

HOUSE BILL No. 2303

By Committee on Health and Human Services

2-12

1 AN ACT concerning driving under the influence; relating to driver's
2 license fees; driving under the influence equipment fund; amending
3 K.S.A. 2012 Supp. 8-240, 8-241, 8-267 and 75-5660 and repealing the
4 existing sections.
5

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

7 Section 1. K.S.A. 2012 Supp. 8-240 is hereby amended to read as
8 follows: 8-240. (a) (1) Every application for an instruction permit shall be
9 made upon a form furnished by the division of vehicles and accompanied
10 by a fee of \$2 for class A, B, C or M and \$5 for all commercial classes.
11 Every other application shall be made upon a form furnished by the
12 division and accompanied by an examination fee of \$3, unless a different
13 fee is required by K.S.A. 8-241, and amendments thereto, and by the
14 proper fee for the license for which the application is made. If the
15 applicant is not required to take an examination the examination fee shall
16 not be required. The examination shall consist of three tests, as follows:
17 (A) Vision; (B) written; and (C) driving. If the applicant fails the vision
18 test, the applicant may have correction of vision made and take the vision
19 test again without any additional fee. If an applicant fails the written test,
20 the applicant may take such test again upon the payment of an additional
21 examination fee of \$1.50. If an applicant fails the driving test, the
22 applicant may take such test again upon the payment of an additional
23 examination fee of \$1.50. If an applicant fails to pass all three of the tests
24 within a period of six months from the date of original application and
25 desires to take additional tests, the applicant shall file an application for
26 reexamination upon a form furnished by the division, which shall be
27 accompanied by a reexamination fee of \$3, except that any applicant who
28 fails to pass the written or driving portion of an examination four times
29 within a six-month period, shall be required to wait a period of six months
30 from the date of the last failed examination before additional examinations
31 may be given. Upon the filing of such application and the payment of such
32 reexamination fee, the applicant shall be entitled to reexamination in like
33 manner and subject to the additional fees and time limitation as provided
34 for examination on an original application. If the applicant passes the
35 reexamination, the applicant shall be issued the classified driver's license
36 for which the applicant originally applied, which license shall be issued to

1 expire as if the applicant had passed the original examination.

2 (2) Applicants for class M licenses who have completed prior
3 motorcycle safety training in accordance with department of defense
4 instruction 6055.04 (DoDI 6055.04) are not required to complete further
5 written and driving testing pursuant to paragraph (1) of this subsection.

6 (b) (1) For the purposes of obtaining any driver's license or
7 instruction permit, an applicant shall submit, with the application, proof of
8 age and proof of identity as the division may require. The applicant also
9 shall provide a photo identity document, except that a non-photo identity
10 document is acceptable if it includes both the applicant's full legal name
11 and date of birth, and documentation showing the applicant's name, the
12 applicant's address of principal residence and the applicant's social security
13 number. The applicant's social security number shall remain confidential
14 and shall not be disclosed, except as provided pursuant to K.S.A. 74-2012,
15 and amendments thereto. If the applicant does not have a social security
16 number the applicant shall provide proof of lawful presence and Kansas
17 residency. The division shall assign a distinguishing number to the license
18 or permit.

19 (2) The division shall not issue any driver's license or instruction
20 permit to any person who fails to provide proof that the person is lawfully
21 present in the United States. Before issuing a driver's license or instruction
22 permit to a person, the division shall require valid documentary evidence
23 that the applicant: (A) Is a citizen or national of the United States; (B) is an
24 alien lawfully admitted for permanent or temporary residence in the
25 United States; (C) has conditional permanent resident status in the United
26 States; (D) has an approved application for asylum in the United States or
27 has entered into the United States in refugee status; (E) has a valid,
28 unexpired nonimmigrant visa or nonimmigrant visa status for entry into
29 the United States; (F) has a pending application for asylum in the United
30 States; (G) has a pending or approved application for temporary protected
31 status in the United States; (H) has approved deferred action status; or (I)
32 has a pending application for adjustment of status to that of an alien
33 lawfully admitted for permanent residence in the United States or
34 conditional permanent resident status in the United States.

