

5
6 **SENATE BILL No. 432**

7 By Committee on Judiciary

8
9
10 1-24

11
12 AN ACT regulating traffic; restricting the transportation of nonsibling
13 minor passengers by certain drivers; exceptions; amending K.S.A. 8-
14 237, 8-296 and 8-2118 and repealing the existing sections.

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

16 New Section 1. (a) (1) No person who is at least 16 years of age, but
17 less than 18 years of age, shall operate any motor vehicle with more than
18 ~~one~~ **[three]** nonsibling minor passenger ~~passenger~~ **[passengers]**, except as pro-
19 vided in paragraph (2).

20
21 (2) The provisions of paragraph (1), shall not apply if such person is
22 transporting more than ~~one~~ **[three]** nonsibling minor passenger ~~passen-~~
23 **gers]** to **[or from]** such passengers' school of enrollment for the purposes
24 of school attendance or for the purposes of participation in school spon-
25 sored activities, **to [or from] such passenger's [passengers'] church**
26 **for the purpose of church attendance or for the purposes of partic-**
27 **ipation in church sponsored activities, or while going to or from or**
28 **in connection with such passenger's [passengers'] job, employment**
29 **or farm-related work.**

30 (b) No person issued a restricted license under K.S.A. 8-237, and
31 amendments thereto, shall operate any motor vehicle with nonsibling mi-
32 nor passengers.

33 (c) No person issued a farm permit under K.S.A. 8-296, and amend-
34 ments thereto, shall operate any motor vehicle with nonsibling minor
35 passengers.

36 (d) Any conviction for violating this section shall be construed as a
37 moving traffic violation for the purpose of K.S.A. 8-255, and amendments
38 thereto.

39 (e) This section shall be part of and supplemental to the uniform act
40 regulating traffic on highways.

41 Sec. 2. K.S.A. 8-237 is hereby amended to read as follows: 8-237.
42 The division of vehicles shall not issue any driver's license to any person:

43 (a) Who is under the age of 16 years, except that the division may

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

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

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

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

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

43 (4) when the licensee is operating a motorcycle, at any time when

1 accompanied by an adult who is the holder of a valid class M driver's
2 license and who is operating a motorcycle in the general proximity of the
3 licensee.

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

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

18 Any licensee issued a restricted license under this subsection who: (1)
19 Is under the age of 16 years and is convicted of two or more moving
20 traffic violations committed on separate occasions shall not be eligible to
21 receive a driver's license which is not restricted in accordance with the
22 provisions of this subsection until the person reaches 17 years of age; or
23 (2) fails to provide the required affidavit stating that the licensee has
24 completed at least 50 hours of adult supervised driving with 10 of those
25 hours being at night shall not be eligible to receive a driver's license which
26 is not restricted in accordance with the provisions of this subsection until
27 the person provides such affidavit to the division or the person reaches
28 17 years of age, whichever occurs first.

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

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

42 (b) Who is under the age of 18 years, except as provided in K.S.A. 8-
43 2,147, and amendments thereto, for the purpose of driving a commercial

1 or class A or B motor vehicle.

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

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

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

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

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

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

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

33 Sec. 3. K.S.A. 8-296 is hereby amended to read as follows: 8-296. (a)
34 Any person who is less than 16 years of age but is at least 14 years of age
35 and who resides upon a farm in this state or is employed for compensation
36 upon a farm in this state may apply to the division of vehicles for a farm
37 permit authorizing such person, while possessing the permit, to operate
38 any motor vehicle in class C, as designated in K.S.A. 8-234b, and amend-
39 ments thereto. The farm permit shall entitle the licensee to operate such
40 motor vehicles at any time:

41 (1) While going to or from or in connection with any farm job, em-
42 ployment or other farm-related work;

43 (2) on days while school is in session, over the most direct and ac-

1 cessible route between the licensee's residence and school of enrollment
2 for the purpose of school attendance; or

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

7 (b) A farm permit shall be issued only if:

8 (1) The applicant can prove that such applicant resides or works on
9 a farm;

10 (2) the applicant has successfully completed the examination require-
11 ments in K.S.A. 8-235d, and amendments thereto; and

12 (3) the applicant submits the signed affidavit of either a parent or
13 guardian, stating that the applicant lives on a farm or, if the applicant
14 does not live on a farm but works on a farm, the applicant submits the
15 signed affidavit of the applicant's employer and parent or guardian, at-
16 testing to such employment.

