

MINUTES OF THE SENATE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Dwayne Umbarger at 8:35 a.m. on February 17, 2010, in Room 152-S of the Capitol.

All members were present except:

Senator Anthony Hensley- excused

Committee staff present:

Bruce Kinzie, Office of the Revisor of Statutes
Julian Efird, Kansas Legislative Research Department
Jill Shelley, Kansas Legislative Research Department
Cindy Shepard, Committee Assistant

Conferees appearing before the Committee:

Jarrod Forbes, Lobbyist for Polaris Industries

Others attending:

See attached list.

The Chairman called for action on **SB 536 - Recreational off-highway vehicles, regulation thereof.**

Jarrod Forbes, representing Polaris Industries, provided picture examples of the different Polaris product lines requested at the February 16, 2010 meeting (Attachment 1). He explained the differences between ATV's, Worksite Utility Vehicles and Recreational Off- Road Vehicles, indicating the intent of **SB 536** is to create a true classification for this type of vehicle.

Following discussion, Senator Kultala moved, Senator Huntington seconded, to table SB 536. Motion carried.

After further discussion, members of the Committee indicated intent to work the bill at a later date requiring the bill to be blessed. Chairman Umbarger requested the previous motion withdrawn. Senator Kultala moved, Senator Huntington seconded, to withdraw their motion to table SB 536. Motion carried.

Chairman Umbarger called for final action on **SB 462 - Regulating traffic, liability for damage to highway or structure.** Bruce Kinzie, staff revisor, reviewed the bill noting the proposed amendment (Attachment 2), and recommending it would be clearer if done as a substitute bill. Senator Schmidt moved, Senator Donovan seconded, to approve the amendment as a substitute bill for SB 462. Motion carried.

After further discussion, Senator Schmidt moved, Senator Donovan seconded, to recommend substitute for SB 462 favorably for passage. Motion carried.

The Chairman called for final action on **SB 484 - Driver's licenses; restrictions and conditions.** Senator Petersen explained proposed amendments defining religious organizations and the exception to only apply to age 16 and over restricted drivers (Attachment 3).

Following discussion, Senator Petersen moved, Senator Apple seconded, to adopt the proposed amendments. Motion carried.

Senator Petersen moved, Senator Apple seconded, to recommend SB 484 as amended, favorably for passage. Motion carried.

The meeting was adjourned at 9:30 a.m. The next meeting is scheduled for February 23, 2010.

SENATE TRANSPORTATION COMMITTEE GUEST LIST

DATE: 2-17-10

NAME	REPRESENTING
<i>Paul Jones</i>	<i>Polaris Industries</i>
<i>Michael J. Smith</i>	<i>KMHA</i>
<i>Jim Hatches</i>	<i>GBA</i>
<i>Bill Sneed</i>	<i>State Farm</i>

Examples of Polaris Product Line



ATV



Worksite Utility



Recreational Off-Road Vehicle

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8-1913

Chapter 8.--AUTOMOBILES AND OTHER VEHICLES

Article 19.--UNIFORM ACT REGULATING TRAFFIC;

SIZE, WEIGHT AND LOAD OF VEHICLES

8-1913. Liability for damage to highway or structure. (a) Any person driving any vehicle, object or contrivance upon any highway or highway structure shall be liable for all damagereasonable costs, direct or indirect, associated with the repair of damages which said such highway or structure may sustain as a result of any illegal operation, driving or moving of such vehicle, object or contrivance, regardless of whether a ticket has been issued or not, or as a result of operating, driving or moving any vehicle, object or contrivance weighing in excess of the maximum weight in this act but authorized by a special permit issued as provided in this article. Indirect costs may include, but not be limited to, reasonable costs associated with damage assessment, engineering and design, mobilization, traffic control and detour costs.

___(b) Whenever such driver is not the owner of such vehicle, object or contrivance, but is so operating, driving or moving the same with the express or implied permission of said owner, then said owner and driver shall be jointly and severally liable for any such damagecosts.

