

HOUSE BILL No. 2400

By Committee on Transportation

2-6

9 AN ACT relating to motor vehicles; concerning driver's licenses; relating
10 to certain age requirements; providing certain limitations; providing
11 penalties; amending K.S.A. 8-235d, 8-239, 8-297, 8-2,147 and 72-
12 89c02 and K.S.A. 2006 Supp. 8-237 and 8-240 and repealing the ex-
13 isting sections.

14
15 *Be it enacted by the Legislature of the State of Kansas:*

16 New Section 1. (a) On and after July 1, 2008, for the purpose of
17 obtaining a farm permit in accordance with the provisions of K.S.A. 8-
18 296, and amendments thereto, a person who is less than 15 years of age
19 but is at least 14 years of age and who resides upon a farm in this state
20 or is employed for compensation upon a farm in this state may apply to
21 the division for a farm instruction permit. The division may in its discre-
22 tion, after the applicant has successfully passed all parts of the examina-
23 tion other than the driving test, issue to the applicant a farm instruction
24 permit which shall entitle the applicant while having such permit in such
25 person's immediate possession to operate any motor vehicle in class C,
26 as designated in K.S.A. 8-234b, and amendments thereto, upon the public
27 highways for a period of one year from the date of issuance subject to
28 the restrictions contained in this section. The division may issue a farm
29 instruction permit only upon the written application of a parent or guard-
30 ian of the applicant. The person having the farm instruction permit may
31 operate a class C motor vehicle at any time when accompanied by an
32 adult who is the holder of a valid commercial driver's license, class A, B
33 or C driver's license and who is actually occupying a seat beside the driver.

34 (b) An applicant for a farm instruction permit shall prove that such
35 applicant resides or works on a farm by submitting the signed affidavit of
36 either a parent or guardian, stating that the applicant lives on a farm or,
37 if the applicant does not live on a farm but works on a farm, by submitting
38 the signed affidavit of the applicant's employer and parent or guardian,
39 attesting to such employment.

40 (c) As used in this section, "farm" means any parcel of land larger
41 than 20 acres which is used in agricultural production.

42 (d) This section shall be part of and supplemental to the motor ve-
43 hicle drivers' license act.

- 1 New Sec. 2. The provisions of sections 3 and 4, and amendments
2 thereto, shall be known as Cody's law.
- 3 New Sec. 3. On and after July 1, 2008: (a) Any person who is at least
4 15 years of age, but less than 18 years of age may apply to the division
5 for an instruction permit. The division may issue an instruction permit
6 under this section to any person who is at least 15 years of age, but less
7 than 16 years of age only upon written application of a parent or guardian
8 of the minor. The division may in its discretion, after the applicant has
9 successfully passed all parts of the examination other than the driving
10 test, issue to the applicant an instruction permit for a period of one year.
- 11 (b) An instruction permit issued under this subsection shall authorize
12 the permit holder to drive a passenger car under the following conditions:
- 13 (1) The permit holder shall be in immediate possession of the instruc-
14 tion permit;
- 15 (2) a supervising driver shall be seated beside the permit holder in
16 the front seat of the passenger car when such car is in motion. The su-
17 pervising driver shall be an adult who is at least 21 years of age who is
18 the holder of a valid commercial driver's license, class A, B or C driver's
19 license and who has at least one year of driving experience. No person
20 other than the supervising driver can be in the front seat;
- 21 (3) the permit holder may drive at any time in accordance with the
22 provisions of this section;
- 23 (4) every person occupying the passenger car being driven by the
24 permit holder shall have a safety belt properly fastened about such per-
25 son's body at all times when the passenger car is in motion, or shall be in
26 compliance with the provisions of K.S.A. 8-1344, and amendments
27 thereto; and
- 28 (5) the permit holder shall not operate a wireless communication de-
29 vice while driving a passenger car.
- 30 (c) Any person who is at least 15 years of age, but less than 18 years
31 of age may apply for an instruction permit to operate a motorcycle either
32 separate from or in conjunction with an instruction permit to operate a
33 passenger car. The applicant shall successfully pass all parts of the ex-
34 amination other than the driving test. An instruction permit issued under
35 this subsection shall authorize the permit holder to operate a motorcycle
36 if such permit holder is accompanied by an adult who is at least 21 years
37 of age, who is the holder of a valid class M driver's license, who has had
38 at least one year of driving experience and who is riding a motorcycle in
39 the general proximity of the permit holder, except that during the first
40 six months after issuance of the instruction permit.
- 41 Any person issued an instruction permit under this subsection shall
42 comply with the provisions of K.S.A. 8-1598, and amendments thereto.
- 43 (d) This section shall be a part of and supplemental to the motor

1 vehicle driver's license act.

