

SESSION OF 2008

**SUPPLEMENTAL NOTE ON SENATE
SUBSTITUTE FOR SUB. FOR HOUSE BILL NO. 2559**

As Amended by Senate Committee of the Whole

Brief*

Senate Sub. for Sub. for HB 2559 would enact a graduated driver's license system. The bill would modify the various permits and driver's licenses as listed below.

Farm Instructional Permit

The bill would create a farm instructional permit for 14-year-olds to prepare them to take the driving test for a farm permit. The applicant's parent or guardian would be required to submit a written application. The permit would allow its holder to operate a class C motor vehicle when accompanied by an adult who holds a valid commercial driver's license or a Class A, B, or C driver's license and who is actually occupying the seat beside the driver.

Instruction Permit

For the instruction permit, the bill would:

- Establish the minimum age of 15 years of age in which a person may apply for an instruction permit (current law specifies 14 years of age);
- Require the supervising driver to be in the front seat (same as existing law); and

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

- Prohibit the permit holder from operating a wireless communications device while driving a car (existing law has no provision).

Restricted Driver's License

Under these provisions, the bill would allow the Division of Motor Vehicles to issue a restricted Class C or M driver's license to a person who:

- Is at least 16 years of age (currently the minimum age is 15);
- Has held an instruction permit for one year (current requirement is for at least 6 months);
- Submits an affidavit from a parent or guardian that the applicant has completed 50 hours of adult-supervised driving, with at least 10 of those at night (current law is the same); and
- Has not, in the preceding six months, been convicted of a moving violation, violated seat belt restrictions, or violated the wireless communication device restriction as proposed in the bill (current law does not have such provisions).

For the first six months the licensee could operate the appropriate vehicle:

- From 5:00 a.m. to 9:00 p.m. (current law does not specify hours);
- While going to or from or in connection with any job or employment (same as current law);
- When the licensee is accompanied by an adult who is at least 21 years of age, who holds a valid commercial driver's

license or Class A, B, or C license, who has at least one year of driving experience and who is actually occupying a seat beside the driver (current law is the same); or

- When the licensee operates a motorcycle, at any time when accompanied by an adult who is at least 21 years old, who holds a Class M license, who has one year of driving experience and who is operating a motorcycle in the general proximity of the licensee (current law is the same);
- While going directly to or from a school-sponsored activity or event, or while going directly to or from any religious function (both provisions are new); and
- Only if no more than one passenger under age of 21 who is not a member of the driver's immediate family or household is in the vehicle, if driving without a supervising adult driver (this is a new provision).

The bill also would require an applicant before receiving a restricted license to provide an affidavit showing at least 50 hours of adult supervised driving, with 10 of those hours being at night (current law is the same).

Non-Restricted Driver's License

The bill would prohibit the issuance of a non-restricted driver's license to any person who is (a) at least 16 but less than 18 years of age and (b) at least 18 years of age and who is applying for a driver's license for the first time since reaching age 18 and who three times has been adjudged a traffic offender under the Kansas Juvenile Code or a Juvenile Offender under the revised Kansas Juvenile Justice Code. These persons could not receive a non-restricted driver's license until the age of 19 years. (This provision is new.)

Background

The Senate Transportation Committee replaced the provisions of Sub. for HB 2559 with the provisions of SB 294, which passed the Senate during the 2007 Session. Sub. for HB 2559 pertained to work-site utility vehicles and all-terrain vehicles. It would have made it unlawful to operate a work-site utility vehicle on any interstate, federal, or state highway or within city limits unless authorized by the city; allowed these vehicles to be operated incidentally on a federal or state highway; prohibited work-site utility vehicles from being operated on any public highway, street or road unless they comply with the equipment requirements of Article 17 of Chapter 8 of the Kansas Statutes Annotated; exempted work-site utility vehicles from vehicle registration; and imposed a \$60 fine for the unlawful operation of a work-site utility vehicle. It also would have amended existing law to prohibit the operation of an all-terrain vehicle on city streets unless authorized by the city. Sub. for HB 2559 was adopted by the House Transportation Committee at the request of Representative George, one of the sponsors of the original bill.

Conferees who testified before the Senate Transportation Committee in support of Senate Sub. for Sub. for HB 2559 as SB 294 in 2007 included a spokesperson for AAA; the Director for the Study of Young Drivers, Highway Research Center, University of North Carolina at Chapel Hill; the Secretary of Transportation; the spokesperson of the Kansas Association of Chiefs of Police; and the Director of Health, Kansas Department of Health and Environment. Conferees who submitted written testimony in support of the bill included the Superintendent of the Kansas Highway Patrol and representatives of Safe Kids, the National Transportation Safety Board, and the Kansas Farm Bureau. No one testified against the bill.

In 2007, the Senate Committee of the Whole amended SB 294 to allow a person on a restricted driver's license to operate the appropriate vehicle going to or from a school sponsored

activity or event, or while going directly to or from any religious function.

In testimony in 2007, the Kansas Highway Patrol stated that SB 294 would require additional training to ensure all troopers understood the changes. However, any additional expenditures would be absorbed with the agency's budget.

In 2008, the Senate Committee of the Whole amended the bill to remove the provision that would allow the Division of Motor Vehicles to issue a restricted Class C or M driver's license to any person at least age 16 but less than 18 years old who has completed an approved course in driver training.

According to the Kansas Department of Revenue, Senate Sub. for Sub. for HB 2559, as introduced as SB 294, would require modifications to the Kansas Driver's License System. In 2007, the Department estimated that the programming for the bill would require 320 hours of contract programming at a cost of \$25,600 from the Division of Vehicles Operating Fund. The Department also would have additional costs for training, handbook revisions, and printing new handbooks. The agency did not provide an estimate for these expenditures. However, the agency stated that these additional expenditures could be handled within its existing budget. Any fiscal effect associated with Senate Sub. for Sub. for HB 2559 is not reflected in *The FY 2009 Governor's Budget Report*.