

HOUSE BILL No. 2498

By Committee on Transportation

1-21

9 AN ACT relating to drivers' licenses; concerning certain restricted li-
10 censes; amending K.S.A. 2009 Supp. 8-296 and 8-2,101 and repealing
11 the existing sections.

12

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

14 Section 1. K.S.A. 2009 Supp. 8-296 is hereby amended to read as
15 follows: 8-296. (a) Any person who is less than 17 years of age but is at
16 least 14 years of age and who resides upon a farm in this state or is
17 employed for compensation upon a farm in this state may apply to the
18 division of vehicles for a farm permit authorizing such person, while pos-
19 sessed the permit, to operate any motor vehicle in class C, as designated
20 in K.S.A. 8-234b, and amendments thereto.

21 (b) (1) A farm permit shall entitle the licensee, who is at least 14
22 years of age, but less than 16 years of age, to operate the appropriate
23 motor vehicles at any time:

24 (A) While going to or from or in connection with any farm job, em-
25 ployment or other farm-related work;

26 (B) on days while school is in session, over the most direct and ac-
27 cessible route between the licensee's residence and school of enrollment
28 for the purpose of school attendance; ~~or~~

29 (C) *while going directly to or from any religious service or function;*
30 *or*

31 ~~(D)~~ (D) when the licensee is operating a passenger car at any time
32 when accompanied by an adult who is the holder of a valid commercial
33 driver's license, class A, B or C driver's license and who is actually oc-
34 cupying a seat beside the driver.

35 (2) For a period of six months, a farm permit shall entitle the licensee
36 who is at least 16 years of age to operate the appropriate motor vehicles
37 at any time:

38 (A) From 5:00 a.m. to 9:00 p.m.;

39 (B) while going to or from or in connection with any farm job, em-
40 ployment or other farm-related work; ~~or~~

41 (C) while going to or from authorized school activities;

42 (D) *while going directly to or from any religious service or function;*
43 *or*

- 1 ~~(D)~~ (E) when the licensee is operating a passenger car at any time
2 when accompanied by an adult who is the holder of a valid commercial
3 driver's license, class A, B or C driver's license and who is actually oc-
4 cupying a seat beside the driver.
- 5 After such six-month period, if the licensee has complied with the pro-
6 visions of this section, such farm permit shall entitle the licensee to op-
7 erate the appropriate motor vehicles at any time without the restrictions
8 required by this section.
- 9 (c) A farm permit shall be issued only if:
- 10 (1) The applicant can prove that such applicant resides or works on
11 a farm;
- 12 (2) the applicant has successfully completed the examination require-
13 ments in K.S.A. 8-235d, and amendments thereto; and
- 14 (3) the applicant submits the signed affidavit of either a parent or
15 guardian, stating that the applicant lives on a farm or, if the applicant
16 does not live on a farm but works on a farm, the applicant submits the
17 signed affidavit of the applicant's employer and parent or guardian, at-
18 testing to such employment.
- 19 (d) Any licensee issued a farm permit under this section:
- 20 (1) Who is less than 16 years of age shall not operate any motor
21 vehicle with nonsibling minor passengers; or
- 22 (2) who is at least 16 years of age, for a period of six months after
23 reaching 16 years of age, shall not operate any motor vehicle with more
24 than one passenger who is less than 18 years of age and who is not a
25 member of the licensee's immediate family.
- 26 Any conviction for violating this subsection shall be construed as a
27 moving traffic violation for the purpose of K.S.A. 8-255, and amendments
28 thereto.
- 29 (e) Any licensee issued a farm permit under this section shall not
30 operate a wireless communication device while driving a motor vehicle,
31 except that a licensee may operate a wireless communication device while
32 driving a motor vehicle to report illegal activity or to summons medical
33 or other emergency help.
- 34 (f) As used in this section, "farm" means any parcel of land larger
35 than 20 acres which is used in agricultural operations.
- 36 (g) (1) A farm permit issued under this section is subject to suspen-
37 sion or revocation in the same manner as any other driver's license.
- 38 (2) A farm permit shall be suspended in accordance with K.S.A. 8-
39 291, and amendments thereto, for any violation of restrictions under this
40 section.
- 41 (3) The division shall suspend the farm permit upon receiving satis-
42 factory evidence that the licensee has been involved in two or more ac-
43 cidents chargeable to the licensee and such suspended license shall not

1 be reinstated for one year.

2 (h) Any licensee issued a farm permit under this section shall provide
3 prior to reaching 16 years of age, a signed affidavit of either a parent or
4 guardian, stating that the applicant has completed at least 50 hours of
5 adult supervised driving with at least 10 of those hours being at night.
6 The adult supervised driving required by this paragraph shall be con-
7 ducted by an adult who is at least 21 years of age and is the holder of a
8 valid commercial driver's license, class A, B or C driver's license.

