

## HOUSE BILL No. 2483

By Committee on Transportation

1-20

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9 AN ACT relating to drivers' licenses; concerning requirements for re-  
10 stricted driver's license; amending K.S.A. 2009 Supp. 8-2,101 and re-  
11 pealing the existing section.  
12

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

14 Section 1. K.S.A. 2009 Supp. 8-2,101 is hereby amended to read as  
15 follows: 8-2,101. The division of vehicles may issue a restricted class C or  
16 M driver's license in accordance with the provisions of this section. A  
17 restricted class C license issued under this section shall entitle the li-  
18 censee, while possessing the license, to operate any motor vehicle in class  
19 C, as designated in K.S.A. 8-234b, and amendments thereto. A restricted  
20 class M license shall entitle the licensee, while possessing such license,  
21 to operate a motorcycle.

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

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

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

26 ~~(3)~~ has held an instructional permit issued under the provisions of  
27 K.S.A. 8-239, and amendments thereto, for a period of at least one year  
28 and has completed at least 25 hours of adult supervised driving; and

29 ~~(4)~~ (3) upon the written application of the person's parent or guard-  
30 ian, which shall be submitted to the division.

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

40 (b) (1) A restricted license issued under subsection (a) shall entitle a  
41 licensee who is at least 15 years of age but less than 16 years of age, to  
42 operate the appropriate motor vehicles at any time:

43 (A) While going to or from or in connection with any job, employ-

1 ment or farm-related work;

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

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

9 (D) when the licensee is operating a motorcycle, at any time when  
10 accompanied by an adult, who is the holder of a valid class M driver's  
11 license and who is operating a motorcycle in the general proximity of the  
12 licensee.

13 (2) For a period of six months, a restricted license issued under sub-  
14 section (a) shall entitle a licensee who is at least 16 years of age to operate  
15 the appropriate motor vehicles at any time:

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

17 (B) while going to or from or in connection with any job, employment  
18 or farm-related work;

19 (C) while going to or from authorized school activities;

20 (D) when the licensee is operating a passenger car, at any time when  
21 accompanied by an adult, who is the holder of a valid commercial driver's  
22 license, class A, B or C driver's license and who is actually occupying a  
23 seat beside the driver; or

24 (E) when the licensee is operating a motorcycle, at any time when  
25 accompanied by an adult, who is the holder of a valid class M driver's  
26 license and who is operating a motorcycle in the general proximity of the  
27 licensee.

28 After such six-month period, if the licensee has complied with the pro-  
29 visions of this section, such restricted license shall entitle the licensee to  
30 operate the appropriate motor vehicles at any time without any of the  
31 restrictions required by this section.

32 (c) (1) The division may issue a restricted class C or M driver's li-  
33 cense to any person who is under 17 years of age but at least 16 years of  
34 age, who:

35 (A) Has held an instructional permit issued under the provisions of  
36 K.S.A. 8-239, and amendments thereto, for a period of at least one year;  
37 and

38 (B) has submitted a signed affidavit of either a parent or guardian,  
39 stating that the applicant has completed at least 50 hours of adult super-  
40 vised driving with at least 10 of those hours being at night. The required  
41 adult supervised driving shall be conducted by an adult who is at least 21  
42 years of age and is the holder of a valid commercial driver's license, class  
43 A, B or C driver's license.

- 1 (2) For a period of six months, a restricted license issued under sub-  
2 section (c)(1) shall entitle a licensee to operate the appropriate motor  
3 vehicles at any time:
- 4 (A) From 5:00 a.m. to 9:00 p.m.;
  - 5 (B) while going to or from or in connection with any job, employment  
6 or farm-related work;
  - 7 (C) while going to or from authorized school activities;
  - 8 (D) when the licensee is operating a passenger car, at any time when  
9 accompanied by an adult, who is the holder of a valid commercial driver's  
10 license, class A, B or C driver's license and who is actually occupying a  
11 seat beside the driver; or
  - 12 (E) when the licensee is operating a motorcycle, at any time when  
13 accompanied by an adult, who is the holder of a valid class M driver's  
14 license and who is operating a motorcycle in the general proximity of the  
15 licensee.
- 16 After such six-month period, if the licensee has complied with the pro-  
17 visions of this section, such restricted license shall entitle the licensee to  
18 operate the appropriate motor vehicles at any time without any of the  
19 restrictions required by this section.
- 20 (d) (1) Any licensee issued a restricted license under subsection (a):
- 21 (A) Who is less than 16 years of age shall not operate any motor  
22 vehicle with nonsibling minor passengers; or
  - 23 (B) who is at least 16 years of age, for a period of six months after  
24 reaching 16 years of age, shall not operate any motor vehicle with more  
25 than one passenger who is less than 18 years of age and who is not a  
26 member of the licensee's immediate family.
- 27 (2) Any licensee issued a restricted license under subsection (c), for  
28 a period of six months after such restricted license is issued, shall not  
29 operate any motor vehicle with more than one passenger who is less than  
30 18 years of age and who is not a member of the licensee's immediate  
31 family.
- 32 (3) Any conviction for violating this subsection shall be construed as  
33 a moving traffic violation for the purpose of K.S.A. 8-255, and amend-  
34 ments thereto.
- 35 (e) Any licensee issued a restricted license under this section shall  
36 not operate a wireless communication device while driving a motor ve-  
37 hicle, except that a licensee may operate a wireless communication device  
38 while driving a motor vehicle to report illegal activity or to summons  
39 medical or other emergency help.
- 40 (f) (1) A restricted driver's license issued under this section is subject  
41 to suspension or revocation in the same manner as any other driver's  
42 license.
- 43 (2) A restricted driver's license shall be suspended in accordance with

1 K.S.A. 8-291, and amendments thereto, for any violation of restrictions  
2 under this section.

3 (3) The division shall suspend the restricted driver's license upon re-  
4 ceiving satisfactory evidence that the licensee has been involved in two  
5 or more accidents chargeable to the licensee and such suspended license  
6 shall not be reinstated for one year.

7 (g) Evidence of failure of any licensee who was required to complete  
8 the 50 hours of adult supervised driving under this section shall not be  
9 admissible in any action for the purpose of determining any aspect of  
10 comparative negligence or mitigation of damages.

11 (h) Any licensee issued a restricted license under:

12 (1) Subsection (a) who:

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

18 (B) is under 17 years of age but at least 16 years of age and is con-  
19 victed of two or more moving traffic violations committed on separate  
20 occasions shall not be eligible to receive a driver's license which is not  
21 restricted in accordance with the provisions of subsection (b)(2) until the  
22 person reaches 18 years of age; or

23 (C) fails to provide the affidavit required under subsection (a) shall  
24 not be eligible to receive a driver's license which is not restricted in ac-  
25 cordance with the provisions of subsection (b)(1) until the person provides  
26 such affidavit to the division or the person reaches 17 years of age, which-  
27 ever occurs first.

28 (2) Subsection (c) who is under the age of 17 years and is convicted  
29 of two or more moving traffic violations committed on separate occasions  
30 shall not be eligible to receive a driver's license which is not restricted in  
31 accordance with the provisions of subsection (c) until the person reaches  
32 18 years of age.

33 (i) This section shall be a part of and supplemental to the motor  
34 vehicle driver's license act.

35 Sec. 2. K.S.A. 2009 Supp. 8-2,101 is hereby repealed.

36 Sec. 3. This act shall take effect and be in force from and after its  
37 publication in the Kansas register.