

HOUSE BILL No. 2694

By Representative Burroughs

2-3

9 AN ACT relating to drivers' licenses; concerning certain age restrictions;
10 amending K.S.A. 8-235d, 8-237, 8-239, 8-296, 8-297 and 8-2,147 and
11 K.S.A. 2003 Supp. 8-240 and repealing the existing sections.
12

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

14 Section 1. K.S.A. 8-235d is hereby amended to read as follows: 8-
15 235d. (a) Drivers' license examiners of the division shall accept original
16 applications for drivers' licenses and instruction permits, as distinguished
17 from applications for renewals of licenses, on forms prescribed by the
18 division and also shall issue instruction permits. Drivers' license examiners
19 of the division shall examine every applicant for a driver's license who is
20 required by the provisions of the motor vehicle drivers' license act to be
21 examined. Such examination shall be held in the county where the ap-
22 plicant resides or at a place adjacent thereto reasonably convenient to the
23 applicant or at a location established by the secretary for the issuance of
24 a commercial driver's license. Such examination shall include a test of the
25 applicant's eyesight, the applicant's ability to read and understand high-
26 way signs regulating, warning and directing traffic, the applicant's knowl-
27 edge of the traffic laws of this state and shall include an actual demon-
28 stration of ability to exercise ordinary and reasonable control in the
29 operation of motor vehicles which the class of license applied for would
30 entitle the applicant to drive. At the conclusion of the examination the
31 examiner shall issue a license to the applicant, if the applicant has suc-
32 cessfully passed the examination with the class of license the applicant
33 has applied for.

34 (b) In addition to the requirements of subsection (a):

35 (1) Any person applying for a driver's license shall comply with the
36 provisions of subsection (b) of K.S.A. 8-240, and amendments thereto;
37 ~~and~~

38 (2) any person who is under the age of 18 years and at least 16 years
39 of age, who is applying for a driver's license for the first time, not including
40 an instruction permit, shall submit a signed affidavit of either a parent or
41 guardian, stating that the applicant has completed at least 50 hours of
42 adult supervised driving with at least 10 of those hours being at night.
43 The required adult supervised driving required in this subsection shall be

1 conducted by an adult who is at least 21 years of age and is the holder of
2 a valid commercial driver's license, class A, B or C driver's license.

3 Evidence of failure of any licensee who was required to complete the
4 50 hours of adult supervised driving under this subsection shall not be
5 admissible in any action for the purpose of determining any aspect of
6 comparative negligence or mitigation of damages; or

7 *(3) any person 18 years of age or older, who is applying for a driver's*
8 *license for the first time, not including an instruction permit, shall be*
9 *required to hold a restricted license for a period of at least six months.*

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

12 (a) Who is under the age of ~~16~~ 18 years, except that the division may
13 issue:

14 *(1) A nonrestricted license to a person under the age of 18 years who*
15 *submits documentation that the person holds a diploma or other certifi-*
16 *cate of graduation issued to the person from a secondary school of this*
17 *state or any other state, or that the person holds a general education*
18 *development (GED) certificate from a state approved institution or or-*
19 *ganization and has held a restricted license for a period of at least six*
20 *months; or*

21 *(2) a restricted class C or M license, as provided in this act, to any*
22 *person who: ~~(1)~~ (A) Is at least 15 years of age; ~~(2)~~ (B) has successfully*
23 *completed an approved course in driver training; ~~(3)~~ (C) has held an*
24 *instructional permit issued under the provisions of K.S.A. 8-239, and*
25 *amendments thereto, for a period of at least six months and has com-*
26 *pleted at least 25 hours of adult supervised driving; and ~~(4)~~ (D) upon the*
27 *written application of the person's parent or guardian.*

28 The required adult supervised driving required in clause ~~(3)~~ (C) above
29 shall be conducted by an adult who is at least 21 years of age and is the
30 holder of a valid commercial driver's license, class A, B or C driver's
31 license. Except as hereafter provided, the application of the parent or
32 guardian shall be submitted to the division. The governing body of any
33 city, by ordinance, may require the application of any person who is under
34 ~~16~~ 18 years of age and who resides within the city to be first submitted
35 to the chief law enforcement officer of the city. The board of county
36 commissioners of any county, by resolution, may require the application
37 of any person who is under ~~16~~ 18 years of age and who resides within the
38 county and outside the corporate limits of any city to be first submitted
39 to the chief law enforcement officer of the county. No ordinance or res-
40 olution authorized by this subsection shall become effective until a copy
41 of it is transmitted to the division of vehicles. The chief law enforcement
42 officer of any city or county which has adopted the ordinance or resolution
43 authorized by this subsection shall make a recommendation on the ap-

1 plication as to the necessity for the issuance of the restricted license, and
2 the recommendation shall be transmitted, with the application, to the
3 division of vehicles. If the division finds that it is necessary to issue the
4 restricted license, it shall issue a driver's license to the person.

