

**SENATE Substitute for Substitute for  
HOUSE BILL No. 2559**

By Committee on Transportation

3-19

12 AN ACT relating to motor vehicles; concerning driver's licenses; relating  
13 to certain age requirements; providing certain limitations; providing  
14 penalties; amending K.S.A. 8-235d, 8-239, 8-297 and 8-2,147 and  
15 K.S.A. 2007 Supp. 8-237, 8-240 and 72-89c02 and repealing the exist-  
16 ing sections.

17

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

19 New Section 1. (a) On and after July 1, 2009, for the purpose of  
20 obtaining a farm permit in accordance with the provisions of K.S.A. 8-  
21 296, and amendments thereto, a person who is less than 15 years of age  
22 but is at least 14 years of age and who resides upon a farm in this state  
23 or is employed for compensation upon a farm in this state may apply to  
24 the division for a farm instruction permit. The division may in its discre-  
25 tion, after the applicant has successfully passed all parts of the examina-  
26 tion other than the driving test, issue to the applicant a farm instruction  
27 permit which shall entitle the applicant while having such permit in such  
28 person's immediate possession to operate any motor vehicle in class C,  
29 as designated in K.S.A. 8-234b, and amendments thereto, upon the public  
30 highways for a period of one year from the date of issuance subject to  
31 the restrictions contained in this section. The division may issue a farm  
32 instruction permit only upon the written application of a parent or guard-  
33 ian of the applicant. The person having the farm instruction permit may  
34 operate a class C motor vehicle at any time when accompanied by an  
35 adult who is the holder of a valid commercial driver's license, class A, B  
36 or C driver's license and who is actually occupying a seat beside the driver.  
37 (b) An applicant for a farm instruction permit shall prove that such  
38 applicant resides or works on a farm by submitting the signed affidavit of  
39 either a parent or guardian, stating that the applicant lives on a farm or,  
40 if the applicant does not live on a farm but works on a farm, by submitting  
41 the signed affidavit of the applicant's employer and parent or guardian,  
42 attesting to such employment.

43 (c) As used in this section, "farm" means any parcel of land larger

1 than 20 acres which is used in agricultural production.

2 (d) This section shall be part of and supplemental to the motor ve-  
3 hicle drivers' license act.

4 New Sec. 2. The provisions of sections 3 and 4, and amendments  
5 thereto, shall be known as Cody's law.

6 New Sec. 3. On and after July 1, 2009: (a) Any person who is at least  
7 15 years of age, but less than 18 years of age may apply to the division  
8 for an instruction permit. The division may issue an instruction permit  
9 under this section to any person who is at least 15 years of age, but less  
10 than 16 years of age only upon written application of a parent or guardian  
11 of the minor. The division may in its discretion, after the applicant has  
12 successfully passed all parts of the examination other than the driving  
13 test, issue to the applicant an instruction permit for a period of one year.

14 (b) An instruction permit issued under this subsection shall authorize  
15 the permit holder to drive a passenger car under the following conditions:

16 (1) The permit holder shall be in immediate possession of the instruc-  
17 tion permit;

18 (2) a supervising driver shall be seated beside the permit holder in  
19 the front seat of the passenger car when such car is in motion. The su-  
20 pervising driver shall be an adult who is at least 21 years of age who is  
21 the holder of a valid commercial driver's license, class A, B or C driver's  
22 license and who has at least one year of driving experience. No person  
23 other than the supervising driver can be in the front seat;

24 (3) the permit holder may drive at any time in accordance with the  
25 provisions of this section;

26 (4) every person occupying the passenger car being driven by the  
27 permit holder shall have a safety belt properly fastened about such per-  
28 son's body at all times when the passenger car is in motion, or shall be in  
29 compliance with the provisions of K.S.A. 8-1344, and amendments  
30 thereto; and

31 (5) the permit holder shall not operate a wireless communication de-  
32 vice while driving a passenger car.

