

SENATE BILL No. 504

By Senator Journey

2-2

9 AN ACT relating to drivers' licenses; concerning driver improvement
10 clinics; providing for the disposition of certain moneys; amending
11 K.S.A. 8-255 and K.S.A. 2005 Supp. 8-267 and repealing the existing
12 sections.
13

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

15 New Section 1. (a) The division of vehicles may, in the interest of
16 improving traffic safety, establish driver improvement clinics throughout
17 the state. The director of vehicles shall develop the minimum standards
18 and criteria to be utilized by such driver improvement clinics. Any person,
19 other than a person issued a commercial driver's license, under K.S.A. 8-
20 2,125 et seq., and amendments thereto, desiring to attend a driver im-
21 provement clinic shall make application to the division and such appli-
22 cation shall be accompanied by the required fee of \$350. The division
23 shall remove one moving violation from a person's driving record who has
24 successfully completed the driver improvement clinic. A person who has
25 completed a driver improvement clinic shall not be eligible to attend
26 another clinic for a period of two years following completion of the pre-
27 vious clinic.

28 (b) The secretary of revenue shall adopt such rules and regulations
29 deemed necessary for the carrying out of the provisions of this section,
30 including the development of standards and criteria to be utilized by the
31 driver improvement clinic.

32 New Sec. 2. There is hereby created in the state treasury the com-
33 munity corrections special revenue fund. All moneys credited to the com-
34 munity corrections special revenue fund shall be used by the department
35 of corrections only for the purpose of funding community corrections. All
36 expenditures from the community corrections special revenue fund shall
37 be made in accordance with appropriation acts, upon warrants of the
38 director of accounts and reports issued pursuant to vouchers approved
39 by the secretary of corrections.

40 Sec. 3. K.S.A. 8-255 is hereby amended to read as follows: 8-255. (a)
41 The division is authorized to restrict, suspend or revoke a person's driving
42 privileges upon a showing by its records or other sufficient evidence the
43 person:

- 1 (1) Has been convicted with such frequency of serious offenses
2 against traffic regulations governing the movement of vehicles as to in-
3 dicate a disrespect for traffic laws and a disregard for the safety of other
4 persons on the highways;
- 5 (2) has been convicted of three or more moving traffic violations com-
6 mitted on separate occasions within a 12-month period;
- 7 (3) is incompetent to drive a motor vehicle;
- 8 (4) has been convicted of a moving traffic violation, committed at a
9 time when the person's driving privileges were restricted, suspended or
10 revoked; or
- 11 (5) is a member of the armed forces of the United States stationed
12 at a military installation located in the state of Kansas, and the authorities
13 of the military establishment certify that such person's on-base driving
14 privileges have been suspended, by action of the proper military author-
15 ities, for violating the rules and regulations of the military installation
16 governing the movement of vehicular traffic or for any other reason re-
17 lating to the person's inability to exercise ordinary and reasonable control
18 in the operation of a motor vehicle.
- 19 (b) The division shall suspend a person's driving privileges when re-
20 quired by K.S.A. 8-262, 8-1014 or 41-727, and amendments thereto, and
21 K.S.A. ~~2000~~ 2005 Supp. 21-3765, and amendments thereto, and shall
22 disqualify a person's privilege to drive commercial motor vehicles when
23 required by K.S.A. 8-2,142, and amendments thereto.
- 24 (c) When the action by the division restricting, suspending, revoking
25 or disqualifying a person's driving privileges is based upon a report of a
26 conviction or convictions from a convicting court, the person may not
27 request a hearing but, within 30 days after notice of restriction, suspen-
28 sion, revocation or disqualification is mailed, may submit a written request
29 for administrative review and provide evidence to the division to show
30 the person whose driving privileges have been restricted, suspended, re-
31 voked or disqualified by the division was not convicted of the offense
32 upon which the restriction, suspension, revocation or disqualification is
33 based. Within 30 days of its receipt of the request for administrative
34 review, the division shall notify the person whether the restriction, sus-
35 pension, revocation or disqualification has been affirmed or set aside. The
36 request for administrative review shall not stay any action taken by the
37 division.
- 38 (d) Upon restricting, suspending, revoking or disqualifying the driv-
39 ing privileges of any person as authorized by this act, the division shall
40 immediately notify the person in writing. Except as provided by K.S.A.
41 8-1002 and 8-2,145, and amendments thereto, and subsection (c) of this
42 section, if the person makes a written request for hearing within 30 days
43 after such notice of restriction, suspension or revocation is mailed, the

