

SESSION OF 2008

**SUPPLEMENTAL NOTE ON HOUSE
SUBSTITUTE FOR SENATE BILL NO. 294**

As Recommended by House Committee on
Transportation

Brief*

House Sub. for SB 294 would enact a graduated drivers' license system. The bill would modify the requirements for driving permits and drivers' licenses for those younger than 18 years old as explained below. Those changes would add two sections to the Motor Vehicle Driver's License Act, KSA 8-234 *et seq.*

Full License

The bill would allow anyone at least 17 (changed from 16) years old but less than 18 to receive a full class C or M license after passing an examination. A first-time applicant younger than 18 would be required to submit a signed affidavit by a parent or guardian stating the applicant had completed at least 60 (changed from 50) hours of supervised driving, with at least 20 (changed from 10) of those hours at night. (Section 4)

Restricted License

The bill would allow a person at least 15 years old but younger than 17 to receive a restricted class C or M license if that person has completed an approved driver education course, has held an instructional permit for at least six months, has completed 30 (changed from 25) hours of driving supervised by a licensed driver at least 21 years old, and whose parent or guardian submits a written application. (Section 5)

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

The restrictions on the licensee that are in the bill would differ somewhat depending on the age of the licensee:

<u>Licensee is 15</u>	<u>Licensee is 16</u>
<ul style="list-style-type: none">● While going to or from or in connection with any job, employment or farm-related work;● 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;● When the licensee is operating a passenger car, at any time when accompanied by an adult who is at least 21 years of age, who holds a valid commercial driver's license, Class A, B or C driver's license who occupies a seat beside the driver; and● With no nonsibling minor passengers in the vehicle.	<ul style="list-style-type: none">● Same as the restriction on a 15-year-old;● May drive only from 5 a.m. to 12 midnight;● Same as the restriction on a 15-year-old; and● With no more than three nonsibling minor passengers in the vehicle.

Any licensee with a restricted license would be prohibited from operating a wireless communication device while driving a motor vehicle. In addition, a restricted driver's license would be subject to suspension or revocation in the same manner as any other driver's license.

(Section 2)

Instruction Permits

The bill would allow anyone at least 14 years old to apply for an instruction permit after passing all other parts of the driving examination other than the driving test. Such a permit would be issued for one year. The bill would add these requirements to current law regarding instruction permits:

- A parent or guardian would be required to apply if the applicant is 14 but not yet 16 years old.
- The permit holder would be allowed to operate a passenger car only under the following conditions:
 - The permit holder must be in immediate possession of the permit.
 - A supervising driver who is 21 or older and holds a valid driver's license must be the only other person in the front seat.
 - Every person in the car shall have a seat belt properly fastened around that person's body when the vehicle is in motion.
 - The permit holder shall not operate a wireless communication device while driving. ("Wireless communication device" would be defined as any wireless electronic communication device that provides for voice or data communication between two parties. [Section 3])
- A motorcycle permit holder would be authorized to operate a motorcycle in proximity to an adult who has a valid class M license who has had at least one year of driving experience and also is riding a motorcycle. Safety equipment requirements elsewhere in state law would apply.

(Sections 1 and 6)

Farm Permits

The bill would allow a farm permit for a person at least 14 but less than 17 (changed from 16) who lives or works for compensation on a farm. The permit would continue to allow the permit holder to operate a class C motor vehicle while going to or from or in connection with any farm job, employment, or farm-related work.

The restrictions for 15-year-olds on driving directly to and from school and the restriction on vehicle operation only from 5 a.m. to 12 a.m. for 16-year-olds would be the same as for those who hold a restricted driver's license.

(Section 8)

Penalties

The bill would bar receipt of an unrestricted license until the licensee is 18 (changed from 17) under two circumstances:

- Any licensee who is younger than 17 (changed from 16) and is convicted of two or more moving violations committed on separate occasions.
- Any licensee with a restricted license who fails to provide an affidavit signed by a parent or guardian stating the licensee has completed at least 60 (changed from 50) hours of supervised driving with at least 20 (changed from 10) of those hours at night. In this case, the licensee could receive an unrestricted license when the affidavit is provided or the licensee turns 18, whichever is later.

(Section 2)

Upon conviction of operating a motor vehicle in violation of the restrictions on any driver's license, the violator would be fined and have driving privileges suspended as shown below.

- First violation Fine up to \$250, driving privileges suspended for 30 days (changed from not less than 30 days and not more than two years)
- Second violation Fine up to \$500, driving privileges suspended for 90 days (changed from not less than 90 days and not more than two years)
- Third or subsequent violation Fine up to \$750, driving privileges suspended for one year (new)

(Section 7)

The bill would require (changed from allow) the Division of Motor Vehicles to suspend a license if the licensee violated any restrictions on a licensee or if the licensee has been involved in two or more accidents. (Section 2)

Effective Date

This bill would become effective January 1, 2009. (Section 12) Any person who held a valid restricted class C or M driver's license, instruction permit, farm permit, or restricted permit on that date could continue to operate motor vehicles subject to the statutes in effect as of December 31, 2008. (Section 9)

Background

SB 294 was introduced in the Senate Transportation Committee during the 2007 Legislative Session and was passed by that Committee. The Senate Committee of the Whole amended the bill so that it would allow a driver with a restricted license to operate the appropriate vehicle going to or from a school sponsored activity or event, or while going

directly to or from any religious function. The bill subsequently passed the Senate Committee of the Whole 23 to 17. The bill received a hearing in the House Transportation Committee in 2007 and was later referred for a 2007 summer interim study.

The Special Committee on Transportation concluded that it agreed with the Secretary of Transportation about her objections to the Senate Committee of the Whole amendments. The Special Committee also recommended that deliberations on the bill be resumed in the House Transportation Committee during the 2008 Legislative Session. The House Transportation Committee resumed its activity on the bill during the 2008 Session and made attempts to produce a bill. The Committee decided to introduce the House Sub. for SB 294 as its response to a graduated driver's license bill.

Many of the current requirements and restrictions would continue, including these:

- Any applicant must prove identity and lawful presence in the United States.
- A restricted license allows its holder to drive while going to or from or in connection with any job or farm-related work.
- The Division of Vehicles may not issue:
 - A commercial or class A or B motor vehicle license to anyone younger than 18.
 - A license to anyone whose license is revoked, suspended, or canceled in this or any other state (with some exceptions, which would not change).
 - A license to anyone who is a habitual user of any drug to a degree that renders the user incapable of safely driving.

- A license to anyone who is required to take a driver's examination unless the person successfully passes that examination.

- Operating a motor vehicle in violation of restrictions on a license or permit is a misdemeanor.

- A court may impose additional penalties authorized by any other statute.

- A applicant for a farm permit must prove he or she lives or works on a farm, and the applicant's parent or guardian, or employer and parent or guardian, must submit an affidavit to that effect.

- A driver's license or permit may be suspended for a year for a school safety violation.