35 (3) If an applicant provides evidence of lawful presence set out in
36 subsections (b)(2)(E) through (2)(I), or is an alien lawfully admitted for
37 temporary residence under subsection (b)(2)(B), the division may only
38 issue a driver's license to the person under the following conditions: (A) A
39 driver's license issued pursuant to this subparagraph shall be valid only
40 during the period of time of the applicant's authorized stay in the United
41 States or, if there is no definite end to the period of authorized stay, a
42 period of one year; (B) a driver's license issued pursuant to this
43 subparagraph shall clearly indicate that it is temporary and shall state the

1 date on which it expires; (C) no driver's license issued pursuant to this
2 subparagraph shall be for a longer period of time than the time period
3 permitted by subsection (a) of K.S.A. 8-247, and amendments thereto; and
4 (D) a driver's license issued pursuant to this subparagraph may be
5 renewed, subject at the time of renewal, to the same requirements and
6 conditions as set out in this subsection (b) for the issuance of the original
7 driver's license.

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

11 (5) The division shall not issue a driver's license to a person holding a
12 driver's license issued by another state without making reasonable efforts
13 to confirm that the person is terminating or has terminated the driver's
14 license in the other state.

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

17 (c) Every application shall state the full legal name, date of birth,
18 gender and address of principal residence of the applicant, and briefly
19 describe the applicant, and shall state whether the applicant has been
20 licensed as a driver prior to such application, and, if so, when and by what
21 state or country. Such application shall state whether any such license has
22 ever been suspended or revoked, or whether an application has ever been
23 refused, and, if so, the date of and reason for such suspension, revocation
24 or refusal. In addition, applications for commercial drivers' licenses and
25 instruction permits for commercial licenses must include the following:
26 The applicant's social security number; the person's signature; the person's
27 colored digital photograph; certifications, including those required by 49
28 C.F.R. § 383.71(a), effective January 1, 1991; a consent to release driving
29 record information; and, any other information required by the division.

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

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

38 (f) A fee shall be charged as follows:

39 (1) For a class C driver's license issued to a person at least 21 years of
40 age, but less than 65 years of age, \$18;

41 (2) for a class C driver's license issued to a person 65 years of age or
42 older, \$12;

43 (3) for a class M driver's license issued to a person at least 21 years of

1 age, but less than 65 years of age, \$12.50;

2 (4) for a class M driver's license issued to a person 65 years of age or
3 older, \$9;

4 (5) for a class A or B driver's license issued to a person who is at least
5 21 years of age, but less than 65 years of age, \$24;

6 (6) for a class A or B driver's license issued to a person 65 years of
7 age or older, \$16;

8 (7) for any class of commercial driver's license issued to a person 21
9 years of age or older, \$18; or

10 (8) for class A, B, C or M, or a farm permit, or any commercial
11 driver's license issued to a person less than 21 years of age, \$20.

12 A fee of \$10 shall be charged for each commercial driver's license
13 endorsement, except air brake endorsements which shall have no charge.

14 A fee of \$3 per year shall be charged for any renewal of a license issued
15 prior to the effective date of this act to a person less than 21 years of age.

16 *A driving under the influence equipment fee of \$1 shall be charged for*
17 *any original license or renewal of a license issued for each commercial*
18 *driver's license or class A, B, C or M driver's license. A driving under the*
19 *influence equipment fee of \$1 shall be charged for the issuance of any*
20 *farm permit.*

21 If one fails to make an original application or renewal application for a
22 driver's license within the time required by law, or fails to make
23 application within 60 days after becoming a resident of Kansas, a penalty
24 of \$1 shall be added to the fee charged for the driver's license.

25 (g) Any person who possesses an identification card as provided in
26 K.S.A. 8-1324, and amendments thereto, shall surrender such
27 identification card to the division upon being issued a valid Kansas driver's
28 license or upon reinstatement and return of a valid Kansas driver's license.

29 (h) The division shall require that any person applying for a driver's
30 license submit to a mandatory facial image capture.

31 (i) The director of vehicles may issue a temporary driver's license to
32 an applicant who cannot provide valid documentary evidence as defined
33 by subsection (b)(2), if the applicant provides compelling evidence
34 proving current lawful presence. Any temporary license issued pursuant to
35 this subsection shall be valid for one year.

