

MINUTES OF THE HOUSE JUDICIARY COMMITTEE.

The meeting was called to order by Chairman Michael R. O'Neal at 12:00 p.m. on February 25, 2003 in Room 313-S of the Capitol.

All members were present except:

Representative Dale Swenson - Excused
Representative Dan Williams - Excused

Committee staff present:

Jerry Ann Donaldson, Legislative Research Department
Jill Wolters, Revisor of Statutes
Cindy O'Neal, Committee Secretary

HB 2294 - Construction defects; contractor's right to cure prior to filing a civil action

Kansas Trial Lawyers provided a balloon amendment which addressed the concerns the committee had with the tolling provisions (Attachment 1)

Representative Jack made a motion to adopt the balloon amendment. Representative Goering seconded the motion. The motion carried.

Representative Long made the motion to report **Substitute HB 2294** favorably for passage. Representative Goering seconded the motion. The motion carried.

HB 2217 - Ignition interlock devices; certificate requirements

Representative O'Neal moved the balloon amendment which was drafted as requested from the February 24 meeting (Attachment 2). Representative Patterson seconded the motion. The motion carried.

Representative Pauls made a motion require an affidavit saying that they have not driven in the last year. Representative Long seconded the motion. The motion carried.

Representative Goering made the motion to allow the choice of an additional one year suspension for those who do not want to place an interlock on their vehicle. Representative Pauls seconded the motion. The motion failed.

Representative Patterson made the motion to report **HB 2217** favorably for passage, as amended. Representative Pauls seconded the motion. The motion carried.

The committee meeting recessed at 1:15 p.m. and returned at 3:30 p.m.

HB 2215 - Increasing claim limit in small claims court from \$1,800 to \$5,000

Representative Yoder made the motion to reconsider the action on **HB 2215**. Representative Patterson seconded the motion. The motion carried 6-5.

Representative Yoder made the motion to amend the bill so it would cap the small claims at \$3,500. Representative Long seconded the motion. The motion carried 7-5.

Representative Patterson made the motion to limit it to individuals only. Representative Klein seconded the motion. The motion carried.

Representative Loyd made the motion to report **HB 2215** favorably for passage, as amended. Representative Crow seconded the motion.

Representative Jack made the substitute motion to table the bill. Representative Patterson seconded the motion. The motion carried 6-5.

CONTINUATION SHEET

MINUTES OF THE HOUSE JUDICIARY COMMITTEE at 3:30 p.m. on February 25, 2003 in Room 313-S of the Capitol.

HB 2154 - Construction contracts; indemnification agreements

A proposed amendment was provided by Burlington Northern Santa Fe Railroads. No interest was shown in adopting the amendment. (Attachment 3)

Representative Davis made the motion to report HB 2154 favorably for passage. Representative Jack seconded the motion. The motion carried.

HB 2205 - Real estate transaction; disclosures relating to special assessments and fees

Representative Patterson made the motion to report HB 2205 favorably for passage. Representative Crow seconded the motion.

Representative Klein made the motion to strike Section 1 & 2 of the proposed bill and insert that if the seller does not know the exact amount of the special assessment or fee he shall make an estimate of such amount.. Representative Pauls seconded the motion. The motion carried.

Representative Loyd made the motion to have the seller estimate the amount of the fee. Representative Owens seconded the motion. The motion carried.

Representative Loyd made the motion to amend the bill by stating that appraisers can not add special assessments to the value of the home (Attachment 4). Representative Ward seconded the motion. The motion carried.

Representative Crow made the motion to amend the bill to state "as part of a contract or before entering into the execution of a contract notification of specials must be disclosed, prior to closing." Representative Patterson seconded the motion. The motion carried.

Representative Crow made the motion to report HB 2205 favorably for passage, as amended. Representative Long seconded the motion.

Representative Jack made a substitute motion to delete the provisions of HB 2205 except the proposed amendment regarding special assessments being added into the value of a home. Representative Loyd seconded the motion. The motion carried.

Representative Goering made the motion to report HB 2205 favorably for passage, as amended. Representative Loyd seconded the motion. The motion carried.

HB 2307 - Elimination or reassignment of district magistrate judge positions upon vacancy

Chairman O'Neal reminded the members that there is a need for judges but the court are underfunded and can not afford them. At the same time, there are several districts that have low caseloads when compared to other judicial districts. The proposal would be that in districts that have a caseload of 1,200 or less the Chief Justice would have the ability to reassign the district magistrate judges. This would effect four Judicial Districts, 12, 17, 22, & 24. In cases where the district magistrate is elected he would be required to run in both counties he serves in.

