

HOUSE BILL No. 2354

By Representative Pilcher-Cook
(By request)

2-8

10 AN ACT relating to drivers' licenses; concerning certain age and other
11 restrictions; amending K.S.A. 8-235d, 8-237, 8-239, 8-296, 8-297 and
12 8-2,147 and K.S.A. 2004 Supp. 8-240 and repealing the existing
13 sections.

14

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

16 Section 1. K.S.A. 8-235d is hereby amended to read as follows: 8-
17 235d. (a) Drivers' license examiners of the division shall accept original
18 applications for drivers' licenses and instruction permits, as distinguished
19 from applications for renewals of licenses, on forms prescribed by the
20 division and also shall issue instruction permits. Drivers' license examiners
21 of the division shall examine every applicant for a driver's license who is
22 required by the provisions of the motor vehicle drivers' license act to be
23 examined. Such examination shall be held in the county where the ap-
24 plicant resides or at a place adjacent thereto reasonably convenient to the
25 applicant or at a location established by the secretary for the issuance of
26 a commercial driver's license. Such examination shall include a test of the
27 applicant's eyesight, the applicant's ability to read and understand high-
28 way signs regulating, warning and directing traffic, the applicant's knowl-
29 edge of the traffic laws of this state and shall include an actual demon-
30 stration of ability to exercise ordinary and reasonable control in the
31 operation of motor vehicles which the class of license applied for would
32 entitle the applicant to drive. At the conclusion of the examination the
33 examiner shall issue a license to the applicant, if the applicant has suc-
34 cessfully passed the examination with the class of license the applicant
35 has applied for.

36 (b) In addition to the requirements of subsection (a):

37 (1) Any person applying for a driver's license shall comply with the
38 provisions of subsection (b) of K.S.A. 8-240, and amendments thereto;
39 and

40 (2) any person who is under the age of 18 years and at least 16 years
41 of age, who is applying for a driver's license for the first time, not including
42 an instruction permit, shall ~~submit a signed affidavit of either a parent or~~
43 ~~guardian, stating that the applicant has completed at least 50 hours of~~

1 ~~adult supervised driving with at least 10 of those hours being at night.~~
2 ~~The required adult supervised driving required in this subsection shall be~~
3 ~~conducted by an adult who is at least 21 years of age and is the holder of~~
4 ~~a valid commercial driver's license, class A, B or C driver's license.~~
5 ~~Evidence of failure of any licensee who was required to complete the~~
6 ~~50 hours of adult supervised driving under this subsection shall not be~~
7 ~~admissible in any action for the purpose of determining any aspect of~~
8 ~~comparative negligence or mitigation of damages comply with the~~
9 ~~requirements of subsection (a)(2) of K.S.A. 8-237, and amendments~~
10 ~~thereto.~~

11 Sec. 2. K.S.A. 8-237 is hereby amended to read as follows: 8-237.
12 The division of vehicles shall not issue any driver's license to any person:

13 (a) Who is under the age of ~~16~~ 17 years, except that the division may
14 issue:

15 (1) A restricted class C or M license, as provided in this act, to any
16 person who: ~~(1)~~ (A) Is ~~at least~~ 15 years of age *but under 16 years of age*;
17 ~~(2)~~ (B) has successfully completed an approved course in driver training;
18 ~~(3)~~ (C) has held an instructional permit issued under the provisions of
19 K.S.A. 8-239, and amendments thereto, for a period of at least six months
20 and has completed at least 25 hours of adult supervised driving; and ~~(4)~~
21 (D) upon the written application of the person's parent or guardian. The
22 required adult supervised driving required in clause ~~(3)~~ (C) above shall
23 be conducted by an adult who is at least 21 years of age and is the holder
24 of a valid commercial driver's license, class A, B or C driver's license.
25 Except as hereafter provided, the application of the parent or guardian
26 shall be submitted to the division.