1 division shall afford the person an opportunity for a hearing as early as
2 practical not sooner than five days nor more than 30 days after such
3 request is mailed. If the division has not revoked or suspended the per-
4 son's driving privileges or vehicle registration prior to the hearing, the
5 hearing may be held within not to exceed 45 days. Except as provided by
6 K.S.A. 8-1002 and 8-2,145, and amendments thereto, the hearing shall
7 be held in the person's county of residence or a county adjacent thereto,
8 unless the division and the person agree that the hearing may be held in
9 some other county. Upon the hearing, the director or the director's duly
10 authorized agent may administer oaths and may issue subpoenas for the
11 attendance of witnesses and the production of relevant books and papers
12 and may require an examination or reexamination of the person. When
13 the action proposed or taken by the division is authorized but not re-
14 quired, the division, upon the hearing, shall either rescind or affirm its
15 order of restriction, suspension or revocation or, good cause appearing
16 therefor, extend the restriction or suspension of the person's driving priv-
17 ileges, modify the terms of the restriction or suspension or revoke the
18 person's driving privileges. When the action proposed or taken by the
19 division is required, the division, upon the hearing, shall either affirm its
20 order of restriction, suspension, revocation or disqualification, or, good
21 cause appearing therefor, dismiss the administrative action. If the person
22 fails to request a hearing within the time prescribed or if, after a hearing,
23 the order of restriction, suspension, revocation or disqualification is up-
24 held, the person shall surrender to the division, upon proper demand,
25 any driver's license in the person's possession.

26 (e) In case of failure on the part of any person to comply with any
27 subpoena issued in behalf of the division or the refusal of any witness to
28 testify to any matters regarding which the witness may be lawfully inter-
29 rogated, the district court of any county, on application of the division,
30 may compel obedience by proceedings for contempt, as in the case of
31 disobedience of the requirements of a subpoena issued from the court or
32 a refusal to testify in the court. Each witness who appears before the
33 director or the director's duly authorized agent by order or subpoena,
34 other than an officer or employee of the state or of a political subdivision
35 of the state, shall receive for the witness' attendance the fees and mileage
36 provided for witnesses in civil cases in courts of record, which shall be
37 audited and paid upon the presentation of proper vouchers sworn to by
38 the witness.

39 ~~(f) The division, in the interest of traffic and safety, may establish~~
40 ~~driver improvement clinics throughout the state and, upon reviewing the~~
41 ~~driving record of a person whose driving privileges are subject to suspen-~~
42 ~~sion under subsection (a)(2), may permit the person to retain such per-~~
43 ~~son's driving privileges by attending a driver improvement clinic. A person~~

1 who is required to attend a driver improvement clinic shall pay a fee of
2 \$15. Amounts received under this subsection shall be remitted to the state
3 treasurer in accordance with the provisions of K.S.A. 75-4215, and
4 amendments thereto. Upon receipt of each such remittance, the state
5 treasurer shall deposit the same in the state treasury to the credit of the
6 division of vehicles operating fund.

7 Sec. 4. K.S.A. 2005 Supp. 8-267 is hereby amended to read as fol-
8 lows: 8-267. All moneys received under this act shall be remitted by the
9 secretary of revenue to the state treasurer in accordance with the provi-
10 sions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each
11 such remittance, the state treasurer shall deposit the entire amount in the
12 state treasury and shall:

13 (a) Credit 37.5% of all moneys so received from class C driver's li-
14 censes and 20% of all moneys so received from class M driver's licenses
15 and 20% of all moneys so received from class A or B driver's licenses and
16 20% of all moneys so received from all commercial driver licensee classes
17 remaining after the \$2 credit provided in subsection (c) to a special fund,
18 which is hereby created and shall be known as the state safety fund;

19 (b) credit 20% of all moneys so received from class M driver's licenses
20 to a special fund which is hereby created and shall be known as the
21 motorcycle safety fund;

22 (c) credit \$2 from each commercial driver's license fee to a special
23 fund which is hereby created and shall be known as the truck driver
24 training fund;

25 (d) credit all photo fees collected under K.S.A. 8-243, and amend-
26 ments thereto, to the photo fee fund; ~~and~~

27 (e) credit all hazardous materials endorsement fees collected under
28 K.S.A. 2005 Supp. 8-2,151, and amendments thereto, to the hazmat fee
29 fund; *and*

30 (f) *credit the driver improvement clinic fees collected under section*
31 *1, and amendments thereto, as follows:*

32 (1) *Credit \$150 of each such fee to the division of vehicles operating*
33 *fund; and*

34 (2) *credit \$200 of each such fee to the community corrections special*
35 *revenue fund.*

36 Moneys in the state safety fund and in the motorcycle safety fund shall
37 be distributed to provide funds for driver training courses in the schools
38 in Kansas and for the administration of this act, as the legislature shall
39 provide. In addition, moneys in the motorcycle safety fund shall be dis-
40 tributed to provide funds for courses in motorcycle safety in community
41 colleges in Kansas. Moneys in the truck driver training fund shall be
42 distributed to provide funds for courses in truck driver training in com-
43 munity colleges, area vocational schools and area vocational-technical

1 schools in Kansas. Except as otherwise provided by K.S.A. 8-241, and
2 amendments thereto, the state treasurer shall credit the balance of all
3 moneys received under this act, including all moneys received from com-
4 mercial driver's license endorsements to the state highway fund.

5 Sec. 5. K.S.A. 8-255 and K.S.A. 2005 Supp. 8-267 are hereby
6 repealed.

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