(c) Such damagecosts may be recovered in a civil action brought by the authorities in control of such highways or highway structure.

History: L. 1974, ch. 33, § 8-1913; July 1.

SENATE BILL No. 484

By Committee on Transportation

1-28

Proposed Amendments to SB 484

Prepared by: Bruce Kinzie, Office of Revisor of Statutes

Senate Transportation
2-17-10
Attachment 3

9 AN ACT relating to drivers' licenses; concerning restricted licenses and
10 instructional permits; amending K.S.A. 2009 Supp. 8-296, 8-2,100 and
11 8-2,101 and repealing the existing sections.

8-234a,

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

14 ~~Section 1.~~ K.S.A. 2009 Supp. 8-296 is hereby amended to read as
15 follows: 8-296. (a) Any person who is less than 17 years of age but is at
16 least 14 years of age and who resides upon a farm in this state or is
17 employed for compensation upon a farm in this state may apply to the
18 division of vehicles for a farm permit authorizing such person, while pos-
19 sessed the permit, to operate any motor vehicle in class C, as designated
20 in K.S.A. 8-234b, and amendments thereto.

Section 1. K.S.A. 2009 Supp. 8-234a (See attached
-- **z484t2 Insert**)

And by renumbering remaining sections accordingly

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

24 (A) While going to or from or in connection with any farm job, em-
25 ployment or other farm-related work;

26 (B) on days while school is in session, over the most direct and ac-
27 cessible route between the licensee's residence and school of enrollment
28 for the purpose of school attendance; ~~or~~

or

29 ~~(C) while going directly to or from any religious service or function;~~
30 ~~or~~

(C)

31 ~~(C)~~ (D) when the licensee is operating a passenger car at any time
32 when accompanied by an adult who is the holder of a valid commercial
33 driver's license, class A, B or C driver's license and who is actually oc-
34 cupping a seat beside the driver.

35 (2) For a period of six months, a farm permit shall entitle the licensee
36 who is at least 16 years of age to operate the appropriate motor vehicles
37 at any time:

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

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

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

42 (D) while going directly to or from any religious service or function;

held by a religious organization

43 or

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1 ~~(D)~~ (E) when the licensee is operating a passenger car at any time
2 when accompanied by an adult who is the holder of a valid commercial
3 driver's license, class A, B or C driver's license and who is actually oc-
4 cupying a seat beside the driver.

5 After such six-month period, if the licensee has complied with the pro-
6 visions of this section, such farm permit shall entitle the licensee to op-
7 erate the appropriate motor vehicles at any time without the restrictions
8 required by this section.

9 (c) A farm permit shall be issued only if:

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

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

14 (3) the applicant submits the signed affidavit of either a parent or
15 guardian, stating that the applicant lives on a farm or, if the applicant
16 does not live on a farm but works on a farm, the applicant submits the
17 signed affidavit of the applicant's employer and parent or guardian, at-
18 testing to such employment.

19 (d) Any licensee issued a farm permit under this section:

20 (1) Who is less than 16 years of age shall not operate any motor
21 vehicle with nonsibling minor passengers; or

22 (2) who is at least 16 years of age, for a period of six months after
23 reaching 16 years of age, shall not operate any motor vehicle with more
24 than one passenger who is less than 18 years of age and who is not a
25 member of the licensee's immediate family.

26 Any conviction for violating this subsection shall be construed as a
27 moving traffic violation for the purpose of K.S.A. 8-255, and amendments
28 thereto.

29 (e) Any licensee issued a farm permit under this section shall not
30 operate a wireless communication device while driving a motor vehicle,
31 except that a licensee may operate a wireless communication device while
32 driving a motor vehicle to report illegal activity or to summons medical
33 or other emergency help.

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

36 (g) (1) A farm permit issued under this section is subject to suspen-
37 sion or revocation in the same manner as any other driver's license.

38 (2) A farm permit shall be suspended in accordance with K.S.A. 8-
39 291, and amendments thereto, for any violation of restrictions under this
40 section.

