

Substitute for HOUSE BILL No. 2194

By Committee on Transportation

3-16

1 AN ACT concerning motor vehicles; relating to motorcycles, approved
2 safety training curriculum; ~~location for safety courses~~; amending
3 K.S.A. ~~2016~~ 2017 Supp. 8-240 ~~and 8-272~~ and repealing the existing
4 ~~sections~~ {*section*}.

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

7 Section 1. K.S.A. ~~2016~~ 2017 Supp. 8-240 is hereby amended to read
8 as follows: 8-240. (a) (1) Every application for an instruction permit shall
9 be made upon a form furnished by the division of vehicles and
10 accompanied by a fee of \$2 for class A, B, C or M and \$5 for all
11 commercial classes. Every other application shall be made upon a form
12 furnished by the division and accompanied by an examination fee of \$3,
13 unless a different fee is required by K.S.A. 8-241, and amendments
14 thereto, and by the proper fee for the license for which the application is
15 made. All commercial class applicants shall be charged a \$15 driving test
16 fee for the drive test portion of the commercial driver's license application.
17 If the applicant is not required to take an examination or the commercial
18 license drive test, the examination or commercial drive test fee shall not be
19 required. The examination shall consist of three tests, as follows: (A)
20 Vision; (B) written; and (C) driving. For a commercial driver's license, the
21 drive test shall consist of three components, as follows: (A) Pre-trip; (B)
22 skills test; and (C) road test. If the applicant fails the vision test, the
23 applicant may have correction of vision made and take the vision test
24 again without any additional fee. If an applicant fails the written test, the
25 applicant may take such test again upon the payment of an additional
26 examination fee of \$1.50. If an applicant fails the driving test, the
27 applicant may take such test again upon the payment of an additional
28 examination fee of \$1.50. If an applicant for a commercial driver's license
29 fails any portion of the commercial drive test, the applicant may take such
30 test again upon the payment of an additional drive test fee of \$10. If an
31 applicant fails to pass all three of the tests within a period of six months
32 from the date of original application and desires to take additional tests,
33 the applicant shall file an application for reexamination upon a form
34 furnished by the division, which shall be accompanied by a reexamination

1 fee of \$3, except that any applicant who fails to pass the written or driving
2 portion of an examination four times within a six-month period, shall be
3 required to wait a period of six months from the date of the last failed
4 examination before additional examinations may be given. Upon the filing
5 of such application and the payment of such reexamination fee, the
6 applicant shall be entitled to reexamination in like manner and subject to
7 the additional fees and time limitation as provided for examination on an
8 original application. If the applicant passes the reexamination, the
9 applicant shall be issued the classified driver's license for which the
10 applicant originally applied, which license shall be issued to expire as if
11 the applicant had passed the original examination.

12 (2) Applicants for class M licenses who have completed prior
13 motorcycle safety training in accordance with department of defense
14 instruction 6055.04 (DoDI 6055.04) ~~or curriculum recognized by the~~
15 ~~department of education and the motorcycle safety foundation~~ are not
16 required to complete further written and driving testing pursuant to
17 paragraph (1) of this subsection. ***An applicant who completes a***
18 ***motorcycle safety curriculum {seeking exemption from the written and***
19 ***driving tests pursuant to this paragraph} shall provide a copy of the***
20 ***motorcycle safety foundation completion form to the division prior to***
21 ***receiving a class M license.***

22 (3) On and after January 1, 2017, an applicant for a class M license
23 who passes a driving examination ~~administered by the division~~ on a three-
24 wheeled motorcycle which is not an autocycle shall have a restriction
25 placed on such applicant's license limiting the applicant to the operation of
26 a registered three-wheeled motorcycle. An applicant for a class M license
27 who passes a driving examination ~~administered by the division~~ on a two-
28 wheeled motorcycle may operate any registered two-wheeled or three-
29 wheeled motorcycle. ***The driving examination required by this***
30 ***paragraph shall be administered by the division, by the department of***
31 ***defense or as part of a curriculum recognized by the***
32 ***department of education {motorcycle safety foundation}.***

33 (b) (1) For the purposes of obtaining any driver's license or
34 instruction permit, an applicant shall submit, with the application, proof of
35 age and proof of identity as the division may require. The applicant also
36 shall provide a photo identity document, except that a non-photo identity
37 document is acceptable if it includes both the applicant's full legal name
38 and date of birth, and documentation showing the applicant's name, the
39 applicant's address of principal residence and the applicant's social security
40 number. The applicant's social security number shall remain confidential
41 and shall not be disclosed, except as provided pursuant to K.S.A. 74-2012,
42 and amendments thereto. If the applicant does not have a social security
43 number the applicant shall provide proof of lawful presence and Kansas

1 residency. The division shall assign a distinguishing number to the license
2 or permit.