27 The governing body of any city, by ordinance, may require the appli-
28 cation of any person who is under 16 years of age and who resides within
29 the city to be first submitted to the chief law enforcement officer of the
30 city. The board of county commissioners of any county, by resolution,
31 may require the application of any person who is under 16 years of age
32 and who resides within the county and outside the corporate limits of any
33 city to be first submitted to the chief law enforcement officer of the
34 county. No ordinance or resolution authorized by this subsection shall
35 become effective until a copy of it is transmitted to the division of vehicles.
36 The chief law enforcement officer of any city or county which has adopted
37 the ordinance or resolution authorized by this subsection shall make a
38 recommendation on the application as to the necessity for the issuance
39 of the restricted license, and the recommendation shall be transmitted,
40 with the application, to the division of vehicles. If the division finds that
41 it is necessary to issue the restricted license, it shall issue a driver's license
42 to the person.

43 A restricted class C license issued under this subsection (a)(1) shall

1 entitle the licensee, while possessing the license, to operate any motor
2 vehicle in class C, as designated in K.S.A. 8-234b, and amendments
3 thereto. A restricted class M license shall entitle the licensee, while pos-
4 sessing such license, to operate a motorcycle. The restricted license shall
5 entitle the licensee to operate the appropriate vehicle at any time, *except*
6 *between the hours of one a.m. and five a.m. unless accompanied by a*
7 *parent or guardian:*

8 ~~(1)~~ (A) While going to or from or in connection with any job, em-
9 ployment or farm-related work;

10 ~~(2)~~ (B) on days while school is in session, over the most direct and
11 accessible route between the licensee's residence and school of enroll-
12 ment for the purposes of school attendance;

13 ~~(3)~~ (C) when the licensee is operating a passenger car, at any time
14 when accompanied by an adult who is *at least 21 years of age, is the*
15 holder of a valid commercial driver's license, class A, B or C driver's
16 license and who is actually occupying a seat beside the driver; or

17 ~~(4)~~ (D) when the licensee is operating a motorcycle, at any time when
18 accompanied by an adult who is *at least 21 years of age, is the holder of*
19 *a valid class M driver's license and who is operating a motorcycle in the*
20 *general proximity of the licensee.*

21 Any licensee issued a restricted license under this subsection (a)(1)
22 shall not operate any motor vehicle with nonsibling minor passengers and
23 any conviction for violating this provision shall be construed as a moving
24 traffic violation for the purpose of K.S.A. 8-255, and amendments thereto.

25 A restricted driver's license issued under this subsection (a)(1) is sub-
26 ject to suspension or revocation in the same manner as any other driver's
27 license. In addition, the division may suspend the restricted driver's li-
28 cense upon receiving satisfactory evidence that: (1) The licensee has vi-
29 olated the restriction of the license, (2) the licensee has been involved in
30 two or more accidents chargeable to the licensee or (3) the recommen-
31 dation of the chief law enforcement officer of any city or county requiring
32 the recommendation has been withdrawn. The suspended license shall
33 not be reinstated for one year or until the licensee reaches the age of ~~16~~
34 *17, whichever period is longer.*

35 Any licensee issued a restricted license under this subsection (a)(1)
36 who: (1) is under the age of 16 years and is convicted of two or more
37 moving traffic violations committed on separate occasions shall not be
38 eligible to receive a driver's license which is not restricted in accordance
39 with the provisions of this subsection until the person reaches 17 years
40 of age; or (2) fails to provide the required affidavit stating that the licensee
41 has completed at least 50 hours of adult supervised driving with 10 of
42 those hours being at night shall not be eligible to receive a driver's license
43 which is not restricted in accordance with the provisions of this subsection

1 until the person provides such affidavit to the division or the person
2 reaches 17 years of age, whichever occurs first.

