

As Amended by House Committee

Session of 2015

SENATE BILL No. 126

By Committee on Transportation

2-2

1 AN ACT concerning motor vehicles; relating to commercial driver's
2 licenses; examination fees; commercial driver's license drive test fee
3 fund; amending K.S.A. 2014 Supp. 8-240 and repealing the existing
4 section.
5

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

7 New Section 1. There is hereby created in the state treasury the
8 commercial driver's license drive test fee fund. All moneys credited to the
9 commercial driver's license drive test fee fund shall be used by the
10 department of revenue only for the ~~purpose~~ **purposes** of funding the
11 administration and operation of the commercial driver's license drive test,
12 including software maintenance and enhancement, equipment maintenance
13 and purchase, acquisition and maintenance of ~~a test track~~ **one or more test**
14 **tracks** or courses for conducting a driving test, training and marketing
15 associated with the operations for the division of vehicles regarding the
16 issuance of commercial driver's licenses. All expenditures from the
17 commercial driver's license drive test fee fund shall be made in accordance
18 with appropriation acts, upon warrants of the director of accounts and
19 reports issued pursuant to vouchers approved by the secretary of the
20 department of revenue.

21 New Sec. 2. The division of vehicles shall remit the commercial
22 driver's license drive test fees received by the division under K.S.A. 8-
23 240(a)(1), and amendments thereto, to the state treasurer in accordance
24 with the provisions of K.S.A. 75-4215, and amendments thereto. Upon
25 receipt of each such remittance, the state treasurer shall deposit the entire
26 amount in the state treasury and credit such fees to the commercial driver's
27 license drive test fee fund. Moneys credited to the commercial driver's
28 license drive test fee fund as provided herein shall be used to supplement
29 existing appropriations and shall not be used to supplant general fund or
30 other special revenue fund appropriations to the Kansas department of
31 revenue.

32 Sec. 3. K.S.A. 2014 Supp. 8-240 is hereby amended to read as
33 follows: 8-240. (a) (1) Every application for an instruction permit shall be
34 made upon a form furnished by the division of vehicles and accompanied
35 by a fee of \$2 for class A, B, C or M and \$5 for all commercial classes.
36 Every other application shall be made upon a form furnished by the

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

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

39 (b) (1) For the purposes of obtaining any driver's license or
40 instruction permit, an applicant shall submit, with the application, proof of
41 age and proof of identity as the division may require. The applicant also
42 shall provide a photo identity document, except that a non-photo identity
43 document is acceptable if it includes both the applicant's full legal name

1 and date of birth, and documentation showing the applicant's name, the
2 applicant's address of principal residence and the applicant's social security
3 number. The applicant's social security number shall remain confidential
4 and shall not be disclosed, except as provided pursuant to K.S.A. 74-2012,
5 and amendments thereto. If the applicant does not have a social security
6 number the applicant shall provide proof of lawful presence and Kansas
7 residency. The division shall assign a distinguishing number to the license
8 or permit.

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

25 (3) If an applicant provides evidence of lawful presence set out in
26 subsections (b)(2)(E) through (2)(I), or is an alien lawfully admitted for
27 temporary residence under subsection (b)(2)(B), the division may only
28 issue a driver's license to the person under the following conditions: (A) A
29 driver's license issued pursuant to this subparagraph shall be valid only
30 during the period of time of the applicant's authorized stay in the United
31 States or, if there is no definite end to the period of authorized stay, a
32 period of one year; (B) a driver's license issued pursuant to this
33 subparagraph shall clearly indicate that it is temporary and shall state the
34 date on which it expires; (C) no driver's license issued pursuant to this
35 subparagraph shall be for a longer period of time than the time period
36 permitted by ~~subsection (a)~~ of K.S.A. 8-247(a), and amendments thereto;
37 and (D) a driver's license issued pursuant to this subparagraph may be
38 renewed, subject at the time of renewal, to the same requirements and
39 conditions as set out in this subsection (b) for the issuance of the original
40 driver's license.

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

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

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

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

20 (d) When an application is received from a person previously licensed
21 in another jurisdiction, the division shall request a copy of the driver's
22 record from the other jurisdiction. When received, the driver's record shall
23 become a part of the driver's record in this state with the same force and
24 effect as though entered on the driver's record in this state in the original
25 instance.

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

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

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

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

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

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

37 (5) for a class A or B driver's license issued to a person who is at least
38 21 years of age, but less than 65 years of age, \$24;

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

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

43 (8) for class A, B, C or M, or a farm permit, or any commercial

1 driver's license issued to a person less than 21 years of age, \$20.

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

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

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

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

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

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

21 Sec. 4. K.S.A. 2014 Supp. 8-240 is hereby repealed.

22 Sec. 5. This act shall take effect and be in force from and after its
23 publication in the statute book.