

As Amended by House Committee

Session of 2012

HOUSE BILL No. 2506

By Committee on Corrections and Juvenile Justice

1-23

1 AN ACT concerning driver's licenses; relating to habitual violators;
2 motorized bicycles; amending K.S.A. 8-286 and 8-288 and K.S.A.
3 2011 Supp. 8-235 and 8-287 and repealing the existing sections.
4

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

6 Section 1. K.S.A. 2011 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) ~~Such person~~ Has a valid driver's license
8 which entitles the licensee to drive a motor vehicle in any class or classes;
9 (2) ~~such person~~ is at least 15 years of age and has passed the written and
10 visual examinations required for obtaining a class C driver's license, in
11 which case the division shall issue to such person a class C license which
12 clearly indicates such license is valid only for the operation of motorized
13 bicycles; ~~or~~ (3) ~~such person~~ has had their driving privileges suspended, for
14 a violation other than a violation of K.S.A. 8-2,144, **and amendments**
15 **thereto, or a second or subsequent violation of K.S.A. 8-1567 or 8-**
16 **1567a, and amendments thereto, and such person has completed the**
17 **mandatory period of suspension as provided in K.S.A. 8-1014, and**
18 **amendments thereto,** and has made application to the division for the
19 issuance of a class C license for the operation of motorized bicycles, in
20 accordance with paragraph (2), in which case the division shall issue to
21 such person a class C license which clearly indicates such license is valid
22 only for the operation of motorized bicycles; *or* (4) *has had their driving*
23 *privileges revoked under K.S.A. 8-286, and amendments thereto, has not*
24 *had a test refusal or test failure or alcohol or drug-related conviction,*
25 *as those terms are defined in K.S.A. 8-1013, and amendments thereto,*
26 *in the last five years, has not been convicted of a violation of*
27 *subsection (b) of K.S.A. 8-1568, and amendments thereto, in the last*
28 *five years and has made application to the division for issuance of a class*
29 *C license for the operation of motorized bicycles, in accordance with*
30 *paragraph (2), in which case the division shall issue such person a class C*
31 *license which clearly indicates such license is valid only for the operation*
32 *of motorized bicycles.*

33 (e) Violation of this section shall constitute a class B misdemeanor.

34 Sec. 2. K.S.A. 8-286 is hereby amended to read as follows: 8-286.
35 Whenever the files and records of the division shall disclose that the
36 record of convictions of any person is such that the person is an habitual
37 violator, as prescribed by K.S.A. 8-285, and amendments thereto, the
38 division promptly shall revoke the person's driving privileges for a period
39 of three years, *except as allowed under subsection (d)(4) of K.S.A. 8-235,*
40 *and amendments thereto.*

41 Sec. 3. K.S.A. 2011 Supp. 8-287 is hereby amended to read as
42 follows: 8-287. *Except as allowed under subsection (d)(4) of K.S.A. 8-235,*
43 *and amendments thereto,* operation of a motor vehicle in this state while

1 one's driving privileges are revoked pursuant to K.S.A. 8-286, and
2 amendments thereto, is a class A nonperson misdemeanor. The person
3 found guilty of a third or subsequent conviction of this section shall be
4 sentenced to not less than 90 days imprisonment and fined not less than
5 \$1,500. The person convicted shall not be eligible for release on probation,
6 suspension or reduction of sentence or parole until the person has served at
7 least 90 days' imprisonment. The 90 days' imprisonment mandated by this
8 subsection may be served in a work release program only after such person
9 has served 48 consecutive hours' imprisonment, provided such work
10 release program requires such person to return to confinement at the end of
11 each day in the work release program. The court may place the person
12 convicted under a house arrest program pursuant to K.S.A. 2011 Supp. 21-
13 6609, and amendments thereto, or any municipal ordinance to serve the
14 remainder of the minimum sentence only after such person has served 48
15 consecutive hours' imprisonment.

16 Sec. 4. K.S.A. 8-288 is hereby amended to read as follows: 8-288.
17 *Except as allowed under subsection (d)(4) of K.S.A. 8-235, and*
18 *amendments thereto*, no license to operate a motor vehicle in Kansas shall
19 be issued to a person for a period of three years from the date of the
20 division's order revoking such person's driving privileges pursuant to
21 K.S.A. 8-286, and amendments thereto, and until the person's driving
22 privileges have been restored.

23 Sec. 5. K.S.A. 8-286 and 8-288 and K.S.A. 2011 Supp. 8-235 and 8-
24 287 are hereby repealed.

25 Sec. 6. This act shall take effect and be in force from and after its
26 publication in the statute book.

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