

## HOUSE Substitute for SENATE BILL No. 294

By Committee on Transportation

3-26

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9 AN ACT relating to motor vehicles; concerning driver's licenses; provid-  
10 ing certain limitations; amending K.S.A. 8-235d, 8-239, 8-291, 8-296  
11 and 8-297 and K.S.A. 2007 Supp. 8-234a, 8-237 and 72-89c02 and  
12 repealing the existing sections.  
13

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

15 New Section 1. (a) Any person who is at least 14 years of age, but  
16 less than 18 years of age may apply to the division for an instruction  
17 permit. The division may issue an instruction permit under this section  
18 to any person who is at least 14 years of age, but less than 16 years of age  
19 only upon written application of a parent or guardian of the minor. The  
20 division may in its discretion, after the applicant has successfully passed  
21 all parts of the examination other than the driving test, issue to the ap-  
22 plicant an instruction permit for a period of one year.

23 (b) An instruction permit issued under this subsection shall authorize  
24 the permit holder to drive a passenger car under the following conditions:

25 (1) The permit holder shall be in immediate possession of the instruc-  
26 tion permit;

27 (2) a supervising driver shall be seated beside the permit holder in  
28 the front seat of the passenger car when such car is in motion. The su-  
29 pervising driver shall be an adult who is at least 21 years of age who is  
30 the holder of a valid commercial driver's license, class A, B or C driver's  
31 license and who has at least one year of driving experience. No person  
32 other than the supervising driver can be in the front seat;

33 (3) the permit holder may drive at any time in accordance with the  
34 provisions of this section;

35 (4) every person occupying the passenger car being driven by the  
36 permit holder shall have a safety belt properly fastened about such per-  
37 son's body at all times when the passenger car is in motion, or shall be in  
38 compliance with the provisions of K.S.A. 8-1344, and amendments  
39 thereto; and

40 (5) the permit holder shall not operate a wireless communication de-  
41 vice while driving a passenger car.

42 (c) Any person who is at least 14 years of age, but less than 18 years  
43 of age may apply for an instruction permit to operate a motorcycle either

1 separate from or in conjunction with an instruction permit to operate a  
2 passenger car. The applicant shall successfully pass all parts of the ex-  
3 amination other than the driving test. An instruction permit issued under  
4 this subsection shall authorize the permit holder to operate a motorcycle  
5 if such permit holder is accompanied by an adult who is at least 21 years  
6 of age, who is the holder of a valid class M driver's license, who has had  
7 at least one year of driving experience and who is riding a motorcycle in  
8 the general proximity of the permit holder.

9 Any person issued an instruction permit under this subsection shall  
10 comply with the provisions of K.S.A. 8-1598, and amendments thereto.

11 (d) An instruction permit shall be suspended in accordance with  
12 K.S.A. 8-291, and amendments thereto, for violations of restrictions in  
13 this section.

14 (e) This section shall be a part of and supplemental to the motor  
15 vehicle driver's license act.

16 New Sec. 2. The division of vehicles may issue to any person who is  
17 at least 15 years of age but less than 17 years of age a restricted class C  
18 or M driver's license in accordance with the provisions of this section.

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

21 (1) Is at least 15 years of age;

22 (2) has successfully completed an approved course in driver training;

23 (3) has held an instructional permit issued under the provisions of  
24 section 1, and amendments thereto, for a period of at least six months  
25 and has completed at least 30 hours of adult supervised driving; and

26 (4) upon the written application of the person's parent or guardian.

27 The required adult supervised driving required in paragraph (3) above  
28 shall be conducted by an adult who is at least 21 years of age and is the  
29 holder of a valid commercial driver's license, class A, B or C driver's  
30 license. Except as hereafter provided, the application of the parent or  
31 guardian shall be submitted to the division.

32 (b) A restricted class C license issued under this section shall entitle  
33 the licensee, while possessing the license, to operate any motor vehicle  
34 in class C, as designated in K.S.A. 8-234b, and amendments thereto. A  
35 restricted class M license shall entitle the licensee, while possessing such  
36 license, to operate a motorcycle.