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

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

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

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

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

24 Any licensee issued a restricted license under this subsection *who is*
25 *under 17 years of age* shall not operate any motor vehicle with nonsibling
26 minor passengers and any conviction for violating this provision shall be
27 construed as a moving traffic violation for the purpose of K.S.A. 8-255,
28 and amendments thereto.

29 A restricted driver's license issued under this subsection is subject to
30 suspension or revocation in the same manner as any other driver's license.
31 In addition, the division may suspend the restricted driver's license upon
32 receiving satisfactory evidence that: (1) The licensee has violated the re-
33 striction of the license, (2) the licensee has been involved in two or more
34 accidents chargeable to the licensee or (3) the recommendation of the
35 chief law enforcement officer of any city or county requiring the rec-
36 ommendation has been withdrawn. The suspended license shall not be
37 reinstated for one year or until the licensee reaches the age of ~~16~~ 18,
38 whichever period is longer.

39 Any licensee issued a restricted license under this subsection who: (1)
40 Is under the age of ~~16~~ 18 years and is convicted of two or more moving
41 traffic violations committed on separate occasions shall not be eligible to
42 receive a driver's license which is not restricted in accordance with the
43 provisions of this subsection until the person reaches ~~17~~ 19 years of age;

1 or (2) fails to provide the required affidavit stating that the licensee has
2 completed at least 50 hours of adult supervised driving with 10 of those
3 hours being at night shall not be eligible to receive a driver's license which
4 is not restricted in accordance with the provisions of this subsection until
5 the person provides such affidavit to the division or the person reaches
6 ~~17~~ 19 years of age, whichever occurs first.

7 Any licensee issued a restricted license under this subsection on and
8 after July 1, ~~1999~~ 2004, shall provide prior to reaching ~~16~~ 18 years of age,
9 a signed affidavit of either a parent or guardian, stating that the applicant
10 has completed the required 25 hours prior to being issued a restricted
11 license and 25 hours of additional adult supervised driving. Of the 50
12 hours required by this subsection, at least 10 of those hours shall be at
13 night. The adult supervised driving shall be conducted by an adult who
14 is at least 21 years of age and is the holder of a valid commercial driver's
15 license, class A, B or C driver's license.

16 Evidence of failure of any licensee who was required to complete the
17 50 hours of adult supervised driving under this subsection shall not be
18 admissible in any action for the purpose of determining any aspect of
19 comparative negligence or mitigation of damages.

20 (b) Who is under the age of 18 years, except as provided in K.S.A. 8-
21 2,147, and amendments thereto, for the purpose of driving a commercial
22 or class A or B motor vehicle.

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

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

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

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

39 (g) Who is at least ~~16~~ 18 years of age and less than ~~17~~ 19 years of
40 age, who is applying for a driver's license for the first time since reaching
41 ~~16~~ 18 years of age and who, three times or more, has been adjudged to
42 be a traffic offender under the Kansas juvenile code or a juvenile offender
43 under the Kansas juvenile justice code, by reason of violation of one or

1 more statutes regulating the movement of traffic on the roads, streets or
2 highways of this state, except that, in the discretion of the director, the
3 person may be issued a driver's license which is restricted in the manner
4 the division deems to be appropriate. No person described by this sub-
5 section shall be eligible to receive a driver's license which is not restricted
6 until the person has reached the age of ~~17~~ 19 years.

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

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

11 Sec. 3. K.S.A. 8-239 is hereby amended to read as follows: 8-239. (a)
12 Any person who is at least ~~14~~ 15 years of age may apply to the division
13 for an instruction permit. The division may in its discretion, after the
14 applicant has successfully passed all parts of the examination other than
15 the driving test, issue to the applicant an instruction permit which shall
16 entitle the applicant while having such permit in such person's immediate
17 possession to drive a passenger car upon the public highways for a period
18 of one year subject to the restrictions herein contained. The division may
19 issue an instruction or restricted instruction permit to any person who is
20 at least ~~14~~ 15 years of age and under the age of ~~16~~ 18 years only upon
21 the written application of a parent or guardian of the minor. The one
22 having the instruction permit may operate a passenger car at any time
23 when accompanied by an adult who is the holder of a valid commercial
24 driver's license, class A, B or C driver's license, who has had at least one
25 year of driving experience and who is occupying a seat beside the driver.
26 Any person who is at least ~~14~~ 15 years of age may apply for an instruction
27 permit to operate a motorcycle either separate from or in conjunction
28 with an instruction permit to operate a passenger car, and such permit
29 shall entitle the permittee to operate a motorcycle if such person is ac-
30 companied by an adult who is the holder of a valid class M driver's license,
31 who has had at least one year of driving experience and who is riding a
32 motorcycle in the general proximity of the permittee.

