

SENATE BILL No. 474

By Senator Hensley

2-9

9 AN ACT concerning motor vehicles; relating to drivers' licenses; requir-
10 ing van endorsement for certain vehicles; amending K.S.A. 8-234a, 8-
11 234b and 8-238 and K.S.A. 2003 Supp. 8-240 and repealing the existing
12 sections.

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

15 New Section 1. (a) On and after January 1, 2005, no person may drive
16 a passenger van unless such person has a valid driver's license with a V
17 endorsement.

18 (b) This section shall be part of and supplemental to the motor ve-
19 hicle driver's license act.

20 Sec. 2. K.S.A. 8-234a is hereby amended to read as follows: 8-234a.

21 (a) As used in the motor vehicle drivers' license act, the following words
22 and phrases shall have the meanings respectively ascribed to them herein:

23 (1) "Drivers' license examiner" or "examiner" means a drivers' li-
24 cense examiner of the division of vehicles or any person whom the direc-
25 tor of vehicles has authorized, pursuant to the authority granted by this
26 act, to accept applications for drivers' licenses and administer the exam-
27 inations required for the issuance or renewal of drivers' licenses;

28 (2) "nonresident" means every person who is not a resident of this
29 state. For the purposes of the motor vehicle drivers' license act any person
30 who owns, rents or leases real estate in Kansas as such person's residence
31 and engages in a trade, business or profession within Kansas or registers
32 to vote in Kansas or enrolls such person's children in a school in this state
33 or purchases Kansas registration for a motor vehicle, shall be deemed a
34 resident of the state of Kansas 90 days after the conditions stated in this
35 subsection commence, except that military personnel on active duty and
36 their military dependents who are residents of another state, shall not be
37 considered residents of the state of Kansas for the purpose of this act;

38 ~~and~~

39 (3) "patrol" means the state highway patrol; *and*

40 (4) "passenger van" means a motor vehicle designed to transport at
41 least 12 passengers, including the driver, but not more than 15 passengers,
42 including the driver.

43 (b) As used in this act, the words and phrases defined by the sections

1 in article 14 of chapter 8 of the Kansas Statutes Annotated shall have the
2 meanings respectively ascribed to them therein, unless a different mean-
3 ing is ascribed to any such word or phrase by subsection (a) of this section.

4 Sec. 3. K.S.A. 8-234b is hereby amended to read as follows: 8-234b.

5 (a) Every original driver's license issued by the division shall indicate the
6 class or classes of motor vehicles which the licensee is entitled to drive.
7 For this purpose the following classes are established:

8 (1) Commercial class A motor vehicles include any combination of
9 vehicles with a gross combination weight rating of 26,001 pounds or more,
10 providing the gross vehicle weight rating of the vehicle or vehicles being
11 towed is in excess of 10,000 pounds;

12 (2) commercial class B motor vehicles include any single vehicle with
13 a gross vehicle weight rating of 26,001 pounds or more, or any such ve-
14 hicle towing a vehicle not in excess of 10,000 pounds gross vehicle weight
15 rating;

16 (3) commercial class C motor vehicles include any single vehicle less
17 than 26,001 pounds gross vehicle weight rating, or any such vehicle towing
18 a vehicle not in excess of 10,000 pounds, or any vehicle less than 26,001
19 pounds gross vehicle weight rating towing a vehicle in excess of 10,000
20 pounds gross vehicle weight rating, provided the gross combination
21 weight rating of the combination is less than 26,001 pounds comprising:

22 (A) Vehicles designed to transport 16 or more passengers, including
23 the driver; or

24 (B) vehicles used in the transportation of hazardous materials which
25 requires the vehicle to be placarded;

26 (4) class A motor vehicles include any combination of vehicles with a
27 gross combination weight rating of 26,001 pounds or more, provided the
28 gross combination weight rating of the vehicle or vehicles being towed is
29 in excess of 10,000 pounds, and all other lawful combinations of vehicles
30 with a gross combination weight rating of 26,001 pounds, or more; except
31 that, class A does not include a combination of vehicles that has a truck
32 registered as a farm truck under subsection (2) of K.S.A. 8-143, and
33 amendments thereto;

34 (5) class B motor vehicles include any single vehicle with a gross ve-
35 hicle weight rating of 26,001 pounds or more, or any such vehicle towing
36 a vehicle not in excess of 10,000 pounds gross vehicle weight rating. Class
37 B motor vehicles do not include a single vehicle registered as a farm truck
38 under subsection (2) of K.S.A. 8-143, and amendments thereto, when
39 such farm truck has a gross vehicle weight rating of 26,001 pounds, or
40 more; or any fire truck operated by a volunteer fire department;

41 (6) class C motor vehicles include any single vehicle with a gross
42 vehicle weight rating less than 26,001 pounds, or any such vehicle towing
43 a vehicle not in excess of 10,000 pounds gross vehicle weight rating, or

1 any vehicle with a less than 26,001 gross vehicle weight rating towing a
2 vehicle in excess of 10,000 pounds gross vehicle weight rating, provided
3 the gross combination weight rating of the combination is less than 26,001
4 pounds, or any single vehicle registered as a farm truck under subsection
5 (2) of K.S.A. 8-143, and amendments thereto, when such farm truck has
6 a gross vehicle weight rating of 26,001 pounds, or more, or any fire truck
7 operated by a volunteer fire department; and

8 (7) class M motor vehicles includes motorcycles.