The committee discussed that this looked like a good opportunity for judicial districts that need help with their caseloads and in the sever budget crisis, the legislature can't justify judges with small caseloads. Others wondered if this was the wrong approach and shouldn't counties, not the Chief Justice, be able to consolidate the district magistrate judges, if they see fit. Many didn't see the bill as doing away with the one judge per county, there just wouldn't be a full time judge in that district but it would still have a courthouse that was in operation.

Representative Davis made the motion to amend HB 2307 by striking everything in the bill and applying the reappointment of district magistrate judges to those districts who have a caseload of less than 1,200, which

CONTINUATION SHEET

MINUTES OF THE HOUSE JUDICIARY COMMITTEE at 3:30 p.m. on February 25, 2003 in Room 313-S of the Capitol.

affects the 12, 17, 22, 24 judicial districts. The chief judge of that district would assign the district magistrate judges, to no more than two counties. If it is an elected district, that magistrate judge would run in both counties. Representative Goering seconded the motion. The motion carried.

Representative Davis made the motion to report **Substitute HB 2307** favorably for passage. Representative Goering seconded the motion. The motion carried.

HB 2290 - Amendments to the Uniform Trust Code

The committee did not see any urgency in adopting the proposed amendments and directed the Chairman to request that the Kansas Judicial Council review the amendments.

HB 2039 - Illegal aliens may obtain a drivers license if such person has an internal revenue service taxpayer identification number

Representative Klein made the motion to strike everything in the bill except the following four provisions:

- undocumented workers would have a separate temporary resident license
- it would expire every three years
- adopt new Section 4 regarding rules & regulations (Attachment 5) NEED
- effective date would be July 2004 due to SB 16 being passed

Representative Long seconded the motion. Committee discussion centered on making the period of time that the license expired shorter and discussed ways to make the license distinctive. It was the committees unanimous decision that the Chairman direct the Division of Motor Vehicles to create several temporary resident license for the Judiciary Committee to review and approve at the start of the 2004 Legislative session. The motion carried.

Representative Owens made the motion to have the license expire after a one year period. Representative Patterson seconded the motion. The motion failed.

Representative Loyd made the motion to increase the fee to \$10 with a \$1 going to educational programs for those wanting to learn to drive. Representative Klein seconded the motion. The motion carried.

Representative Pauls made the motion to have rules & regulations determine what is needed to determine residency and identification to receive a temporary residence license. Representative Crow seconded the motion. The motion carried.

Representative Jack made the motion to have those applying for a temporary residence license to show proof that they are working towards legal residency. Representative Patterson seconded the motion. Upon committee discussion it was suggested that when papers are filed with the federal government requesting citizenship they are not file stamped so therefore there is no "proof" that they are working towards legal residency. California does do phone verification but it does take quite a bit of time to get the information. INS is considering placing such information on the internet but hasn't done so. With permission of the second, Representative Jack revised his motion to have the issue sent to the Select Committee on Security. The motion carried.

Representative Davis made the motion to report **Substitute HB 2039** favorably for passage. Representative Klein seconded the motion. The motion carried.

The committee meeting adjourned at 7:00 p.m.

Sec. _____. (a) If a claimant files an action against a contractor without service of notice under this Act, the action shall be dismissed without prejudice upon motion of the contractor filed within 60 days of service of process. An action against a contractor cannot be refiled until the parties have complied with the provisions of this act. A dismissal pursuant to this subsection shall not count as a dismissal for purposes of K.S.A. 60-241(a)(1).

(b) If the statute of limitations would expire during the time period necessary to allow the parties to comply with the provisions of this Act, the statute of limitations shall be tolled if the claimant gives notice of the claim to the contractor within 90 days of entry of the order of dismissal of the action without prejudice pursuant to subsection (a).

(c) If the statute of limitations would expire during the time period necessary to allow the parties to comply with the provisions of this Act, the claimant's notice of claim shall serve to toll the statute of limitations for 180 days after the latest of the following three dates: (i) the date the claimant personally serves or mails the notice of claim, or (ii) the date agreed upon for the contractor to make payment under Section 4(d)(3) or 4(h)(2), or (iii) the date agreed upon for the contractor to completely remedy the construction defect under Section 4(d)(2) or 4(h)(1).