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

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

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

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

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

42 ~~(g)~~ (f) Any licensee issued a farm permit under this section who: (1)
43 Is under the age of 16 years and is convicted of two or more moving

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

9 Sec. 4. K.S.A. 8-2118 is hereby amended to read as follows: 8-2118.

10 (a) A person charged with a traffic infraction shall, except as provided in
 11 subsection (b), appear at the place and time specified in the notice to
 12 appear. If the person enters an appearance, waives right to trial, pleads
 13 guilty or no contest, the fine shall be no greater than that specified in the
 14 uniform fine schedule in subsection (c) and court costs shall be taxed as
 15 provided by law.

16 (b) Prior to the time specified in the notice to appear, a person
 17 charged with a traffic infraction may enter a written appearance, waive
 18 right to trial, plead guilty or no contest and pay the fine for the violation
 19 as specified in the uniform fine schedule in subsection (c) and court costs
 20 provided by law. Payment may be made by mail or in person and may be
 21 by personal check. The traffic citation shall not have been complied with
 22 if a check is not honored for any reason, or if the fine and court costs are
 23 not paid in full. When a person charged with a traffic infraction makes
 24 payment without executing a written waiver of right to trial and plea of
 25 guilty or no contest, the payment shall be deemed such an appearance,
 26 waiver of right to trial and plea of no contest.

27 (c) The following uniform fine schedule shall apply uniformly
 28 throughout the state but shall not limit the fine which may be imposed
 29 following a court appearance, except an appearance made for the purpose
 30 of pleading and payment as permitted by subsection (a). The description
 31 of offense contained in the following uniform fine schedule is for refer-
 32 ence only and is not a legal definition.

<i>Description of Offense</i>	<i>Statute</i>	<i>Fine</i>
34 Refusal to submit to a preliminary breath test	8-1012	\$90
35 Unsafe speed for prevailing conditions	8-1557	\$60
36 Exceeding maximum speed limit; or speeding in	8-1558	1-10 mph over
37 zone posted by the state department of	to	the limit, \$30
38 transportation; or speeding in locally posted	8-1560	
39 zone		

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1		8-1560a	11-20 mph over
2		or	the limit, \$30
3		8-1560b	plus \$6 per mph
4			over 10 mph over
5			the limit;
6			
7			21-30 mph over
8			the limit, \$90
9			plus \$9 per
10			mph over 20 mph
11			over the limit;
12			
13			31 and more mph
14			over the limit,
15			\$180 plus \$15
16			per mph over 30 mph
17			over the limit;
18	Disobeying traffic control device	8-1507	\$60
19	Violating traffic control signal	8-1508	\$60
20	Violating pedestrian control signal	8-1509	\$30
21	Violating flashing traffic signals	8-1510	\$60
22	Violating lane-control signal	8-1511	\$60
23	Unauthorized sign, signal, marking or device	8-1512	\$30
24	Driving on left side of roadway	8-1514	\$60
25	Failure to keep right to pass oncoming vehicle	8-1515	\$60
26	Improper passing: increasing speed when passed	8-1516	\$60
27	Improper passing on right	8-1517	\$60
28	Passing on left with insufficient clearance	8-1518	\$60
29	Driving on left side where curve, grade,	8-1519	\$60
30	intersection railroad crossing, or obstructed		
31	view		
32	Driving on left in no-passing zone	8-1520	\$60
33	Unlawful passing of stopped emergency vehicle	8-1520a	\$60
34	Driving wrong direction on one-way road	8-1521	\$60
35	Improper driving on laned roadway	8-1522	\$60
36	Following too close	8-1523	\$60
37	Improper crossover on divided highway	8-1524	\$30
38	Failure to yield right-of-way at uncontrolled	8-1526	\$60
39	intersection		
40	Failure to yield to approaching vehicle when	8-1527	\$60
41	turning left		
42	Failure to yield at stop or yield sign	8-1528	\$60
43	Failure to yield from private road or driveway	8-1529	\$60