9 As used in this subsection, “gross vehicle weight rating” means the
10 value specified by the manufacturer as the maximum loaded weight of a
11 single or a combination (articulated) vehicle. The gross vehicle weight
12 rating of a combination (articulated) vehicle, commonly referred to as the
13 gross combination weight rating, is the gross vehicle weight rating of the
14 power unit plus the gross vehicle weight rating of the towed unit or units.

15 (b) Every applicant for an original driver’s license shall indicate on
16 such person’s application the class or classes of motor vehicles for which
17 the applicant desires a license to drive, and the division shall not issue a
18 driver’s license to any person unless such person has demonstrated sat-
19 isfactorily ability to exercise ordinary and reasonable control in the op-
20 eration of motor vehicles in the class or classes for which the applicant
21 desires a license to drive. The division shall administer an appropriate
22 examination of each applicant’s ability to drive such motor vehicles. Ex-
23 cept as provided in K.S.A. 8-2,125 through 8-2,142, and amendments
24 thereto, the director of vehicles may accept a copy of the certificate of a
25 person’s road test issued to an individual under the regulatory require-
26 ments of the United States department of transportation, in lieu of re-
27 quiring the person to demonstrate ability to operate any motor vehicle or
28 combination of vehicles, if such certificate was issued not more than three
29 years prior to the person’s application for a driver’s license.

30 (c) Any person who is the holder of a valid driver’s license which
31 entitles the person to drive class A motor vehicles may also drive class B
32 and C motor vehicles. Any person who is the holder of a valid driver’s
33 license which entitles the person to drive class B motor vehicles may also
34 drive class C motor vehicles.

35 (d) The secretary of revenue shall adopt rules and regulations
36 establishing:

37 (1) Qualifications for the safe operation of the various types, sizes and
38 combinations of vehicles in each class of motor vehicles established in
39 subsection (a). Such rules and regulations shall include the adoption of
40 at least the minimum qualifications for commercial drivers’ licenses con-
41 tained in the commercial motor vehicle safety act of 1986; *and*

42 (2) *a written and skill test for the safe operation of passenger vans.*

43 (e) Any reference in the motor vehicle drivers’ license act to a class

1 or classes of motor vehicles is a reference to the classes of motor vehicles
2 established in subsection (a), and any reference in the motor vehicle driv-
3 ers' license act to a classified driver's license or a class of driver's license
4 means a driver's license which restricts the holder thereof to driving one
5 or more of such classes of motor vehicles.

6 (f) The secretary of revenue may enter into a contract with any per-
7 son, who meets the qualifications imposed on persons regularly employed
8 by the division as drivers' license examiners, to accept applications for
9 drivers' licenses and to administer the examinations required for the is-
10 suance of drivers' licenses.

11 (g) Notwithstanding the provisions of subsection (a), any person em-
12 ployed as an automotive mechanic who possesses a valid class C driver's
13 license may drive any class A or class B motor vehicle on the highways
14 for the purpose of determining the proper performance of the vehicle,
15 except that this does not include commercial class A, B or C vehicles.

16 (h) *Any class of license issued under this section, except for class M,*
17 *may be issued with a V endorsement, which authorizes the driving of*
18 *passenger vans. Such endorsement shall appear on the license.*

19 Sec. 4. On and after January 1, 2005, K.S.A. 8-238 is hereby
20 amended to read as follows: 8-238. No person who is under the age of
21 18 years shall drive any: (a) School bus transporting school children ~~or~~
22 ~~any~~; (b) motor vehicle when in use for the transportation of persons for
23 a fee or when in use for the transportation of property, other than prop-
24 erty owned or sold by the owner or lessee of such vehicle, for compen-
25 sation; or (c) passenger van.

26 Sec. 5. K.S.A. 2003 Supp. 8-240 is hereby amended to read as fol-
27 lows: 8-240. (a) Every application for an instruction permit shall be made
28 upon a form furnished by the division of vehicles and accompanied by a
29 fee of \$2 for class A, B, C or M and \$5 for all commercial classes. Every
30 other application shall be made upon a form furnished by the division
31 and accompanied by an examination fee of \$3, unless a different fee is
32 required by K.S.A. 8-241, and amendments thereto, and by the proper
33 fee for the license for which the application is made. If the applicant is
34 not required to take an examination the examination fee shall not be
35 required. The examination shall consist of three tests, as follows: (1) Vi-
36 sion; (2) written; and (3) driving. If the applicant fails the vision test, the
37 applicant may have correction of vision made and take the vision test again
38 without any additional fee. If an applicant fails the written test, the ap-
39 plicant may take such test again upon the payment of an additional ex-
40 amination fee of \$1.50. If an applicant fails the driving test, the applicant
41 may take such test again upon the payment of an additional examination
42 fee of \$1.50. If an applicant fails to pass all three of the tests within a
43 period of six months from the date of original application and desires to