33 (b) The division upon receiving proper application may issue in its
34 discretion a restricted instruction permit effective for a school year or for
35 a more restricted period to an applicant who is at least ~~14~~ 15 years of age
36 and who is enrolled in a driver-education program which includes practice
37 driving and which is approved by the division, even though the applicant
38 has not reached the legal age to be eligible for a driver's license. Such
39 instruction permit shall entitle the permittee when the person has such
40 permit in such person's immediate possession to operate a passenger car
41 only on a designated highway or within a designated area but only when
42 an approved instructor is occupying a seat beside the permittee or when
43 such permit has been endorsed by an approved instructor to operate a

1 passenger car with a parent or guardian who is the holder of a valid
2 commercial driver's license, class A, B or C driver's license, who has had
3 at least one year of driving experience and who is occupying a seat beside
4 the driver.

5 (c) The division, in its discretion, may issue a temporary driver's per-
6 mit to an applicant for a classified driver's license permitting the applicant
7 to operate a motor vehicle within such classification while the division is
8 completing its investigation and determination of all facts relative to such
9 applicant's right to receive a driver's license. The division may issue such
10 a temporary driver's permit to any applicant whose employer certifies
11 that such permit is necessary to complete seasonal agricultural operations
12 of the employer. Any such temporary driver's permit issued pursuant to
13 this subsection shall be in the immediate possession of the permittee
14 while operating a motor vehicle, and it shall be invalid on the date spec-
15 ified thereon, which shall not be more than 15 days after its issuance, or
16 when the applicant's license has been issued or for good cause has been
17 refused.

18 Sec. 4. K.S.A. 2003 Supp. 8-240 is hereby amended to read as fol-
19 lows: 8-240. (a) Every application for an instruction permit shall be made
20 upon a form furnished by the division of vehicles and accompanied by a
21 fee of \$2 for class A, B, C or M and \$5 for all commercial classes. Every
22 other application shall be made upon a form furnished by the division
23 and accompanied by an examination fee of \$3, unless a different fee is
24 required by K.S.A. 8-241, and amendments thereto, and by the proper
25 fee for the license for which the application is made. If the applicant is
26 not required to take an examination the examination fee shall not be
27 required. The examination shall consist of three tests, as follows: (1) Vi-
28 sion; (2) written; and (3) driving. If the applicant fails the vision test, the
29 applicant may have correction of vision made and take the vision test again
30 without any additional fee. If an applicant fails the written test, the ap-
31 plicant may take such test again upon the payment of an additional ex-
32 amination fee of \$1.50. If an applicant fails the driving test, the applicant
33 may take such test again upon the payment of an additional examination
34 fee of \$1.50. If an applicant fails to pass all three of the tests within a
35 period of six months from the date of original application and desires to
36 take additional tests, the applicant shall file an application for reexami-
37 nation upon a form furnished by the division, which shall be accompanied
38 by a reexamination fee of \$3, except that any applicant who fails to pass
39 the written or driving portion of an examination four times within a six-
40 month period, shall be required to wait a period of six months from the
41 date of the last failed examination before additional examinations may be
42 given. Upon the filing of such application and the payment of such re-
43 examination fee, the applicant shall be entitled to reexamination in like

1 manner and subject to the additional fees and time limitation as provided
2 for examination on an original application. If the applicant passes the
3 reexamination, the applicant shall be issued the classified driver's license
4 for which the applicant originally applied, which license shall be issued
5 to expire as if the applicant had passed the original examination.