(d) Nothing in this section shall be interpreted to shorten the statute of limitations under K.S.A. 60-501 *et seq.* otherwise applicable to a claimant's action against a contractor.

H. JUDICIARY

2-25-03

Attachment: 1

HOUSE BILL No. 2217

By Committee on Judiciary

2-5

Proposed amendr
February 25, 2003

H. JUDICIARY

2-25-03

Attachment: 2

AN ACT concerning motor vehicles; relating to driving under the influence of alcohol or drugs; ignition interlock devices; amending K.S.A. 8-1015 and repealing the existing section.

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

Section 1. K.S.A. 8-1015 is hereby amended to read as follows: 8-1015. (a) When subsection (b)(1) of K.S.A. 8-1014, and amendments thereto, requires or authorizes the division to place restrictions on a person's driving privileges, the division shall restrict the person's driving privileges to driving only under the circumstances provided by subsections (a)(1), (2), (3) and (4) of K.S.A. 8-292 and amendments thereto.

(b) In lieu of the restrictions set out in subsection (a), the division, upon request of the person whose driving privileges are to be restricted, may restrict the person's driving privileges to driving only a motor vehicle equipped with an ignition interlock device, approved by the division and obtained, installed and maintained at the person's expense.

(c) When a person has completed the one-year suspension pursuant to subsection (b)(2) of K.S.A. 8-1014, and amendments thereto, the division shall restrict the person's driving privileges for one year to driving only a motor vehicle equipped with an ignition interlock device, approved by the division and maintained at the person's expense. *The licensee must complete the one year driving only a motor vehicle equipped with an ignition interlock device and obtain a certificate of completion from an approved interlock company, before applying to the division for the return of any license previously surrendered by the licensee.*

(d) Upon expiration of the period of time for which restrictions are imposed pursuant to this section, the licensee may apply to the division for the return of any license previously surrendered by the licensee. If the license has expired, the person may apply to the division for a new license, which shall be issued by the division upon payment of the proper fee and satisfaction of the other conditions established by law, unless the person's driving privileges have been suspended or revoked prior to expiration, *or the licensee has not obtained a certificate of completion issued by an approved interlock company, verifying the completion of driving only a motor vehicle equipped with an ignition interlock device.*

. In addition to any other penalties provided by law, if a person operates a motor vehicle in violation of the restrictions imposed pursuant to this subsection, such person shall

stating such person has completed the one year driving only a motor vehicle equipped with an ignition interlock device

when required by subsection (b),

HOUSE BILL No. 2154

By Committee on Insurance

2-3

AN ACT concerning construction contracts; relating to indemnification provisions.

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

Section 1. (a) When used in this section:

(1) “Construction contract” means a contract or agreement for a construction project. Construction contract does not mean any lease, license, contract or other agreement whereby a party grants another party access, use or possession of the first party’s property for a construction project by second party or second party’s contractor, employee or agent and whereby such lease, license, contract or other agreement does not provide for any cash consideration to be paid to the first party other than consideration that is attributed either to (i) recovery of costs by the first party in connection with such construction project, or (ii) rent, license fees, or other amounts paid for the license, easement, leasehold or other interest conveyed in the real estate.

(2) “Construction project” means the design, construction, alteration, renovation, repair or maintenance of a building, structure, highway, road, bridge, water line, railroad right of entry, sewer line, oil line, gas line, appurtenance, appliance or other improvement to real property, including any moving, demolition or excavation under a construction contract.

(2)(3) “Damages” means personal injury damages, property damages or economic loss.

(3)(4) “Indemnification provision” means a covenant, promise, agreement or understanding in connection with a construction contract that requires the promisor to hold harmless, indemnify or defend the promisee or others against liability of damages. An indemnification provision does not mean any covenant, promise, agreement or understanding that requires the promisor to release or agree not to sue the promisee or others from or for liability for damages.

(b) An indemnification provision in a construction contract ~~or entered into in connection with a construction contract~~ which requires the indemnitor to indemnify the indemnitee for the indemnitee’s sole or gross negligence is against public policy and is void and unenforceable.

(c) This section applies only to indemnification provisions entered into after the act takes effect.

Section 2. This act shall take effect and be in force from and after its publication in the Statute book.

