

As Amended by House Committee

Session of 2015

HOUSE BILL No. 2093

By Committee on Transportation

1-23

1 AN ACT concerning motor vehicles; relating to ~~commercial~~ driver's
2 licenses; **DUI-IID designation, commercial** endorsements or
3 restrictions; **DUI-IID designation fund**; amending K.S.A. 2014 Supp.
4 **8-241 and 8-2,135** and repealing the existing ~~section~~ **sections**.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 2014 Supp. 8-2,135 is hereby amended to read as
8 follows: 8-2,135. (a) The commercial driver's license shall be marked
9 "commercial driver's license" or "CDL," and must be, to the maximum
10 extent practicable, tamper proof. It shall include, but not be limited to, the
11 following information:

12 (1) The requirements set out in K.S.A. 8-243, and amendments
13 thereto;

14 (2) a number or identifier deemed appropriate by the state licensing
15 authority;

16 (3) the class or type of commercial motor vehicle or vehicles which
17 the person is authorized to drive together with any endorsements or
18 restriction;

19 (4) the name of this state; and

20 (5) the dates between which the license is valid.

21 (b) Commercial drivers' licenses issued pursuant to K.S.A. 8-234b,
22 and amendments thereto, may be issued with the following endorsements
23 or restrictions; and the holder of a valid commercial driver's license may
24 drive all vehicles in the class for which that license is issued, and all lesser
25 classes of vehicles, except motorcycles and vehicles which require an
26 endorsement, unless the proper endorsement appears on the license;

27 (1) "H"—authorizes the driver to drive a vehicle transporting
28 hazardous materials;

29 (2) "L"—restricts the driver to vehicles not equipped with airbrakes;

30 (3) "T"—authorizes driving double and triple trailers;

31 (4) "P"—authorizes driving vehicles carrying passengers;

32 (5) "N"—authorizes driving tank vehicles;

33 (6) "X"—represents a combination of hazardous materials and tank
34 vehicle endorsements;

35 (7) "S"—authorizes driving school buses;

36 (8) "E"—*no manual transmission in CMV*;

- 1 (9) "O"—no tractor-trailer;
2 (10) "M"—no class A passenger vehicle;
3 (11) "N"—no class A or B passenger vehicle;
4 **(12) "Z"—no full air brake in CMV.**

5 (c) Before issuing a commercial driver's license, the division must
6 obtain driving record information through the commercial driver license
7 information system, the national driver register and from each state in
8 which the person has been licensed.

9 (d) Within 10 days after issuing a commercial driver's license, the
10 division shall notify the commercial driver license information system of
11 that fact, providing all information required to ensure identification of the
12 person.

13 (e) All original licenses issued after April 1, 1992, shall expire on the
14 fourth anniversary of the date of birth of the licensee which is nearest the
15 date of application. All renewals thereof shall expire on every fourth
16 anniversary of the date of birth of the licensee. No driver's license shall
17 expire in the same calendar year in which the original license or renewal
18 license is issued, except that if the foregoing provisions of this section
19 shall require the issuance of a renewal license or an original license for a
20 period of less than six calendar months, the license issued to the applicant
21 shall expire at midnight on every fourth anniversary of the date of birth of
22 the applicant. At least 30 days prior to the expiration of a person's license,
23 the division shall mail a notice of expiration or renewal application to such
24 person at the address shown on the license.

25 (f) When applying for renewal of a commercial driver's license, the
26 applicant must complete the test required in ~~subsection (e) of K.S.A. 8-~~
27 ~~247(e), and amendments thereto, and the application form required by~~
28 ~~subsection (b) of K.S.A. 8-2,134(b), and amendments thereto, providing~~
29 updated information and required certifications and if the applicant wishes
30 to retain a hazardous materials endorsement, the applicant must take and
31 pass the test for such endorsement.

32 **Sec. 2. K.S.A. 2014 Supp. 8-241 is hereby amended to read as**
33 **follows: 8-241. (a) Except as provided in K.S.A. 8-2,125 through 8-**
34 **2,142, and amendments thereto, any person licensed to operate a**
35 **motor vehicle in this state shall submit to an examination whenever:**
36 **(1) The division of vehicles has good cause to believe that such person**
37 **is incompetent or otherwise not qualified to be licensed; or (2) the**
38 **division of vehicles has suspended such person's license pursuant to**
39 **K.S.A. 8-1014, and amendments thereto, as the result of a test refusal,**
40 **test failure or conviction for a violation of K.S.A. 8-1567, and**
41 **amendments thereto, or a violation of a city ordinance or county**
42 **resolution prohibiting the acts prohibited by K.S.A. 8-1567, and**
43 **amendments thereto, except that no person shall have to submit to and**

1 successfully complete an examination more than once as the result of
2 separate suspensions arising out of the same occurrence.