1	Failure to yield to emergency vehicle	8-1530	\$180
2	Failure to yield to pedestrian or vehicle working	8-1531	\$30
3	on roadway		
4	Failure to comply with restrictions in road	8-1531a	\$30
5	construction zone		
6	Disobeying pedestrian traffic control device	8-1532	\$30
7	Failure to yield to pedestrian in crosswalk;	8-1533	\$60
8	pedestrian suddenly entering roadway;		
9	passing vehicle stopped for pedestrian at		
10	crosswalk		
11	Improper pedestrian crossing	8-1534	\$30
12	Failure to exercise due care in regard to	8-1535	\$30
13	pedestrian		
14	Improper pedestrian movement in crosswalk	8-1536	\$30
15	Improper use of roadway by pedestrian	8-1537	\$30
16	Soliciting ride or business on roadway	8-1538	\$30
17	Driving through safety zone	8-1539	\$30
18	Failure to yield to pedestrian on sidewalk	8-1540	\$30
19	Failure of pedestrian to yield to emergency	8-1541	\$30
20	vehicle		
21	Failure to yield to blind pedestrian	8-1542	\$30
22	Pedestrian disobeying bridge or railroad signal	8-1544	\$30
23	Improper turn or approach	8-1545	\$60
24	Improper "U" turn	8-1546	\$60
25	Unsafe starting of stopped vehicle	8-1547	\$30
26	Unsafe turning or stopping, failure to give proper	8-1548	\$60
27	signal; using turn signal unlawfully		
28	Improper method of giving notice of intention to	8-1549	\$30
29	turn		
30	Improper hand signal	8-1550	\$30
31	Failure to stop or obey railroad crossing signal	8-1551	\$180
32	Failure to stop at railroad crossing stop sign	8-1552	\$120
33	Certain hazardous vehicles failure to stop at	8-1553	\$180
34	railroad crossing		
35	Improper moving of heavy equipment at railroad	8-1554	\$60
36	crossing		
37	Vehicle emerging from alley, private roadway,	8-1555	\$60
38	building or driveway		
39	Improper passing of school bus; improper use of	8-1556	\$300
40	school bus signals		
41	Improper passing of church or day-care bus;	8-1556a	\$180
42	improper use of signals		
43	Impeding normal traffic by slow speed	8-1561	\$30

1	Speeding on motor-driven cycle	8-1562	\$60
2	Speeding in certain vehicles or on posted bridge	8-1563	\$30
3	Improper stopping, standing or parking on	8-1569	\$30
4	roadway		
5	Parking, standing or stopping in prohibited area	8-1571	\$30
6	Improper parking	8-1572	\$30
7	Unattended vehicle	8-1573	\$30
8	Improper backing	8-1574	\$30
9	Driving on sidewalk	8-1575	\$30
10	Driving with view or driving mechanism	8-1576	\$30
11	obstructed		
12	Unsafe opening of vehicle door	8-1577	\$30
13	Riding in house trailer	8-1578	\$30
14	Improper driving in defiles, canyons, or on grades	8-1579	\$30
15	Coasting	8-1580	\$30
16	Following fire apparatus too closely	8-1581	\$60
17	Driving over fire hose	8-1582	\$30
18	Putting glass, etc., on highway	8-1583	\$90
19	Driving into intersection, crosswalk, or crossing	8-1584	\$30
20	without sufficient space on other side		
21	Improper operation of snowmobile on highway	8-1585	\$30
22	Parental responsibility of child riding bicycle	8-1586	\$30
23	Not riding on bicycle seat; too many persons on	8-1588	\$30
24	bicycle		
25	Clinging to other vehicle	8-1589	\$30
26	Improper riding of bicycle on roadway	8-1590	\$30
27	Carrying articles on bicycle; one hand on	8-1591	\$30
28	handlebars		
29	Improper bicycle lamps, brakes or reflectors	8-1592	\$30
30	Improper operation of motorcycle; seats;	8-1594	\$30
31	passengers, bundles		
32	Improper operation of motorcycle on laned	8-1595	\$60
33	roadway		
34	Motorcycle clinging to other vehicle	8-1596	\$30
35	Improper motorcycle handlebars or passenger	8-1597	\$60
36	equipment		
37	Motorcycle helmet and eye-protection	8-1598	\$30
38	requirements		
39	Unlawful riding on vehicle	8-1578a	\$60
40	Unlawful operation of all-terrain vehicle	8-15,100	\$60
41	Unlawful operation of low-speed vehicle	8-15,101	\$60
42	<i>Unlawful transportation of nonsibling minor</i>	<i>section 1</i>	<i>\$60</i>
43	<i>passengers</i>		