9 Evidence of failure of any licensee who was required to complete the
10 50 hours of adult supervised driving under this subsection shall not be
11 admissible in any action for the purpose of determining any aspect of
12 comparative negligence or mitigation of damages.

13 (i) Any licensee issued a farm permit under this section who: (1) Is
14 under the age of 16 years and is convicted of two or more moving traffic
15 violations committed on separate occasions shall not be eligible to receive
16 a driver's license which is not restricted in accordance with the provisions
17 of subsection (b)(1), until the person reaches 17 years of age; (2) is at
18 least 16 years of age, but less than 17 years of age and is convicted of two
19 or more moving traffic violations committed on separate occasions shall
20 not be eligible to receive a driver's license which is not restricted in ac-
21 cordance with the provisions of subsection (b)(2), until the person reaches
22 18 years of age; or (3) fails to provide the affidavit required under sub-
23 section (h), shall not be eligible to receive a driver's license which is not
24 restricted in accordance with the provisions of subsection (b)(1), until the
25 person provides such affidavit to the division or the person reaches 17
26 years of age, whichever occurs first.

27 Sec. 2. K.S.A. 2009 Supp. 8-2,101 is hereby amended to read as fol-
28 lows: 8-2,101. The division of vehicles may issue a restricted class C or
29 M driver's license in accordance with the provisions of this section. A
30 restricted class C license issued under this section shall entitle the li-
31 censee, while possessing the license, to operate any motor vehicle in class
32 C, as designated in K.S.A. 8-234b, and amendments thereto. A restricted
33 class M license shall entitle the licensee, while possessing such license,
34 to operate a motorcycle.

35 (a) The division may issue a restricted class C or M driver's license
36 to any person who:

37 (1) Is at least 15 years of age;

38 (2) has successfully completed an approved course in driver training;

39 (3) has held an instructional permit issued under the provisions of
40 K.S.A. 8-239, and amendments thereto, for a period of at least one year
41 and has completed at least 25 hours of adult supervised driving; and

42 (4) upon the written application of the person's parent or guardian,
43 which shall be submitted to the division.

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

10 (b) (1) A restricted license issued under subsection (a) shall entitle a
11 licensee who is at least 15 years of age but less than 16 years of age, to
12 operate the appropriate motor vehicles at any time:

13 (A) While going to or from or in connection with any job, employ-
14 ment or farm-related work;

15 (B) on days while school is in session, over the most direct and ac-
16 cessible route between the licensee's residence and school of enrollment
17 for the purposes of school attendance;

18 (C) *while going directly to or from any religious service or function;*

19 ~~(D)~~ (D) when the licensee is operating a passenger car, at any time
20 when accompanied by an adult, who is the holder of a valid commercial
21 driver's license, class A, B or C driver's license and who is actually oc-
22 cupying a seat beside the driver; or

23 ~~(E)~~ (E) when the licensee is operating a motorcycle, at any time when
24 accompanied by an adult, who is the holder of a valid class M driver's
25 license and who is operating a motorcycle in the general proximity of the
26 licensee.

27 (2) For a period of six months, a restricted license issued under sub-
28 section (a) shall entitle a licensee who is at least 16 years of age to operate
29 the appropriate motor vehicles at any time:

30 (A) From 5:00 a.m. to 9:00 p.m.;

31 (B) while going to or from or in connection with any job, employment
32 or farm-related work;

33 (C) while going to or from authorized school activities;

34 (D) *while going directly to or from any religious service or function;*

35 ~~(E)~~ (E) when the licensee is operating a passenger car, at any time
36 when accompanied by an adult, who is the holder of a valid commercial
37 driver's license, class A, B or C driver's license and who is actually oc-
38 cupying a seat beside the driver; or

39 ~~(F)~~ (F) when the licensee is operating a motorcycle, at any time when
40 accompanied by an adult, who is the holder of a valid class M driver's
41 license and who is operating a motorcycle in the general proximity of the
42 licensee.

43 After such six-month period, if the licensee has complied with the pro-

1 visions of this section, such restricted license shall entitle the licensee to
2 operate the appropriate motor vehicles at any time without any of the
3 restrictions required by this section.

4 (c) (1) The division may issue a restricted class C or M driver's li-
5 cense to any person who is under 17 years of age but at least 16 years of
6 age, who:

7 (A) Has held an instructional permit issued under the provisions of
8 K.S.A. 8-239, and amendments thereto, for a period of at least one year;
9 and

10 (B) has submitted a signed affidavit of either a parent or guardian,
11 stating that the applicant has completed at least 50 hours of adult super-
12 vised driving with at least 10 of those hours being at night. The required
13 adult supervised driving shall be conducted by an adult who is at least 21
14 years of age and is the holder of a valid commercial driver's license, class
15 A, B or C driver's license.

