

[As Amended by Senate Committee of the Whole]

As Amended by Senate Committee

Session of 2007

SENATE BILL No. 4

By Senator Journey

12-8

12 AN ACT relating to drivers' licenses; concerning driver improvement
13 clinics; providing for the disposition of certain moneys; amending
14 K.S.A. ~~2006~~ 2007 Supp. 8-255 and 8-267 and repealing the existing
15 sections.

16

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

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

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

35 ~~New Sec. 2.~~ **New Section 1.** There is hereby created in the state
36 treasury the ~~community corrections~~ **correctional services** special reve-
37 nue fund. All moneys credited to the ~~community corrections~~ **correc-**
38 **tional services** special revenue fund shall be used by the department of
39 corrections only for the purpose of funding community corrections. All
40 expenditures from the ~~community corrections~~ **correctional services** spe-
41 cial revenue fund shall be made in accordance with appropriation acts,
42 upon warrants of the director of accounts and reports issued pursuant to
43 vouchers approved by the secretary of corrections.

1 Sec. ~~3~~ **2**. K.S.A. ~~2006~~ **2007** Supp. 8-255 is hereby amended to read
2 as follows: 8-255. (a) The division is authorized to restrict, suspend or
3 revoke a person's driving privileges upon a showing by its records or other
4 sufficient evidence the person:

- 5 (1) Has been convicted with such frequency of serious offenses
6 against traffic regulations governing the movement of vehicles as to in-
7 dicate a disrespect for traffic laws and a disregard for the safety of other
8 persons on the highways;
- 9 (2) has been convicted of three or more moving traffic violations com-
10 mitted on separate occasions within a 12-month period;
- 11 (3) is incompetent to drive a motor vehicle;
- 12 (4) has been convicted of a moving traffic violation, committed at a
13 time when the person's driving privileges were restricted, suspended or
14 revoked; or
- 15 (5) is a member of the armed forces of the United States stationed
16 at a military installation located in the state of Kansas, and the authorities
17 of the military establishment certify that such person's on-base driving
18 privileges have been suspended, by action of the proper military author-
19 ities, for violating the rules and regulations of the military installation
20 governing the movement of vehicular traffic or for any other reason re-
21 lating to the person's inability to exercise ordinary and reasonable control
22 in the operation of a motor vehicle.

23 (b) The division shall suspend a person's driving privileges when re-
24 quired by K.S.A. 8-262, 8-1014, 41-727 or K.S.A. ~~2006~~ **2007** Supp. 21-
25 3765, and amendments thereto, and shall disqualify a person's privilege
26 to drive commercial motor vehicles when required by K.S.A. 8-2,142, and
27 amendments thereto. The division shall restrict a person's driving privi-
28 leges when required by K.S.A. ~~2006~~ **2007** Supp. 39-7,155, and amend-
29 ments thereto.

30 (c) When the action by the division restricting, suspending, revoking
31 or disqualifying a person's driving privileges is based upon a report of a
32 conviction or convictions from a convicting court, the person may not
33 request a hearing but, within 30 days after notice of restriction, suspen-
34 sion, revocation or disqualification is mailed, may submit a written request
35 for administrative review and provide evidence to the division to show
36 the person whose driving privileges have been restricted, suspended, re-
37 voked or disqualified by the division was not convicted of the offense
38 upon which the restriction, suspension, revocation or disqualification is
39 based. Within 30 days of its receipt of the request for administrative
40 review, the division shall notify the person whether the restriction, sus-
41 pension, revocation or disqualification has been affirmed or set aside. The
42 request for administrative review shall not stay any action taken by the
43 division.

1 (d) Upon restricting, suspending, revoking or disqualifying the driv-
2 ing privileges of any person as authorized by this act, the division shall
3 immediately notify the person in writing. Except as provided by K.S.A.
4 8-1002 and 8-2,145, and amendments thereto, and subsections (c) and
5 (g), if the person makes a written request for hearing within 30 days after
6 such notice of restriction, suspension or revocation is mailed, the division
7 shall afford the person an opportunity for a hearing as early as practical
8 not sooner than five days nor more than 30 days after such request is
9 mailed. If the division has not revoked or suspended the person's driving
10 privileges or vehicle registration prior to the hearing, the hearing may be
11 held within not to exceed 45 days. Except as provided by K.S.A. 8-1002
12 and 8-2,145, and amendments thereto, the hearing shall be held in the
13 person's county of residence or a county adjacent thereto, unless the
14 division and the person agree that the hearing may be held in some other
15 county. Upon the hearing, the director or the director's duly authorized
16 agent may administer oaths and may issue subpoenas for the attendance
17 of witnesses and the production of relevant books and papers and may
18 require an examination or reexamination of the person. When the action
19 proposed or taken by the division is authorized but not required, the
20 division, upon the hearing, shall either rescind or affirm its order of re-
21 striction, suspension or revocation or, good cause appearing therefor, ex-
22 tend the restriction or suspension of the person's driving privileges, mod-
23 ify the terms of the restriction or suspension or revoke the person's driving
24 privileges. When the action proposed or taken by the division is required,
25 the division, upon the hearing, shall either affirm its order of restriction,
26 suspension, revocation or disqualification, or, good cause appearing there-
27 for, dismiss the administrative action. If the person fails to request a
28 hearing within the time prescribed or if, after a hearing, the order of
29 restriction, suspension, revocation or disqualification is upheld, the per-
30 son shall surrender to the division, upon proper demand, any driver's
31 license in the person's possession.