3 Any licensee issued a restricted license under this subsection on and
4 after July 1, ~~1999~~ 2005, shall provide prior to reaching 16 years of age, a
5 signed affidavit of either a parent or guardian, stating that the applicant
6 has completed the required 25 hours prior to being issued a restricted
7 license and 25 hours of additional adult supervised driving. Of the 50
8 hours required by this subsection, at least 10 of those hours shall be at
9 night. The adult supervised driving shall be conducted by an adult who
10 is at least 21 years of age and is the holder of a valid commercial driver's
11 license, class A, B or C driver's license.

12 Evidence of failure of any licensee who was required to complete the
13 50 hours of adult supervised driving under this subsection shall not be
14 admissible in any action for the purpose of determining any aspect of
15 comparative negligence or mitigation of damages.

16 (2) *A partial privilege restricted class C or M license, as provided in*
17 *this act, to any person who: (A) Is 16 years of age but under 17 years of*
18 *age; and (B) who has successfully completed and complied with the pro-*
19 *visions of subsection (a)(1).*

20 *A partial privilege restricted class C license issued under this subsection*
21 *(a)(2) shall entitle the licensee, while possessing the license, to operate any*
22 *motor vehicle in class C, as designated in K.S.A. 8-234b, and amendments*
23 *thereto. A restricted class M license shall entitle the licensee, while pos-*
24 *sessing such license, to operate a motorcycle. The restricted license shall*
25 *entitle the licensee to operate the appropriate vehicle between the hours*
26 *of five a.m. and nine p.m. except that the licensee may operate the ap-*
27 *propite vehicle at any time:*

28 (A) *While going to or from or in connection with any job, employment*
29 *or farm-related work;*

30 (B) *on days while school is in session, over the most direct and ac-*
31 *cessible route between the licensee's residence and school of enrollment*
32 *for the purposes of school attendance or an official function sponsored by*
33 *the school the licensee attends;*

34 (C) *when the licensee is operating a passenger car, at any time when*
35 *accompanied by an adult who is at least 21 years of age, is the holder of*
36 *a valid commercial driver's license, class A, B or C driver's license and*
37 *who is actually occupying a seat beside the driver; or*

38 (D) *when the licensee is operating a motorcycle, at any time when*
39 *accompanied by an adult who is at least 21 years of age, is the holder of*
40 *a valid class M driver's license and who is operating a motorcycle in the*
41 *general proximity of the licensee.*

42 Any licensee issued a restricted partial privilege license under this sub-
43 section (a)(2) shall not operate any motor vehicle with more than two

1 *nonsibling passengers and any conviction for violating this provision shall*
2 *be construed as a moving traffic violation for the purpose of K.S.A. 8-255,*
3 *and amendments thereto.*

4 *A restricted driver's license issued under this subsection (a)(2) is subject*
5 *to suspension or revocation in the same manner as any other driver's*
6 *license. In addition, the division may suspend the restricted driver's li-*
7 *cence upon receiving satisfactory evidence that: (1) The licensee has vio-*
8 *lated the restriction of the license, (2) the licensee has been involved in*
9 *two or more accidents chargeable to the licensee or (3) the recommen-*
10 *dation of the chief law enforcement officer of any city or county requiring*
11 *the recommendation has been withdrawn. The suspended license shall not*
12 *be reinstated for one year or until the licensee reaches the age of 17,*
13 *whichever period is longer.*

14 *Any licensee issued a restricted partial privilege license under this sub-*
15 *section (a)(2) who is under the age of 17 years and is convicted of a moving*
16 *traffic violation shall not be eligible to receive a driver's license which is*
17 *not restricted in accordance with the provisions of this subsection until*
18 *the person reaches 17 years and six-months of age.*

19 (b) Who is under the age of 18 years, except as provided in K.S.A. 8-
20 2,147, and amendments thereto, for the purpose of driving a commercial
21 or class A or B motor vehicle.

22 (c) Whose license is currently revoked, suspended or canceled in this
23 or any other state, except as provided in K.S.A. 8-256, and amendments
24 thereto.