33 (c) Any person who is at least 15 years of age, but less than 18 years  
34 of age may apply for an instruction permit to operate a motorcycle either  
35 separate from or in conjunction with an instruction permit to operate a  
36 passenger car. The applicant shall successfully pass all parts of the ex-  
37 amination other than the driving test. An instruction permit issued under  
38 this subsection shall authorize the permit holder to operate a motorcycle  
39 if such permit holder is accompanied by an adult who is at least 21 years  
40 of age, who is the holder of a valid class M driver's license, who has had  
41 at least one year of driving experience and who is riding a motorcycle in  
42 the general proximity of the permit holder.

43 Any person issued an instruction permit under this subsection shall

- 1 comply with the provisions of K.S.A. 8-1598, and amendments thereto.
- 2 (d) This section shall be a part of and supplemental to the motor  
3 vehicle driver's license act.
- 4 New Sec. 4. On and after July 1, 2009, the division of vehicles may  
5 issue to any person who is at least 16 years of age but less than 18 years  
6 of age a restricted class C or M driver's license in accordance with the  
7 provisions of this section.
- 8 (a) The division may issue a restricted class C or M driver's license  
9 to any person who:
- 10 (1) Is at least 16 years of age;
- 11 (2) has held an instruction permit issued under section 3, and amend-  
12 ments thereto, for a period of one year;
- 13 ~~(3) has successfully completed an approved course in driver training;~~
- 14 ~~(4)~~ submits a signed affidavit of either a parent or guardian, stating  
15 that the applicant has completed 50 hours of adult supervised driving and  
16 at least 10 of those hours shall be at night;
- 17 ~~(5)~~ [(4)] has not, in the preceding six months:
- 18 (A) Been convicted of any moving violation;
- 19 (B) violated the seat belt restriction under subsection (b)(4) of section  
20 3, and amendments thereto; or
- 21 (C) violated the wireless communication device restriction under  
22 subsection (b)(5) of section 3, and amendments thereto.
- 23 The required adult supervised driving required under paragraph (4),  
24 shall be conducted by an adult who is at least 21 years of age, is the holder  
25 of a valid commercial drivers' license, class A, B or C drivers' license and  
26 who has at least one year of driving experience.
- 27 (b) A restricted class C license issued under subsection (a) shall en-  
28 title the licensee, while possessing the license, to operate any motor ve-  
29 hicle in class C, as designated in K.S.A. 8-234b, and amendments thereto.
- 30 A restricted class M license shall entitle the licensee, while possessing  
31 such license, to operate a motorcycle.
- 32 (1) For the first six months after issuance of the restricted license,  
33 the restricted license shall entitle the licensee to operate the appropriate  
34 vehicle:
- 35 (A) From 5:00 a.m. to 9:00 p.m.;
- 36 (B) while going to or from or in connection with any job or  
37 employment;
- 38 (C) when the licensee is operating a passenger car, at any time when  
39 accompanied by an adult who is at least 21 years of age, who is the holder  
40 of a valid commercial driver's license, class A, B or C driver's license, who  
41 has at least one year of driving experience and who is actually occupying  
42 a seat beside the driver;
- 43 (D) when the licensee is operating a motorcycle, at any time when

1 accompanied by an adult who is at least 21 years of age, who is the holder  
2 of a valid class M driver's license, who has at least one year of driving  
3 experience and who is operating a motorcycle in the general proximity of  
4 the licensee;

5 (E) while going directly to or from a school sponsored activity or  
6 event; or

7 (F) while going directly to or from any religious function.

8 (2) After the first six months, if the licensee has not been convicted  
9 of any moving violations, or has not violated any of the restrictions pro-  
10 vided for under this section, the restricted license shall entitle the licensee  
11 to operate the appropriate vehicle at any time.

12 (c) When any licensee issued a restricted license subject to the pro-  
13 visions of subsection (b)(1) is driving a motor vehicle and is not accom-  
14 panied by an adult supervising driver who is at least 21 years of age, there  
15 shall be no more than one passenger under 21 years of age in the motor  
16 vehicle. This limit does not apply to passengers who are members of the  
17 license holder's immediate family or whose primary residence is the same  
18 household as the license holder. Except that, if a family member or mem-  
19 ber of the same household as the license holder who is younger than 21  
20 years of age is a passenger in the vehicle, no other passengers under 21  
21 years of age, who are not members of the license holder's immediate  
22 family or members of the license holder's household, may be in the  
23 vehicle.