6 (b) (1) For the purposes of obtaining any driver's license or instruc-
7 tion permit, an applicant shall submit, with the application, proof of age
8 or proof of identity, or both, as the division may require. An applicant
9 shall submit the applicant's social security number or a taxpayer identi-
10 fication number if the applicant does not have a social security number,
11 which shall remain confidential and shall not be disclosed, except as pro-
12 vided pursuant to K.S.A. 74-2012, and amendments thereto. If the ap-
13 plicant does not have a social security number or a taxpayer identification
14 number, the applicant shall submit a sworn statement, with the applica-
15 tion, stating that the applicant does not have a social security number or
16 taxpayer identification number. The distinguishing number assigned to
17 the license or permit may be the applicant's social security number or a
18 taxpayer identification number if the applicant so requests in writing. If
19 the applicant is applying for an instruction permit or driver's license and
20 the applicant otherwise meets the requirements for such license, the ap-
21 plicant shall receive a temporary license or instruction permit until the
22 division verifies all facts relative to such applicant's right to receive an
23 instruction permit or driver's license, including the age, identity, social
24 security number, taxpayer identification number and residency of the
25 applicant.

26 (2) An applicant who submits proof of age or of identity issued by an
27 entity other than a state or the United States shall also submit such proof
28 as the division may require that the applicant is lawfully present in the
29 United States.

30 (3) The division shall not issue any driver's license to any person who
31 is not lawfully present in the United States.

32 (4) The division shall not issue any driver's license to any person who
33 is not a resident of the state of Kansas, except as provided in K.S.A. 8-
34 2,148, and amendments thereto.

35 (5) The parent or guardian of an applicant under ~~16~~ 18 years of age
36 shall sign the application for any driver's license submitted by such
37 applicant.

38 (c) Every application shall state the name, date of birth, sex and res-
39 idence address of the applicant, and briefly describe the applicant, and
40 shall state whether the applicant has been licensed as a driver prior to
41 such application, and, if so, when and by what state or country. Such
42 application shall state whether any such license has ever been suspended
43 or revoked, or whether an application has ever been refused, and, if so,

1 the date of and reason for such suspension, revocation or refusal. In ad-
2 dition, applications for commercial drivers' licenses and instruction per-
3 mits for commercial licenses must include the following: The applicant's
4 social security number; the person's signature; the person's color photo-
5 graph; certifications, including those required by 49 C.F.R. 383.71(a),
6 effective January 1, 1991; a consent to release driving record information;
7 and, any other information required by the division.

8 (d) When an application is received from a person previously licensed
9 in another jurisdiction, the division shall request a copy of the driver's
10 record from the other jurisdiction. When received, the driver's record
11 shall become a part of the driver's record in this state with the same force
12 and effect as though entered on the driver's record in this state in the
13 original instance.

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

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

18 (1) For a class C driver's license issued to a person at least 21 years
19 of age, but less than 65 years of age, \$18;

20 (2) for a class C driver's license issued to a person less than 21 years
21 of age or 65 years of age or older, or a farm permit, \$12;

22 (3) for a class M driver's license issued to a person at least 21 years
23 of age, but less than 65 years of age, \$12.50;

24 (4) for a class M driver's license issued to a person less than 21 years
25 of age or 65 years of age or older, \$9;

26 (5) for a class A or B driver's license issued to a person who is at least
27 21 years of age, but less than 65 years of age, \$24;

28 (6) for a class A or B driver's license issued to a person less than 21
29 years of age or 65 years of age or older, \$16; or

30 (7) for any class of commercial driver's license, \$18.

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

33 If one fails to make an original application or renewal application for a
34 driver's license within the time required by law, or fails to make appli-
35 cation within 60 days after becoming a resident of Kansas, a penalty of
36 \$1 shall be added to the fee charged for the driver's license.

37 (g) Any person who possesses an identification card as provided in
38 K.S.A. 8-1324, and amendments thereto, shall surrender such identifi-
39 cation card to the division upon being issued a valid Kansas driver's license
40 or upon reinstatement and return of a valid Kansas driver's license.

41 Sec. 5. K.S.A. 8-296 is hereby amended to read as follows: 8-296. (a)
42 Any person who is less than ~~16~~ 18 years of age but is at least 14 years of
43 age and who resides upon a farm in this state ~~or is employed for com-~~

1 ~~compensation upon a farm in this state~~ may apply to the division of vehicles
2 for a farm permit authorizing such person, while possessing the permit,
3 to operate any motor vehicle in class C, as designated in K.S.A. 8-234b,
4 and amendments thereto. The farm permit shall entitle the licensee to
5 operate such motor vehicles at any time:

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

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

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

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

16 (1) The applicant can prove that such applicant resides ~~or works~~ on
17 a farm;

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

20 (3) the applicant submits the signed affidavit of either a parent or
21 guardian, stating that the applicant lives on a farm ~~or, if the applicant~~
22 ~~does not live on a farm but works on a farm, the applicant submits the~~
23 ~~signed affidavit of the applicant's employer and parent or guardian, at-~~
24 ~~testing to such employment.~~

25 (c) Any licensee issued a farm permit under this section *who is under*
26 *17 years of age* shall not operate any motor vehicle with nonsibling minor
27 passengers and any conviction for violating this provision shall be con-
28 strued as a moving traffic violation for the purpose of K.S.A. 8-255, and
29 amendments thereto.

