

HOUSE BILL No. 2039

By Representative Klein

1-21

AN ACT relating to the division of vehicles; concerning the issuance of drivers' licenses and identification cards; amending K.S.A. 8-237, 8-240 and 8-1324 and repealing the existing sections.

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 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 of age; (2) has successfully completed an approved course in 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 hours of adult supervised driving; and (4) upon the written application of the person's parent or guardian. The required adult supervised driving required in clause (3) above shall be conducted by an adult who is at least 21 years of age and is the holder of a valid commercial driver's license, class A, B or C driver's license. Except as hereafter provided, the application of the parent or guardian shall be submitted to the division. The governing body of any city, by ordinance, may require the application of any person who is under 16 years of age and who resides within the city to be first submitted to the chief law enforcement officer of the city. The board of county commissioners of any county, by resolution, may require the application of any person who is under 16 years of age and who resides within the county and outside the corporate limits of any city to be first submitted to the chief law enforcement officer of the county. No ordinance or resolution authorized by this subsection shall become effective until a copy of it is transmitted to the division of vehicles. The chief law enforcement officer of any city or county which has adopted the ordinance or resolution authorized by this subsection shall make a recommendation on the application as to the necessity for the issuance of the restricted license, and the recommendation shall be transmitted, with the application, to the division of vehicles. If the division finds that it is necessary to issue the restricted license, it shall issue a driver's license to the person.

1 A restricted class C license issued under this subsection shall entitle
2 the licensee, while possessing the license, to operate any motor vehicle
3 in class C, as designated in K.S.A. 8-234b, and amendments thereto. A
4 restricted class M license shall entitle the licensee, while possessing such
5 license, to operate a motorcycle. The restricted license shall entitle the
6 licensee to operate the appropriate vehicle at any time:

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

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

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

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

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

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

34 Any licensee issued a restricted license under this subsection who: (1)
35 Is under the age of 16 years and is convicted of two or more moving
36 traffic violations committed on separate occasions shall not be eligible to
37 receive a driver's license which is not restricted in accordance with the
38 provisions of this subsection until the person reaches 17 years of age; or
39 (2) fails to provide the required affidavit stating that the licensee has
40 completed at least 50 hours of adult supervised driving with 10 of those
41 hours being at night shall not be eligible to receive a driver's license which
42 is not restricted in accordance with the provisions of this subsection until
43 the person provides such affidavit to the division or the person reaches

1 17 years of age, whichever occurs first.

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

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

15 (b) Who is under the age of 18 years, except as provided in K.S.A. 8-
16 2,147, and amendments thereto, for the purpose of driving a commercial
17 or class A or B motor vehicle.

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

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

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

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

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

1 has reached the age of 17 years.

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

4 (i) ~~Whose~~ *Who has not submitted proof of lawful presence in the*
5 *United States is in violation of federal immigration laws or has not ob-*
6 *tained an internal revenue service individual taxpayer identification*
7 *number.*

8 Sec. 2. K.S.A. 8-240 is hereby amended to read as follows: 8-240. (a)
9 Every application for an instruction permit shall be made upon a form
10 furnished by the division of vehicles and accompanied by a fee of \$2 for
11 class A, B, C or M and \$5 for all commercial classes. Every other appli-
12 cation shall be made upon a form furnished by the division and accom-
13 panied by an examination fee of \$3, unless a different fee is required by
14 K.S.A. 8-241, and amendments thereto, and by the proper fee for the
15 license for which the application is made. If the applicant is not required
16 to take an examination the examination fee shall not be required. The
17 examination shall consist of three tests, as follows: (1) Vision; (2) written;
18 and (3) driving. If the applicant fails the vision test, the applicant may
19 have correction of vision made and take the vision test again without any
20 additional fee. If an applicant fails the written test, the applicant may take
21 such test again upon the payment of an additional examination fee of
22 \$1.50. If an applicant fails the driving test, the applicant may take such
23 test again upon the payment of an additional examination fee of \$1.50. If
24 an applicant fails to pass all three of the tests within a period of six months
25 from the date of original application and desires to take additional tests,
26 the applicant shall file an application for reexamination upon a form fur-
27 nished by the division, which shall be accompanied by a reexamination
28 fee of \$3, except that any applicant who fails to pass the written or driving
29 portion of an examination four times within a six-month period, shall be
30 required to wait a period of six months from the date of the last failed
31 examination before additional examinations may be given. Upon the filing
32 of such application and the payment of such reexamination fee, the ap-
33 plicant shall be entitled to reexamination in like manner and subject to
34 the additional fees and time limitation as provided for examination on an
35 original application. If the applicant passes the reexamination, the appli-
36 cant shall be issued the classified driver's license for which the applicant
37 originally applied, which license shall be issued to expire as if the applicant
38 had passed the original examination.

