

HOUSE BILL No. 2436

By Representative Merrick

9-9

1 AN ACT concerning motor vehicles; relating to drivers' licenses,
2 examinations, motorcycles; amending K.S.A. 2015 Supp. 8-240 and
3 repealing the existing section.
4

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

6 Section 1. K.S.A. 2015 Supp. 8-240 is hereby amended to read as
7 follows: 8-240. (a) (1) Every application for an instruction permit shall be
8 made upon a form furnished by the division of vehicles and accompanied
9 by a fee of \$2 for class A, B, C or M and \$5 for all commercial classes.
10 Every other application shall be made upon a form furnished by the
11 division and accompanied by an examination fee of \$3, unless a different
12 fee is required by K.S.A. 8-241, and amendments thereto, and by the
13 proper fee for the license for which the application is made. All
14 commercial class applicants shall be charged a \$15 driving test fee for the
15 drive test portion of the commercial driver's license application. If the
16 applicant is not required to take an examination or the commercial license
17 drive test, the examination or commercial drive test fee shall not be
18 required. The examination shall consist of three tests, as follows: (A)
19 Vision; (B) written; and (C) driving. For a commercial driver's license, the
20 drive test shall consist of three components, as follows: (A) Pre-trip; (B)
21 skills test; and (C) road test. If the applicant fails the vision test, the
22 applicant may have correction of vision made and take the vision test
23 again without any additional fee. If an applicant fails the written test, the
24 applicant may take such test again upon the payment of an additional
25 examination fee of \$1.50. If an applicant fails the driving test, the
26 applicant may take such test again upon the payment of an additional
27 examination fee of \$1.50. If an applicant for a commercial driver's license
28 fails any portion of the commercial drive test, the applicant may take such
29 test again upon the payment of an additional drive test fee of \$10. If an
30 applicant fails to pass all three of the tests within a period of six months
31 from the date of original application and desires to take additional tests,
32 the applicant shall file an application for reexamination upon a form
33 furnished by the division, which shall be accompanied by a reexamination
34 fee of \$3, except that any applicant who fails to pass the written or driving
35 portion of an examination four times within a six-month period, shall be
36 required to wait a period of six months from the date of the last failed

1 examination before additional examinations may be given. Upon the filing
2 of such application and the payment of such reexamination fee, the
3 applicant shall be entitled to reexamination in like manner and subject to
4 the additional fees and time limitation as provided for examination on an
5 original application. If the applicant passes the reexamination, the
6 applicant shall be issued the classified driver's license for which the
7 applicant originally applied, which license shall be issued to expire as if
8 the applicant had passed the original examination.

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

13 (3) *An applicant for a class M license who passes a driving*
14 *examination administered by the division on a three-wheeled motorcycle*
15 *which is not an autocycle shall have a restriction placed on such*
16 *applicant's license limiting the applicant to the operation of a registered*
17 *three-wheeled motorcycle. An applicant for a class M license who passes a*
18 *driving examination administered by the division on a two-wheeled*
19 *motorcycle may operate any registered two-wheeled or three-wheeled*
20 *motorcycle.*

21 (b) (1) For the purposes of obtaining any driver's license or
22 instruction permit, an applicant shall submit, with the application, proof of
23 age and proof of identity as the division may require. The applicant also
24 shall provide a photo identity document, except that a non-photo identity
25 document is acceptable if it includes both the applicant's full legal name
26 and date of birth, and documentation showing the applicant's name, the
27 applicant's address of principal residence and the applicant's social security
28 number. The applicant's social security number shall remain confidential
29 and shall not be disclosed, except as provided pursuant to K.S.A. 74-2012,
30 and amendments thereto. If the applicant does not have a social security
31 number the applicant shall provide proof of lawful presence and Kansas
32 residency. The division shall assign a distinguishing number to the license
33 or permit.

34 (2) The division shall not issue any driver's license or instruction
35 permit to any person who fails to provide proof that the person is lawfully
36 present in the United States. Before issuing a driver's license or instruction
37 permit to a person, the division shall require valid documentary evidence
38 that the applicant: (A) Is a citizen or national of the United States; (B) is an
39 alien lawfully admitted for permanent or temporary residence in the
40 United States; (C) has conditional permanent resident status in the United
41 States; (D) has an approved application for asylum in the United States or
42 has entered into the United States in refugee status; (E) has a valid,
43 unexpired nonimmigrant visa or nonimmigrant visa status for entry into

1 the United States; (F) has a pending application for asylum in the United
2 States; (G) has a pending or approved application for temporary protected
3 status in the United States; (H) has approved deferred action status; or (I)
4 has a pending application for adjustment of status to that of an alien
5 lawfully admitted for permanent residence in the United States or
6 conditional permanent resident status in the United States.

7 (3) If an applicant provides evidence of lawful presence set out in
8 subsections (b)(2)(E) through (2)(I), or is an alien lawfully admitted for
9 temporary residence under subsection (b)(2)(B), the division may only
10 issue a driver's license to the person under the following conditions: (A) A
11 driver's license issued pursuant to this subparagraph shall be valid only
12 during the period of time of the applicant's authorized stay in the United
13 States or, if there is no definite end to the period of authorized stay, a
14 period of one year; (B) a driver's license issued pursuant to this
15 subparagraph shall clearly indicate that it is temporary and shall state the
16 date on which it expires; (C) no driver's license issued pursuant to this
17 subparagraph shall be for a longer period of time than the time period
18 permitted by K.S.A. 8-247(a), and amendments thereto; and (D) a driver's
19 license issued pursuant to this subparagraph may be renewed, subject at
20 the time of renewal, to the same requirements and conditions as set out in
21 this subsection (b) for the issuance of the original driver's license.

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

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

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

31 (c) Every application shall state the full legal name, date of birth,
32 gender and address of principal residence of the applicant, and briefly
33 describe the applicant, and shall state whether the applicant has been
34 licensed as a driver prior to such application, and, if so, when and by what
35 state or country. Such application shall state whether any such license has
36 ever been suspended or revoked, or whether an application has ever been
37 refused, and, if so, the date of and reason for such suspension, revocation
38 or refusal. In addition, applications for commercial drivers' licenses and
39 instruction permits for commercial licenses must include the following:
40 The applicant's social security number; the person's signature; the person's
41 colored digital photograph; certifications, including those required by 49
42 C.F.R. § 383.71(a), effective January 1, 1991; a consent to release driving
43 record information; and, any other information required by the division.

1 (d) When an application is received from a person previously licensed
2 in another jurisdiction, the division shall request a copy of the driver's
3 record from the other jurisdiction. When received, the driver's record shall
4 become a part of the driver's record in this state with the same force and
5 effect as though entered on the driver's record in this state in the original
6 instance.

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

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

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

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

14 (3) for a class M driver's license issued to a person at least 21 years of
15 age, but less than 65 years of age, \$12.50;

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

18 (5) for a class A or B driver's license issued to a person who is at least
19 21 years of age, but less than 65 years of age, \$24;

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

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

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

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

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

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

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

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

40 (i) The director of vehicles may issue a temporary driver's license to
41 an applicant who cannot provide valid documentary evidence as defined
42 by subsection (b)(2), if the applicant provides compelling evidence
43 proving current lawful presence. Any temporary license issued pursuant to

1 this subsection shall be valid for one year.

2 Sec. 2. K.S.A. 2015 Supp. 8-240 is hereby repealed.

3 Sec. 3. This act shall take effect and be in force from and after

4 ***January 1, 2017, and*** its publication in the statute book.