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

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

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

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

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

43 (c) Every application shall state the full legal name, date of birth,

1 gender and address of principal residence of the applicant, and briefly
2 describe the applicant, and shall state whether the applicant has been
3 licensed as a driver prior to such application, and, if so, when and by what
4 state or country. Such application shall state whether any such license has
5 ever been suspended or revoked, or whether an application has ever been
6 refused, and, if so, the date of and reason for such suspension, revocation
7 or refusal. In addition, applications for commercial drivers' licenses and
8 instruction permits for commercial licenses must include the following:
9 The applicant's social security number; the person's signature; the person's:
10 (1) Digital color image or photograph; or (2) a laser engraved photograph;
11 certifications, including those required by 49 C.F.R. § 383.71(a), effective
12 January 1, 1991; a consent to release driving record information; and, any
13 other information required by the division.

14 (d) When an application is received from a person previously licensed
15 in another jurisdiction, the division shall request a copy of the driver's
16 record from the other jurisdiction. When received, the driver's record shall
17 become a part of the driver's record in this state with the same force and
18 effect as though entered on the driver's record in this state in the original
19 instance.

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

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

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

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

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

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

31 (5) for a class A or B driver's license issued to a person who is at least
32 21 years of age, but less than 65 years of age, \$24;

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

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

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

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

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

43 If one fails to make an original application or renewal application for a

1 driver's license within the time required by law, or fails to make
2 application within 60 days after becoming a resident of Kansas, a penalty
3 of \$1 shall be added to the fee charged for the driver's license.

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

8 (h) The division shall require that any person applying for a driver's
9 license submit to a mandatory facial image capture. The captured facial
10 image shall be displayed on the front of the applicant's driver's license.

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

16 (j) For purposes of this subsection, the division may rely on the
17 division's most recent, existing color digital image and signature image of
18 the applicant for the class C or M driver's license if the division has the
19 information on file. The determination on whether an electronic online
20 renewal application or equivalent of a driver's license is permitted shall be
21 made by the director of vehicles or the director's designee. The division
22 shall not renew a driver's license through an electronic online or equivalent
23 process if the license has been previously renewed through an electronic
24 online application in the immediately preceding driver's license period. No
25 renewal under this subsection shall be granted to any person who is: (1)
26 Younger than 30 days from turning 21 years of age; (2) 65 years of age or
27 older; (3) a registered offender pursuant to K.S.A. 22-4901 et seq., and
28 amendments thereto; or (4) has a temporary driver's license issued
29 pursuant to K.S.A. 8-240(b)(3), and amendments thereto, provided the
30 license is not otherwise withdrawn. The secretary of revenue may adopt
31 and administer rules and regulations to implement a program to permit an
32 electronic online renewal of a driver's license.

33 ~~Sec. 2. K.S.A. 2016 **2017** Supp. 8-272 is hereby amended to read as~~
34 ~~follows: 8-272. (a) Any school district conducting an approved course in~~
35 ~~driver training and any student attending a nonpublic school accredited by~~
36 ~~the state board of education conducting an approved course in driver~~
37 ~~training shall be entitled to participate in the state safety fund created by~~
38 ~~K.S.A. 8-267, and amendments thereto. In August of each year, the~~
39 ~~superintendent of each school district and the governing authority of each~~
40 ~~nonpublic school shall report to the state board of education the number of~~
41 ~~students who have been in attendance for a complete driver training course~~
42 ~~conducted by such school district or nonpublic school during the past~~
43 ~~school year. The state board of education shall certify to the director of~~