24 (d) (1) Any licensee issued a restricted license under this section shall  
25 not operate a wireless communication device while driving a motor  
26 vehicle.

27 (2) A licensee issued a restricted license under this section and every  
28 person occupying a motor vehicle being driven by such licensee shall have  
29 a safety belt properly fastened about such person's body at all times when  
30 the motor vehicle is in motion.

31 (e) Any conviction for violating any provision of subsection (c) shall  
32 be construed as a moving traffic violation for the purpose of K.S.A. 8-  
33 255, and amendments thereto.

34 (f) A restricted driver's license issued under this subsection is subject  
35 to suspension or revocation in the same manner as any other driver's  
36 license. In addition, the division may suspend the restricted driver's li-  
37 cense upon receiving satisfactory evidence that: (1) The licensee has vi-  
38 olated the restriction of the license, (2) the licensee has been involved in  
39 two or more accidents chargeable to the licensee, or (3) the licensee has  
40 been convicted of two or more moving traffic violations committed on  
41 separate occasions. The suspended license shall not be reinstated for one  
42 year or until the licensee reaches the age of 17, whichever period is  
43 longer.

1 (g) This section shall be a part of and supplemental to the motor  
2 vehicle drivers' license act.

3 Sec. 5. On and after July 1, 2009, K.S.A. 8-235d is hereby amended  
4 to read as follows: 8-235d. (a) Drivers' license examiners of the division  
5 shall accept original applications for drivers' licenses and instruction per-  
6 mits, as distinguished from applications for renewals of licenses, on forms  
7 prescribed by the division and also shall issue instruction permits. Drivers'  
8 license examiners of the division shall examine every applicant for a  
9 driver's license who is required by the provisions of the motor vehicle  
10 drivers' license act to be examined. Such examination shall be held in the  
11 county where the applicant resides or at a place adjacent thereto reason-  
12 ably convenient to the applicant or at a location established by the sec-  
13 retary for the issuance of a commercial driver's license. Such examination  
14 shall include a test of the applicant's eyesight, the applicant's ability to  
15 read and understand highway signs regulating, warning and directing traf-  
16 fic, the applicant's knowledge of the traffic laws of this state and shall  
17 include an actual demonstration of ability to exercise ordinary and rea-  
18 sonable control in the operation of motor vehicles which the class of  
19 license applied for would entitle the applicant to drive. At the conclusion  
20 of the examination the examiner shall issue a license to the applicant, if  
21 the applicant has successfully passed the examination with the class of  
22 license the applicant has applied for.

23 (b) In addition to the requirements of subsection (a):  
24 ~~(1), any person applying for a driver's license shall comply with the~~  
25 ~~provisions of subsection (b) of K.S.A. 8-240, and amendments thereto;~~  
26 ~~and~~  
27 ~~(2) any person who is under the age of 18 years and at least 16 years~~  
28 ~~of age, who is applying for a driver's license for the first time, not including~~  
29 ~~an instruction permit, shall submit a signed affidavit of either a parent or~~  
30 ~~guardian, stating that the applicant has completed at least 50 hours of~~  
31 ~~adult supervised driving with at least 10 of those hours being at night.~~  
32 ~~The required adult supervised driving required in this subsection shall be~~  
33 ~~conducted by an adult who is at least 21 years of age and is the holder of~~  
34 ~~a valid commercial driver's license, class A, B or C driver's license.~~  
35 ~~Evidence of failure of any licensee who was required to complete the~~  
36 ~~50 hours of adult supervised driving under this subsection shall not be~~  
37 ~~admissible in any action for the purpose of determining any aspect of~~  
38 ~~comparative negligence or mitigation of damages.~~

39 Sec. 6. On and after July 1, 2009, K.S.A. 2007 Supp. 8-237 is hereby  
40 amended to read as follows: 8-237. The division of vehicles shall not issue  
41 any driver's license to any person:

42 (a) ~~Who is under the age of 16 years, except that the division may~~  
43 ~~issue a restricted class C or M license, as provided in this act, to any~~