2 New Sec. 4. On and after July 1, 2008, the division of vehicles may
3 issue to any person who is at least 16 years of age but less than 18 years
4 of age a restricted class C or M driver's license in accordance with the
5 provisions of this section.

6 (a) The division may issue a restricted class C or M driver's license
7 to any person who:

8 (1) Is at least 16 years of age;

9 (2) has held an instruction permit issued under section 3, and amend-
10 ments thereto, for a period of one year;

11 (3) has successfully completed an approved course in driver training;

12 (4) submits a signed affidavit of either a parent or guardian, stating
13 that the applicant has completed 50 hours of adult supervised driving and
14 at least 10 of those hours shall be at night;

15 (5) has not, in the preceding six months:

16 (A) Been convicted of any moving violation;

17 (B) violated the seat belt restriction under subsection (b)(4) of section
18 3, and amendments thereto; or

19 (C) violated the wireless communication device restriction under
20 subsection (b)(5) of section 3, and amendments thereto.

21 The required adult supervised driving required under paragraph (4),
22 shall be conducted by an adult who is at least 21 years of age, is the holder
23 of a valid commercial drivers' license, class A, B or C drivers' license and
24 who has at least one year of driving experience.

25 (b) A restricted class C license issued under subsection (a) shall en-
26 title the licensee, while possessing the license, to operate any motor ve-
27 hicle in class C, as designated in K.S.A. 8-234b, and amendments thereto.
28 A restricted class M license shall entitle the licensee, while possessing
29 such license, to operate a motorcycle.

30 (1) For the first six months after issuance of the restricted license,
31 the restricted license shall entitle the licensee to operate the appropriate
32 vehicle:

33 (A) From 5:00 a.m. to 9:00 p.m.;

34 (B) while going to or from or in connection with any job or
35 employment;

36 (C) when the licensee is operating a passenger car, at any time when
37 accompanied by an adult who is at least 21 years of age, who is the holder
38 of a valid commercial driver's license, class A, B or C driver's license, who
39 has at least one year of driving experience and who is actually occupying
40 a seat beside the driver; or

41 (D) when the licensee is operating a motorcycle, at any time when
42 accompanied by an adult who is at least 21 years of age, who is the holder
43 of a valid class M driver's license, who has at least one year of driving

1 experience and who is operating a motorcycle in the general proximity of
2 the licensee.

3 (2) After the first six months, if the licensee has not been convicted
4 of any moving violations, or has not violated any of the restrictions pro-
5 vided for under this section, the restricted license shall entitle the licensee
6 to operate the appropriate vehicle at any time.

7 (c) When any licensee issued a restricted license subject to the pro-
8 visions of subsection (b)(1) is driving a motor vehicle and is not accom-
9 panied by an adult supervising driver who is at least 21 years of age, there
10 shall be no more than one passenger under 21 years of age in the motor
11 vehicle. This limit does not apply to passengers who are members of the
12 license holder's immediate family or whose primary residence is the same
13 household as the license holder. Except that, if a family member or mem-
14 ber of the same household as the license holder who is younger than 21
15 years of age is a passenger in the vehicle, no other passengers under 21
16 years of age, who are not members of the license holder's immediate
17 family or members of the license holder's household, may be in the
18 vehicle.

19 (d) (1) Any licensee issued a restricted license under this section shall
20 not operate a wireless communication device while driving a motor
21 vehicle.

22 (2) A licensee issued a restricted license under this section and every
23 person occupying a motor vehicle being driven by such licensee shall have
24 a safety belt properly fastened about such person's body at all times when
25 the motor vehicle is in motion.

26 (e) Any conviction for violating any provision of subsection (c) shall
27 be construed as a moving traffic violation for the purpose of K.S.A. 8-
28 255, and amendments thereto.

