

As Amended by House Committee

Session of 2016

HOUSE BILL No. 2563

By Committee on Transportation

1-28

1 AN ACT concerning motor vehicles; relating to the application fee for a
2 restricted motorized bicycle driver's license; amending K.S.A. 2015
3 Supp. 8-235 and 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. 8-235 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 or
13 the information listed on foreign licenses shall be returned by the division
14 to the issuing department, together with information that the licensee is
15 now licensed in a new jurisdiction. No person shall be permitted to have
16 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 franchised
22 transit systems for hire upon city streets, to protect the public from drivers
23 whose character or habits make them unfit to transport the public. If a
24 license is denied, the applicant may appeal such decision to the district
25 court of the county in which such city is located by filing within 14 days
26 after such denial, a notice of appeal with the clerk of the district court and
27 by filing a copy of such notice with the city clerk of the involved city. The
28 city clerk shall certify a copy of such decision of the city governing body
29 to the clerk of the district court and the matter shall be docketed as any
30 other cause and the applicant shall be granted a trial of such person's
31 character and habits. The matter shall be heard by the court de novo in
32 accordance with the code of civil procedure. The cost of such appeal shall
33 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 classified

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

6 (d) No person shall drive any motorized bicycle upon a highway of
7 this state unless such person: (1) Has a valid driver's license which entitles
8 the licensee to drive a motor vehicle in any class or classes; (2) is at least
9 15 years of age and has passed the written and visual examinations
10 required for obtaining a class C driver's license, in which case the division
11 shall issue to such person a class C license which clearly indicates such
12 license is valid only for the operation of motorized bicycles; (3) has had
13 their driving privileges suspended, for a violation other than a violation of
14 K.S.A. 8-2,144, and amendments thereto, or a second or subsequent
15 violation of K.S.A. 8-1567 or 8-1567a or K.S.A. 2015 Supp. 8-1025, and
16 amendments thereto, and such person: (A) Has completed the mandatory
17 period of suspension as provided in K.S.A. 8-1014, and amendments
18 thereto; and (B) has made application *and submitted a \$50 nonrefundable*
19 *application fee* to the division for the issuance of a class C license for the
20 operation of motorized bicycles, in accordance with paragraph (2), in
21 which case the division shall issue to such person a class C license which
22 clearly indicates such license is valid only for the operation of motorized
23 bicycles; or (4) has had their driving privileges revoked under K.S.A. 8-
24 286, and amendments thereto, has not had a test refusal or test failure or
25 alcohol or drug-related conviction, as those terms are defined in K.S.A. 8-
26 1013, and amendments thereto, in the last five years, has not been
27 convicted of a violation of ~~subsection (b) of~~ K.S.A. 8-1568(b), and
28 amendments thereto, in the last five years and has made application to the
29 division for issuance of a class C license for the operation of motorized
30 bicycles, in accordance with paragraph (2), in which case the division shall
31 issue such person a class C license which clearly indicates such license is
32 valid only for the operation of motorized bicycles. **As used in this**
33 **subsection, "motorized bicycle" shall have the meaning ascribed to it**
34 **in K.S.A. 8-126, and amendments thereto.**

35 (e) *All moneys received under subsection (d) from the nonrefundable*
36 *application fee shall be applied by the division of vehicles for the*
37 *additional administrative costs to implement restricted driving privileges.*
38 *The division shall remit all restricted driving privilege application fees to*
39 *the state treasurer in accordance with the provisions of K.S.A. 75-4215,*
40 *and amendments thereto. Upon receipt of each such remittance, the state*
41 *treasurer shall deposit the entire amount in the state treasury to the credit*
42 *of the division of vehicles operating fund.*

43 (f) Violation of this section shall constitute a class B misdemeanor.

1 Sec. 2. K.S.A. 2015 Supp. 8-235 is hereby repealed.

2 Sec. 3. This act shall take effect and be in force from and after its
3 publication in the statute book.