1 person who: (1) Is at least 15 years of age; (2) has successfully completed  
2 an approved course in driver training; (3) has held an instructional permit  
3 issued under the provisions of K.S.A. 8-239, and amendments thereto;  
4 for a period of at least six months and has completed at least 25 hours of  
5 adult supervised driving; and (4) upon the written application of the per-  
6 son's parent or guardian. The required adult supervised driving required  
7 in clause (3) above shall be conducted by an adult who is at least 21 years  
8 of age and is the holder of a valid commercial driver's license, class A, B  
9 or C driver's license. Except as hereafter provided, the application of the  
10 parent or guardian shall be submitted to the division. The governing body  
11 of any city, by ordinance, may require the application of any person who  
12 is under 16 years of age and who resides within the city to be first sub-  
13 mitted to the chief law enforcement officer of the city. The board of  
14 county commissioners of any county, by resolution, may require the ap-  
15 plication of any person who is under 16 years of age and who resides  
16 within the county and outside the corporate limits of any city to be first  
17 submitted to the chief law enforcement officer of the county. No ordi-  
18 nance or resolution authorized by this subsection shall become effective  
19 until a copy of it is transmitted to the division of vehicles. The chief law  
20 enforcement officer of any city or county which has adopted the ordi-  
21 nance or resolution authorized by this subsection shall make a recom-  
22 mendation on the application as to the necessity for the issuance of the  
23 restricted license, and the recommendation shall be transmitted, with the  
24 application, to the division of vehicles. If the division finds that it is nec-  
25 essary to issue the restricted license, it shall issue a driver's license to the  
26 person:

27 —A restricted class C license issued under this subsection shall entitle  
28 the licensee, while possessing the license, to operate any motor vehicle  
29 in class C, as designated in K.S.A. 8-234b, and amendments thereto. A  
30 restricted class M license shall entitle the licensee, while possessing such  
31 license, to operate a motorcycle. The restricted license shall entitle the  
32 licensee to operate the appropriate vehicle at any time:

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

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

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

42 —(4) when the licensee is operating a motorcycle, at any time when  
43 accompanied by an adult who is the holder of a valid class M driver's

1 license and who is operating a motorcycle in the general proximity of the  
2 licensee.

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

7 —A restricted driver's license issued under this subsection is subject to  
8 suspension or revocation in the same manner as any other driver's license.  
9 In addition, the division may suspend the restricted driver's license upon  
10 receiving satisfactory evidence that: (1) The licensee has violated the re-  
11 striction of the license, (2) the licensee has been involved in two or more  
12 accidents chargeable to the licensee or (3) the recommendation of the  
13 chief law enforcement officer of any city or county requiring the re-  
14 commendation has been withdrawn. The suspended license shall not be  
15 reinstated for one year or until the licensee reaches the age of 16, which-  
16 ever period is longer.

17 —Any licensee issued a restricted license under this subsection who: (1)  
18 Is under the age of 16 years and is convicted of two or more moving  
19 traffic violations committed on separate occasions shall not be eligible to  
20 receive a driver's license which is not restricted in accordance with the  
21 provisions of this subsection until the person reaches 17 years of age, or  
22 (2) fails to provide the required affidavit stating that the licensee has  
23 completed at least 50 hours of adult supervised driving with 10 of those  
24 hours being at night shall not be eligible to receive a driver's license which  
25 is not restricted in accordance with the provisions of this subsection until  
26 the person provides such affidavit to the division or the person reaches  
27 17 years of age, whichever occurs first.

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

37 —Evidence of failure of any licensee who was required to complete the  
38 50 hours of adult supervised driving under this subsection shall not be  
39 admissible in any action for the purpose of determining any aspect of  
40 comparative negligence or mitigation of damages.

41 (a) Who is at least 16 years of age, but less than 18 years of age,  
42 except as provided in section 4, and amendments thereto.

43 (b) Who is under the age of 18 years, except as provided in K.S.A. 8-

1 2,147, and amendments thereto, for the purpose of driving a commercial  
2 or class A or B motor vehicle.

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

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

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

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

19 (g) Who is at least 16 years of age and less than 17 years of age, who  
20 is applying for a driver's license for the first time since reaching 16 years  
21 of age and who, three times or more, has been adjudged to be a traffic  
22 offender under the Kansas juvenile code or a juvenile offender under the  
23 revised Kansas juvenile justice code, by reason of violation of one or more  
24 statutes regulating the movement of traffic on the roads, streets or high-  
25 ways of this state, except that, in the discretion of the director, the person  
26 may be issued a driver's license which is restricted in the manner the  
27 division deems to be appropriate. No person described by this subsection  
28 shall be eligible to receive a driver's license which is not restricted until  
29 the person has reached the age of 17 years.