29 (f) A restricted driver's license issued under this subsection is subject
30 to suspension or revocation in the same manner as any other driver's
31 license. In addition, the division may suspend the restricted driver's li-
32 cense upon receiving satisfactory evidence that: (1) The licensee has vi-
33 olated the restriction of the license, (2) the licensee has been involved in
34 two or more accidents chargeable to the licensee, or (3) the licensee has
35 been convicted of two or more moving traffic violations committed on
36 separate occasions. The suspended license shall not be reinstated for one
37 year or until the licensee reaches the age of 17, whichever period is
38 longer.

39 (g) This section shall be a part of and supplemental to the motor
40 vehicle drivers' license act.

41 Sec. 5. On and after July 1, 2008, K.S.A. 8-235d is hereby amended
42 to read as follows: 8-235d. (a) Drivers' license examiners of the division
43 shall accept original applications for drivers' licenses and instruction per-

1 mits, as distinguished from applications for renewals of licenses, on forms
2 prescribed by the division and also shall issue instruction permits. Drivers'
3 license examiners of the division shall examine every applicant for a
4 driver's license who is required by the provisions of the motor vehicle
5 drivers' license act to be examined. Such examination shall be held in the
6 county where the applicant resides or at a place adjacent thereto reason-
7 ably convenient to the applicant or at a location established by the sec-
8 retary for the issuance of a commercial driver's license. Such examination
9 shall include a test of the applicant's eyesight, the applicant's ability to
10 read and understand highway signs regulating, warning and directing traf-
11 fic, the applicant's knowledge of the traffic laws of this state and shall
12 include an actual demonstration of ability to exercise ordinary and rea-
13 sonable control in the operation of motor vehicles which the class of
14 license applied for would entitle the applicant to drive. At the conclusion
15 of the examination the examiner shall issue a license to the applicant, if
16 the applicant has successfully passed the examination with the class of
17 license the applicant has applied for.

18 (b) In addition to the requirements of subsection (a):
19 ~~(1), any person applying for a driver's license shall comply with the~~
20 ~~provisions of subsection (b) of K.S.A. 8-240, and amendments thereto;~~
21 ~~and~~
22 ~~(2) any person who is under the age of 18 years and at least 16 years~~
23 ~~of age, who is applying for a driver's license for the first time, not including~~
24 ~~an instruction permit, shall submit a signed affidavit of either a parent or~~
25 ~~guardian, stating that the applicant has completed at least 50 hours of~~
26 ~~adult supervised driving with at least 10 of those hours being at night.~~
27 ~~The required adult supervised driving required in this subsection shall be~~
28 ~~conducted by an adult who is at least 21 years of age and is the holder of~~
29 ~~a valid commercial driver's license, class A, B or C driver's license.~~
30 ~~Evidence of failure of any licensee who was required to complete the~~
31 ~~50 hours of adult supervised driving under this subsection shall not be~~
32 ~~admissible in any action for the purpose of determining any aspect of~~
33 ~~comparative negligence or mitigation of damages.~~

34 Sec. 6. On and after July 1, 2008, K.S.A. 2006 Supp. 8-237 is hereby
35 amended to read as follows: 8-237. The division of vehicles shall not issue
36 any driver's license to any person:

37 (a) ~~Who is under the age of 16 years, except that the division may~~
38 ~~issue a restricted class C or M license, as provided in this act, to any~~
39 ~~person who: (1) Is at least 15 years of age; (2) has successfully completed~~
40 ~~an approved course in driver training; (3) has held an instructional permit~~
41 ~~issued under the provisions of K.S.A. 8-239, and amendments thereto;~~
42 ~~for a period of at least six months and has completed at least 25 hours of~~
43 ~~adult supervised driving; and (4) upon the written application of the per-~~