16 (2) For a period of six months, a restricted license issued under sub-
17 section (c)(1) shall entitle a licensee to operate the appropriate motor
18 vehicles at any time:

19 (A) From 5:00 a.m. to 9:00 p.m.;

20 (B) while going to or from or in connection with any job, employment
21 or farm-related work;

22 (C) while going to or from authorized school activities;

23 (D) *while going directly to or from any religious service or function;*

24 ~~(D)~~ (E) when the licensee is operating a passenger car, at any time
25 when accompanied by an adult, who is the holder of a valid commercial
26 driver's license, class A, B or C driver's license and who is actually oc-
27 cupying a seat beside the driver; or

28 ~~(E)~~ (F) when the licensee is operating a motorcycle, at any time when
29 accompanied by an adult, who is the holder of a valid class M driver's
30 license and who is operating a motorcycle in the general proximity of the
31 licensee.

32 After such six-month period, if the licensee has complied with the pro-
33 visions of this section, such restricted license shall entitle the licensee to
34 operate the appropriate motor vehicles at any time without any of the
35 restrictions required by this section.

36 (d) (1) Any licensee issued a restricted license under subsection (a):

37 (A) Who is less than 16 years of age shall not operate any motor
38 vehicle with nonsibling minor passengers; or

39 (B) who is at least 16 years of age, for a period of six months after
40 reaching 16 years of age, shall not operate any motor vehicle with more
41 than one passenger who is less than 18 years of age and who is not a
42 member of the licensee's immediate family.

43 (2) Any licensee issued a restricted license under subsection (c), for

1 a period of six months after such restricted license is issued, shall not
2 operate any motor vehicle with more than one passenger who is less than
3 18 years of age and who is not a member of the licensee's immediate
4 family.

5 (3) Any conviction for violating this subsection shall be construed as
6 a moving traffic violation for the purpose of K.S.A. 8-255, and amend-
7 ments thereto.

8 (e) Any licensee issued a restricted license under this section shall
9 not operate a wireless communication device while driving a motor ve-
10 hicle, except that a licensee may operate a wireless communication device
11 while driving a motor vehicle to report illegal activity or to summons
12 medical or other emergency help.

13 (f) (1) A restricted driver's license issued under this section is subject
14 to suspension or revocation in the same manner as any other driver's
15 license.

16 (2) A restricted driver's license shall be suspended in accordance with
17 K.S.A. 8-291, and amendments thereto, for any violation of restrictions
18 under this section.

19 (3) The division shall suspend the restricted driver's license upon re-
20 ceiving satisfactory evidence that the licensee has been involved in two
21 or more accidents chargeable to the licensee and such suspended license
22 shall not be reinstated for one year.

23 (g) Evidence of failure of any licensee who was required to complete
24 the 50 hours of adult supervised driving under this section shall not be
25 admissible in any action for the purpose of determining any aspect of
26 comparative negligence or mitigation of damages.

27 (h) Any licensee issued a restricted license under:

28 (1) Subsection (a) who:

29 (A) Is under the age of 16 years and is convicted of two or more
30 moving traffic violations committed on separate occasions shall not be
31 eligible to receive a driver's license which is not restricted in accordance
32 with the provisions of subsection (b)(1) until the person reaches 17 years
33 of age;

34 (B) is under 17 years of age but at least 16 years of age and is con-
35 victed of two or more moving traffic violations committed on separate
36 occasions shall not be eligible to receive a driver's license which is not
37 restricted in accordance with the provisions of subsection (b)(2) until the
38 person reaches 18 years of age; or

39 (C) fails to provide the affidavit required under subsection (a) shall
40 not be eligible to receive a driver's license which is not restricted in ac-
41 cordance with the provisions of subsection (b)(1) until the person provides
42 such affidavit to the division or the person reaches 17 years of age, which-
43 ever occurs first.

- 1 (2) Subsection (c) who is under the age of 17 years and is convicted
- 2 of two or more moving traffic violations committed on separate occasions
- 3 shall not be eligible to receive a driver's license which is not restricted in
- 4 accordance with the provisions of subsection (c) until the person reaches
- 5 18 years of age.
- 6 (i) This section shall be a part of and supplemental to the motor
- 7 vehicle driver's license act.
- 8 Sec. 3. K.S.A. 2009 Supp. 8-296 and 8-2,101 are hereby repealed.
- 9 Sec. 4. This act shall take effect and be in force from and after its
- 10 publication in the Kansas register.