

## SENATE BILL No. 34

By Committee on Judiciary

1-19

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1 AN ACT concerning driver's licenses; relating to habitual violators;  
2 motorized bicycles; amending K.S.A. 8-286 and 8-288 and K.S.A.  
3 2010 Supp. 8-235 and 8-287 and repealing the existing sections.  
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5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2010 Supp. 8-235 is hereby amended to read as  
7 follows: 8-235. (a) No person, except those expressly exempted, shall  
8 drive any motor vehicle upon a highway in this state unless such person  
9 has a valid driver's license. No person shall receive a driver's license  
10 unless and until such person surrenders or with the approval of the  
11 division, lists to the division all valid licenses in such person's possession  
12 issued to such person by any other jurisdiction. All surrendered licenses  
13 or the information listed on foreign licenses shall be returned by the  
14 division to the issuing department, together with information that the  
15 licensee is now licensed in a new jurisdiction. No person shall be  
16 permitted to have more than one valid license at any time.

17 (b) Any person licensed under the motor vehicle drivers' license act  
18 may exercise the privilege granted upon all streets and highways in this  
19 state and shall not be required to obtain any other license to exercise such  
20 privilege by any local authority. Nothing herein shall prevent cities from  
21 requiring licenses of persons who drive taxicabs or municipally  
22 franchised transit systems for hire upon city streets, to protect the public  
23 from drivers whose character or habits make them unfit to transport the  
24 public. If a license is denied, the applicant may appeal such decision to  
25 the district court of the county in which such city is located by filing  
26 within 14 days after such denial, a notice of appeal with the clerk of the  
27 district court and by filing a copy of such notice with the city clerk of the  
28 involved city. The city clerk shall certify a copy of such decision of the  
29 city governing body to the clerk of the district court and the matter shall  
30 be docketed as any other cause and the applicant shall be granted a trial of  
31 such person's character and habits. The matter shall be heard by the court  
32 *de novo* in accordance with the code of civil procedure. The cost of such  
33 appeal shall be assessed in such manner as the court may direct.

34 (c) Any person operating in this state a motor vehicle, except a  
35 motorcycle, which is registered in this state other than under a temporary  
36 thirty-day permit shall be the holder of a driver's license which is

1 classified for the operation of such motor vehicle, and any person  
2 operating in this state a motorcycle which is registered in this state shall  
3 be the holder of a class M driver's license, except that any person  
4 operating in this state a motorcycle which is registered under a temporary  
5 thirty-day permit shall be the holder of a driver's license for any class of  
6 motor vehicles.

7 (d) No person shall drive any motorized bicycle upon a highway of  
8 this state unless: (1) Such person has a valid driver's license which  
9 entitles the licensee to drive a motor vehicle in any class or classes; (2)  
10 such person is at least 15 years of age and has passed the written and  
11 visual examinations required for obtaining a class C driver's license, in  
12 which case the division shall issue to such person a class C license which  
13 clearly indicates such license is valid only for the operation of motorized  
14 bicycles; ~~or~~ (3) such person has had their driving privileges suspended,  
15 for a violation other than a violation of K.S.A. 8-1567 or 8-1567a, and  
16 amendments thereto, and has made application to the division for the  
17 issuance of a class C license for the operation of motorized bicycles, in  
18 accordance with paragraph (2), in which case the division shall issue to  
19 such person a class C license which clearly indicates such license is valid  
20 only for the operation of motorized bicycles; *or (4) such person has had*  
21 *their driving privileges revoked under K.S.A. 8-286, and amendments*  
22 *thereto, and has made application to the division for issuance of a class*  
23 *C license for the operation of motorized bicycles, in accordance with*  
24 *paragraph (2), in which case the division shall issue to such person a*  
25 *class C license which clearly indicates such license is valid only for the*  
26 *operation of motorized bicycles.*

27 (e) Violation of this section shall constitute a class B *nonperson*  
28 misdemeanor.

29 Sec. 2. K.S.A. 8-286 is hereby amended to read as follows: 8-286.  
30 Whenever the files and records of the division shall disclose that the  
31 record of convictions of any person is such that the person is an habitual  
32 violator, as prescribed by K.S.A. 8-285, and amendments thereto, the  
33 division promptly shall revoke the person's driving privileges for a period  
34 of three years, *except as allowed under subsection (d)(4) of K.S.A. 8-235,*  
35 *and amendments thereto.*

36 Sec. 3. K.S.A. 2010 Supp. 8-287 is hereby amended to read as  
37 follows: 8-287. *Except as allowed under subsection (d)(4) of K.S.A. 8-*  
38 *235, and amendments thereto,* operation of a motor vehicle in this state  
39 while one's driving privileges are revoked pursuant to K.S.A. 8-286, and  
40 amendments thereto, is a class A nonperson misdemeanor. The person  
41 found guilty of a third or subsequent conviction of this section shall be  
42 sentenced to not less than 90 days imprisonment and fined not less than  
43 \$1,500. The person convicted shall not be eligible for release on

1 probation, suspension or reduction of sentence or parole until the person  
2 has served at least 90 days' imprisonment. The 90 days' imprisonment  
3 mandated by this subsection may be served in a work release program  
4 only after such person has served 48 consecutive hours' imprisonment,  
5 provided such work release program requires such person to return to  
6 confinement at the end of each day in the work release program. The  
7 court may place the person convicted under a house arrest program  
8 pursuant to ~~K.S.A. 21-4603b~~ *section 249 of chapter 136 of the 2010*  
9 *Session Laws of Kansas*, and amendments thereto, or any municipal  
10 ordinance to serve the remainder of the minimum sentence only after  
11 such person has served 48 consecutive hours' imprisonment.

12 Sec. 4. K.S.A. 8-288 is hereby amended to read as follows: 8-288.  
13 *Except as allowed under subsection (d)(4) of K.S.A. 8-235, and*  
14 *amendments thereto*, no license to operate a motor vehicle in Kansas shall  
15 be issued to a person for a period of three years from the date of the  
16 division's order revoking such person's driving privileges pursuant to  
17 K.S.A. 8-286, and amendments thereto, and until the person's driving  
18 privileges have been restored.

19 Sec. 5. K.S.A. 8-286 and 8-288 and K.S.A. 2010 Supp. 8-235 and 8-  
20 287 are hereby repealed.

21 Sec. 6. This act shall take effect and be in force from and after its  
22 publication in the statute book.

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