25 (d) Who is a habitual drunkard, habitual user of narcotic drugs or
26 habitual user of any other drug to a degree which renders the user in-
27 capable of safely driving a motor vehicle.

28 (e) Who has previously been adjudged to be afflicted with or suffering
29 from any mental disability or disease and who, at the time of making
30 application for a driver's license, has not been restored to capacity in the
31 manner provided by law. Application of this limitation to any person
32 known to have suffered any seizure disorder is subject to the provisions
33 of paragraph (7) of subsection (e) of K.S.A. 8-247, and amendments
34 thereto.

35 (f) Who is required by the motor vehicle drivers' license act to take
36 an examination, unless the person has successfully passed the
37 examination.

38 (g) Who is at least ~~16~~ 17 years of age and less than ~~17~~ 18 years of
39 age, who is applying for a driver's license for the first time since reaching
40 ~~16~~ 17 years of age and who, three times or more, has been adjudged to
41 be a traffic offender under the Kansas juvenile code or a juvenile offender
42 under the Kansas juvenile justice code, by reason of violation of one or
43 more statutes regulating the movement of traffic on the roads, streets or

1 highways of this state, except that, in the discretion of the director, the
2 person may be issued a driver's license which is restricted in the manner
3 the division deems to be appropriate. No person described by this sub-
4 section shall be eligible to receive a driver's license which is not restricted
5 until the person has reached the age of ~~17~~ 18 years.

6 (h) Who has not submitted proof of age or proof of identity, as re-
7 quired by K.S.A. 8-240, and amendments thereto.

8 (i) Whose presence in the United States is in violation of federal im-
9 migration laws.

10 Sec. 3. K.S.A. 8-239 is hereby amended to read as follows: 8-239. (a)
11 Any person who is at least 14 years of age may apply to the division for
12 an instruction permit. The division may in its discretion, after the appli-
13 cant has successfully passed all parts of the examination other than the
14 driving test, issue to the applicant an instruction permit which shall entitle
15 the applicant while having such permit in such person's immediate pos-
16 session to drive a passenger car upon the public highways for a period of
17 one year subject to the restrictions herein contained. The division may
18 issue an instruction or restricted instruction permit to any person who is
19 at least 14 years of age and under the age of ~~16~~ 17 years only upon the
20 written application of a parent or guardian of the minor. The one having
21 the instruction permit may operate a passenger car at any time when
22 accompanied by an adult who is *at least 21 years of age, is* the holder of
23 a valid commercial driver's license, class A, B or C driver's license, who
24 has had at least one year of driving experience and who is occupying a
25 seat beside the driver. Any person who is at least 14 years of age may
26 apply for an instruction permit to operate a motorcycle either separate
27 from or in conjunction with an instruction permit to operate a passenger
28 car, and such permit shall entitle the permittee to operate a motorcycle
29 if such person is accompanied by an adult who is *at least 21 years of age,*
30 *is* the holder of a valid class M driver's license, who has had at least one
31 year of driving experience and who is riding a motorcycle in the general
32 proximity of the permittee.

33 (b) The division upon receiving proper application may issue in its
34 discretion a restricted instruction permit effective for a school year or for
35 a more restricted period to an applicant who is at least 14 years of age
36 and who is enrolled in a driver-education program which includes practice
37 driving and which is approved by the division, even though the applicant
38 has not reached the legal age to be eligible for a driver's license. Such
39 instruction permit shall entitle the permittee when the person has such
40 permit in such person's immediate possession to operate a passenger car
41 only on a designated highway or within a designated area but only when
42 an approved instructor is occupying a seat beside the permittee or when
43 such permit has been endorsed by an approved instructor to operate a

1 passenger car with a parent or guardian who is the holder of a valid
2 commercial driver's license, class A, B or C driver's license, who has had
3 at least one year of driving experience and who is occupying a seat beside
4 the driver.

