

SENATE BILL No. 215

By Committee on Education

2-10

1 AN ACT concerning transportation; relating to commercial driver's
2 education; transferring authority over driver's education programs
3 operated by certain postsecondary institutions and driver training
4 schools to the department of revenue; authorizing the department of
5 revenue to promulgate rules and regulations therefor; amending K.S.A.
6 8-273, 8-274, 8-275, 8-276, 8-277, 8-278, 8-279 and 8-280 and K.S.A.
7 2020 2021 Supp. 8-272 and repealing the existing sections.

8
9 *Be it enacted by the Legislature of the State of Kansas:*

10 Section 1. K.S.A. ~~2020~~ 2021 Supp. 8-272 is hereby amended to read
11 as follows: 8-272. (a) Any school district conducting an approved course
12 in driver training and any student attending a nonpublic school accredited
13 by the state board of education conducting an approved course in driver
14 training **and any student 19 years of age or under attending a community**
15 **college conducting an approved course in driver training** shall be entitled
16 to participate in the state safety fund created by K.S.A. 8-267, and
17 amendments thereto. In August of each year, the superintendent of each
18 school district and the governing authority of each nonpublic school **and**
19 **community college** shall report to the state board of education the number
20 of students who have been in attendance for a complete driver training
21 course conducted by such school district ~~or~~, nonpublic school **or**
22 **community college** during the past school year. The state board of
23 education shall certify to the director of accounts and reports the amount
24 due each school district and each student of a nonpublic school **or**
25 **community college** entitled to payment under this subsection. The director
26 of accounts and reports shall draw warrants on the state treasurer payable
27 to the treasurer of each school district and to each student of a nonpublic
28 school **or community college** entitled to payment under this subsection
29 upon vouchers approved by the state board and shall cause such warrants
30 to be delivered to the respective school districts ~~and~~, nonpublic schools
31 **and community colleges**. If the amount appropriated in any year from the
32 state safety fund is insufficient to pay the full amount each school district
33 and each student of a nonpublic school **or community college** is entitled to
34 receive under this subsection, then the entire amount appropriated for such
35 year shall be prorated among all school districts and all students of
36 nonpublic schools **and community colleges** in proportion to the amount

1 each school district and each student of a nonpublic school *or community*
2 *college* is entitled to receive. No moneys in the state safety fund shall be
3 used for any purpose other than that specified in this subsection or for the
4 support of driver improvement programs. The state board of education
5 shall prescribe all forms necessary for reporting in connection with this
6 act. The funds shall be distributed on or before November 1 each year.

7 (b) (1) Any school district conducting an approved course in
8 motorcycle safety as a part of an approved course in driver training; any
9 student attending a nonpublic school accredited by the state board of
10 education conducting an approved course in motorcycle safety as a part of
11 an approved course in driver training or any community college
12 conducting an approved course in motorcycle safety shall be entitled to
13 participate in the motorcycle safety fund created by K.S.A. 8-267, and
14 amendments thereto. The state board of education may establish, by rules
15 and regulations, standards for the conduct, operation and approval of
16 courses in motorcycle safety and for the qualifications of instructors for
17 such courses conducted by a school district or nonpublic accredited school.
18 Such standards shall not include the requirement that instructors be
19 licensed by the state board of education. In August of each year, the
20 superintendent of each school district or the governing authority of each
21 nonpublic school shall report to the state board of education the number of
22 students who have been in attendance for a complete course in motorcycle
23 safety as a part of the driver training course conducted by such school
24 district or nonpublic school during the past school year. The state board of
25 education shall certify to the director of accounts and reports the amount
26 due each school district and each student of a nonpublic school entitled to
27 payment under this subsection. The director of accounts and reports shall
28 draw warrants on the state treasurer payable to the treasurer of each school
29 district and to each student of a nonpublic school entitled to payment
30 under this subsection upon vouchers approved by the state board and shall
31 cause such warrants to be delivered to the respective school districts and
32 nonpublic schools. If the amount appropriated in any year from the
33 motorcycle safety fund shall be insufficient to pay the full amount each
34 school district and each student of a nonpublic school is entitled to receive
35 under this subsection, then the entire amount appropriated for such year
36 shall be prorated among all school districts and all students of nonpublic
37 schools in proportion to the amount each school district and each student
38 of a nonpublic school is entitled to receive. No moneys in the motorcycle
39 safety fund shall be used for any purpose other than that specified in this
40 subsection or for the support of motorcycle driver improvement programs.
41 The state board of education shall prescribe all forms necessary for
42 reporting in connection with this act. The funds shall be distributed on or
43 before November 1 each year.