37 (1) The restricted license shall entitle a licensee who is at least 15  
38 years of age but less than 16 years of age, to operate the appropriate  
39 vehicle at any time:

40 (A) While going to or from or in connection with any job, employ-  
41 ment or farm-related work;

42 (B) on days while school is in session, over the most direct and ac-  
43 cessible route between the licensee's residence and school of enrollment

1 for the purposes of school attendance;

2 (C) when the licensee is operating a passenger car, at any time when

3 accompanied by an adult who is at least 21 years of age, who is the holder

4 of a valid commercial driver's license, class A, B or C driver's license and

5 who is actually occupying a seat beside the driver; or

6 (D) when the licensee is operating a motorcycle, at any time when

7 accompanied by an adult who is at least 21 years of age, who is the holder

8 of a valid class M driver's license and who is operating a motorcycle in

9 the general proximity of the licensee.

10 (2) The restricted license shall entitle a licensee who is at least 16

11 years of age but less than 17 years of age to operate the appropriate

12 vehicle at any time:

13 (A) From 5:00 a.m. to 12:00 a.m.;

14 (B) while going to or from or in connection with any job, employment

15 or farm-related work;

16 (C) when the licensee is operating a passenger car, at any time when

17 accompanied by an adult who is at least 21 years of age, who is the holder

18 of a valid commercial driver's license, class A, B or C driver's license and

19 who is actually occupying a seat beside the driver; or

20 (D) when the licensee is operating a motorcycle, at any time when

21 accompanied by an adult who is at least 21 years of age, who is the holder

22 of a valid class M driver's license and who is operating a motorcycle in

23 the general proximity of the licensee.

24 (c) Any licensee issued a restricted license under this section: (1) Who

25 is less than 16 years of age shall not operate any motor vehicle with

26 nonsibling minor passengers; or (2) who is at least 16 years of age, but

27 less than 17 years of age shall not operate any motor vehicle with more

28 than three passengers who are not members of the licensee's immediate

29 family.

30 Any conviction for violating this subsection shall be construed as a

31 moving traffic violation for the purpose of K.S.A. 8-255, and amendments

32 thereto.

33 (d) Any licensee issued a restricted license under this section shall

34 not operate a wireless communication device while driving a motor

35 vehicle.

36 (e) A restricted driver's license issued under this section is subject to

37 suspension or revocation in the same manner as any other driver's license.

38 (1) A restricted driver's license shall be suspended in accordance with

39 K.S.A. 8-291, and amendments thereto, for any violation of restrictions

40 under this section.

41 (2) The division shall suspend the restricted driver's license upon re-

42 ceiving satisfactory evidence that the licensee has been involved in two

43 or more accidents chargeable to the licensee and such suspended license

1 shall not be reinstated for one year.

2 (f) Any licensee issued a restricted license under this subsection on  
3 and after July 1, 2008, shall provide prior to reaching 16 years of age, a  
4 signed affidavit of either a parent or guardian, stating that the applicant  
5 has completed the required 30 hours prior to being issued a restricted  
6 license and 30 hours of additional adult supervised driving. Of the 60  
7 hours required by this subsection, at least 20 of those hours shall be at  
8 night. The adult supervised driving shall be conducted by an adult who  
9 is at least 21 years of age and is the holder of a valid commercial driver's  
10 license, class A, B or C driver's license.

11 Evidence of failure of any licensee who was required to complete the  
12 60 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 (g) Any licensee issued a restricted license under this subsection who:

16 (1) Is under the age of 17 years and is convicted of two or more  
17 moving traffic violations committed on separate occasions shall not be  
18 eligible to receive a driver's license which is not restricted in accordance  
19 with the provisions of this section until the person reaches 18 years of  
20 age; or

21 (2) fails to provide the affidavit required under subsection (f) shall  
22 not be eligible to receive a driver's license which is not restricted in ac-  
23 cordance with the provisions of this section until the person provides such  
24 affidavit to the division or the person reaches 18 years of age, whichever  
25 occurs first.

26 (h) This section shall be a part of and supplemental to the motor  
27 vehicle driver's license act.