5 (c) The division, in its discretion, may issue a temporary driver's per-
6 mit to an applicant for a classified driver's license permitting the applicant
7 to operate a motor vehicle within such classification while the division is
8 completing its investigation and determination of all facts relative to such
9 applicant's right to receive a driver's license. The division may issue such
10 a temporary driver's permit to any applicant whose employer certifies
11 that such permit is necessary to complete seasonal agricultural operations
12 of the employer. Any such temporary driver's permit issued pursuant to
13 this subsection shall be in the immediate possession of the permittee
14 while operating a motor vehicle, and it shall be invalid on the date spec-
15 ified thereon, which shall not be more than 15 days after its issuance, or
16 when the applicant's license has been issued or for good cause has been
17 refused.

18 Sec. 4. K.S.A. 2004 Supp. 8-240 is hereby amended to read as fol-
19 lows: 8-240. (a) Every application for an instruction permit shall be made
20 upon a form furnished by the division of vehicles and accompanied by a
21 fee of \$2 for class A, B, C or M and \$5 for all commercial classes. Every
22 other application shall be made upon a form furnished by the division
23 and accompanied by an examination fee of \$3, unless a different fee is
24 required by K.S.A. 8-241, and amendments thereto, and by the proper
25 fee for the license for which the application is made. If the applicant is
26 not required to take an examination the examination fee shall not be
27 required. The examination shall consist of three tests, as follows: (1) Vi-
28 sion; (2) written; and (3) driving. If the applicant fails the vision test, the
29 applicant may have correction of vision made and take the vision test again
30 without any additional fee. If an applicant fails the written test, the ap-
31 plicant may take such test again upon the payment of an additional ex-
32 amination fee of \$1.50. If an applicant fails the driving test, the applicant
33 may take such test again upon the payment of an additional examination
34 fee of \$1.50. If an applicant fails to pass all three of the tests within a
35 period of six months from the date of original application and desires to
36 take additional tests, the applicant shall file an application for reexami-
37 nation upon a form furnished by the division, which shall be accompanied
38 by a reexamination fee of \$3, except that any applicant who fails to pass
39 the written or driving portion of an examination four times within a six-
40 month period, shall be required to wait a period of six months from the
41 date of the last failed examination before additional examinations may be
42 given. Upon the filing of such application and the payment of such re-
43 examination fee, the applicant shall be entitled to reexamination in like

1 manner and subject to the additional fees and time limitation as provided
2 for examination on an original application. If the applicant passes the
3 reexamination, the applicant shall be issued the classified driver's license
4 for which the applicant originally applied, which license shall be issued
5 to expire as if the applicant had passed the original examination.

6 (b) (1) For the purposes of obtaining any driver's license or instruc-
7 tion permit, an applicant shall submit, with the application, proof of age
8 or proof of identity, or both, as the division may require. An applicant
9 shall submit the applicant's social security number, which shall remain
10 confidential and shall not be disclosed, except as provided pursuant to
11 K.S.A. 74-2012, and amendments thereto. If the applicant does not have
12 a social security number, the applicant shall submit a sworn statement,
13 with the application, stating that the applicant does not have a social
14 security number. The division shall assign a distinguishing number to the
15 license or permit. If the applicant is applying for an instruction permit or
16 driver's license and the applicant otherwise meets the requirements for
17 such license, the applicant shall receive a temporary license or instruction
18 permit until the division verifies all facts relative to such applicant's right
19 to receive an instruction permit or driver's license, including the age,
20 identity, social security number and residency of the applicant.

21 (2) An applicant who submits proof of age or of identity issued by an
22 entity other than a state or the United States shall also submit such proof
23 as the division may require that the applicant is lawfully present in the
24 United States.

25 (3) The division shall not issue any driver's license to any person who
26 is not lawfully present in the United States.

27 (4) The division shall not issue any driver's license to any person who
28 is not a resident of the state of Kansas, except as provided in K.S.A. 8-
29 2,148, and amendments thereto.