1 take additional tests, the applicant shall file an application for reexami-
2 nation upon a form furnished by the division, which shall be accompanied
3 by a reexamination fee of \$3, except that any applicant who fails to pass
4 the written or driving portion of an examination four times within a six-
5 month period, shall be required to wait a period of six months from the
6 date of the last failed examination before additional examinations may be
7 given. Upon the filing of such application and the payment of such re-
8 examination fee, the applicant shall be entitled to reexamination in like
9 manner and subject to the additional fees and time limitation as provided
10 for examination on an original application. If the applicant passes the
11 reexamination, the applicant shall be issued the classified driver's license
12 for which the applicant originally applied, which license shall be issued
13 to expire as if the applicant had passed the original examination.

14 (b) (1) For the purposes of obtaining any driver's license or instruc-
15 tion permit, an applicant shall submit, with the application, proof of age
16 or proof of identity, or both, as the division may require. An applicant
17 shall submit the applicant's social security number or a taxpayer identi-
18 fication number if the applicant does not have a social security number,
19 which shall remain confidential and shall not be disclosed, except as pro-
20 vided pursuant to K.S.A. 74-2012, and amendments thereto. If the ap-
21 plicant does not have a social security number or a taxpayer identification
22 number, the applicant shall submit a sworn statement, with the applica-
23 tion, stating that the applicant does not have a social security number or
24 taxpayer identification number. The distinguishing number assigned to
25 the license or permit may be the applicant's social security number or a
26 taxpayer identification number if the applicant so requests in writing. If
27 the applicant is applying for an instruction permit or driver's license and
28 the applicant otherwise meets the requirements for such license, the ap-
29 plicant shall receive a temporary license or instruction permit until the
30 division verifies all facts relative to such applicant's right to receive an
31 instruction permit or driver's license, including the age, identity, social
32 security number, taxpayer identification number and residency of the
33 applicant.

34 (2) An applicant who submits proof of age or of identity issued by an
35 entity other than a state or the United States shall also submit such proof
36 as the division may require that the applicant is lawfully present in the
37 United States.

38 (3) The division shall not issue any driver's license to any person who
39 is not lawfully present in the United States.

40 (4) The division shall not issue any driver's license to any person who
41 is not a resident of the state of Kansas, except as provided in K.S.A. 8-
42 2,148, and amendments thereto.

43 (5) The parent or guardian of an applicant under 16 years of age shall

1 sign the application for any driver's license submitted by such applicant.

2 (c) Every application shall state the name, date of birth, sex and res-
3 idence address of the applicant, and briefly describe the applicant, and
4 shall state whether the applicant has been licensed as a driver prior to
5 such application, and, if so, when and by what state or country. Such
6 application shall state whether any such license has ever been suspended
7 or revoked, or whether an application has ever been refused, and, if so,
8 the date of and reason for such suspension, revocation or refusal. In ad-
9 dition, applications for commercial drivers' licenses and instruction per-
10 mits for commercial licenses must include the following: The applicant's
11 social security number; the person's signature; the person's color photo-
12 graph; certifications, including those required by 49 C.F.R. 383.71(a),
13 effective January 1, 1991; a consent to release driving record information;
14 and, any other information required by the division.

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

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

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

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

27 (2) for a class C driver's license issued to a person less than 21 years
28 of age or 65 years of age or older, or a farm permit, \$12;

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

31 (4) for a class M driver's license issued to a person less than 21 years
32 of age or 65 years of age or older, \$9;

33 (5) for a class A or B driver's license issued to a person who is at least
34 21 years of age, but less than 65 years of age, \$24;

35 (6) for a class A or B driver's license issued to a person less than 21
36 years of age or 65 years of age or older, \$16; or

37 (7) for any class of commercial driver's license, \$18.

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

40 *A fee of \$10 shall be charged for a V endorsement.*

41 If one fails to make an original application or renewal application for a
42 driver's license within the time required by law, or fails to make appli-
43 cation within 60 days after becoming a resident of Kansas, a penalty of

1 \$1 shall be added to the fee charged for the driver's license.
2 (g) Any person who possesses an identification card as provided in
3 K.S.A. 8-1324, and amendments thereto, shall surrender such identifi-
4 cation card to the division upon being issued a valid Kansas driver's license
5 or upon reinstatement and return of a valid Kansas driver's license.
6 Sec. 6. K.S.A. 8-234a and 8-234b and K.S.A. 2003 Supp. 8-240 are
7 hereby repealed.
8 Sec. 7. On and after January 1, 2005, K.S.A. 8-238 is hereby
9 repealed.
10 Sec. 8. This act shall take effect and be in force from and after its
11 publication in the statute book.