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

32 (i) Whose presence in the United States is in violation of federal im-  
33 migration laws.

34 Sec. 7. On and after July 1, 2009, K.S.A. 8-239 is hereby amended  
35 to read as follows: 8-239. ~~(a)~~ Any person who is at least ~~14~~ 18 years of  
36 age may apply to the division for an instruction permit. The division may  
37 in its discretion, after the applicant has successfully passed all parts of the  
38 examination other than the driving test, issue to the applicant an instruc-  
39 tion permit which shall entitle the applicant while having such permit in  
40 such person's immediate possession to drive a passenger car upon the  
41 public highways for a period of one year subject to the restrictions herein  
42 contained. ~~The division may issue an instruction or restricted instruction~~  
43 ~~permit to any person who is at least 14 years of age and under the age of~~



1 ~~16 years only upon the written application of a parent or guardian of the~~  
2 ~~minor.~~ The one having the instruction permit may operate a passenger  
3 car at any time when accompanied by an adult *who is at least 21 years of*  
4 *age*, who is the holder of a valid commercial driver's license, class A, B  
5 or C driver's license, who has had at least one year of driving experience  
6 and who is occupying a seat beside the driver. Any person who is at least  
7 ~~14~~ 18 years of age may apply for an instruction permit to operate a mo-  
8 torcycle either separate from or in conjunction with an instruction permit  
9 to operate a passenger car, and such permit shall entitle the permittee to  
10 operate a motorcycle if such person is accompanied by an adult *who is*  
11 *at least 21 years of age*, who is the holder of a valid class M driver's license,  
12 who has had at least one year of driving experience and who is riding a  
13 motorcycle in the general proximity of the permittee.

14 ~~(b) The division upon receiving proper application may issue in its~~  
15 ~~discretion a restricted instruction permit effective for a school year or for~~  
16 ~~a more restricted period to an applicant who is at least 14 years of age~~  
17 ~~and who is enrolled in a driver education program which includes practice~~  
18 ~~driving and which is approved by the division, even though the applicant~~  
19 ~~has not reached the legal age to be eligible for a driver's license. Such~~  
20 ~~instruction permit shall entitle the permittee when the person has such~~  
21 ~~permit in such person's immediate possession to operate a passenger car~~  
22 ~~only on a designated highway or within a designated area but only when~~  
23 ~~an approved instructor is occupying a seat beside the permittee or when~~  
24 ~~such permit has been endorsed by an approved instructor to operate a~~  
25 ~~passenger car with a parent or guardian who is the holder of a valid~~  
26 ~~commercial driver's license, class A, B or C driver's license, who has had~~  
27 ~~at least one year of driving experience and who is occupying a seat beside~~  
28 ~~the driver.~~

29 ~~—(c) The division, in its discretion, may issue a temporary driver's per-~~  
30 ~~mit to an applicant for a classified driver's license permitting the applicant~~  
31 ~~to operate a motor vehicle within such classification while the division is~~  
32 ~~completing its investigation and determination of all facts relative to such~~  
33 ~~applicant's right to receive a driver's license. The division may issue such~~  
34 ~~a temporary driver's permit to any applicant whose employer certifies~~  
35 ~~that such permit is necessary to complete seasonal agricultural operations~~  
36 ~~of the employer. Any such temporary driver's permit issued pursuant to~~  
37 ~~this subsection shall be in the immediate possession of the permittee~~  
38 ~~while operating a motor vehicle, and it shall be invalid on the date spec-~~  
39 ~~ified thereon, which shall not be more than 15 days after its issuance, or~~  
40 ~~when the applicant's license has been issued or for good cause has been~~  
41 ~~refused.~~

42 Sec. 8. On and after July 1, 2009, K.S.A. 2007 Supp. 8-240 is hereby  
43 amended to read as follows: 8-240. (a) Every application for an instruction