30 (5) The parent or guardian of an applicant under ~~16~~ 18 years of age
31 shall sign the application for any driver's license submitted by such
32 applicant.

33 (c) Every application shall state the name, date of birth, sex and res-
34 idence address of the applicant, and briefly describe the applicant, and
35 shall state whether the applicant has been licensed as a driver prior to
36 such application, and, if so, when and by what state or country. Such
37 application shall state whether any such license has ever been suspended
38 or revoked, or whether an application has ever been refused, and, if so,
39 the date of and reason for such suspension, revocation or refusal. In ad-
40 dition, applications for commercial drivers' licenses and instruction per-
41 mits for commercial licenses must include the following: The applicant's
42 social security number; the person's signature; the person's color photo-
43 graph; certifications, including those required by 49 C.F.R. 383.71(a),

1 effective January 1, 1991; a consent to release driving record information;
2 and, any other information required by the division.

3 (d) When an application is received from a person previously licensed
4 in another jurisdiction, the division shall request a copy of the driver's
5 record from the other jurisdiction. When received, the driver's record
6 shall become a part of the driver's record in this state with the same force
7 and effect as though entered on the driver's record in this state in the
8 original instance.

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

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

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

15 (2) for a class C driver's license issued to a person less than 21 years
16 of age or 65 years of age or older, or a farm permit, \$12;

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

19 (4) for a class M driver's license issued to a person less than 21 years
20 of age or 65 years of age or older, \$9;

21 (5) for a class A or B driver's license issued to a person who is at least
22 21 years of age, but less than 65 years of age, \$24;

23 (6) for a class A or B driver's license issued to a person less than 21
24 years of age or 65 years of age or older, \$16; or

25 (7) for any class of commercial driver's license, \$18.

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

28 If one fails to make an original application or renewal application for a
29 driver's license within the time required by law, or fails to make appli-
30 cation within 60 days after becoming a resident of Kansas, a penalty of
31 \$1 shall be added to the fee charged for the driver's license.

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

36 Sec. 5. K.S.A. 8-296 is hereby amended to read as follows: 8-296. (a)
37 Any person who is less than 16 years of age but is at least 14 years of age
38 and who resides upon a farm in this state or is employed for compensation
39 upon a farm in this state may apply to the division of vehicles for a farm
40 permit authorizing such person, while possessing the permit, to operate
41 any motor vehicle in class C, as designated in K.S.A. 8-234b, and amend-
42 ments thereto. The farm permit shall entitle the licensee to operate such
43 motor vehicles at any time:

- 1 (1) While going to or from or in connection with any farm job, em-
2 ployment or other farm-related work;
- 3 (2) on days while school is in session, over the most direct and ac-
4 cessible route between the licensee's residence and school of enrollment
5 for the purpose of school attendance; or
- 6 (3) when the licensee is operating a passenger car at any time when
7 accompanied by an adult who is the holder of a valid commercial driver's
8 license, class A, B or C driver's license and who is actually occupying a
9 seat beside the driver.
- 10 (b) A farm permit shall be issued only if:
- 11 (1) The applicant can prove that such applicant resides or works on
12 a farm;
- 13 (2) the applicant has successfully completed the examination require-
14 ments in K.S.A. 8-235d, and amendments thereto; and
- 15 (3) the applicant submits the signed affidavit of either a parent or
16 guardian, stating that the applicant lives on a farm or, if the applicant
17 does not live on a farm but works on a farm, the applicant submits the
18 signed affidavit of the applicant's employer and parent or guardian, at-
19 testing to such employment.
- 20 (c) Any licensee issued a farm permit under this section shall not
21 operate any motor vehicle with nonsibling minor passengers and any con-
22 viction for violating this provision shall be construed as a moving traffic
23 violation for the purpose of K.S.A. 8-255, and amendments thereto.
- 24 (d) As used in this section, "farm" means any parcel of land larger
25 than 20 acres which is used in agricultural operations.
- 26 (e) A farm permit issued under this section is subject to suspension
27 or revocation in the same manner as any other driver's license. A person
28 who has been issued a farm permit and who violates this section by driving
29 beyond the scope allowed in subsection (a) shall lose the farm permit and
30 shall be issued no other driver's license for a period of one year or until
31 the person reaches 16 years of age, whichever period is longer.
- 32 (f) Any licensee issued a farm permit under this section on and after
33 July 1, 1999, shall provide prior to reaching 16 years of age, a signed
34 affidavit of either a parent or guardian, stating that the applicant has
35 completed at least 50 hours of adult supervised driving with at least 10
36 of those hours being at night. The adult supervised driving required by
37 this paragraph shall be conducted by an adult who is at least 21 years of
38 age and is the holder of a valid commercial driver's license, class A, B or
39 C driver's license.
- 40 Evidence of failure of any licensee who was required to complete the
41 50 hours of adult supervised driving under this subsection shall not be
42 admissible in any action for the purpose of determining any aspect of
43 comparative negligence or mitigation of damages.

