

Approved: 5-2-98
Date

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS.

The meeting was called to order by Chairperson Garry Boston at 2:45 p.m. on May 1, 1998 at the Rail of the Capitol.

All members were present except: There was a quorum present

Committee staff present: Mary Galligan, Legislative Research Department
Jill Wolters, Revisor of Statutes
June Evans, Committee Secretary

Conferees appearing before the committee:

Others attending: See attached list

The Chairperson stated the meeting was called to either delete, move out or change **SB 561** and asked what the wishes were of the committee.

SB 561 - Smoke detector act; residential buildings.

Representative Ballou moved and Representative Mays seconded to gut the smoke alarm portion of SB 561 and amend in Representative Gilmore's amendment concerning drivers under the age of 16. The motion carried. (Attachment 1)

Representatives Gilbert and Crow wished to be recorded as voting NO.

Representative Mays moved and Representative Ballou seconded to move SB 561 out of committee as amended. The motion carried.

Representatives Gilbert, Crow and Grant wished to be recorded as voting NO.

The meeting adjourned at 2:50 p.m.

STATE OF KANSAS

HOUSE OF REPRESENTATIVES

MR. CHAIRMAN:

I move to amend **SB 561**, as amended by House Committee, on page 1, by striking all in lines 17 through 43;

On page 2, by striking all in lines 1 through 43;

On page 3, by striking all in lines 1 through 3 and inserting the following:

"Section 1. K.S.A. 1997 Supp. 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; and (3) upon the written application of the person's parent or guardian. 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 on and after July 1, 1998, shall provide prior to reaching 16 years of age, a signed affidavit of either a parent or guardian, stating that the applicant has completed at least 50 hours of adult supervised driving with at least 10 of those hours being at night. The required adult supervised driving shall be conducted by an adult who is the holder of a valid commercial driver's license, class A, B or C driver's license.

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.

(b) Who is under the age of 18 years, except as provided in K.S.A. 1997 Supp. 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.

Sec. 2. K.S.A. 1997 Supp. 8-239 is hereby amended to read as follows: 8-239. (a) Any person who is at least 14 years of age may apply to the division for an instruction permit. The division may in its discretion, after the applicant has successfully passed all parts of the examination other than the driving test, issue to the applicant an instruction permit which shall entitle the applicant while having such permit in such person's immediate

possession to drive a passenger car upon the public highways for a period of one year subject to the restrictions herein contained. The division may issue an instruction or restricted instruction permit to any person who is at least 14 years of age and under the age of 16 years only upon the written application of a parent or guardian of the minor. The one having the instruction permit may operate 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, who has had at least one year of driving experience and who is occupying a seat beside the driver. Any person who is at least 14 years of age may apply for an instruction permit to operate a motorcycle either separate from or in conjunction with an instruction permit to operate a passenger car, and such permit shall entitle the permittee to operate a motorcycle if such person is accompanied by an adult who is the holder of a valid class M driver's license, who has had at least one year of driving experience and who is riding a motorcycle in the general proximity of the permittee.

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

at least one year of driving experience and who is occupying a seat beside the driver.

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

Sec. 3. K.S.A. 1997 Supp. 8-296 is hereby amended to read as follows: 8-296. (a) Any person who is less than 16 years of age but is at least 14 years of age and who resides upon a farm in this state or is employed for compensation upon a farm in this state may apply to the division of vehicles for a farm permit authorizing such person, while possessing the permit, to operate any motor vehicle in class C, as designated in K.S.A. 8-234b, and amendments thereto. The farm permit shall entitle the licensee to operate such motor vehicles at any time:

(1) While going to or from or in connection with any farm job, employment or other 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 purpose of school attendance; or

(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.

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

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

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

(3) the applicant submits the signed affidavit of either a parent or guardian, stating that the applicant lives on a farm or, if the applicant does not live on a farm but works on a farm, the applicant submits the signed affidavit of the applicant's employer and parent or guardian, attesting to such employment.

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

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

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

(f) Any licensee issued a farm permit under this section on and after July 1, 1998, shall provide prior to reaching 16 years of age, a signed affidavit of either a parent or guardian, stating that the applicant has completed at least 50 hours of adult supervised driving with at least 10 of those hours being at night. The adult supervised driving required by this paragraph shall be conducted by an adult who is the holder of a valid commercial driver's license, class A, B or C driver's license.

(g) Any licensee issued a farm permit under this section

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 subsection (a), until the person reaches 17 years of age; or (2) fails to provide the affidavit required under paragraph (4) of subsection (b), shall not be eligible to receive a driver's license which is not restricted in accordance with the provisions of subsection (a), until the person provides such affidavit to the division or the person reaches 17 years of age, whichever occurs first.

Sec. 4. K.S.A. 1997 Supp. 8-237, 8-239 and 8-296 are hereby repealed.";

Also on page 3, in line 4, by striking "6." and inserting "5.";

On page 1, in the title, in line 14, by striking all following "concerning" and inserting "driver's licenses; providing certain restrictions; amending K.S.A. 1997 Supp. 8-237, 8-239 and 8-296 and repealing the existing sections."

District.