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

32 (e) A farm permit issued under this section is subject to suspension
33 or revocation in the same manner as any other driver's license. A person
34 who has been issued a farm permit and who violates this section by driving
35 beyond the scope allowed in subsection (a) shall lose the farm permit and
36 shall be issued no other driver's license for a period of one year or until
37 the person reaches ~~16~~ 18 years of age, whichever period is longer.

38 (f) Any licensee issued a farm permit under this section on and after
39 July 1, ~~1999~~ 2004, shall provide prior to reaching ~~16~~ 18 years of age, a
40 signed affidavit of either a parent or guardian, stating that the applicant
41 has completed at least 50 hours of adult supervised driving with at least
42 10 of those hours being at night. The adult supervised driving required
43 by this paragraph shall be conducted by an adult who is at least 21 years

1 of age and is the holder of a valid commercial driver's license, class A, B
2 or C driver's license.

3 Evidence of failure of any licensee who was required to complete the
4 50 hours of adult supervised driving under this subsection shall not be
5 admissible in any action for the purpose of determining any aspect of
6 comparative negligence or mitigation of damages.

7 (g) Any licensee issued a farm permit under this section who: (1) Is
8 under the age of ~~16~~ 18 years and is convicted of two or more moving
9 traffic violations committed on separate occasions shall not be eligible to
10 receive a driver's license which is not restricted in accordance with the
11 provisions of subsection (a), until the person reaches ~~17~~ 19 years of age;
12 or (2) fails to provide the affidavit required under subsection (f), shall not
13 be eligible to receive a driver's license which is not restricted in accord-
14 ance with the provisions of subsection (a), until the person provides such
15 affidavit to the division or the person reaches ~~17~~ 19 years of age, which-
16 ever occurs first.

17 Sec. 6. K.S.A. 8-297 is hereby amended to read as follows: 8-297.
18 Notwithstanding any other provisions of this act, any person who held
19 any valid *farm permit, class C or class M driver's license*, restricted class
20 C or class M driver's license, instruction permit ~~or~~, restricted instruction
21 permit *or commercial driver's license issued pursuant to K.S.A. 8-2,147,*
22 *and amendments thereto*, on the effective date of this act may continue
23 to operate motor vehicles subject to the conditions, limitations and re-
24 strictions contained in K.S.A. 8-237 ~~and 8-239~~, 8-239, 8-296 *or 8-2,147,*
25 and amendments thereto, as in effect on June 30, ~~1993~~ 2004.

26 Sec. 7. K.S.A. 8-2,147 is hereby amended to read as follows: 8-2,147.
27 (a) The division may issue a commercial driver's license to an applicant
28 who is a resident of this state and who is at least 16 years of age for the
29 operation of commercial class B and commercial class C motor vehicles
30 for a farm custom harvesting operation. Any person applying for or who
31 is issued a commercial driver's license under this section shall be subject
32 to the provisions of K.S.A. 8-2,125 through 8-2,145, and amendments
33 thereto.

34 (b) For the purpose of this section, "farm custom harvesting opera-
35 tions" means a person, firm, partnership, association or corporation en-
36 gaged in farm custom harvesting operations if the motor vehicle is used
37 to:

38 (1) Transport farm machinery, supplies, or both, to or from a farm,
39 for custom harvesting operations on a farm; or

40 (2) transport custom harvested crops only from a harvested field to
41 initial storage or to initial market locations.

42 (c) *In addition to the driving restrictions contained in this section, a*
43 *license issued under this section shall be subject to the driving restrictions*

1 *contained in K.S.A. 8-237, and amendments thereto.*

2 ~~(e)~~ (d) The provisions of this section shall be a part of and supple-
3 mental to the Kansas uniform commercial drivers' license act.

4 Sec. 8. K.S.A. 8-235d, 8-237, 8-239, 8-296, 8-297 and 8-2,147 and
5 K.S.A. 2003 Supp. 8-240 are hereby repealed.

6 Sec. 9. This act shall take effect and be in force from and after its
7 publication in the statute book.