1 (g) Any licensee issued a farm permit under this section who: (1) Is
2 under the age of 16 years and is convicted of two or more moving traffic
3 violations committed on separate occasions shall not be eligible to receive
4 a driver's license which is not restricted in accordance with the provisions
5 of subsection (a), until the person reaches 17 years of age; or (2) fails to
6 provide the affidavit required under subsection (f), shall not be eligible
7 to receive a driver's license which is not restricted in accordance with the
8 provisions of subsection (a), until the person provides such affidavit to
9 the division or the person reaches 17 years of age, whichever occurs first.

10 (h) *On and after July 1, 2005, the division of vehicles shall not issue*
11 *any farm permit under the provisions of this section.*

12 Sec. 6. K.S.A. 8-297 is hereby amended to read as follows: 8-297.
13 Notwithstanding any other provisions of this act, any person who held
14 any valid *farm permit, class C or class M driver's license*, restricted class
15 C or class M driver's license, instruction permit ~~or~~, restricted instruction
16 permit *or commercial driver's license issued pursuant to K.S.A. 8-2,147,*
17 *and amendments thereto*, on the effective date of this act may continue
18 to operate motor vehicles subject to the conditions, limitations and re-
19 strictions contained in K.S.A. 8-237 ~~and 8-239~~, 8-239, 8-296 *or 8-2,147,*
20 *and amendments thereto*, as in effect on June 30, ~~1993~~ 2005.

21 Sec. 7. K.S.A. 8-2,147 is hereby amended to read as follows: 8-2,147.

22 (a) The division may issue a commercial driver's license to an applicant
23 who is a resident of this state and who is at least ~~16~~ 17 years of age for
24 the operation of commercial class B and commercial class C motor ve-
25 hicles for a farm custom harvesting operation. Any person applying for
26 or who is issued a commercial driver's license under this section shall be
27 subject to the provisions of K.S.A. 8-2,125 through 8-2,145, and amend-
28 ments thereto.

29 (b) For the purpose of this section, "farm custom harvesting opera-
30 tions" means a person, firm, partnership, association or corporation en-
31 gaged in farm custom harvesting operations if the motor vehicle is used
32 to:

33 (1) Transport farm machinery, supplies, or both, to or from a farm,
34 for custom harvesting operations on a farm; or

35 (2) transport custom harvested crops only from a harvested field to
36 initial storage or to initial market locations.

37 (c) The provisions of this section shall be a part of and supplemental
38 to the Kansas uniform commercial drivers' license act.

39 Sec. 8. K.S.A. 8-235d, 8-237, 8-239, 8-296, 8-297 and 8-2,147 and
40 K.S.A. 2004 Supp. 8-240 are hereby repealed.

41 Sec. 9. This act shall take effect and be in force from and after its
42 publication in the statute book.