H. JUDICIARY

2.25.03

Attachment: 3

AN ACT relating to property taxation; concerning the determination of fair market value; amending K. S. A. 79-503a and repealing the existing section.

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

Section 1. K. S. A. 79-503a is hereby amended to read as follows: 79-503a. " Fair market value" means the amount in terms of money that a well informed buyer is justified in paying and a well informed seller is justified in accepting for property in an open and competitive market, assuming that the parties are acting without undue compulsion. *In the determination of fair market value of any real property which is subject to ~~burdened by~~ any special assessment, such value shall not be determined by adding the present value of the special assessment to the sales price ~~the sales value thereof, and the sales value of any comparable real property so burdened, shall not include the present value of any such special assessment.~~ For the purposes of this definition it will be assumed that consummation of a sale occurs as of January 1. Sales in and of themselves shall not be the sole criteria of fair market value but shall be used in connection with cost, income and other factors including but not by way of exclusion: (a) The proper classification of lands and improvements; (b) the size thereof; (c) the effect of location on value; (d) depreciation, including physical deterioration or functional, economic or social obsolescence; (e) cost of reproduction of improvements; (f) productivity; (g) earning capacity as indicated by lease price, by capitalization of net income or by absorption or sell-out period; (h) rental or reasonable rental values; (i) sale value on open market with due allowance to abnormal inflationary factors influencing such values; (j) restrictions imposed upon the use of real estate by local governing bodies, including zoning and planning boards or commissions; and (k) comparison with values of other property of known or recognized value. The assessment-sales ratio study shall not be used as an appraisal for appraisal purposes. The appraisal process utilized in the valuation of all real and tangible personal property for ad valorem tax purposes shall conform to generally accepted appraisal procedures which are adaptable to mass appraisal and consistent with the definition of fair market value unless otherwise specified by law.*

Sec. 2. K. S. A. 79-503a is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

H. JUDICIARY

2.25.03

Attachment: 4

HOUSE BILL No. 2039

By Representative Klein

1-21

9 AN ACT relating to the division of vehicles; concerning the issuance of
10 drivers' licenses and identification cards; amending K.S.A. 8-237, 8-
11 240 and 8-1324 and repealing the existing sections.

12
13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 8-237 is hereby amended to read as follows: 8-237.
15 The division of vehicles shall not issue any driver's license to any person:
16 (a) Who is under the age of 16 years, except that the division may
17 issue a restricted class C or M license, as provided in this act, to any
18 person who: (1) Is at least 15 years of age; (2) has successfully completed
19 an approved course in driver training; (3) has held an instructional permit
20 issued under the provisions of K.S.A. 8-239, and amendments thereto,
21 for a period of at least six months and has completed at least 25 hours of
22 adult supervised driving; and (4) upon the written application of the per-
23 son's parent or guardian. The required adult supervised driving required
24 in clause (3) above shall be conducted by an adult who is at least 21 years
25 of age and is the holder of a valid commercial driver's license, class A, B
26 or C driver's license. Except as hereafter provided, the application of the
27 parent or guardian shall be submitted to the division. The governing body
28 of any city, by ordinance, may require the application of any person who
29 is under 16 years of age and who resides within the city to be first sub-
30 mitted to the chief law enforcement officer of the city. The board of
31 county commissioners of any county, by resolution, may require the ap-
32 plication of any person who is under 16 years of age and who resides
33 within the county and outside the corporate limits of any city to be first
34 submitted to the chief law enforcement officer of the county. No ordi-
35 nance or resolution authorized by this subsection shall become effective
36 until a copy of it is transmitted to the division of vehicles. The chief law
37 enforcement officer of any city or county which has adopted the ordi-
38 nance or resolution authorized by this subsection shall make a recom-
39 mendation on the application as to the necessity for the issuance of the
40 restricted license, and the recommendation shall be transmitted, with the
41 application, to the division of vehicles. If the division finds that it is nec-
essary to issue the restricted license, it shall issue a driver's license to the
person.

PROPOSED AMENDMENTS
Representative Tom Klein
February 11, 2003

H. JUDICIARY

2. 25. 03

Attachment: 5

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

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

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

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

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

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

24 A restricted driver's license issued under this subsection is subject to
25 suspension or revocation in the same manner as any other driver's license.
26 In addition, the division may suspend the restricted driver's license upon
27 receiving satisfactory evidence that: (1) The licensee has violated the re-
28 striction of the license, (2) the licensee has been involved in two or more
29 accidents chargeable to the licensee or (3) the recommendation of the
30 chief law enforcement officer of any city or county requiring the rec-
31 ommendation has been withdrawn. The suspended license shall not be
32 reinstated for one year or until the licensee reaches the age of 16, which-
33 ever period is longer.

