

HOUSE BILL No. 2981

By Committee on Judiciary

2-15

AN ACT concerning driver's licenses; relating to the age of drivers; amending K.S.A. 8-237, 8-239 and 8-296 and repealing the existing sections.

WHEREAS, In order to become safe and responsible drivers, teenage drivers need behind-the-wheel driving experience before they can begin to drive without restrictions; and

WHEREAS, Providing additional behind-the-wheel training with a parent, guardian or other responsible adult before obtaining a minor driver's license is the beginning of the young driver's accumulation of experience; and

WHEREAS, Once a teenage driver begins to drive without a parent, guardian or other responsible adult in the vehicle, it is necessary to place restrictions on a teenage driver who holds a minor driver's license until such driver who holds a minor driver's license turns 17 years of age in order to give that driver time to exercise good judgment in the operation of vehicle while keeping that driver, passengers and the public safe; and

WHEREAS, Penalties for the violation of these restrictions on minor drivers under 17 years of age, should be sufficient to ensure that chronic violations would result in swift and severe repercussions to reinforce the importance of obeying the driving laws in order to keep the minor driver, passengers and the public safe: Now, therefore,

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

Section 1. K.S.A. 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~~ 17 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, *three months* of age; (2) has successfully completed an approved course in *advanced* 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~~ 50 hours of adult supervised driving *including not less than 10 hours of nighttime driving*; ~~and~~ (4) upon the written application of the person's parent or guardian; *and* (5) *successfully completed*

1 *a performance road test.* The required adult supervised driving required
2 in clause (3) above shall be conducted by an adult who is at least 21 years
3 of age and is the holder of a valid commercial driver's license, class A, B
4 or C driver's license. Except as hereafter provided, the application of the
5 parent or guardian shall be submitted to the division. The governing body
6 of any city, by ordinance, may require the application of any person who
7 is under ~~16~~ 17 years of age and who resides within the city to be first
8 submitted to the chief law enforcement officer of the city. The board of
9 county commissioners of any county, by resolution, may require the ap-
10 plication of any person who is under ~~16~~ 17 years of age and who resides
11 within the county and outside the corporate limits of any city to be first
12 submitted to the chief law enforcement officer of the county. No ordi-
13 nance or resolution authorized by this subsection shall become effective
14 until a copy of it is transmitted to the division of vehicles. The chief law
15 enforcement officer of any city or county which has adopted the ordi-
16 nance or resolution authorized by this subsection shall make a recom-
17 mendation on the application as to the necessity for the issuance of the
18 restricted license, and the recommendation shall be transmitted, with the
19 application, to the division of vehicles. If the division finds that it is nec-
20 essary to issue the restricted license, it shall issue a driver's license to the
21 person.

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

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

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

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

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

41 Any licensee issued a restricted license under this subsection shall not
42 operate any motor vehicle with nonsibling minor passengers and any con-
43 viction for violating this provision shall be construed as a moving traffic

1 violation for the purpose of K.S.A. 8-255, and amendments thereto.

2 A restricted driver's license issued under this subsection is subject to
3 suspension or revocation in the same manner as any other driver's license.
4 In addition, the division may suspend the restricted driver's license upon
5 receiving satisfactory evidence that: (1) The licensee has violated the re-
6 striction of the license, (2) the licensee has been involved in two or more
7 accidents chargeable to the licensee or (3) the recommendation of the
8 chief law enforcement officer of any city or county requiring the rec-
9 ommendation has been withdrawn. The suspended license shall not be
10 reinstated for one year or until the licensee reaches the age of ~~16~~ 17,
11 whichever period is longer.

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

23 ~~Any licensee issued a restricted license under this subsection on and~~
24 ~~after July 1, 1990, shall provide prior to reaching 16 years of age, a signed~~
25 ~~affidavit of either a parent or guardian, stating that the applicant has~~
26 ~~completed the required 25 hours prior to being issued a restricted license~~
27 ~~and 25 hours of additional adult supervised driving. Of the 50 hours re-~~
28 ~~quired by this subsection, at least 10 of those hours shall be at night. The~~
29 ~~adult supervised driving shall be conducted by an adult who is at least 21~~
30 ~~years of age and is the holder of a valid commercial driver's license, class~~
31 ~~A, B or C driver's license.~~

32 Evidence of failure of any licensee who was required to complete the
33 50 hours of adult supervised driving under this subsection shall not be
34 admissible in any action for the purpose of determining any aspect of
35 comparative negligence or mitigation of damages.

36 (b) Who is under the age of 18 years, except as provided in K.S.A. 8-
37 2,147, and amendments thereto, for the purpose of driving a commercial
38 or class A or B motor vehicle.

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

42 (d) Who is a habitual drunkard, habitual user of narcotic drugs or
43 habitual user of any other drug to a degree which renders the user in-

1 capable of safely driving a motor vehicle.