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

1 the witness.

2 **(f) The division, in the interest of traffic and safety, may estab-**
 3 **lish or contract with a private individual, corporation, partnership**
 4 **or association for the services of driver improvement clinics**
 5 **throughout the state and, upon reviewing the driving record of a**
 6 **person whose driving privileges are subject to suspension under**
 7 **subsection (a)(2), may permit the person to retain such person's**
 8 **driving privileges by attending a driver improvement clinic. Any**
 9 **person other than a person issued a commercial driver's license,**
 10 **under K.S.A. 8-2,125 et seq., and amendments thereto, desiring to**
 11 **attend a driver improvement clinic shall make application to the**
 12 **division and such application shall be accompanied by the required**
 13 **fee. The secretary of revenue shall adopt rules and regulations pre-**
 14 **scribing a driver's improvement clinic fee which shall not exceed**
 15 **\$500 and such rules and regulations deemed necessary for carrying**
 16 **out the provisions of this section, including the development of stan-**
 17 **dards and criteria to be utilized by such driver improvement clinics.**

18 ~~(f) The division, in the interest of traffic and safety, may establish~~
 19 ~~driver improvement clinics throughout the state and, upon reviewing the~~
 20 ~~driving record of a person whose driving privileges are subject to suspen-~~
 21 ~~sion under subsection (a)(2), may permit the person to retain such per-~~
 22 ~~son's driving privileges by attending a driver improvement clinic. A person~~
 23 ~~who is required to attend a driver improvement clinic shall pay a fee of~~
 24 ~~\$15. Amounts received under this subsection shall be remitted to the state~~
 25 ~~treasurer in accordance with the provisions of K.S.A. 75-4215, and~~
 26 ~~amendments thereto. Upon receipt of each such remittance, the state~~
 27 ~~treasurer shall deposit the same in the state treasury to the credit of the~~
 28 ~~division of vehicles operating fund.~~

29 ~~(g) (f) Amounts received under this subsection shall be remitted~~
 30 ~~to the state treasurer in accordance with the provisions of K.S.A.~~
 31 ~~75-4215, and amendments thereto. Upon receipt of each such re-~~
 32 ~~mittance, the state treasurer shall deposit the same in the state treas-~~
 33 ~~ury as prescribed by subsection (f) of K.S.A. 8-267, and amendments~~
 34 ~~thereto.~~

35 **(g) When the action by the division restricting a person's driving priv-**
 36 **ileges is based upon certification by the secretary of social and rehabili-**
 37 **tation services pursuant to K.S.A. 2006 2007 Supp. 39-7,155, and amend-**
 38 **ments thereto, the person may not request a hearing but, within 30 days**
 39 **after notice of suspension *restriction* is mailed, may submit a written**
 40 **request for administrative review and provide evidence to the division to**
 41 **show the person whose driving privileges have been restricted by the**
 42 **division is not the person certified by the secretary of social and rehabili-**
 43 **tation services, did not receive timely notice of the proposed restriction**

1 from the secretary of social and rehabilitation services or has been de-
 2 certified by the secretary of social and rehabilitation services. Within 30
 3 days of its receipt of the request for administrative review, the division
 4 shall notify the person whether the restriction has been affirmed or set
 5 aside. The request for administrative review shall not stay any action taken
 6 by the division.

7 **Sec. 4-3.** K.S.A. ~~2006~~ **2007** Supp. 8-267 is hereby amended to read
 8 as follows: 8-267. All moneys received under this act shall be remitted by
 9 the secretary of revenue to the state treasurer in accordance with the
 10 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
 11 each such remittance, the state treasurer shall deposit the entire amount
 12 in the 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. ~~2006~~ **2007** Supp. 8-2,151, and amendments thereto, to the hazmat
 29 fee fund; *and*

30 (f) ~~credit the driver improvement clinic fees collected under section~~
 31 ~~7, K.S.A. 8-255, and amendments thereto, as follows:~~

32 (1) ~~Credit \$150~~ **50%** of each such fee to the division of vehicles op-
 33 erating fund; *and*

34 (2) ~~credit \$200~~ **50%** of each such fee to the ~~community corrections~~
 35 **correctional services** special 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~~ **4**. K.S.A. ~~2006~~ **2007** Supp. 8-255 and 8-267 are hereby
6 repealed.

7 Sec. ~~6~~ **5**. This act shall take effect and be in force from and after
8 ~~its publication in the statute book~~ **January 1, 2009**, **and its publication**
9 **in the statute book**].