1 permit shall be made upon a form furnished by the division of vehicles  
2 and accompanied by a fee of \$2 for class A, B, C or M *or farm permit*  
3 and \$5 for all commercial classes. Every other application shall be made  
4 upon a form furnished by the division and accompanied by an examination  
5 fee of \$3, unless a different fee is required by K.S.A. 8-241, and amend-  
6 ments thereto, and by the proper fee for the license for which the appli-  
7 cation is made. If the applicant is not required to take an examination the  
8 examination fee shall not be required. The examination shall consist of  
9 three tests, as follows: (1) Vision; (2) written; and (3) driving. If the ap-  
10 plicant fails the vision test, the applicant may have correction of vision  
11 made and take the vision test again without any additional fee. If an  
12 applicant fails the written test, the applicant may take such test again  
13 upon the payment of an additional examination fee of \$1.50. If an appli-  
14 cant fails the driving test, the applicant may take such test again upon the  
15 payment of an additional examination fee of \$1.50. If an applicant fails to  
16 pass all three of the tests within a period of six months from the date of  
17 original application and desires to take additional tests, the applicant shall  
18 file an application for reexamination upon a form furnished by the divi-  
19 sion, which shall be accompanied by a reexamination fee of \$3, except  
20 that any applicant who fails to pass the written or driving portion of an  
21 examination four times within a six-month period, shall be required to  
22 wait a period of six months from the date of the last failed examination  
23 before additional examinations may be given. Upon the filing of such  
24 application and the payment of such reexamination fee, the applicant shall  
25 be entitled to reexamination in like manner and subject to the additional  
26 fees and time limitation as provided for examination on an original ap-  
27 plication. If the applicant passes the reexamination, the applicant shall be  
28 issued the classified driver's license for which the applicant originally ap-  
29 plied, which license shall be issued to expire as if the applicant had passed  
30 the original examination.

31 (b) (1) For the purposes of obtaining any driver's license or instruc-  
32 tion permit, an applicant shall submit, with the application, proof of age  
33 and proof of identity as the division may require. The applicant also shall  
34 provide a photo identity document, except that a non-photo identity doc-  
35 ument is acceptable if it includes both the applicant's full legal name and  
36 date of birth, and documentation showing the applicant's name, the ap-  
37 plicant's address of principal residence and the applicant's social security  
38 number. The applicant's social security number shall remain confidential  
39 and shall not be disclosed, except as provided pursuant to K.S.A. 74-2012,  
40 and amendments thereto. If the applicant does not have a social security  
41 number the applicant shall provide proof of lawful presence and Kansas  
42 residency. The division shall assign a distinguishing number to the license  
43 or permit.

1       (2) The division shall not issue any driver's license or instruction per-  
2 mit to any person who fails to provide proof that the person is lawfully  
3 present in the United States. Before issuing a driver's license or instruc-  
4 tion permit to a person, the division shall require valid documentary ev-  
5 idence that the applicant: (A) Is a citizen or national of the United States;  
6 (B) is an alien lawfully admitted for permanent or temporary residence  
7 in the United States; (C) has conditional permanent resident status in the  
8 United States; (D) has an approved application for asylum in the United  
9 States or has entered into the United States in refugee status; (E) has a  
10 valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry  
11 into the United States; (F) has a pending application for asylum in the  
12 United States; (G) has a pending or approved application for temporary  
13 protected status in the United States; (H) has approved deferred action  
14 status; or (I) has a pending application for adjustment of status to that of  
15 an alien lawfully admitted for permanent residence in the United States  
16 or conditional permanent resident status in the United States.

17       (3) If an applicant provides evidence of lawful presence set out in  
18 subsections (b)(2)(E) through (2)(I), or is an alien lawfully admitted for  
19 temporary residence under subsection (b)(2)(B), the division may only  
20 issue a driver's license to the person under the following conditions: (A)  
21 A driver's license issued pursuant to this subparagraph shall be valid only  
22 during the period of time of the applicant's authorized stay in the United  
23 States or, if there is no definite end to the period of authorized stay, a  
24 period of one year; (B) a drivers' license issued pursuant to this subpar-  
25 agraph shall clearly indicate that it is temporary and shall state the date  
26 on which it expires; (C) no driver's license issued pursuant to this sub-  
27 paragraph shall be for a longer period of time than the time period per-  
28 mitted by subsection (a) of K.S.A. 8-247, and amendments thereto; and  
29 (D) a driver's license issued pursuant to this subparagraph may be re-  
30 newed, subject at the time of renewal, to the same requirements and  
31 conditions as set out in this subsection (b) for the issuance of the original  
32 driver's license.