28 Sec. 3. K.S.A. 2007 Supp. 8-234a is hereby amended to read as fol-  
29 lows: 8-234a. (a) As used in the motor vehicle drivers' license act, the  
30 following words and phrases shall have the meanings respectively ascribed  
31 to them herein:

32 (1) "Drivers' license examiner" or "examiner" means a drivers' li-  
33 cense examiner of the division of vehicles or any person whom the direc-  
34 tor of vehicles has authorized, pursuant to the authority granted by this  
35 act, to accept applications for drivers' licenses and administer the exam-  
36 inations required for the issuance or renewal of drivers' licenses. Any  
37 county treasurer authorized to accept applications for drivers' licenses or  
38 administer drivers' license examinations shall be deemed to be acting as  
39 an agent of the state of Kansas;

40 (2) "nonresident" means every person who is not a resident of this  
41 state. For the purposes of the motor vehicle drivers' license act any person  
42 who owns, rents or leases real estate in Kansas as such person's residence  
43 and engages in a trade, business or profession within Kansas or registers

1 to vote in Kansas or enrolls such person's children in a school in this state  
2 or purchases Kansas registration for a motor vehicle, shall be deemed a  
3 resident of the state of Kansas 90 days after the conditions stated in this  
4 subsection commence, except that military personnel on active duty and  
5 their military dependents who are residents of another state, shall not be  
6 considered residents of the state of Kansas for the purpose of this act;

7 (3) "patrol" means the state highway patrol;

8 (4) "address of principal residence" means: (A) The place where a  
9 person makes his or her permanent principal home; (B) place where a  
10 person resides, has an intention to remain and where they intend to return  
11 following an absence; or (C) place of habitation to which, whenever the  
12 person is absent, the person intends to return. If a person eats at one  
13 place and sleeps at another, the place where the person sleeps shall be  
14 considered the person's address of principal residence; ~~and~~

15 (5) "state" means a state of the United States, the District of Colum-  
16 bia, Puerto Rico, the Virgin Islands, Guam, American Samoa and the  
17 Commonwealth of Northern Mariana Islands; *and*

18 (6) "*wireless communication device*" means any wireless electronic  
19 communication device that provides for voice or data communication be-  
20 tween two or more parties, including, but not limited to, a mobile or  
21 cellular telephone, a text messaging device, a personal digital assistant  
22 that sends or receives messages, an audio-video player that sends or re-  
23 ceives messages or a laptop computer.

24 (b) As used in this act, the words and phrases defined by the sections  
25 in article 14 of chapter 8 of the Kansas Statutes Annotated, and amend-  
26 ments thereto, shall have the meanings respectively ascribed to them  
27 therein, unless a different meaning is ascribed to any such word or phrase  
28 by subsection (a) of this section.

29 Sec. 4. K.S.A. 8-235d is hereby amended to read as follows: 8-235d.

30 (a) Drivers' license examiners of the division shall accept original appli-  
31 cations for drivers' licenses and instruction permits, as distinguished from  
32 applications for renewals of licenses, on forms prescribed by the division  
33 and also shall issue instruction permits. Drivers' license examiners of the  
34 division shall examine every applicant for a driver's license who is required  
35 by the provisions of the motor vehicle drivers' license act to be examined.  
36 Such examination shall be held in the county where the applicant resides  
37 or at a place adjacent thereto reasonably convenient to the applicant or  
38 at a location established by the secretary for the issuance of a commercial  
39 driver's license. Such examination shall include a test of the applicant's  
40 eyesight, the applicant's ability to read and understand highway signs reg-  
41 ulating, warning and directing traffic, the applicant's knowledge of the  
42 traffic laws of this state and shall include an actual demonstration of ability  
43 to exercise ordinary and reasonable control in the operation of motor

1 vehicles which the class of license applied for would entitle the applicant  
2 to drive. At the conclusion of the examination the examiner shall issue a  
3 license to the applicant, if the applicant has successfully passed the ex-  
4 amination with the class of license the applicant has applied for.

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

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

9 (2) any person who is under the age of 18 years and at least ~~16~~ 17  
10 years of age, who is applying for a driver's license for the first time, not  
11 including an instruction permit, shall submit a signed affidavit of either  
12 a parent or guardian, stating that the applicant has completed at least ~~50~~  
13 60 hours of adult supervised driving with at least ~~10~~ 20 of those hours  
14 being at night. The required adult supervised driving required in this  
15 subsection shall be conducted by an adult who is at least 21 years of age  
16 and is the holder of a valid commercial driver's license, class A, B or C  
17 driver's license.

18 Evidence of failure of any licensee who was required to complete the  
19 ~~50~~ 60 hours of adult supervised driving under this subsection shall not be  
20 admissible in any action for the purpose of determining any aspect of  
21 comparative negligence or mitigation of damages.