1 (2) Any community college conducting an approved course in
2 motorcycle safety shall be entitled to participate in the motorcycle safety
3 fund created by K.S.A. 8-267, and amendments thereto. ~~The state board of~~
4 ~~regents department of revenue~~ may establish, by rules and regulations *or*
5 *by public declaration of the director of vehicles*, standards for the conduct,
6 operation and approval of courses in motorcycle safety and for the
7 qualifications of instructors for such courses conducted by a community
8 college. ~~Such standards shall not include the requirement that instructors~~
9 ~~be licensed by the state board of education.~~ In August of each year, the
10 chief administrative officer of each community college shall report to the
11 state board of regents *and the department* the number of students who
12 have been in attendance for a complete course in motorcycle safety as a
13 part of the driver training course conducted by such community college
14 during the past school year. The state board of regents shall certify to the
15 director of accounts and reports the amount due each community college
16 entitled to payment under this subsection. The director of accounts and
17 reports shall draw warrants on the state treasurer payable to the treasurer
18 of each community college entitled to payment under this subsection upon
19 vouchers approved by the state board *of regents* and shall cause such
20 warrants to be delivered to the respective community colleges. If the
21 amount appropriated in any year from the motorcycle safety fund shall be
22 insufficient to pay the full amount each community college is entitled to
23 receive under this subsection, then the entire amount appropriated for such
24 year shall be prorated among all community colleges in proportion to the
25 amount each community college is entitled to receive. No moneys in the
26 motorcycle safety fund shall be used for any purpose other than that
27 specified in this subsection or for the support of motorcycle driver
28 improvement programs *or department administration*. *The department, in*
29 *consultation with the* state board of regents, shall prescribe all forms
30 necessary for reporting in connection with this act. The funds shall be
31 distributed on or before November 1 each year.

32 (c) (1) ~~For the purpose of~~ *As used in this subsection, "vocational-*
33 ~~education school" "institution" means a technical school affiliated with a~~
34 *public university in this state, a technical college or community college,*
35 ~~area vocational-technical school or area vocational school.~~

36 (2) ~~Any vocational education school institution~~ conducting an
37 approved course in truck driving shall be entitled to participate in the truck
38 driver training fund created by K.S.A. 8-267, and amendments thereto.
39 ~~The state board of regents department~~ may establish, by rules and
40 regulations *or by public declaration of the director of vehicles*, standards
41 for the conduct, operation and approval of courses in truck driver training
42 and for the qualifications of instructors for such courses. Such standards
43 shall not include the requirement that instructors be certificated by the

1 state board of regents. *Courses in truck driver training for an interstate*
2 *commercial class license shall also comply with the Kansas uniform*
3 *commercial drivers' license act.* In August of each year, the chief
4 administrative officer of each ~~vocational education school~~ *participating*
5 *institution* shall report to the state board of regents *and the department* the
6 number of students who have been in attendance for a complete course in
7 truck driver training conducted by such ~~vocational education school~~
8 *institution* during the past school year. The state board of regents shall
9 certify to the director of accounts and reports the amount due each
10 ~~vocational education school~~ *institution* entitled to payment under this
11 subsection. The director of accounts and reports shall draw warrants on the
12 state treasurer payable to the treasurer of each ~~vocational education school~~
13 *institution* entitled to payment under this subsection upon vouchers
14 approved by the state board of regents and shall cause such warrants to be
15 delivered to the respective ~~vocational education school~~ *institution*. If the
16 amount appropriated in any year from the truck driver training fund shall
17 be insufficient to pay the full amount each ~~vocational education school~~
18 *institution* is entitled to receive under this subsection, then the entire
19 amount appropriated for such year shall be prorated among all ~~vocational~~
20 ~~education schools~~ *participating institutions* in proportion to the amount
21 each ~~vocational education school~~ *institution* is entitled to receive. No
22 moneys in the truck driver training fund shall be used for any purpose
23 other than that specified in this subsection or for the support of truck driver
24 training programs *and department administration*. The *department, in*
25 *consultation with the* state board of regents, shall prescribe all forms
26 necessary for reporting in connection with this act. The funds shall be
27 distributed on or before November 1 each year.

28 Sec. 2. K.S.A. 8-273 is hereby amended to read as follows: 8-273.
29 ~~The following words and phrases when used in this act shall, unless the~~
30 ~~context otherwise requires, have the meanings respectively ascribed to~~
31 ~~them in this section:~~

32 (a) "Motor vehicle:" *means* every vehicle ~~which~~ *that* is self-propelled
33 upon or by which any person or property is or may be transported or
34 drawn upon a public highway except devices used exclusively upon
35 stationary rails or tracks.

36 (b) "Drivers' training schools:" *means* any person, partnership or
37 corporation giving driving instruction to ~~ten~~ (10) or more persons per
38 calendar year for the purpose of meeting requirements for licensed driving
39 of motor vehicles in Kansas.

40 (c) "Person:" *means* every natural person, firm, copartnership,
41 association, corporation, or school.