1 son's parent or guardian. 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 years of age and who resides within the city to be first sub-
8 mitted 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 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 re-~~
9 ~~commendation has been withdrawn. The suspended license shall not be~~
10 ~~reinstated for one year or until the licensee reaches the age of 16, which-~~
11 ~~ever period is longer.~~
12 ~~—Any licensee issued a restricted license under this subsection who: (1)~~
13 ~~Is under the age of 16 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 years of age, or~~
17 ~~(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 years of age, whichever occurs first.~~
23 ~~—Any licensee issued a restricted license under this subsection on and~~
24 ~~after July 1, 1999, 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 *(a) Who is at least 16 years of age, but less than 18 years of age,*
37 *except as provided in section 4, and amendments thereto.*
38 *(b) Who is under the age of 18 years, except as provided in K.S.A. 8-*
39 *2,147, and amendments thereto, for the purpose of driving a commercial*
40 *or class A or B motor vehicle.*
41 *(c) Whose license is currently revoked, suspended or canceled in this*
42 *or any other state, except as provided in K.S.A. 8-256, and amendments*
43 *thereto.*

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

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

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

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

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

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

29 Sec. 7. On and after July 1, 2008, K.S.A. 8-239 is hereby amended
30 to read as follows: 8-239. ~~(a)~~ Any person who is at least ~~14~~ 18 years of
31 age may apply to the division for an instruction permit. The division may
32 in its discretion, after the applicant has successfully passed all parts of the
33 examination other than the driving test, issue to the applicant an instruc-
34 tion permit which shall entitle the applicant while having such permit in
35 such person's immediate possession to drive a passenger car upon the
36 public highways for a period of one year subject to the restrictions herein
37 contained. ~~The division may issue an instruction or restricted instruction~~
38 ~~permit to any person who is at least 14 years of age and under the age of~~
39 ~~16 years only upon the written application of a parent or guardian of the~~
40 ~~minor.~~ The one having the instruction permit may operate a passenger
41 car at any time when accompanied by an adult *who is at least 21 years of*
42 *age*, who is the holder of a valid commercial driver's license, class A, B
43 or C driver's license, who has had at least one year of driving experience

1 and who is occupying a seat beside the driver. Any person who is at least
2 ~~14~~ 18 years of age may apply for an instruction permit to operate a mo-
3 torcycle either separate from or in conjunction with an instruction permit
4 to operate a passenger car, and such permit shall entitle the permittee to
5 operate a motorcycle if such person is accompanied by an adult *who is*
6 *at least 21 years of age*, who is the holder of a valid class M driver's license,
7 who has had at least one year of driving experience and who is riding a
8 motorcycle in the general proximity of the permittee.

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

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

37 Sec. 8. On and after July 1, 2008, K.S.A. 2006 Supp. 8-240 is hereby
38 amended to read as follows: 8-240. (a) Every application for an instruction
39 permit shall be made upon a form furnished by the division of vehicles
40 and accompanied by a fee of \$2 for class A, B, C or M *or farm permit*
41 and \$5 for all commercial classes. Every other application shall be made
42 upon a form furnished by the division and accompanied by an examination
43 fee of \$3, unless a different fee is required by K.S.A. 8-241, and amend-

1 ments thereto, and by the proper fee for the license for which the appli-
2 cation is made. If the applicant is not required to take an examination the
3 examination fee shall not be required. The examination shall consist of
4 three tests, as follows: (1) Vision; (2) written; and (3) driving. If the ap-
5 plicant fails the vision test, the applicant may have correction of vision
6 made and take the vision test again without any additional fee. If an
7 applicant fails the written test, the applicant may take such test again
8 upon the payment of an additional examination fee of \$1.50. If an appli-
9 cant fails the driving test, the applicant may take such test again upon the
10 payment of an additional examination fee of \$1.50. If an applicant fails to
11 pass all three of the tests within a period of six months from the date of
12 original application and desires to take additional tests, the applicant shall
13 file an application for reexamination upon a form furnished by the divi-
14 sion, which shall be accompanied by a reexamination fee of \$3, except
15 that any applicant who fails to pass the written or driving portion of an
16 examination four times within a six-month period, shall be required to
17 wait a period of six months from the date of the last failed examination
18 before additional examinations may be given. Upon the filing of such
19 application and the payment of such reexamination fee, the applicant shall
20 be entitled to reexamination in like manner and subject to the additional
21 fees and time limitation as provided for examination on an original ap-
22 plication. If the applicant passes the reexamination, the applicant shall be
23 issued the classified driver's license for which the applicant originally ap-
24 plied, which license shall be issued to expire as if the applicant had passed
25 the original examination.