22 Sec. 5. K.S.A. 2007 Supp. 8-237 is hereby amended to read as fol-  
23 lows: 8-237. The division of vehicles shall not issue any driver's license to  
24 any person:

25 (a) Who is under the age of ~~16~~ 17 years, except that the division may  
26 issue a restricted class C or M license, as provided in ~~this act, to any~~  
27 ~~person who: (1) Is at least 15 years of age, (2) has successfully completed~~  
28 ~~an approved course in driver training, (3) has held an instructional permit~~  
29 ~~issued under the provisions of K.S.A. 8-239, and amendments thereto,~~  
30 ~~for a period of at least six months and has completed at least 25 hours of~~  
31 ~~adult supervised driving, and (4) upon the written application of the per-~~  
32 ~~son's parent or guardian. The required adult supervised driving required~~  
33 ~~in clause (3) above shall be conducted by an adult who is at least 21 years~~  
34 ~~of age and is the holder of a valid commercial driver's license, class A, B~~  
35 ~~or C driver's license. Except as hereafter provided, the application of the~~  
36 ~~parent or guardian shall be submitted to the division. The governing body~~  
37 ~~of any city, by ordinance, may require the application of any person who~~  
38 ~~is under 16 years of age and who resides within the city to be first sub-~~  
39 ~~mitted to the chief law enforcement officer of the city. The board of~~  
40 ~~county commissioners of any county, by resolution, may require the ap-~~  
41 ~~plication of any person who is under 16 years of age and who resides~~  
42 ~~within the county and outside the corporate limits of any city to be first~~  
43 ~~submitted to the chief law enforcement officer of the county. No ordi-~~

1 ~~nance or resolution authorized by this subsection shall become effective~~  
2 ~~until a copy of it is transmitted to the division of vehicles. The chief law~~  
3 ~~enforcement officer of any city or county which has adopted the ordi-~~  
4 ~~nance or resolution authorized by this subsection shall make a recom-~~  
5 ~~mendation on the application as to the necessity for the issuance of the~~  
6 ~~restricted license, and the recommendation shall be transmitted, with the~~  
7 ~~application, to the division of vehicles. If the division finds that it is nec-~~  
8 ~~essary to issue the restricted license, it shall issue a driver's license to the~~  
9 ~~person.~~  
10 ~~—A restricted class C license issued under this subsection shall entitle~~  
11 ~~the licensee, while possessing the license, to operate any motor vehicle~~  
12 ~~in class C, as designated in K.S.A. 8-234b, and amendments thereto. A~~  
13 ~~restricted class M license shall entitle the licensee, while possessing such~~  
14 ~~license, to operate a motorcycle. The restricted license shall entitle the~~  
15 ~~licensee to operate the appropriate vehicle at any time:~~  
16 ~~—(1) While going to or from or in connection with any job, employment~~  
17 ~~or farm-related work;~~  
18 ~~—(2) on days while school is in session, over the most direct and ac-~~  
19 ~~cessible route between the licensee's residence and school of enrollment~~  
20 ~~for the purposes of school attendance;~~  
21 ~~—(3) when the licensee is operating a passenger car, at any time when~~  
22 ~~accompanied by an adult who is the holder of a valid commercial driver's~~  
23 ~~license, class A, B or C driver's license and who is actually occupying a~~  
24 ~~seat beside the driver; or~~  
25 ~~—(4) when the licensee is operating a motorcycle, at any time when~~  
26 ~~accompanied by an adult who is the holder of a valid class M driver's~~  
27 ~~license and who is operating a motorcycle in the general proximity of the~~  
28 ~~licensee.~~  
29 ~~—Any licensee issued a restricted license under this subsection shall not~~  
30 ~~operate any motor vehicle with nonsibling minor passengers and any con-~~  
31 ~~viction for violating this provision shall be construed as a moving traffic~~  
32 ~~violation for the purpose of K.S.A. 8-255, and amendments thereto.~~  
33 ~~—A restricted driver's license issued under this subsection is subject to~~  
34 ~~suspension or revocation in the same manner as any other driver's license.~~  
35 ~~In addition, the division may suspend the restricted driver's license upon~~  
36 ~~receiving satisfactory evidence that: (1) The licensee has violated the re-~~  
37 ~~striction of the license, (2) the licensee has been involved in two or more~~  
38 ~~accidents chargeable to the licensee or (3) the recommendation of the~~  
39 ~~chief law enforcement officer of any city or county requiring the rec-~~  
40 ~~ommendation has been withdrawn. The suspended license shall not be~~  
41 ~~reinstated for one year or until the licensee reaches the age of 16, which-~~  
42 ~~ever period is longer.~~  
43 ~~—Any licensee issued a restricted license under this subsection who: (1)~~