36 Sec. 2. K.S.A. 2012 Supp. 8-241 is hereby amended to read as
37 follows: 8-241. (a) Except as provided in K.S.A. 8-2,125 through 8-2,142,
38 and amendments thereto, any person licensed to operate a motor vehicle in
39 this state shall submit to an examination whenever: (1) The division of
40 vehicles has good cause to believe that such person is incompetent or
41 otherwise not qualified to be licensed; or (2) the division of vehicles has
42 suspended such person's license pursuant to K.S.A. 8-1014, and
43 amendments thereto, as the result of a test refusal, test failure or conviction

1 for a violation of K.S.A. 8-1567, and amendments thereto, or a violation of
2 a city ordinance or county resolution prohibiting the acts prohibited by
3 K.S.A. 8-1567, and amendments thereto, except that no person shall have
4 to submit to and successfully complete an examination more than once as
5 the result of separate suspensions arising out of the same occurrence.

6 (b) When a person is required to submit to an examination pursuant
7 to subsection (a)(1), the fee for such examination shall be in the amount
8 provided by K.S.A. 8-240, and amendments thereto. When a person is
9 required to submit to an examination pursuant to subsection (a)(2), the fee
10 for such examination shall be \$25. In addition, any person required to
11 submit to an examination pursuant to subsection (a)(2): (1) As the result of
12 a test failure, a conviction for a violation of K.S.A. 8-1567, and
13 amendments thereto, or a violation of a city ordinance or county resolution
14 prohibiting the acts prohibited by K.S.A. 8-1567, and amendments thereto,
15 shall be required, at the time of examination, to pay a reinstatement fee of
16 ~~\$100~~ \$250 after the first occurrence, ~~\$200~~ \$500 after the second
17 occurrence, ~~\$300~~ \$750 after the third occurrence and ~~\$400~~ \$1,000 after the
18 fourth or subsequent occurrence; and (2) as a result of a test refusal, a
19 conviction for a violation of K.S.A. 2012 Supp. 8-1025, and amendments
20 thereto, or a violation of a city ordinance or county resolution prohibiting
21 the acts prohibited by K.S.A. 2012 Supp. 8-1025, and amendments thereto,
22 shall be required, at the time of examination, to pay a reinstatement fee of
23 ~~\$400~~ \$800 after the first occurrence, ~~\$600~~ \$1,200 after the second
24 occurrence, ~~\$800~~ \$1,500 after the third occurrence and ~~\$1,000~~ \$2,000 after
25 the fourth or subsequent occurrence. All examination fees collected
26 pursuant to this section shall be remitted to the state treasurer, in
27 accordance with the provisions of K.S.A. 75-4215, and amendments
28 thereto, who shall deposit the entire amount in the state treasury and credit
29 80% to the state highway fund and 20% shall be disposed of as provided in
30 K.S.A. 8-267, and amendments thereto. All reinstatement fees collected
31 pursuant to this section shall be remitted to the state treasurer, in
32 accordance with the provisions of K.S.A. 75-4215, and amendments
33 thereto, who shall deposit the entire amount in the state treasury and credit
34 50% to the community alcoholism and intoxication programs fund created
35 pursuant to K.S.A. 41-1126, and amendments thereto, 20% to the juvenile
36 detention facilities fund created by K.S.A. 79-4803, and amendments
37 thereto, 20% to the forensic laboratory and materials fee fund cited in
38 K.S.A. 28-176, and amendments thereto, and 10% to the driving under the
39 influence ~~equipment~~ fund created by K.S.A. 75-5660, and amendments
40 thereto. Moneys credited to the forensic laboratory and materials fee fund
41 as provided herein shall be used to supplement existing appropriations and
42 shall not be used to supplant general fund appropriations to the Kansas
43 bureau of investigation.

1 (c) When an examination is required pursuant to subsection (a), at
2 least five days' written notice of the examination shall be given to the
3 licensee. The examination administered hereunder shall be at least
4 equivalent to the examination required by subsection (e) of K.S.A. 8-247,
5 and amendments thereto, with such additional tests as the division deems
6 necessary. Upon the conclusion of such examination, the division shall
7 take action as may be appropriate and may suspend or revoke the license
8 of such person or permit the licensee to retain such license, or may issue a
9 license subject to restrictions as permitted under K.S.A. 8-245, and
10 amendments thereto.