41 (3) The division shall suspend the farm permit upon receiving satis-
42 factory evidence that the licensee has been involved in two or more ac-
43 cidents chargeable to the licensee and such suspended license shall not

1 be reinstated for one year.

2 (h) Any licensee issued a farm permit under this section shall provide
3 prior to reaching 16 years of age, a signed affidavit of either a parent or
4 guardian, stating that the applicant has completed at least 50 hours of
5 adult supervised driving with at least 10 of those hours being at night.
6 The adult supervised driving required by this paragraph shall be con-
7 ducted by an adult who is at least 21 years of age and is the holder of a
8 valid commercial driver's license, class A, B or C driver's license.

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

13 (i) Any licensee issued a farm permit under this section who: (1) Is
14 under the age of 16 years and is convicted of two or more moving traffic
15 violations committed on separate occasions shall not be eligible to receive
16 a driver's license which is not restricted in accordance with the provisions
17 of subsection (b)(1), until the person reaches 17 years of age; (2) is at
18 least 16 years of age, but less than 17 years of age and is convicted of two
19 or more moving traffic violations committed on separate occasions shall
20 not be eligible to receive a driver's license which is not restricted in ac-
21 cordance with the provisions of subsection (b)(2), until the person reaches
22 18 years of age; or (3) fails to provide the affidavit required under sub-
23 section (h), shall not be eligible to receive a driver's license which is not
24 restricted in accordance with the provisions of subsection (b)(1), until the
25 person provides such affidavit to the division or the person reaches 17
26 years of age, whichever occurs first.

27 Sec. ~~2~~ K.S.A. 2009 Supp. 8-2,100 is hereby amended to read as fol-
28 lows: 8-2,100. (a) Any person who is at least 14 years of age, but less than
29 17 years of age may apply to the division for an instruction permit. The
30 division may issue an instruction permit under this section to any person
31 who is at least 14 years of age, but less than 16 years of age only upon
32 written application of a parent or guardian of the minor. The division may
33 in its discretion, after the applicant has successfully passed all parts of the
34 examination other than the driving test, issue to the applicant an instruc-
35 tion permit for a period of one year.

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

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

40 (2) a supervising driver shall be seated beside the permit holder in
41 the front seat of the passenger car when such car is in motion. The su-
42 pervising driver shall be an adult who is at least 21 years of age who is
43 the holder of a valid commercial driver's license, class A, B or C driver's

1 license and who has at least one year of driving experience. No person
 2 other than the supervising driver can be in the front seat;

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

(4) the permit holder shall not operate a wireless communication de-
 4 vice while driving a passenger car, except that a permit holder may op-
 5 erate a wireless communications device while driving a passenger car to
 6 report illegal activity or to summons medical or other emergency help.

(c) Any person who is at least 14 years of age, but less than 17 years
 7 of age may apply for an instruction permit to operate a motorcycle either
 8 separate from or in conjunction with an instruction permit to operate a
 9 passenger car. The applicant shall successfully pass all parts of the ex-
 10 amination other than the driving test. An instruction permit issued under
 11 this subsection shall authorize the permit holder to operate a motorcycle
 12 if such permit holder is accompanied by an adult who is at least 21 years
 13 of age, who is the holder of a valid class M driver's license, who has had
 14 at least one year of driving experience and who is *either* riding a motor-
 15 cycle in the general proximity of the permit holder *or is riding as a pas-
 16 senger on the motorcycle being operated by the permit holder.*

(d) An instruction permit issued under this section is subject to sus-
 17 pension or revocation in the same manner as any other driver's license.
 18 An instruction permit shall be suspended in accordance with K.S.A. 8-
 19 291, and amendments thereto, for any violation of restrictions under this
 20 section.

