

Journal of the House

FIFTY-NINTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Monday, April 8, 2002, 2:30 p.m.

The House met pursuant to adjournment with Speaker pro tem Aurand in the chair, who announced roll call would not be taken.

Prayer by Chaplain Chamberlain:

Life-giving God, outside our windows this day, a steady, welcome rain continues to fall. Why do we call these days gloomy? Why do we think of rainy days as less than perfect? It is a burden when the "skies are not cloudy all day," O Lord. So we thank you for the rain that falls upon the land. We thank you for the crops it nourishes. We thank you that we live in a special place on your earth where the food that we need is so abundant. We thank you for those who care for the earth and serve as stewards to the bounty it yields.

And now O God of life-giving rain, send the nourishment of your Spirit upon this legislature. Though seeds of new ideas and visions have been planted and the soil mightily tilled with discussion and debate, your Spirit of fellowship and care is needed if a harvest is to become real. Soak the ground with openness, compassion, charity and courage. Bless the members of this House as they selflessly pursue their responsibilities. Bring forth a harvest that meets the need of all your people.

We will not call the day gloomy, O God, but will praise and bless your Holy Name. Amen.

The Pledge of Allegiance was led by Rep. R. Toelkes.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: **SB 438**, **SB 648**, **SB 651**.

MESSAGES FROM THE GOVERNOR

HB 2658, **HB 2673**, **HB 2794** approved on April 5, 2002.

COMMUNICATIONS FROM STATE OFFICERS

From Kay McFarland, Chief Justice, pursuant to K.S.A. 20-320, State of the Judiciary, 2002 Annual Report.

From Marilyn Scafe, Chair, Kansas Parole Board, pursuant to K.S.A. 22-3710, Annual Report of the Kansas Parole Board for Fiscal Year 2001.

The complete reports are kept on file and open for inspection in the office of the Chief Clerk.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

Speaker pro tem Aurand announced that order of business, Final Action on Bills and Concurrent Resolutions, would be passed over today.

REPORTS OF STANDING COMMITTEES

The Committee on **Judiciary** recommends **SB 559** be amended on page 1, after line 16, by inserting the following:

“Section 1. K.S.A. 8-237 is hereby amended to read as follows: 8-237. The division of vehicles shall not issue any driver’s license to any person:

(a) Who is under the age of 16 years, except that the division may issue a restricted class C or M license, as provided in this act, to any person who: (1) Is at least 15 years of age; (2) has successfully completed an approved course in driver training; (3) has held an instructional permit issued under the provisions of K.S.A. 8-239, and amendments thereto, for a period of at least six months and has completed at least 25 hours of adult supervised driving; and (4) upon the written application of the person’s parent or guardian. The required adult supervised driving required in clause (3) above shall be conducted by an adult who is at least 21 years of age and is the holder of a valid commercial driver’s license, class A, B or C driver’s license. Except as hereafter provided, the application of the parent or guardian shall be submitted to the division. The governing body of any city, by ordinance, may require the application of any person who is under 16 years of age and who resides within the city to be first submitted to the chief law enforcement officer of the city. The board of county commissioners of any county, by resolution, may require the application of any person who is under 16 years of age and who resides within the county and outside the corporate limits of any city to be first submitted to the chief law enforcement officer of the county. No ordinance or resolution authorized by this subsection shall become effective until a copy of it is transmitted to the division of vehicles. The chief law enforcement officer of any city or county which has adopted the ordinance or resolution authorized by this subsection shall make a recommendation on the application as to the necessity for the issuance of the restricted license, and the recommendation shall be transmitted, with the application, to the division of vehicles. If the division finds that it is necessary to issue the restricted license, it shall issue a driver’s license to the person.

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

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

(2) on days while school is in session, over the most direct and accessible route between the licensee’s residence and school of enrollment for the purposes of school attendance;

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

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

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

A restricted driver’s license issued under this subsection is subject to suspension or revocation in the same manner as any other driver’s license. In addition, the division may suspend the restricted driver’s license upon receiving satisfactory evidence that: (1) The licensee has violated the restriction of the license, (2) the licensee has been involved in two or more accidents chargeable to the licensee or (3) the recommendation of the chief law enforcement officer of any city or county requiring the recommendation has been withdrawn. The suspended license shall not be reinstated for one year or until the licensee reaches the age of 16, whichever period is longer.

Any licensee issued a restricted license under this subsection who: (1) Is under the age of 16 years and is convicted of two or more moving traffic violations committed on separate

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

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

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

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

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

(d) Who is a habitual drunkard, habitual user of narcotic drugs or habitual user of any other drug to a degree which renders the user incapable of safely driving a motor vehicle.

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

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

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

(h) Who has not submitted proof of age ~~or~~, proof of identity *or proof of residency*, as required by K.S.A. 8-240, and amendments thereto.