42 (d) "Department:" *means* the ~~state~~ department of ~~education~~ *revenue*
43 acting directly or through its duly authorized officers and agents.

1 (e) "State board:" *means* the state board of education.

2 (f) "Drivers' license examiners:" *means* examiners appointed by the
3 division of vehicles for the purpose of giving drivers' license examinations.

4 Sec. 3. K.S.A. 8-274 is hereby amended to read as follows: 8-274. No
5 person shall operate a driver training school or engage in the business of
6 giving instruction for hire in the driving of motor vehicles or in the
7 preparation of an applicant for examination given by driver license
8 examiners for an operator's or chauffeur's license or permit, unless a
9 license therefor has been secured from the ~~state board~~ *department*.

10 Sec. 4. K.S.A. 8-275 is hereby amended to read as follows: 8-275.
11 ~~Every person~~ *In order for a person* to qualify to operate a driving school,
12 *such person* shall meet the following requirements:

13 (a) Be of good moral character;

14 (b) maintain an established place of business to the public;

15 (c) maintain bodily injury and property damage liability insurance on
16 motor vehicles while used in driving instruction, insuring the liability of
17 the driving school, the driving instructors and any person taking
18 instruction in at least the following amounts: ~~One hundred thousand~~
19 ~~dollars~~ (\$100,000) for bodily injury to or death of one person in any one
20 accident and, subject to ~~said such~~ *such* limit for one person, ~~two hundred~~
21 ~~thousand dollars~~ (\$200,000) for bodily injury to or death of two ~~(2)~~
22 or more persons in any one accident and the amount of ~~twenty thousand~~
23 ~~dollars~~ (\$20,000) for damage to property of others in any one accident.
24 Evidence of such insurance coverage in the form of a certificate from the
25 insurance carrier shall be filed with the ~~state department of education,~~
26 *revenue* and such certificate shall stipulate that the insurance shall not be
27 canceled except upon ~~ten (10) days~~ *10 days'* prior written notice to the
28 ~~state board~~ *department*. Such insurance shall be written by a company
29 authorized to do business in this state;

30 (d) provide a continuous surety company bond in the principal sum of
31 ~~two thousand five hundred dollars~~ (\$2,500) for the protection of the
32 contractual rights of students in such form as will meet with the approval
33 of the ~~state board~~ *department* and written by a company authorized to do
34 business in this state. However, the aggregate liability of the surety for all
35 breaches of the condition of the bond in no event shall exceed the principal
36 sum of ~~two thousand five hundred dollars~~ (\$2,500). The surety on any such
37 bond may cancel such bond on giving ~~thirty (30) days~~ *30 days'* written
38 notice thereof ~~in writing~~ to the ~~state board~~ *department* and shall be
39 relieved of liability for any breach of any condition of the bond ~~which that~~
40 occurs after the effective date of cancellation;

41 (e) have the equipment necessary to the giving of proper instruction
42 in the operation of motor vehicles as prescribed by the ~~state board~~
43 *department; and*

1 (f) pay to the ~~board~~ *department* an application fee of ~~twenty-five~~
2 ~~dollars~~ (\$25).

3 Sec. 5. K.S.A. 8-276 is hereby amended to read as follows: 8-276.
4 ~~Every person~~ *In order for a person* to qualify as an instructor for a driving
5 school, *such person* shall meet the following requirements:

6 (a) Present to the ~~state board~~ *department* evidence of: (1) Credit in
7 driver education and safety from an accredited college or university
8 equivalent to credits in those subjects ~~which are~~ required of instructors in
9 the ~~public schools of Kansas accredited by the state board~~; (2) having a
10 valid ~~Kansas teacher's certificate coded for credential issued by the state~~
11 ~~board to teach~~ driver education; or (3) having completed at least 30 hours
12 of classroom and 24 hours of behind the wheel training under the direct
13 supervision of an individual who is presently licensed as an instructor by
14 the state board under ~~paragraphs~~ *paragraph* (1) or (2) and who has been
15 continuously licensed and who has actively instructed students for a period
16 of at least three years.;

17 (b) have knowledge of the Kansas operation lifesaver
18 highway/railroad grade crossing safety program.;

19 (c) be physically able to operate safely a motor vehicle and to train
20 others in the operation of motor vehicles.;

21 (d) provide a certificate of health from a medical doctor stating that
22 such person is ~~free from contagious disease~~. *physically and mentally able*
23 *to safely operate a motor vehicle*.;

24 (e) hold a valid Kansas drivers' license.;

25 (f) pay to the ~~state board~~ *department* an application fee of \$5.

26 Sec. 6. K.S.A. 8-277 is hereby amended to read as follows: 8-277. (a)
27 ~~The state board department~~ shall issue a license certificate to each
28 applicant to conduct a driver training school or to each driver training
29 instructor when the ~~state board department~~ is satisfied that such ~~person~~
30 *applicant* has met the qualifications required under this act.