34 Any licensee issued a restricted license under this subsection who: (1)
35 Is under the age of 16 years and is convicted of two or more moving
36 traffic violations committed on separate occasions shall not be eligible to
37 receive a driver's license which is not restricted in accordance with the
38 provisions of this subsection until the person reaches 17 years of age; or
39 (2) fails to provide the required affidavit stating that the licensee has
40 completed at least 50 hours of adult supervised driving with 10 of those
41 hours being at night shall not be eligible to receive a driver's license which
42 not restricted in accordance with the provisions of this subsection until
43 the person provides such affidavit to the division or the person reaches

7 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

as reached the age of 17 years.

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

(i) ~~Whose~~ ~~who has not submitted proof of lawful~~ presence in the United States ~~is in violation of federal immigration laws, or has not obtained an internal revenue service individual taxpayer identification number.~~

Whose

is in violation of federal immigration laws

Sec. 2. K.S.A. 8-240 is hereby amended to read as follows: 8-240. (a) Every application for an instruction permit shall be made upon a form furnished by the division of vehicles and accompanied by a fee of \$2 for class A, B, C or M and \$5 for all commercial classes. Every other application shall be made upon a form furnished by the division and accompanied by an examination fee of \$3, unless a different fee is required by K.S.A. 8-241, and amendments thereto, and by the proper fee for the license for which the application is made. If the applicant is not required to take an examination the examination fee shall not be required. The examination shall consist of three tests, as follows: (1) Vision; (2) written; and (3) driving. If the applicant fails the vision test, the applicant may have correction of vision made and take the vision test again without any additional fee. If an applicant fails the written test, the applicant may take such test again upon the payment of an additional examination fee of \$1.50. If an applicant fails the driving test, the applicant may take such test again upon the payment of an additional examination fee of \$1.50. If an applicant fails to pass all three of the tests within a period of six months from the date of original application and desires to take additional tests, the applicant shall file an application for reexamination upon a form furnished by the division, which shall be accompanied by a reexamination fee of \$3, except that any applicant who fails to pass the written or driving portion of an examination four times within a six-month period, shall be required to wait a period of six months from the date of the last failed examination before additional examinations may be given. Upon the filing of such application and the payment of such reexamination fee, the applicant shall be entitled to reexamination in like manner and subject to the additional fees and time limitation as provided for examination on an original application. If the applicant passes the reexamination, the applicant shall be issued the classified driver's license for which the applicant originally applied, which license shall be issued to expire as if the applicant had passed the original examination.

(b) (1) For the purposes of obtaining any driver's license, an applicant shall submit, with the application, proof of age or proof of identity, or both, as the division may require.

(2) An applicant who submits proof of age or of identity issued by an entity other than a state or the United States shall also submit such proof

the division may require that the applicant is lawfully present in the United States or has obtained an internal revenue service individual taxpayer identification number.

(3) The division shall not issue any driver's license to any person who is not lawfully present in the United States or has not obtained an internal revenue service individual taxpayer identification number.

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

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

(c) Every application shall state the name, date of birth, sex and residence address of the applicant, and briefly describe the applicant, and shall state whether the applicant has theretofore been licensed as a driver, and, if so, when and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for such suspension, revocation or refusal. In addition to the above criteria, applications for commercial drivers' licenses and instruction permits for commercial licenses must include the following: The applicant's social security number; the person's signature; the person's color photograph; certifications, including those required by 49 C.F.R. 383.71(a), effective January 1, 1991; a consent to release driving record information; and, any other information required by the division.

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

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

(f) A fee shall be charged as follows:

(1) For a class C driver's license issued to a person at least 21 years of age, but less than 65 years of age, \$12;

(2) for a class C driver's license issued to a person less than 21 years of age or 65 years of age or older, or a farm permit, \$8;

(3) for a class M driver's license issued to a person at least 21 years of age, but less than 65 years of age, \$6.50;

(4) for a class M driver's license issued to a person less than 21 years of age or 65 years of age or older, \$5;

(5) for a class A or B driver's license issued to a person who is at least