26 (b) (1) For the purposes of obtaining any driver's license or instruc-
27 tion permit, an applicant shall submit, with the application, proof of age
28 or proof of identity, or both, as the division may require. An applicant
29 shall submit the applicant's social security number, which shall remain
30 confidential and shall not be disclosed, except as provided pursuant to
31 K.S.A. 74-2012, and amendments thereto. If the applicant does not have
32 a social security number, the applicant shall submit a sworn statement,
33 with the application, stating that the applicant does not have a social
34 security number. The division shall assign a distinguishing number to the
35 license or permit. If the applicant is applying for an instruction permit or
36 driver's license and the applicant otherwise meets the requirements for
37 such license, the applicant shall receive a temporary license or instruction
38 permit until the division verifies all facts relative to such applicant's right
39 to receive an instruction permit or driver's license, including the age,
40 identity, social security number and residency of the applicant.

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

1 United States.

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

4 (4) The division shall not issue any driver's license to any person who
5 is not a resident of the state of Kansas, except as provided in K.S.A. 8-
6 2,148, and amendments thereto.

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

9 (c) Every application shall state the name, date of birth, sex and res-
10 idence address of the applicant, and briefly describe the applicant, and
11 shall state whether the applicant has been licensed as a driver prior to
12 such application, and, if so, when and by what state or country. Such
13 application shall state whether any such license has ever been suspended
14 or revoked, or whether an application has ever been refused, and, if so,
15 the date of and reason for such suspension, revocation or refusal. In ad-
16 dition, applications for commercial drivers' licenses and instruction per-
17 mits for commercial licenses must include the following: The applicant's
18 social security number; the person's signature; the person's color photo-
19 graph; certifications, including those required by 49 C.F.R. 383.71(a),
20 effective January 1, 1991; a consent to release driving record information;
21 and, any other information required by the division.

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

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

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

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

34 (2) for a class C driver's license issued to a person 65 years of age or
35 older, \$12;

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

38 (4) for a class M driver's license issued to a person 65 years of age or
39 older, \$9;

40 (5) for a class A or B driver's license issued to a person who is at least
41 21 years of age, but less than 65 years of age, \$24;

42 (6) for a class A or B driver's license issued to a person 65 years of
43 age or older, \$16;

1 (7) for any class of commercial driver's license issued to a person 21
2 years of age or older, \$18; or

3 (8) for class A, B, C or M, or a farm permit, or any commercial driver's
4 license issued to a person less than 21 years of age, \$20.

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 A fee of \$3 per year shall be charged for any renewal of a license issued
8 prior to the effective date of this act to a person less than 21 years of age.

9 If one fails to make an original application or renewal application for a
10 driver's license within the time required by law, or fails to make appli-
11 cation within 60 days after becoming a resident of Kansas, a penalty of
12 \$1 shall be added to the fee charged for the driver's license.

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

17 Sec. 9. On and after July 1, 2008, K.S.A. 8-297 is hereby amended
18 to read as follows: 8-297. Notwithstanding any other provisions of this
19 act, any person who held any valid restricted class C or class M driver's
20 license, instruction permit or restricted instruction permit on the effective
21 date of this act may continue to operate motor vehicles subject to the
22 conditions, limitations and restrictions contained in K.S.A. 8-237 and 8-
23 239, and amendments thereto, as in effect on June 30, ~~1993~~ 2008.

24 Sec. 10. On and after July 1, 2008, K.S.A. 8-2,147 is hereby amended
25 to read as follows: 8-2,147. (a) The division may issue a commercial
26 driver's license to an applicant who is a resident of this state, *either holds*
27 *a valid farm permit issued pursuant to K.S.A. 8-296, and amendments*
28 *thereto, or a restricted license issued under subsection (b)(2) of section 4,*
29 *and amendments thereto* and who is at least 16 years of age for the op-
30 eration of commercial class B and commercial class C motor vehicles for
31 a farm custom harvesting operation. Any person applying for or who is
32 issued a commercial driver's license under this section shall be subject to
33 the provisions of K.S.A. 8-2,125 through 8-2,145, and amendments
34 thereto.