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

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

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

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

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

27 Sec. 2. K.S.A. 8-239 is hereby amended to read as follows: 8-239. (a)
28 Any person who is at least 14 years, *nine months* of age may apply to the
29 division for an instruction permit. The division may in its discretion, after
30 the applicant has successfully passed all parts of the examination other
31 than the driving test *and successfully completed a beginning driver-edu-*
32 *cation program*, issue to the applicant an instruction permit which shall
33 entitle the applicant while having such permit in such person's immediate
34 possession to drive a passenger car upon the public highways for a period
35 of one year subject to the restrictions herein contained. The division may
36 issue an instruction or restricted instruction permit to any person who is
37 at least 14 years, *nine months* of age and under the age of 16 years only
38 upon the written application of a parent or guardian of the minor. The
39 one having the instruction permit may operate a passenger car at any time
40 when accompanied by an adult who is the holder of a valid commercial
41 driver's license, class A, B or C driver's license, who has had at least one
42 year of driving experience and who is occupying a seat beside the driver.
43 Any person who is at least 14 years, *nine months* of age may apply for an

1 instruction permit to operate a motorcycle either separate from or in
2 conjunction with an instruction permit to operate a passenger car, and
3 such permit shall entitle the permittee to operate a motorcycle if such
4 person is accompanied by an adult who is the holder of a valid class M
5 driver's license, who has had at least one year of driving experience and
6 who is riding a motorcycle in the general proximity of the permittee.

7 (b) The division upon receiving proper application may issue in its
8 discretion a restricted instruction permit effective for a school year or for
9 a more restricted period to an applicant who is at least 14 years, *nine*
10 *months* of age and who is enrolled in a *beginning* driver-education pro-
11 gram which includes practice driving and which is approved by the divi-
12 sion, even though the applicant has not reached the legal age to be eligible
13 for a driver's license. Such instruction permit shall entitle the permittee
14 when the person has such permit in such person's immediate possession
15 to operate a passenger car only on a designated highway or within a des-
16 ignated area but only when an approved instructor is occupying a seat
17 beside the permittee or when such permit has been endorsed by an ap-
18 proved instructor to operate a passenger car with a parent or guardian
19 who is the holder of a valid commercial driver's license, class A, B or C
20 driver's license, who has had at least one year of driving experience and
21 who is occupying a seat beside the driver.

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

35 Sec. 3. K.S.A. 8-296 is hereby amended to read as follows: 8-296. (a)
36 Any person who is less than ~~16~~ 17 years of age but is at least 14 years *and*
37 *nine months* of age and who resides upon a farm in this state or is em-
38 ployed for compensation upon a farm in this state may apply to the di-
39 vision of vehicles for a farm permit authorizing such person, while pos-
40 sessed the permit, to operate any motor vehicle in class C, as designated
41 in K.S.A. 8-234b, and amendments thereto. The farm permit shall entitle
42 the licensee to operate such motor vehicles at any time:

43 (1) While going to or from or in connection with any farm job, em-

1 ployment or other farm-related work;

2 (2) on days while school is in session, over the most direct and ac-
3 cessible route between the licensee's residence and school of enrollment
4 for the purpose of school attendance; or

5 (3) when the licensee is operating a passenger car at any time when
6 accompanied by an adult who is the holder of a valid commercial driver's
7 license, class A, B or C driver's license and who is actually occupying a
8 seat beside the driver.

9 (b) 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 (c) Any licensee issued a farm permit under this section shall not
20 operate any motor vehicle with nonsibling minor passengers and any con-
21 viction for violating this provision shall be construed as a moving traffic
22 violation for the purpose of K.S.A. 8-255, and amendments thereto.

23 (d) As used in this section, "farm" means any parcel of land larger
24 than 20 acres which is used in agricultural operations.

25 (e) A farm permit issued under this section is subject to suspension
26 or revocation in the same manner as any other driver's license. A person
27 who has been issued a farm permit and who violates this section by driving
28 beyond the scope allowed in subsection (a) shall lose the farm permit and
29 shall be issued no other driver's license for a period of one year or until
30 the person reaches ~~16~~ 17 years of age, whichever period is longer.

31 (f) Any licensee issued a farm permit under this section ~~on and after~~
32 ~~July 1, 1999~~, shall provide prior to reaching ~~16~~ 17 years of age, a signed
33 affidavit of either a parent or guardian, stating that the applicant has
34 completed at least 50 hours of adult supervised driving with at least 10
35 of those hours being at night. The adult supervised driving required by
36 this paragraph shall be conducted by an adult who is at least 21 years of
37 age and is the holder of a valid commercial driver's license, class A, B or
38 C driver's license.

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

43 (g) Any licensee issued a farm permit under this section who: (1) Is

1 under the age of ~~16~~ 17 years and is convicted of two or more moving
2 traffic violations committed on separate occasions shall not be eligible to
3 receive a driver's license which is not restricted in accordance with the
4 provisions of subsection (a), until the person reaches ~~17~~ 18 years of age;
5 or (2) fails to provide the affidavit required under subsection (f), shall not
6 be eligible to receive a driver's license which is not restricted in accord-
7 ance with the provisions of subsection (a), until the person provides such
8 affidavit to the division or the person reaches ~~17~~ 18 years of age, which-
9 ever occurs first.

10 Sec. 4. K.S.A. 8-237, 8-239 and 8-296 are hereby repealed.

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

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