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

36       (5) The division shall not issue a driver's license to a person holding  
37 a driver's license issued by another state without making reasonable ef-  
38 forts to confirm that the person is terminating or has terminated the  
39 driver's license in the other state.

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

42       (c) Every application shall state the full legal name, date of birth,  
43 gender and address of principal residence of the applicant, and briefly

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

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

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

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

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

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

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

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

31 (5) for a class A or B driver's license issued to a person who is at least  
32 21 years of age, but less than 65 years of age, \$24;

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

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

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

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

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

43 If one fails to make an original application or renewal application for a

1 driver's license within the time required by law, or fails to make appli-  
2 cation within 60 days after becoming a resident of Kansas, a penalty of  
3 \$1 shall be added to the fee charged for the driver's license.

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

8 (h) The division shall require that any person applying for a driver's  
9 license submit to a mandatory facial image capture.

10 (i) The director of vehicles may issue a temporary driver's license to  
11 an applicant who cannot provide valid documentary evidence as defined  
12 by subsection (b)(2), if the applicant provides compelling evidence prov-  
13 ing current lawful presence. Any temporary license issued pursuant to  
14 this subsection shall be valid for one year.

15 Sec. 9. On and after July 1, 2009, K.S.A. 8-297 is hereby amended  
16 to read as follows: 8-297. Notwithstanding any other provisions of this  
17 act, any person who held any valid restricted class C or class M driver's  
18 license, instruction permit or restricted instruction permit on the effective  
19 date of this act may continue to operate motor vehicles subject to the  
20 conditions, limitations and restrictions contained in K.S.A. 8-237 and 8-  
21 239, and amendments thereto, as in effect on June 30, ~~1993~~ 2008.

22 Sec. 10. On and after July 1, 2009, K.S.A. 8-2,147 is hereby amended  
23 to read as follows: 8-2,147. (a) The division may issue a commercial  
24 driver's license to an applicant who is a resident of this state, *either holds*  
25 *a valid farm permit issued pursuant to K.S.A. 8-296, and amendments*  
26 *thereto, or a restricted license issued under subsection (b)(2) of section 4,*  
27 *and amendments thereto* and who is at least 16 years of age for the op-  
28 eration of commercial class B and commercial class C motor vehicles for  
29 a farm custom harvesting operation. Any person applying for or who is  
30 issued a commercial driver's license under this section shall be subject to  
31 the provisions of K.S.A. 8-2,125 through 8-2,145, and amendments  
32 thereto.

33 (b) For the purpose of this section, "farm custom harvesting opera-  
34 tions" means a person, firm, partnership, association or corporation en-  
35 gaged in farm custom harvesting operations if the motor vehicle is used  
36 to:

37 (1) Transport farm machinery, supplies, or both, to or from a farm,  
38 for custom harvesting operations on a farm; or

39 (2) transport custom harvested crops only from a harvested field to  
40 initial storage or to initial market locations.

41 (c) The provisions of this section shall be a part of and supplemental  
42 to the Kansas uniform commercial drivers' license act.