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

22 Sec. ~~3~~ K.S.A. 2009 Supp. 8-2,101 is hereby amended to read as fol-
 23 lows: 8-2,101. The division of vehicles may issue a restricted class C or
 24 M driver's license in accordance with the provisions of this section. A
 25 restricted class C license issued under this section shall entitle the li-
 26 censee, while possessing the license, to operate any motor vehicle in class
 27 C, as designated in K.S.A. 8-234b, and amendments thereto. A restricted
 28 class M license shall entitle the licensee, while possessing such license,
 29 to operate a motorcycle.

(a) The division may issue a restricted class C or M driver's license
 30 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
 31 K.S.A. 8-239, and amendments thereto, for a period of at least one year
 32 and has completed at least 25 hours of adult supervised driving; and

(4) upon the written application of the person's parent or guardian,
 33 which shall be submitted to the division.

1 Any licensee issued a restricted license under this subsection, shall
 2 provide prior to reaching 16 years of age, a signed affidavit of either a
 4 25 hours prior to being issued a restricted license and 25 hours of addi-
 5 tional adult supervised driving. Of the 50 hours required by this subsec-
 6 tion, at least 10 of those hours shall be at night. The adult supervised
 7 driving shall be conducted by an adult who is at least 21 years of age and
 8 is the holder of a valid commercial driver's license, class A, B or C driver's
 9 license.

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

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

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

18 ~~(C) while going directly to or from any religious service or function;~~ → (C)

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

23 ~~(D) (E)~~ when the licensee is operating a motorcycle, at any time when
 24 accompanied by an adult, who is the holder of a valid class M driver's
 25 license and who is either operating a motorcycle in the general proximity
 26 of the licensee or is riding as a passenger on the motorcycle being oper-
 27 ated by the licensee.

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

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

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

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

35 (D) while going directly to or from any religious service or function; → held by a religious organization

36 ~~(D) (E)~~ when the licensee is operating a passenger car, at any time
 37 when accompanied by an adult, who is the holder of a valid commercial
 38 driver's license, class A, B or C driver's license and who is actually oc-
 39 cupping a seat beside the driver; or

40 ~~(E) (F)~~ when the licensee is operating a motorcycle, at any time when
 41 accompanied by an adult, who is the holder of a valid class M driver's
 42 license and who is either operating a motorcycle in the general proximity
 43 of the licensee or is riding as a passenger on the motorcycle being oper-

1 *ated by the licensee.*

2 After such six-month period, if the licensee has complied with the provisions of this section, such restricted license shall entitle the licensee to
4 operate the appropriate motor vehicles at any time without any of the
5 restrictions required by this section.

6 (c) (1) The division may issue a restricted class C or M driver's license to any person who is under 17 years of age but at least 16 years of
7 age, who:
8

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

12 (B) has submitted a signed affidavit of either a parent or guardian,
13 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
14 adult supervised driving shall be conducted by an adult who is at least 21
15 years of age and is the holder of a valid commercial driver's license, class
16 A, B or C driver's license.
17

18 (2) For a period of six months, a restricted license issued under subsection (c)(1) shall entitle a licensee to operate the appropriate motor
19 vehicles at any time:
20

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

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

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

25 (D) *while going directly to or from any religious service or function;*

26 ~~(E)~~ (E) when the licensee is operating a passenger car, at any time
27 when accompanied by an adult, who is the holder of a valid commercial
28 driver's license, class A, B or C driver's license and who is actually occupying a seat beside the driver; or
29

30 ~~(F)~~ (F) when the licensee is operating a motorcycle, at any time when
31 accompanied by an adult, who is the holder of a valid class M driver's
32 license and who is *either* operating a motorcycle in the general proximity
33 of the licensee *or is riding as a passenger on the motorcycle being operated by the licensee.*
34

35 After such six-month period, if the licensee has complied with the provisions of this section, such restricted license shall entitle the licensee to
36 operate the appropriate motor vehicles at any time without any of the
37 restrictions required by this section.
38

39 (d) (1) Any licensee issued a restricted license under subsection (a):

40 (A) Who is less than 16 years of age shall not operate any motor
41 vehicle with nonsibling minor passengers; or

42 (B) who is at least 16 years of age, for a period of six months after
43 reaching 16 years of age, shall not operate any motor vehicle with more

held by a religious organization

1 than one passenger who is less than 18 years of age and who is not a
2 member of the licensee's immediate family.