1 ~~accounts and reports the amount due each school district and each student~~
2 ~~of a nonpublic school entitled to payment under this subsection. The~~
3 ~~director of accounts and reports shall draw warrants on the state treasurer~~
4 ~~payable to the treasurer of each school district and to each student of a~~
5 ~~nonpublic school entitled to payment under this subsection upon vouchers~~
6 ~~approved by the state board and shall cause such warrants to be delivered~~
7 ~~to the respective school districts and nonpublic schools. If the amount~~
8 ~~appropriated in any year from the state safety fund is insufficient to pay~~
9 ~~the full amount each school district and each student of a nonpublic school~~
10 ~~is entitled to receive under this subsection, then the entire amount~~
11 ~~appropriated for such year shall be prorated among all school districts and~~
12 ~~all students of nonpublic schools in proportion to the amount each school~~
13 ~~district and each student of a nonpublic school is entitled to receive. No~~
14 ~~moneys in the state safety fund shall be used for any purpose other than~~
15 ~~that specified in this subsection or for the support of driver improvement~~
16 ~~programs. The state board of education shall prescribe all forms necessary~~
17 ~~for reporting in connection with this act. The funds shall be distributed on~~
18 ~~or before November 1 each year.~~

19 ~~(b) (1) Any school district conducting an approved course in~~
20 ~~motorcycle safety as a part of an approved course in driver training; any~~
21 ~~student attending a nonpublic school accredited by the state board of~~
22 ~~education conducting an approved course in motorcycle safety as a part of~~
23 ~~an approved course in driver training or any community college~~
24 ~~conducting an approved course in motorcycle safety shall be entitled to~~
25 ~~participate in the motorcycle safety fund created by K.S.A. 8-267, and~~
26 ~~amendments thereto. The state board of education may establish, by rules~~
27 ~~and regulations, standards for the conduct, operation and approval of~~
28 ~~courses in motorcycle safety and for the qualifications of instructors for~~
29 ~~such courses conducted by a school district or nonpublic accredited school.~~
30 ~~Such standards shall not include: (A) The requirement that instructors be~~
31 ~~licensed by the state board of education; or (B) the requirement that the~~
32 ~~course be conducted in the state of Kansas if all other requirements are~~
33 ~~satisfied. In August of each year, the superintendent of each school district~~
34 ~~or the governing authority of each nonpublic school shall report to the~~
35 ~~state board of education the number of students who have been in~~
36 ~~attendance for a complete course in motorcycle safety as a part of the~~
37 ~~driver training course conducted by such school district or nonpublic~~
38 ~~school during the past school year. The state board of education shall~~
39 ~~certify to the director of accounts and reports the amount due each school~~
40 ~~district and each student of a nonpublic school entitled to payment under~~
41 ~~this subsection. The director of accounts and reports shall draw warrants~~
42 ~~on the state treasurer payable to the treasurer of each school district and to~~
43 ~~each student of a nonpublic school entitled to payment under this~~

1 ~~subsection upon vouchers approved by the state board and shall cause such~~
2 ~~warrants to be delivered to the respective school districts and nonpublic~~
3 ~~schools. If the amount appropriated in any year from the motoreycle safety~~
4 ~~fund shall be insufficient to pay the full amount each school district and~~
5 ~~each student of a nonpublic school is entitled to receive under this~~
6 ~~subsection, then the entire amount appropriated for such year shall be~~
7 ~~prorated among all school districts and all students of nonpublic schools in~~
8 ~~proportion to the amount each school district and each student of a~~
9 ~~nonpublic school is entitled to receive. No moneys in the motoreycle~~
10 ~~safety fund shall be used for any purpose other than that specified in this~~
11 ~~subsection or for the support of motoreycle driver improvement programs.~~
12 ~~The state board of education shall prescribe all forms necessary for~~
13 ~~reporting in connection with this act. The funds shall be distributed on or~~
14 ~~before November 1 each year.~~

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

43 ~~(e) For the purpose of this subsection, "vocational education school"~~

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

31 ~~Sec. 3. {2.}~~ K.S.A. ~~2016~~ 2017 Supp. 8-240 ~~and 8-272~~ are *is* hereby
32 repealed.

33 ~~Sec. 4. {3.}~~ This act shall take effect and be in force from and after its
34 publication in the statute book.