39 (b) (1) For the purposes of obtaining any driver's license, an appli-
40 cant shall submit, with the application, proof of age or proof of identity,
41 or both, as the division may require.

42 (2) An applicant who submits proof of age or of identity issued by an
43 entity other than a state or the United States shall also submit such proof

1 as the division may require that the applicant is lawfully present in the
2 United States *or has obtained an internal revenue service individual tax-*
3 *payer identification number.*

4 (3) The division shall not issue any driver's license to any person who
5 is not lawfully present in the United States *or has not obtained an internal*
6 *revenue service individual taxpayer identification number.*

7 (4) The division shall not issue any driver's license to any person who
8 is not a resident of the state of Kansas, except as provided in K.S.A. 8-
9 2,148, and amendments thereto.

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

12 (c) Every application shall state the name, date of birth, sex and res-
13 idence address of the applicant, and briefly describe the applicant, and
14 shall state whether the applicant has theretofore been licensed as a driver,
15 and, if so, when and by what state or country, and whether any such
16 license has ever been suspended or revoked, or whether an application
17 has ever been refused, and, if so, the date of and reason for such suspen-
18 sion, revocation or refusal. In addition to the above criteria, applications
19 for commercial drivers' licenses and instruction permits for commercial
20 licenses must include the following: The applicant's social security num-
21 ber; the person's signature; the person's color photograph; certifications,
22 including those required by 49 C.F.R. 383.71(a), effective January 1,
23 1991; a consent to release driving record information; and, any other
24 information required by the division.

25 (d) When an application is received from a person previously licensed
26 in another jurisdiction, the division shall request a copy of the driver's
27 record from the other jurisdiction. When received, the driver's record
28 shall become a part of the driver's record in this state with the same force
29 and effect as though entered on the driver's record in this state in the
30 original instance.

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

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

35 (1) For a class C driver's license issued to a person at least 21 years
36 of age, but less than 65 years of age, \$12;

37 (2) for a class C driver's license issued to a person less than 21 years
38 of age or 65 years of age or older, or a farm permit, \$8;

39 (3) for a class M driver's license issued to a person at least 21 years
40 of age, but less than 65 years of age, \$6.50;

41 (4) for a class M driver's license issued to a person less than 21 years
42 of age or 65 years of age or older, \$5;

43 (5) for a class A or B driver's license issued to a person who is at least

1 21 years of age, but less than 65 years of age, \$18;

2 (6) for a class A or B driver's license issued to a person less than 21
3 years of age or 65 years of age or older, \$12; or

4 (7) for any class of commercial driver's license, \$14.

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

7 If one fails to make an original application or renewal application for a
8 driver's license within the time required by law, or fails to make appli-
9 cation within 60 days after becoming a resident of Kansas, a penalty of
10 \$1 shall be added to the fee charged for the driver's license.

11 Sec. 3. K.S.A. 8-1324 is hereby amended to read as follows: 8-1324.

12 (a) Any resident may make application to the division of vehicles and be
13 issued one identification card, certified by the registrant and attested by
14 the division as to true name, correct age, photograph and other identifying
15 data as the division may require. Every application for an identification
16 card shall be signed and verified by the applicant and shall contain such
17 bona fide documentary evidence of the age and identity of such applicant
18 as the division may require.

19 (b) An applicant who submits documentary evidence under subsec-
20 tion (a), issued by an entity other than a state or the United States shall
21 also submit such proof as the division may require that the applicant is
22 lawfully present in the United States *or has obtained an internal revenue*
23 *service individual taxpayer identification number.*

24 (c) The division shall not issue an identification card to any person
25 who is not lawfully present in the United States *or has not obtained an*
26 *internal revenue service individual taxpayer identification number.*

27 (d) The parent or guardian of an applicant under 16 years of age shall
28 sign the application for an identification card submitted by such applicant.

29 (e) The division shall require payment of a fee of \$8 at the time
30 application for an identification card is made, except that persons who
31 are 65 or more years of age or who are handicapped, as defined in K.S.A.
32 8-1,124, and amendments thereto, shall be required to pay a fee of only
33 \$4.

34 (f) For the purposes of K.S.A. 8-1324 through 8-1328, and amend-
35 ments thereto, a person shall be deemed to be a resident of the state if:

36 (1) The person owns, leases or rents a place of domicile in this state;

37 (2) the person engages in a trade, business or profession in this state;

38 (3) the person is registered to vote in this state;

39 (4) the person enrolls the person's child in a school in this state; or

40 (5) the person registers the person's motor vehicle in this state.

41 Sec. 4. K.S.A. 8-237, 8-240 and 8-1324 are hereby repealed.

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