1 ~~Is under the age of 16 years and is convicted of two or more moving~~  
2 ~~traffic violations committed on separate occasions shall not be eligible to~~  
3 ~~receive a driver's license which is not restricted in accordance with the~~  
4 ~~provisions of this subsection until the person reaches 17 years of age, or~~  
5 ~~(2) fails to provide the required affidavit stating that the licensee has~~  
6 ~~completed at least 50 hours of adult supervised driving with 10 of those~~  
7 ~~hours being at night shall not be eligible to receive a driver's license which~~  
8 ~~is not restricted in accordance with the provisions of this subsection until~~  
9 ~~the person provides such affidavit to the division or the person reaches~~  
10 ~~17 years of age, whichever occurs first.~~

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

20 ~~—Evidence of failure of any licensee who was required to complete the~~  
21 ~~50 hours of adult supervised driving under this subsection shall not be~~  
22 ~~admissible in any action for the purpose of determining any aspect of~~  
23 ~~comparative negligence or mitigation of damages section 2, and amend-~~  
24 ~~ments thereto, or a farm permit, under K.S.A. 8-296, and amendments~~  
25 ~~thereto.~~

26 (b) Who is under the age of 18 years, except as provided in K.S.A. 8-  
27 2,147, and amendments thereto, for the purpose of driving a commercial  
28 or class A or B motor vehicle.

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

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

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

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



1 examination.

2 (g) Who is at least 16 years of age and less than 17 years of age, who  
3 is applying for a driver's license for the first time since reaching 16 years  
4 of age and who, three times or more, has been adjudged to be a traffic  
5 offender under the Kansas juvenile code or a juvenile offender under the  
6 revised Kansas juvenile justice code, by reason of violation of one or more  
7 statutes regulating the movement of traffic on the roads, streets or high-  
8 ways of this state, except that, in the discretion of the director, the person  
9 may be issued a driver's license which is restricted in the manner the  
10 division deems to be appropriate. No person described by this subsection  
11 shall be eligible to receive a driver's license which is not restricted until  
12 the person has reached the age of 17 years.

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

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

17 Sec. 6. K.S.A. 8-239 is hereby amended to read as follows: 8-239. ~~(a)~~  
18 Any person who is at least ~~14~~ 18 years of age may apply to the division  
19 for an instruction permit. The division may in its discretion, after the  
20 applicant has successfully passed all parts of the examination other than  
21 the driving test, issue to the applicant an instruction permit which shall  
22 entitle the applicant while having such permit in such person's immediate  
23 possession to drive a passenger car upon the public highways for a period  
24 of one year subject to the restrictions herein contained. ~~The division may~~  
25 ~~issue an instruction or restricted instruction permit to any person who is~~  
26 ~~at least 14 years of age and under the age of 16 years only upon the~~  
27 ~~written application of a parent or guardian of the minor.~~ The one having  
28 the instruction permit may operate a passenger car at any time when  
29 accompanied by an adult *who is at least 21 years of age*, who is the holder  
30 of a valid commercial driver's license, class A, B or C driver's license, who  
31 has had at least one year of driving experience and who is occupying a  
32 seat beside the driver. Any person who is at least 14 years of age may  
33 apply for an instruction permit to operate a motorcycle either separate  
34 from or in conjunction with an instruction permit to operate a passenger  
35 car, and such permit shall entitle the permittee to operate a motorcycle  
36 if such person is accompanied by an adult *who is at least 21 years of age*,  
37 who is the holder of a valid class M driver's license, who has had at least  
38 one year of driving experience and who is riding a motorcycle in the  
39 general proximity of the permittee.

40 ~~(b) The division upon receiving proper application may issue in its~~  
41 ~~discretion a restricted instruction permit effective for a school year or for~~  
42 ~~a more restricted period to an applicant who is at least 14 years of age~~  
43 ~~and who is enrolled in a driver-education program which includes practice~~

1 driving and which is approved by the division, even though the applicant  
2 has not reached the legal age to be eligible for a driver's license. Such  
3 instruction permit shall entitle the permittee when the person has such  
4 permit in such person's immediate possession to operate a passenger car  
5 only on a designated highway or within a designated area but only when  
6 an approved instructor is occupying a seat beside the permittee or when  
7 such permit has been endorsed by an approved instructor to operate a  
8 passenger car with a parent or guardian who is the holder of a valid  
9 commercial driver's license, class A, B or C driver's license, who has had  
10 at least one year of driving experience and who is occupying a seat beside  
11 the driver.