43 Sec. 11. On and after July 1, 2009, K.S.A. 2007 Supp. 72-89c02 is

1 hereby amended to read as follows: 72-89c02. (a) Whenever a pupil who  
2 has attained the age of 13 years has been expelled from school or sus-  
3 pended for an extended term in accordance with K.S.A. 72-8901 et seq.  
4 or 72-89a01 et seq., and amendments thereto, and such suspension or  
5 expulsion was imposed for committing a school safety violation, the chief  
6 administrative officer of the school from which the student was suspended  
7 or expelled shall notify the appropriate law enforcement agency of the  
8 suspension or expulsion. The notice shall be given within 10 days, ex-  
9 cluding holidays and weekends, after the imposition of the expulsion or  
10 suspension. The notice shall include the pupil's name, address, date of  
11 birth, driver's license number, if available, a description of the school  
12 safety violation committed by the pupil and the date the pupil was ex-  
13 pelled or suspended for an extended term. Following receipt of the no-  
14 tice, the law enforcement agency shall notify the division of the suspen-  
15 sion or expulsion. The notice shall be given within 10 days, excluding  
16 holidays and weekends, of the date of receipt of notice from the chief  
17 administrative officer of the school from which the student was suspended  
18 or expelled. The notice shall include the pupil's name, address, date of  
19 birth, driver's license number, if available, a description of the school  
20 safety violation committed by the pupil and the date the pupil was ex-  
21 pelled or suspended for an extended term. A copy of the notice also shall  
22 be given to the pupil and to the parent or guardian of the pupil.

23 (b) If timely notice is not given to the appropriate law enforcement  
24 agency or to the division as specified in subsection (a), the division of  
25 vehicles shall not suspend the pupil's driver's license or privilege to op-  
26 erate a motor vehicle on the streets and highways of this state.

27 (c) If timely notice is given to the appropriate law enforcement  
28 agency and the division as specified in subsection (a), the division of ve-  
29 hicles immediately shall suspend the pupil's driver's license or privilege  
30 to operate a motor vehicle on the streets and highways of this state. The  
31 duration of the suspension shall be for a period of one year. Upon expi-  
32 ration of the period of suspension, the pupil may apply to the division for  
33 return of the license. If the license has expired, the pupil may apply for  
34 a new license, which shall be issued promptly upon payment of the proper  
35 fee and satisfaction of other conditions established by law for obtaining a  
36 license unless another suspension or revocation of the pupil's privilege to  
37 operate a motor vehicle is in effect. If the pupil does not have a driver's  
38 license, the pupil's driving privileges shall be revoked. If timely notice is  
39 given to the appropriate law enforcement agency and the division as re-  
40 quired by subsection (a), no Kansas driver's license shall be issued to a  
41 pupil whose driving privileges have been revoked pursuant to this sub-  
42 section for a period of one year:

43 (1) Immediately following the date of receipt by the division of no-

1 tification from a law enforcement agency containing the description of  
2 the pupil's act, if the pupil is eligible to apply for a driver's license; or  
3 (2) after the date the pupil will be eligible to apply for a driver's  
4 license, if the pupil is not eligible to apply for a driver's license on the  
5 date of receipt of the notification.

6 (d) If the pupil's driver's license or driving privilege has been revoked,  
7 suspended or canceled for another cause, the suspension or revocation  
8 required by this section shall apply consecutively to the previous revo-  
9 cation, suspension or cancellation.

10 (e) Upon suspension or revocation of a pupil's driver's license or driv-  
11 ing privilege to operate a motor vehicle as provided in this section, the  
12 division of vehicles shall immediately notify the pupil in writing. If the  
13 pupil makes a written request for hearing within 30 days after such notice  
14 of suspension or revocation, the division of vehicles shall afford the pupil  
15 an opportunity for a hearing as provided by K.S.A. 8-255, and amend-  
16 ments thereto, except that the scope of the hearing shall be limited to  
17 determination of whether notice was given to the appropriate law en-  
18 forcement agency and the division within the time specified in subsection  
19 (a).

20 (f) For the purposes of this section, the term driver's license includes;  
21 ~~in addition to any commercial driver's license and any class A, B, C or M~~  
22 ~~driver's license, any restricted license issued under K.S.A. 8-237, and~~  
23 ~~amendments thereto, any instruction permit issued under K.S.A. 8-239,~~  
24 ~~and amendments thereto, and any farm permit issued under K.S.A. 8-~~  
25 ~~296 any license or permit to operate a motor vehicle issued under the~~  
26 ~~provisions of article 2 of chapter 8 of the Kansas Statutes Annotated, and~~  
27 amendments thereto.

28 Sec. 12. On and after July 1, 2009, K.S.A. 8-235d, 8-239, 8-297, 8-  
29 2,147 and K.S.A. 2007 Supp. 8-237, 8-240 and 72-89c02 are repealed.

30 Sec. 13. This act shall take effect and be in force from and after its  
31 publication in the statute book.