1	Equipment offenses that are not misdemeanors	8-1701	\$60
2	Driving without lights when needed	8-1703	\$30
3	Defective headlamps	8-1705	\$30
4	Defective tail lamps	8-1706	\$30
5	Defective reflector	8-1707	\$30
6	Improper stop lamp or turn signal	8-1708	\$30
7	Improper lighting equipment on certain vehicles	8-1710	\$30
8	Improper lamp color on certain vehicles	8-1711	\$30
9	Improper mounting of reflectors and lamps on	8-1712	\$30
10	certain vehicles		
11	Improper visibility of reflectors and lamps on	8-1713	\$30
12	certain vehicles		
13	No lamp or flag on projecting load	8-1715	\$60
14	Improper lamps on parked vehicle	8-1716	\$30
15	Improper lights, lamps, reflectors and emblems	8-1717	\$30
16	on farm tractors or slow-moving vehicles		
17	Improper lamps and equipment on implements	8-1718	\$30
18	of husbandry, road machinery or animal-		
19	drawn vehicles		
20	Unlawful use of spot, fog, or auxiliary lamp	8-1719	\$30
21	Improper lamps or lights on emergency vehicle	8-1720	\$30
22	Improper stop or turn signal	8-1721	\$30
23	Improper vehicular hazard warning lamp	8-1722	\$30
24	Unauthorized additional lighting equipment	8-1723	\$30
25	Improper multiple-beam lights	8-1724	\$30
26	Failure to dim headlights	8-1725	\$60
27	Improper single-beam headlights	8-1726	\$30
28	Improper speed with alternate lighting	8-1727	\$30
29	Improper number of driving lamps	8-1728	\$30
30	Unauthorized lights and signals	8-1729	\$30
31	Improper school bus lighting equipment and	8-1730	\$30
32	warning devices		
33	Unauthorized lights and devices on church or	8-1730a	\$30
34	day-care bus		
35	Improper lights on highway construction or	8-1731	\$30
36	maintenance vehicles		
37	Defective brakes	8-1734	\$30
38	Defective or improper use of horn or warning	8-1738	\$30
39	device		
40	Defective muffler	8-1739	\$30
41	Defective mirror	8-1740	\$30
42	Defective wipers; obstructed windshield or	8-1741	\$30
43	windows		

1	Improper tires	8-1742	\$30
2	Improper flares or warning devices	8-1744	\$30
3	Improper use of vehicular hazard warning lamps	8-1745	\$30
4	and devices		
5	Improper air-conditioning equipment	8-1747	\$30
6	TV screen visible to driver	8-1748	\$30
7	Improper safety belt or shoulder harness	8-1749	\$30
8	Improper wide-based single tires	8-1742b	\$60
9	Defective motorcycle headlamp	8-1801	\$30
10	Defective motorcycle tail lamp	8-1802	\$30
11	Defective motorcycle reflector	8-1803	\$30
12	Defective motorcycle stop lamps and turn signals	8-1804	\$30
13	Defective multiple-beam lighting	8-1805	\$30
14	Improper road-lighting equipment on motor-	8-1806	\$30
15	driven cycles		
16	Defective motorcycle or motor-driven cycle	8-1807	\$30
17	brakes		
18	Improper performance ability of brakes	8-1808	\$30
19	Operating motorcycle with disapproved braking	8-1809	\$30
20	system		
21	Defective horn, muffler, mirrors or tires	8-1810	\$30
22	Unlawful statehouse parking	75-4510a	\$15

23 (d) Traffic offenses classified as traffic infractions by this section shall
 24 be classified as ordinance traffic infractions by those cities adopting
 25 ordinances prohibiting the same offenses. A schedule of fines for all
 26 ordinance traffic infractions shall be established by the municipal judge
 27 in the manner prescribed by K.S.A. 12-4305, and amendments thereto.
 28 Such fines may vary from those contained in the uniform fine schedule
 29 contained in subsection (c).

30 (e) Fines listed in the uniform fine schedule contained in subsection
 31 (c) shall be doubled if a person is convicted of a traffic infraction, which
 32 is defined as a moving violation in accordance with rules and regulations
 33 adopted pursuant to K.S.A. 8-249, and amendments thereto, committed
 34 within any road construction zone as defined in K.S.A. 8-1458a, and
 35 amendments thereto.

36 Sec. 5. K.S.A. 8-237, 8-296 and 8-2118 are hereby repealed.

37 Sec. 6. This act shall take effect and be in force from and after its
 38 publication in the statute book.

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