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

25 Sec. 7. K.S.A. 8-291 is hereby amended to read as follows: 8-291. (a)  
26 It is a misdemeanor for any person to operate a motor vehicle in violation  
27 of the restrictions on any driver's license or permit imposed pursuant to  
28 any statute.

29 (b) (1) Any person guilty of violating this section, upon the first con-  
30 viction, shall be fined not to exceed \$250, and the court shall suspend  
31 such person's privilege to operate a motor vehicle for ~~not less than~~ 30  
32 days ~~and not more than two years~~.

33 (2) Any person guilty of violating this section, upon a second ~~or sub-~~  
34 ~~sequent~~ conviction, shall be fined not to exceed \$500, and the court shall  
35 suspend such person's privilege to operate a motor vehicle for ~~not less~~  
36 ~~than~~ 90 days ~~and not more than two years~~.

37 (3) *A person guilty of violating this section upon a third or subsequent*  
38 *conviction, shall be fined not to exceed \$750, and the court shall suspend*  
39 *such person's privilege to operate a motor vehicle for 1 year.*

40 ~~(c)—~~In addition to the penalties provided by subsections (b)(1) and  
41 (2), if the conviction is for a violation of this section committed after June  
42 30, 1994, and before July 1, 1996, and committed while the person's  
43 driving privileges are restricted pursuant to K.S.A. 8-1014 and amend-

1 ~~ments thereto, the division upon completion of the period of suspension~~  
 2 ~~provided by this section, shall restrict the person's driving privileges for~~  
 3 ~~an additional 120 days to driving only a motor vehicle equipped with an~~  
 4 ~~ignition interlock device, as defined by K.S.A. 8-1013 and amendments~~  
 5 ~~thereto, approved by the division and obtained, installed and maintained~~  
 6 ~~at the person's expense.~~

7 ~~—On or before February 1, 1996, the division shall report to the legis-~~  
 8 ~~lature regarding the use of the provisions of this subsection and making~~  
 9 ~~recommendations concerning continuation or modification of such~~  
 10 ~~provisions.~~

11 ~~—(d) (c)~~ Nothing in this section shall limit a court in imposing penalties,  
 12 conditions or restrictions authorized by any other statute arising from the  
 13 same occurrence in addition to penalties and suspensions imposed under  
 14 this section.

15 Sec. 8. K.S.A. 8-296 is hereby amended to read as follows: 8-296. (a)  
 16 Any person who is less than ~~16~~ 17 years of age but is at least 14 years of  
 17 age and who resides upon a farm in this state or is employed for com-  
 18 pensation upon a farm in this state may apply to the division of vehicles  
 19 for a farm permit authorizing such person, while possessing the permit,  
 20 to operate any motor vehicle in class C, as designated in K.S.A. 8-234b,  
 21 and amendments thereto.

22 (1) ~~The~~ A farm permit shall entitle the licensee *who is at least 14*  
 23 *years of age, but less than 16 years of age* to operate such motor vehicles  
 24 at any time:

25 ~~(1)~~ (A) While going to or from or in connection with any farm job,  
 26 employment or other farm-related work;

27 ~~(2)~~ (B) on days while school is in session, over the most direct and  
 28 accessible route between the licensee's residence and school of enroll-  
 29 ment for the purpose of school attendance; or

30 ~~(3)~~ (C) when the licensee is operating a passenger car at any time  
 31 when accompanied by an adult who is *at least 21 years of age, who is the*  
 32 *holder of a valid commercial driver's license, class A, B or C driver's*  
 33 *license and who is actually occupying a seat beside the driver.*

34 (2) A farm permit shall entitle the licensee *who is at least 16 years of*  
 35 *age, but less than 17 years of age* to operate such motor vehicles at any  
 36 time:

37 (A) *From 5:00 a.m. to 12:00 a.m.;*

38 (B) *while going to or from or in connection with any farm job, em-*  
 39 *ployment or other farm-related work; or*

40 (C) *when the licensee is operating a passenger car at any time when*  
 41 *accompanied by an adult who is at least 21 years of age, who is the holder*  
 42 *of a valid commercial driver's license, class A, B or C driver's license and*  
 43 *who is actually occupying a seat beside the driver.*

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

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

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

6 (3) the applicant submits the signed affidavit of either a parent or  
7 guardian, stating that the applicant lives on a farm or, if the applicant  
8 does not live on a farm but works on a farm, the applicant submits the  
9 signed affidavit of the applicant's employer and parent or guardian, at-  
10 testing to such employment.