11 (d) Refusal or neglect of the licensee to submit to an examination as
12 required by this section shall be grounds for suspension or revocation of
13 the license.

14 Sec. 3. K.S.A. 2012 Supp. 8-267 is hereby amended to read as
15 follows: 8-267. All moneys received under this act shall be remitted by the
16 secretary of revenue to the state treasurer in accordance with the
17 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
18 each such remittance, the state treasurer shall deposit the entire amount in
19 the state treasury and shall:

20 (a) Credit 37.5% of all moneys so received from class C driver's
21 licenses and 20% of all moneys so received from class M driver's licenses
22 and 20% of all moneys so received from class A or B driver's licenses and
23 20% of all moneys so received from all commercial driver licensee classes
24 remaining after the \$2 credit provided in subsection (c) to a special fund,
25 which is hereby created and shall be known as the state safety fund;

26 (b) credit 20% of all moneys so received from class M driver's
27 licenses to a special fund which is hereby created and shall be known as
28 the motorcycle safety fund;

29 (c) credit \$2 from each commercial driver's license fee to a special
30 fund which is hereby created and shall be known as the truck driver
31 training fund;

32 (d) credit all photo fees collected under K.S.A. 8-243, and
33 amendments thereto, to the photo fee fund;

34 (e) credit all hazardous materials endorsement fees collected under
35 K.S.A. 2012 Supp. 8-2,151, and amendments thereto, to the hazmat fee
36 fund; ~~and~~

37 (f) credit the driver improvement clinic fees collected under K.S.A. 8-
38 255, and amendments thereto, as follows:

39 (1) Credit 50% of each such fee to the division of vehicles operating
40 fund; and

41 (2) credit 50% of each such fee to the correctional services special
42 revenue fund; *and*

43 (g) *credit all driving under the influence equipment fees collected*

1 *under K.S.A. 8-240, and amendments thereto, to the driving under the*
2 *influence fund.*

3 Moneys in the state safety fund and in the motorcycle safety fund shall
4 be distributed to provide funds for driver training courses in the schools in
5 Kansas and for the administration of this act, as the legislature shall
6 provide. In addition, moneys in the motorcycle safety fund shall be
7 distributed to provide funds for courses in motorcycle safety in community
8 colleges in Kansas. Moneys in the truck driver training fund shall be
9 distributed to provide funds for courses in truck driver training in
10 community colleges, area vocational schools and area vocational-technical
11 schools in Kansas. Except as otherwise provided by K.S.A. 8-241, and
12 amendments thereto, the state treasurer shall credit the balance of all
13 moneys received under this act, including all moneys received from
14 commercial driver's license endorsements to the state highway fund.

15 Sec. 4. K.S.A. 2012 Supp. 75-5660 is hereby amended to read as
16 follows: 75-5660. (a) There is hereby established in the state treasury the
17 driving under the influence ~~equipment~~ fund.

18 (b) Moneys in the driving under the influence ~~equipment~~ fund shall
19 be used by the department of health and environment only for the purposes
20 of: (1) Purchasing breath alcohol concentration testing equipment,
21 including, but not limited to, laboratory enhancement ~~and~~; (2) for purposes
22 relating to presentation of evidence in prosecution in cases involving
23 driving under the influence, ~~or~~; and (3) establishing and maintaining
24 drivers' safety and breath alcohol programs.

25 (c) *On or before the 10th day of each month, the director of accounts*
26 *and reports shall transfer from the state general fund to the driving under*
27 *the influence fund interest earnings based on:*

28 (1) *The average daily balance of moneys in the driving under the*
29 *influence fund, for the preceding month; and*

30 (2) *the net earnings rate of the pooled money investment portfolio for*
31 *the preceding month.*

32 (d) All expenditures from the driving under the influence ~~equipment~~
33 fund shall be made in accordance with appropriations acts upon warrants
34 of the director of accounts and reports issued pursuant to vouchers
35 approved by the secretary of health and environment or the secretary's
36 designee.

37 Sec. 5. K.S.A. 2012 Supp. 8-240, 8-241, 8-267 and 75-5660 are
38 hereby repealed.

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