

40 (3) for a class M driver's license issued to a person at least 21 years
41 of age, but less than 65 years of age, \$6.50;

42 (4) for a class M driver's license issued to a person less than 21 years
43 of age or 65 years of age or older, \$5;

1 (5) for a class A or B driver's license issued to a person who is at least
2 21 years of age, but less than 65 years of age, \$18;

3 (6) for a class A or B driver's license issued to a person less than 21
4 years of age or 65 years of age or older, \$12; or

5 (7) for any class of commercial driver's license, \$14.

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

8 If one fails to make an original application or renewal application for a
9 driver's license within the time required by law, or fails to make appli-
10 cation within 60 days after becoming a resident of Kansas, a penalty of
11 \$1 shall be added to the fee charged for the driver's license.

12 Sec. 3. K.S.A. 2000 Supp. 8-1324 is hereby amended to read as fol-
13 lows: 8-1324. (a) Any resident may make application to the division of
14 vehicles and be issued one identification card, certified by the registrant
15 and attested by the division as to true name, correct age, photograph and
16 other identifying data as the division may require. Every application for
17 an identification card shall be signed and verified by the applicant and
18 shall contain such bona fide documentary evidence of the age and identity
19 of such applicant as the division may require.

20 (b) An applicant who submits documentary evidence under subsec-
21 tion (a), issued by an entity other than a state or the United States shall
22 also submit such proof as the division may require that the applicant is
23 lawfully present in the United States *or has obtained an internal revenue*
24 *service individual taxpayer identification number.*

25 (c) The division shall not issue an identification card to any person
26 who is not lawfully present in the United States *or has not obtained an*
27 *internal revenue service individual taxpayer identification number.*

28 (d) The parent or guardian of an applicant under 16 years of age shall
29 sign the application for an identification card submitted by such applicant.

30 (e) The division shall require payment of a fee of \$8 at the time
31 application for an identification card is made, except that persons who
32 are 65 or more years of age or who are handicapped, as defined in K.S.A.
33 8-1,124, and amendments thereto, shall be required to pay a fee of only
34 \$4.

35 (f) For the purposes of K.S.A. 8-1324 through 8-1328, and amend-
36 ments thereto, a person shall be deemed to be a resident of the state if:

37 (1) The person owns, leases or rents a place of domicile in this state;

38 (2) the person engages in a trade, business or profession in this state;

39 (3) the person is registered to vote in this state;

40 (4) the person enrolls the person's child in a school in this state; or

41 (5) the person registers the person's motor vehicle in this state.

42 Sec. 4. K.S.A. 2000 Supp. 8-237, 8-240 and 8-1324 are hereby
43 repealed.

1 Sec. 5. This act shall take effect and be in force from and after its
2 publication in the statute book.
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