11 (c) Any licensee issued a farm permit under this section:

12 (1) *Who is less than 16 years of age* shall not operate any motor  
13 vehicle with nonsibling minor passengers ~~and~~; or

14 (2) *who is at least 16 years of age, but less than 17 years of age, shall*  
15 *not operate any motor vehicle with more than three passengers who are*  
16 *not members of the licensee's immediate family.*

17 Any conviction for violating this ~~provision~~ subsection shall be construed  
18 as a moving traffic violation for the purpose of K.S.A. 8-255, and amend-  
19 ments thereto.

20 (d) *Any licensee issued a farm permit under this section shall not*  
21 *operate a wireless communication device while driving a motor vehicle.*

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

24 ~~(f)~~ (f) A farm permit issued under this section is subject to suspension  
25 or revocation in the same manner as any other driver's license. ~~A person~~  
26 ~~who has been issued a farm permit and who violates this section by driving~~  
27 ~~beyond the scope allowed in subsection (a) shall lose the farm permit and~~  
28 ~~shall be issued no other driver's license for a period of one year or until~~  
29 ~~the person reaches 16 years of age, whichever period is longer. A farm~~  
30 ~~permit shall be suspended in accordance with K.S.A. 8-291, and amend-~~  
31 ~~ments thereto, for any violation of restrictions under this section.~~

32 ~~(g)~~ (g) Any licensee issued a farm permit under this section on and  
33 after July 1, ~~1999~~ 2009, shall provide prior to reaching 16 years of age, a  
34 signed affidavit of either a parent or guardian, stating that the applicant  
35 has completed at least ~~50~~ 60 hours of adult supervised driving with at  
36 least ~~10~~ 20 of those hours being at night. The adult supervised driving  
37 required by this paragraph shall be conducted by an adult who is at least  
38 21 years of age and is the holder of a valid commercial driver's license,  
39 class A, B or C driver's license.

40 Evidence of failure of any licensee who was required to complete the  
41 ~~50~~ 60 hours of adult supervised driving under this subsection shall not be  
42 admissible in any action for the purpose of determining any aspect of  
43 comparative negligence or mitigation of damages.

- 1 ~~(g)~~ (h) Any licensee issued a farm permit under this section who:  
2 (1) Is under the age of ~~16~~ 17 years and is convicted of two or more  
3 moving traffic violations committed on separate occasions shall not be  
4 eligible to receive a driver's license which is not restricted in accordance  
5 with the provisions of ~~subsection (a)~~ *this section*, until the person reaches  
6 ~~17~~ 18 years of age; or  
7 (2) fails to provide the affidavit required under subsection ~~(f)~~ (g), shall  
8 not be eligible to receive a driver's license which is not restricted in ac-  
9 cordance with the provisions of ~~subsection (a)~~ *subsections (a)(1), (c) and*  
10 *(d)*, until the person provides such affidavit to the division or the person  
11 reaches ~~17~~ 18 years of age, whichever occurs first.
- 12 Sec. 9. K.S.A. 8-297 is hereby amended to read as follows: 8-297.  
13 Notwithstanding any other provisions of this act, any person who held  
14 any valid restricted class C or class M driver's license, instruction permit  
15 ~~or~~, restricted instruction permit *or farm permit* on the effective date of  
16 this act may continue to operate motor vehicles subject to the conditions,  
17 limitations and restrictions contained in K.S.A. 8-237 ~~and~~, 8-239 *and* 8-  
18 296, and amendments thereto, as in effect on ~~June 30, 1993~~ *December*  
19 *31, 2008*.
- 20 Sec. 10. K.S.A. 2007 Supp. 72-89c02 is hereby amended to read as  
21 follows: 72-89c02. (a) Whenever a pupil who has attained the age of 13  
22 years has been expelled from school or suspended for an extended term  
23 in accordance with K.S.A. 72-8901 et seq. or 72-89a01 et seq., and amend-  
24 ments thereto, and such suspension or expulsion was imposed for com-  
25 mitting a school safety violation, the chief administrative officer of the  
26 school from which the student was suspended or expelled shall notify the  
27 appropriate law enforcement agency of the suspension or expulsion. The  
28 notice shall be given within 10 days, excluding holidays and weekends,  
29 after the imposition of the expulsion or suspension. The notice shall in-  
30 clude the pupil's name, address, date of birth, driver's license number, if  
31 available, a description of the school safety violation committed by the  
32 pupil and the date the pupil was expelled or suspended for an extended  
33 term. Following receipt of the notice, the law enforcement agency shall  
34 notify the division of the suspension or expulsion. The notice shall be  
35 given within 10 days, excluding holidays and weekends, of the date of  
36 receipt of notice from the chief administrative officer of the school from  
37 which the student was suspended or expelled. The notice shall include  
38 the pupil's name, address, date of birth, driver's license number, if avail-  
39 able, a description of the school safety violation committed by the pupil  
40 and the date the pupil was expelled or suspended for an extended term.  
41 A copy of the notice also shall be given to the pupil and to the parent or  
42 guardian of the pupil.
- 43 (b) If timely notice is not given to the appropriate law enforcement