3 (b) When a person is required to submit to an examination
4 pursuant to subsection (a)(1), the fee for such examination shall be in
5 the amount provided by K.S.A. 8-240, and amendments thereto. When
6 a person is required to submit to an examination pursuant to
7 subsection (a)(2), the fee for such examination shall be \$25. In
8 addition, any person required to submit to an examination pursuant
9 to subsection (a)(2) as the result of a test failure, a conviction for a
10 violation of K.S.A. 8-1567, and amendments thereto, or a violation of a
11 city ordinance or county resolution prohibiting the acts prohibited by
12 K.S.A. 8-1567, and amendments thereto, shall be required, at the time
13 of examination, to pay a reinstatement fee of \$200 after the first
14 occurrence, \$400 after the second occurrence, \$600 after the third
15 occurrence and \$800 after the fourth or subsequent occurrence; and
16 as a result of a test refusal, a conviction for a violation of K.S.A. 2014
17 Supp. 8-1025, and amendments thereto, or a violation of a city
18 ordinance or county resolution prohibiting the acts prohibited by
19 K.S.A. 2014 Supp. 8-1025, and amendments thereto, shall be required,
20 at the time of examination, to pay a reinstatement fee of \$600 after the
21 first occurrence, \$900 after the second occurrence, \$1,200 after the
22 third occurrence and \$1,500 after the fourth or subsequent
23 occurrence.

24 (1) All examination fees collected pursuant to this section shall be
25 remitted to the state treasurer, in accordance with the provisions of
26 K.S.A. 75-4215, and amendments thereto, who shall deposit the entire
27 amount in the state treasury and credit 80% to the state highway fund
28 and 20% shall be disposed of as provided in K.S.A. 8-267, and
29 amendments thereto.

30 (2) On and after July 1, 2014, through June 30, 2018, all
31 reinstatement fees collected pursuant to this section shall be remitted
32 to the state treasurer, in accordance with the provisions of K.S.A. 75-
33 4215, and amendments thereto, who shall deposit the entire amount in
34 the state treasury and credit 26% to the community alcoholism and
35 intoxication programs fund created pursuant to K.S.A. 41-1126, and
36 amendments thereto, 12% to the juvenile detention facilities fund
37 created by K.S.A. 79-4803, and amendments thereto, 12% to the
38 forensic laboratory and materials fee fund created by K.S.A. 28-176,
39 and amendments thereto, 17% to the driving under the influence fund
40 created by K.S.A. 75-5660, and amendments thereto, and 33% to the
41 judicial branch nonjudicial salary adjustment fund created by K.S.A.
42 20-1a15, and amendments thereto. Moneys credited to the forensic
43 laboratory and materials fee fund as provided herein shall be used to

1 supplement existing appropriations and shall not be used to supplant
2 general fund appropriations to the Kansas bureau of investigation.

3 (3) On and after July 1, 2018, all reinstatement fees collected
4 pursuant to this section shall be remitted to the state treasurer, in
5 accordance with the provisions of K.S.A. 75-4215, and amendments
6 thereto, who shall deposit the entire amount in the state treasury and
7 credit 35% to the community alcoholism and intoxication programs
8 fund created pursuant to K.S.A. 41-1126, and amendments thereto,
9 20% to the juvenile detention facilities fund created by K.S.A. 79-
10 4803, and amendments thereto, 20% to the forensic laboratory and
11 materials fee fund created by K.S.A. 28-176, and amendments thereto,
12 and 25% to the driving under the influence fund created by K.S.A. 75-
13 5660, and amendments thereto. Moneys credited to the forensic
14 laboratory and materials fee fund as provided herein shall be used to
15 supplement existing appropriations and shall not be used to supplant
16 general fund appropriations to the Kansas bureau of investigation.

17 (c) When an examination is required pursuant to subsection (a),
18 at least five days' written notice of the examination shall be given to
19 the licensee. The examination administered hereunder shall be at least
20 equivalent to the examination required by ~~subsection (e) of~~ K.S.A. 8-
21 247(e), and amendments thereto, with such additional tests as the
22 division deems necessary. Upon the conclusion of such examination,
23 the division shall take action as may be appropriate and may suspend
24 or revoke the license of such person or permit the licensee to retain
25 such license, or may issue a license subject to restrictions as permitted
26 under K.S.A. 8-245, and amendments thereto.

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

30 (e) *The division may issue a driver's license with a DUI-IID*
31 *designation for a licensee that is operating under ignition interlock*
32 *restrictions required by K.S.A. 8-1014, and amendments thereto. The*
33 *reexamination requirement in subsection (a)(2) shall not require*
34 *reexamination and payment of reinstatement fees until the end of the*
35 *licensee's ignition interlock restriction period. If the applicant's Kansas*
36 *driver's license has been expired for one year or more, the applicant must*
37 *complete a reexamination and pay any applicable reinstatement fees*
38 *before qualifying for a driver's license with an ignition interlock*
39 *designation. All other requirements for issuance and renewal of a driver's*
40 *license under K.S.A. 8-240, and amendments thereto, shall continue to*
41 *apply. The renewal periods and other requirements in K.S.A. 8-247, and*
42 *amendments thereto, shall apply. The fees charged for the driver's license*
43 *with ignition interlock designation shall include: (1) The fee amounts set*

1 *out in K.S.A. 8-240(f), and amendments thereto; (2) fees prescribed by the*
2 *secretary of revenue and required in K.S.A. 8-243(a), and amendments*
3 *thereto; and (3) a \$10 fee to the DUI-IID designation fund. There is*
4 *hereby created in the state treasury the DUI-IID designation fund. All*
5 *moneys credited to the DUI-IID designation fund shall be used by the*
6 *department of revenue only for the purpose of funding the administration*
7 *and oversight of state certified ignition interlock manufacturers and their*
8 *service providers.*

9 ~~Sec.-2.~~ **3.** K.S.A. 2014 Supp. **8-241 and 8-2,135**~~is~~ **are** hereby
10 repealed.

11 ~~Sec.-3.~~ **4.** This act shall take effect and be in force from and after its
12 publication in the statute book.