31 (b) All ~~outstanding~~ licenses issued to any driver training school or
32 driver training instructor pursuant to the provisions of this act, shall expire
33 as a matter of law at midnight on December 31 of the calendar year for
34 which the license was issued, unless sooner canceled, suspended or
35 revoked under the provisions of K.S.A. 8-279, *and amendments thereto*.

36 (c) The license of each driver training school and each driver training
37 instructor may be renewed subject to the same conditions as the original
38 license, and upon payment of the same fee.

39 (d) All applications for renewal of a driver training school license or
40 driver training instructor's license shall be on a form prescribed by the
41 ~~state board department~~, and ~~must~~ *shall* be filed with the ~~state~~ department
42 ~~of education~~ not more than ~~sixty~~ (60) days, nor ~~less~~ *fewer* than ~~ten~~ (10)
43 days preceding the expiration date of the license to be renewed.

1 Sec. 7. K.S.A. 8-278 is hereby amended to read as follows: 8-278. (a)
2 ~~The state board~~ department is authorized to prescribe by rules and
3 regulations, standards for the eligibility, conduct and operation of driver
4 training schools and instructors and to adopt other reasonable rules and
5 regulations to carry out the provisions of this act.

6 (b) *All rules and regulations of the state board of education*
7 *pertaining to functions of the driver's training school license act in*
8 *existence on July 1, ~~2021~~ 2022, shall continue to be effective and shall be*
9 *deemed to be duly adopted rules and regulations of the secretary of*
10 *revenue until revised, amended, revoked or nullified pursuant to law.*

11 (c) *All orders and directives of the state department of education*
12 *pertaining to functions of the driver's training school license act on July 1,*
13 *~~2021~~ 2022, shall continue to be effective and shall be deemed to be orders*
14 *and directives of the department until revised, amended or nullified by the*
15 *state director of vehicles.*

16 Sec. 8. K.S.A. 8-279 is hereby amended to read as follows: 8-279.
17 ~~The state board~~ department may cancel, suspend, revoke or refuse to
18 renew any driver's training school or driver's training instructor license if
19 any of the following occurs:

20 (a) ~~When the state board~~ *The department* is satisfied that the licensee
21 fails to meet the requirements to receive or hold a license under this act.;

22 (b) ~~Whenever~~ the licensee fails to keep the records required herein.;

23 (c) ~~Whenever~~ the licensee permits fraud or engages in fraudulent
24 practices either with reference to the applicant or the ~~state board~~
25 *department*, or induces or countenances fraud or fraudulent practices on
26 the part of any applicant for a driver's license or permit.;

27 (d) ~~Whenever~~ the licensee fails to comply with any provision of this
28 act or any of the rules and regulations of the ~~state board~~ *department* made
29 pursuant thereto.;

30 (e) ~~Whenever~~ the licensee represents ~~himself or herself~~ *such licensee*
31 as an agent or employee of the ~~state board~~ *department* or license
32 examiners or uses advertising designed to lead or which would reasonably
33 have the effect of leading persons to believe that such licensee is in fact an
34 employee or representative of the ~~state board~~ *department* or license
35 examiners.;

36 (f) ~~Whenever~~ the licensee or any employee or agent of the licensee
37 solicits driver training or instruction in an office of any department of the
38 state having to do with the administration of any law relating to motor
39 vehicles.;

40 (g) ~~Whenever~~ the licensee has had ~~his or her~~ *their* operator's or
41 chauffeur's license canceled, suspended or revoked.

42 Sec. 9. K.S.A. 8-280 is hereby amended to read as follows: 8-280. (a)
43 *There is hereby created in the state treasury the commercial driver*

1 *education fund. The commercial driver education fund shall be*
2 *administered by the department of revenue. All expenditures from the*
3 *commercial driver education fund shall be made in accordance with*
4 *appropriation acts upon warrants of the director of accounts and reports*
5 *issued pursuant to vouchers approved by the secretary of revenue.*

6 (b) All moneys received under this act shall be remitted to the state
7 treasurer in accordance with the provisions of K.S.A. 75-4215, and
8 amendments thereto. Upon receipt of each such remittance, the state
9 treasurer shall deposit the entire amount in the state treasury to the credit
10 of the ~~state safety fund created by K.S.A. 8-267, and amendments thereto~~
11 *commercial driver education fund.*

12 Sec. 10. K.S.A. 8-273, 8-274, 8-275, 8-276, 8-277, 8-278, 8-279 and
13 8-280 and K.S.A. ~~2020~~ **2021** Supp. 8-272 are hereby repealed.

14 Sec. 11. This act shall take effect and be in force from and after its
15 publication in the statute book.