(i) ~~Whose presence in the United States is in violation of federal immigration laws. Who has not complied with the requirements of subsection (g) of K.S.A. 8-240, and amendments thereto.~~;

Renumber the remaining sections accordingly;

On page 2, in line 8, by striking "thumb-"; in line 9, by striking "print or other biometric" and inserting "facial recognition"; also in line 9, after the period by inserting "In addition, on and after July 1, 2003, an applicant may submit a thumbprint or other identifier as the division makes available."; in line 29, by striking "lawfully present in the United States" and inserting "in compliance with the requirements of subsection (g) if such person is a noncitizen";

On page 3, in line 17, by striking "\$12" and inserting "\$12.50"; in line 19, by striking "\$8" and inserting "\$8.50"; in line 21, by striking "\$6.50" and inserting "\$7"; in line 23, by striking "\$5" and inserting "\$5.50"; in line 25, by striking "\$18" and inserting "\$18.50"; in line 27, by striking "\$12; or" and inserting "\$12.50;"; in line 28, by striking "\$14" and inserting "\$14.50; or

(8) for a temporary driver's permit, \$9.50";

Also on page 3, in line 36, after "(g)" by inserting the following:

"(1) The division shall issue a temporary driver's permit pursuant to the provisions of this subsection.

(2) A temporary driver's permit shall be issued to:

(A) An applicant who is lawfully present in the United States, documented with a visa, but is not a citizen of the United States and has complied with all requirements of the division.

(B) An applicant who is not lawfully present in the United States, but has obtained an internal revenue service individual taxpayer identification number, has proof of Kansas residency and has complied with all requirements of the division.

(C) An applicant for an instruction permit issued pursuant to K.S.A. 8-240, and amendments thereto.

(3) A temporary driver's permit shall be readily distinguishable from all other permits issued by the division.

(4) Except as provided in K.S.A. 8-294, and amendments thereto, a temporary driver's permit shall expire one year from the date of issuance. If a person issued a temporary driver's permit has such person's visa expire, canceled or revoked, such temporary driver's permit shall be revoked. A temporary driver's permit may be renewed annually if the driver remains qualified pursuant to paragraph (2).

(5) A person issued a temporary driver's permit may be issued a driver's license pursuant to Kansas law when the division verifies all facts relative to such applicant's privilege to receive a driver's license. If a person is issued a driver's license, the temporary driver's permit shall be surrendered to the division.

(6) An applicant for a temporary driver's permit pursuant to paragraph (2)(A) or (B) shall apply for such permit in the driver's license examination offices as designated by the director of the division of motor vehicles. Such examination offices shall be widely distributed geographically across the state.

(7) An applicant for a temporary driver's permit pursuant to paragraph (2)(C) may apply for such permit in any driver's license examination office of the division of motor vehicles.

(8) As used in this subsection, proof of residency includes, but shall not be limited to, paid receipts for utility bills and bank statements.

(9) The temporary driver's permit issued pursuant to subsection (2)(A) or (B) shall be considered a license to drive and shall not be considered a form of identification.

(10) An applicant for a temporary driver's permit pursuant to paragraphs (2)(A) or (B) shall submit a thumbprint or other identifier, as the division may require.

(h) There is hereby established in the state treasury the driver's permit education fund. Fifty cents from each driver's permit fee shall be credited to the driver's permit education fund. All moneys received by the division for such fund shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the driver's permit examiners education fund. Moneys in such fund shall be used only for training division of motor vehicle personnel in processing applications for noncitizens and for grants for educational programs designed to educate permit applicants regarding the laws of the United States and Kansas regarding driving rules, vehicle ownership, titling and insurance, and to promote trust and cooperation with law enforcement. Expenditures from the fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the director of the division of motor vehicles or a person designated by the director.

(i)";

On page 5, in line 20, after "license" by inserting "or temporary driver's permit"; in line 33, by striking "thumbprint or other biometric" and inserting "facial recognition"; also in line 33, after the period by inserting "In addition, on and after July 1, 2003, an applicant may submit a thumbprint or other identifier as the division makes available.";

On page 6, in line 6, after "Kansas" by inserting "temporary driver's permit or"; in line 23, after "K.S.A." by inserting "8-237,";

In the title, on page 1, in line 13, before "amending" by inserting "temporary driver's permit;"; in line 14, after "K.S.A." by inserting "8-237," and the bill be passed as amended.

REPORT ON ENGROSSED BILLS

HB 2575, HB 2770, HB 2781, HB 3010 reported correctly engrossed April 5, 2002.

HB 2677 reported correctly re-engrossed April 5, 2002.

On motion of Rep. Ballou, the House adjourned until 9:30 a.m., Tuesday, April 9, 2002.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