3 (2) Any licensee issued a restricted license under subsection (c), for
4 a period of six months after such restricted license is issued, shall not
5 operate any motor vehicle with more than one passenger who is less than
6 18 years of age and who is not a member of the licensee's immediate
7 family.

8 (3) Any conviction for violating this subsection shall be construed as
9 a moving traffic violation for the purpose of K.S.A. 8-255, and amend-
10 ments thereto.

11 (e) Any licensee issued a restricted license under this section shall
12 not operate a wireless communication device while driving a motor ve-
13 hicle, except that a licensee may operate a wireless communication device
14 while driving a motor vehicle to report illegal activity or to summons
15 medical or other emergency help.

16 (f) (1) A restricted driver's license issued under this section is subject
17 to suspension or revocation in the same manner as any other driver's
18 license.

19 (2) A restricted driver's license shall be suspended in accordance with
20 K.S.A. 8-291, and amendments thereto, for any violation of restrictions
21 under this section.

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

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

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

31 (1) Subsection (a) who:

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

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

42 (C) fails to provide the affidavit required under subsection (a) shall
43 not be eligible to receive a driver's license which is not restricted in ac-

1 cordance with the provisions of subsection (b)(1) until the person provides
2 such affidavit to the division or the person reaches 17 years of age, which-
ever occurs first.

4 (2) Subsection (c) who is under the age of 17 years and is convicted
5 of two or more moving traffic violations committed on separate occasions
6 shall not be eligible to receive a driver's license which is not restricted in
7 accordance with the provisions of subsection (c) until the person reaches
8 18 years of age.

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

11 Sec. 4. K.S.A. 2009 Supp. 8-296, 8-2,100 and 8-2,101 are hereby
12 repealed.

13 Sec. 5. This act shall take effect and be in force from and after its
14 publication in the Kansas register.

→ 8-234a,

Section 1. K.S.A. 2009 Supp. 8-234a is hereby amended to read as follows: 8-234a. (a) As used in the motor vehicle drivers' license act, the following words and phrases shall have the meanings respectively ascribed to them herein:

(1) "Drivers' license examiner" or "examiner" means a drivers' license examiner of the division of vehicles or any person whom the director of vehicles has authorized, pursuant to the authority granted by this act, to accept applications for drivers' licenses and administer the examinations required for the issuance or renewal of drivers' licenses. Any county treasurer authorized to accept applications for drivers' licenses or administer drivers' license examinations shall be deemed to be acting as an agent of the state of Kansas;

(2) "nonresident" means every person who is not a resident of this state. For the purposes of the motor vehicle drivers' license act any person who owns, rents or leases real estate in Kansas as such person's residence and engages in a trade, business or profession within Kansas or registers to vote in Kansas or enrolls such person's children in a school in this state or purchases Kansas registration for a motor vehicle, shall be deemed a resident of the state of Kansas 90 days after the conditions stated in this subsection commence, except that military personnel on active duty and their military dependents who are residents of another state, shall not be considered residents of the state of Kansas for the purpose of this act;

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

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

(5) "state" means a state of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa and the Commonwealth of Northern Mariana Islands; and

(6) "wireless communication device" means any wireless electronic communication device that provides for voice or data communication between two or more parties, including, but not limited to, a mobile or cellular telephone, a text messaging device, a personal digital assistant that sends or receives messages, an audio-video player that sends or receives messages or a laptop computer; and

(7) "religious organization" means any organization, church, body of communicants, or group, gathered in common membership for mutual support and edification in piety, worship and religious observances, or a society of individuals united for religious purposes at a definite place and which religious organization maintains an established place of worship within this state and has a regular schedule of services or meetings at least on a weekly basis and has been determined to be organized and created

as a bona fide religious organization.

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