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

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

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

43 (c) The provisions of this section shall be a part of and supplemental

1 to the Kansas uniform commercial drivers' license act.

2 Sec. 11. On and after July 1, 2008, K.S.A. 72-89c02 is hereby
3 amended to read as follows: 72-89c02. (a) Whenever a pupil who has
4 attained the age of 13 years has been found in possession of a weapon,
5 controlled substance or illegal drug at school, upon school property, or at
6 a school-supervised activity or has engaged in behavior at school, upon
7 school property, or at a school-supervised activity, which resulted in, or
8 was substantially likely to have resulted in, serious bodily injury to others,
9 the chief administrative officer of the school shall make an immediate
10 report of the pupil's act to the appropriate law enforcement agency. Upon
11 receipt of the report, the law enforcement agency shall investigate the
12 matter and give written notice to the division of vehicles of the depart-
13 ment of revenue of the act committed by the pupil. The notice shall be
14 given to the division of vehicles by the law enforcement agency within
15 three days, excluding holidays and weekends, after receipt of the report
16 and shall include the pupil's name, address, date of birth, driver's license
17 number, if available, and a description of the act committed by the pupil.
18 Upon receipt of the notice, the division of vehicles shall suspend the
19 pupil's driver's license or privilege to operate a motor vehicle on the
20 streets and highways of this state. The duration of the suspension shall
21 be for a period of one year. Upon expiration of the period of suspension,
22 the pupil may apply to the division for return of the license. If the license
23 has expired, the pupil may apply for a new license, which shall be issued
24 promptly upon payment of the proper fee and satisfaction of other con-
25 ditions established by law for obtaining a license unless another suspen-
26 sion or revocation of the pupil's privilege to operate a motor vehicle is in
27 effect. If the pupil does not have a driver's license, the pupil's driving
28 privileges shall be revoked. No Kansas driver's license shall be issued to
29 a pupil whose driving privileges have been revoked pursuant to this sub-
30 section for a period of one year:

31 (1) Immediately following the date of receipt by the division of no-
32 tification from a law enforcement agency containing the description of
33 the pupil's act, if the pupil is eligible to apply for a driver's license; or

34 (2) after the date the pupil will be eligible to apply for a driver's
35 license, if the pupil is not eligible to apply for a driver's license on the
36 date of receipt of the notification.

37 (b) If the pupil's driving privileges have been revoked, suspended or
38 canceled for another cause, the suspension or revocation required by this
39 section shall apply consecutively to the previous revocation, suspension
40 or cancellation.

41 (c) Upon suspension or revocation of a pupil's privilege to operate a
42 motor vehicle as provided in this section, the division of vehicles shall
43 immediately notify the pupil in writing. If the pupil makes a written re-

1 quest for hearing within 30 days after such notice of suspension or rev-
2 ocation, the division of vehicles shall afford the pupil an opportunity for
3 a hearing as provided by K.S.A. 8-255, and amendments thereto, except
4 that the scope of the hearing shall be limited to determination of whether
5 there are reasonable grounds to believe the pupil was in possession of a
6 weapon, controlled substance or illegal drug at school, upon school prop-
7 erty, or at a school-supervised activity or was engaged in behavior at
8 school, upon school property, or at a school-supervised activity, which
9 resulted in, or was substantially likely to have resulted in, serious bodily
10 injury to others.

11 (d) For the purposes of this section, the term driver's license includes,
12 ~~in addition to any commercial driver's license and any class A, B, C or M~~
13 ~~driver's license, any restricted license issued under K.S.A. 8-237, and~~
14 ~~amendments thereto, any instruction permit issued under K.S.A. 8-239,~~
15 ~~and amendments thereto, and any farm permit issued under K.S.A. 8-~~
16 ~~296, any license or permit to operate a motor vehicle issued under the~~
17 *provisions of article 2 of chapter 8 of the Kansas Statutes Annotated*, and
18 amendments thereto.

19 Sec. 12. On and after July 1, 2008, K.S.A. 8-235d, 8-239, 8-297, 8-
20 2,147 and 72-89c02 and K.S.A. 2006 Supp. 8-237 and 8-240 are hereby
21 repealed.

22 Sec. 13. This act shall take effect and be in force from and after its
23 publication in the statute book.