

HOUSE BILL No. 2459

By Representative Sloan

1-17

1 AN ACT concerning driver's licenses; relating to motorcycles; amending
2 K.S.A. 2011 Supp. 8-240 and repealing the existing section.

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

5 Section 1. K.S.A. 2011 Supp. 8-240 is hereby amended to read as
6 follows: 8-240. (a) (1) Every application for an instruction permit shall be
7 made upon a form furnished by the division of vehicles and accompanied
8 by a fee of \$2 for class A, B, C or M and \$5 for all commercial classes.
9 Every other application shall be made upon a form furnished by the
10 division and accompanied by an examination fee of \$3, unless a different
11 fee is required by K.S.A. 8-241, and amendments thereto, and by the
12 proper fee for the license for which the application is made. If the
13 applicant is not required to take an examination the examination fee shall
14 not be required. The examination shall consist of three tests, as follows: (1)
15 (A) Vision; (2)(B) written; and (3)(C) driving. If the applicant fails the
16 vision test, the applicant may have correction of vision made and take the
17 vision test again without any additional fee. If an applicant fails the written
18 test, the applicant may take such test again upon the payment of an
19 additional examination fee of \$1.50. If an applicant fails the driving test,
20 the applicant may take such test again upon the payment of an additional
21 examination fee of \$1.50. If an applicant fails to pass all three of the tests
22 within a period of six months from the date of original application and
23 desires to take additional tests, the applicant shall file an application for
24 reexamination upon a form furnished by the division, which shall be
25 accompanied by a reexamination fee of \$3, except that any applicant who
26 fails to pass the written or driving portion of an examination four times
27 within a six-month period, shall be required to wait a period of six months
28 from the date of the last failed examination before additional examinations
29 may be given. Upon the filing of such application and the payment of such
30 reexamination fee, the applicant shall be entitled to reexamination in like
31 manner and subject to the additional fees and time limitation as provided
32 for examination on an original application. If the applicant passes the
33 reexamination, the applicant shall be issued the classified driver's license
34 for which the applicant originally applied, which license shall be issued to
35 expire as if the applicant had passed the original examination.

36 (2) *Applicants for class M licenses who have completed prior*

1 *motorcycle safety training in accordance with department of defense*
2 *instruction 6055.04 (DoDI 6055.04) are not required to complete further*
3 **written and driving training** ~~or testing~~ *pursuant to paragraph (1) of this*
4 *subsection.*

5 (b) (1) For the purposes of obtaining any driver's license or
6 instruction permit, an applicant shall submit, with the application, proof of
7 age and proof of identity as the division may require. The applicant also
8 shall provide a photo identity document, except that a non-photo identity
9 document is acceptable if it includes both the applicant's full legal name
10 and date of birth, and documentation showing the applicant's name, the
11 applicant's address of principal residence and the applicant's social security
12 number. The applicant's social security number shall remain confidential
13 and shall not be disclosed, except as provided pursuant to K.S.A. 74-2012,
14 and amendments thereto. If the applicant does not have a social security
15 number the applicant shall provide proof of lawful presence and Kansas
16 residency. The division shall assign a distinguishing number to the license
17 or permit.

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

34 (3) If an applicant provides evidence of lawful presence set out in
35 subsections (b)(2)(E) through (2)(I), or is an alien lawfully admitted for
36 temporary residence under subsection (b)(2)(B), the division may only
37 issue a driver's license to the person under the following conditions: (A) A
38 driver's license issued pursuant to this subparagraph shall be valid only
39 during the period of time of the applicant's authorized stay in the United
40 States or, if there is no definite end to the period of authorized stay, a
41 period of one year; (B) a drivers' license issued pursuant to this
42 subparagraph shall clearly indicate that it is temporary and shall state the
43 date on which it expires; (C) no driver's license issued pursuant to this

1 subparagraph shall be for a longer period of time than the time period
2 permitted by subsection (a) of K.S.A. 8-247, and amendments thereto; and
3 (D) a driver's license issued pursuant to this subparagraph may be
4 renewed, subject at the time of renewal, to the same requirements and
5 conditions as set out in this subsection (b) for the issuance of the original
6 driver's license.

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

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

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

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

29 (d) When an application is received from a person previously licensed
30 in another jurisdiction, the division shall request a copy of the driver's
31 record from the other jurisdiction. When received, the driver's record shall
32 become a part of the driver's record in this state with the same force and
33 effect as though entered on the driver's record in this state in the original
34 instance.

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

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

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

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

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

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

3 (5) for a class A or B driver's license issued to a person who is at least
4 21 years of age, but less than 65 years of age, \$24;

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

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

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

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

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

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

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

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

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

30 Sec. 2. K.S.A. 2011 Supp. 8-240 is hereby repealed.

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

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