1 agency or to the division as specified in subsection (a), the division of  
2 vehicles shall not suspend the pupil's driver's license or privilege to op-  
3 erate a motor vehicle on the streets and highways of this state.

4 (c) If timely notice is given to the appropriate law enforcement  
5 agency and the division as specified in subsection (a), the division of ve-  
6 hicles immediately shall suspend the pupil's driver's license or privilege  
7 to operate a motor vehicle on the streets and highways of this state. The  
8 duration of the suspension shall be for a period of one year. Upon expi-  
9 ration of the period of suspension, the pupil may apply to the division for  
10 return of the license. If the license has expired, the pupil may apply for  
11 a new license, which shall be issued promptly upon payment of the proper  
12 fee and satisfaction of other conditions established by law for obtaining a  
13 license unless another suspension or revocation of the pupil's privilege to  
14 operate a motor vehicle is in effect. If the pupil does not have a driver's  
15 license, the pupil's driving privileges shall be revoked. If timely notice is  
16 given to the appropriate law enforcement agency and the division as re-  
17 quired by subsection (a), no Kansas driver's license shall be issued to a  
18 pupil whose driving privileges have been revoked pursuant to this sub-  
19 section for a period of one year:

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

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

26 (d) If the pupil's driver's license or driving privilege has been revoked,  
27 suspended or canceled for another cause, the suspension or revocation  
28 required by this section shall apply consecutively to the previous revo-  
29 cation, suspension or cancellation.

30 (e) Upon suspension or revocation of a pupil's driver's license or driv-  
31 ing privilege to operate a motor vehicle as provided in this section, the  
32 division of vehicles shall immediately notify the pupil in writing. If the  
33 pupil makes a written request for hearing within 30 days after such notice  
34 of suspension or revocation, the division of vehicles shall afford the pupil  
35 an opportunity for a hearing as provided by K.S.A. 8-255, and amend-  
36 ments thereto, except that the scope of the hearing shall be limited to  
37 determination of whether notice was given to the appropriate law en-  
38 forcement agency and the division within the time specified in subsection  
39 (a).

40 (f) For the purposes of this section, the term driver's license includes;  
41 ~~in addition to any commercial driver's license and any class A, B, C or M~~  
42 ~~driver's license, any restricted license issued under K.S.A. 8-237, and~~  
43 ~~amendments thereto, any instruction permit issued under K.S.A. 8-239,~~

1 ~~and amendments thereto, and any farm permit issued under K.S.A. 8-~~  
2 ~~296~~ *any license or permit to operate a motor vehicle issued under the*  
3 *provisions of article 2 of chapter 8 of the Kansas Statutes Annotated, and*  
4 *amendments thereto.*

5     Sec. 11. K.S.A. 8-235d, 8-239, 8-291, 8-296 and 8-297 and K.S.A.  
6 2007 Supp. 8-234a, 8-237 and 72-89c02 are hereby repealed.

7     Sec. 12. This act shall take effect and be in force from and after  
8 January 1, 2009, and its publication in the statute book.