

SENATE BILL No. 6

By Senator Journey

12-8

9 AN ACT relating to driver's licenses; concerning habitual violators;
10 amending K.S.A. 8-235, 8-286 and 8-288 and K.S.A. 2006 Supp. 8-287
11 and repealing the existing sections.
12

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

14 Section 1. K.S.A. 8-235 is hereby amended to read as follows: 8-235.

15 (a) No person, except those expressly exempted, shall drive any motor
16 vehicle upon a highway in this state unless such person has a valid driver's
17 license. No person shall receive a driver's license unless and until such
18 person surrenders or with the approval of the division, lists to the division
19 all valid licenses in such person's possession issued to such person by any
20 other jurisdiction. All surrendered licenses or the information listed on
21 foreign licenses shall be returned by the division to the issuing depart-
22 ment, together with information that the licensee is now licensed in a
23 new jurisdiction. No person shall be permitted to have more than one
24 valid license at any time.

25 (b) Any person licensed under the motor vehicle drivers' license act
26 may exercise the privilege granted upon all streets and highways in this
27 state and shall not be required to obtain any other license to exercise such
28 privilege by any local authority. Nothing herein shall prevent cities from
29 requiring licenses of persons who drive taxicabs or municipally franchised
30 transit systems for hire upon city streets, to protect the public from drivers
31 whose character or habits make them unfit to transport the public. If a
32 license is denied, the applicant may appeal such decision to the district
33 court of the county in which such city is located by filing within 10 days
34 after such denial, a notice of appeal with the clerk of the district court
35 and by filing a copy of such notice with the city clerk of the involved city.
36 The city clerk shall certify a copy of such decision of the city governing
37 body to the clerk of the district court and the matter shall be docketed
38 as any other cause and the applicant shall be granted a trial of such per-
39 son's character and habits. The matter shall be heard by the court *de novo*
40 in accordance with the code of civil procedure. The cost of such appeal
41 shall be assessed in such manner as the court may direct.

42 (c) Any person operating in this state a motor vehicle, except a mo-
43 torcycle, which is registered in this state other than under a temporary

1 thirty-day permit shall be the holder of a driver's license which is classified
2 for the operation of such motor vehicle, and any person operating in this
3 state a motorcycle which is registered in this state shall be the holder of
4 a class M driver's license, except that any person operating in this state a
5 motorcycle which is registered under a temporary thirty-day permit shall
6 be the holder of a driver's license for any class of motor vehicles.

7 (d) No person shall drive any motorized bicycle upon a highway of
8 this state unless: (1) Such person has a valid driver's license which entitles
9 the licensee to drive a motor vehicle in any class or classes; (2) such person
10 is at least 15 years of age and has passed the written and visual exami-
11 nations required for obtaining a class C driver's license, in which case the
12 division shall issue to such person a class C license which clearly indicates
13 such license is valid only for the operation of motorized bicycles; ~~or~~ (3)
14 such person has had their driving privileges suspended and has made
15 application to the division for the issuance of a class C license for the
16 operation of motorized bicycles, in accordance with paragraph (2), in
17 which case the division shall issue to such person a class C license which
18 clearly indicates such license is valid only for the operation of motorized
19 bicycles; *or (4) such person has had their driving privileges revoked under*
20 *K.S.A. 8-286, and amendments thereto, and has made application to the*
21 *division for issuance of a class C license for the operation of motorized*
22 *bicycles, in accordance with paragraph (2), in which case the division*
23 *shall issue to such person a class C license which clearly indicates such*
24 *license is valid only for the operation of motorized bicycles.*

25 (e) Violation of this section shall constitute a class B misdemeanor.

26 Sec. 2. K.S.A. 8-286 is hereby amended to read as follows: 8-286.
27 Whenever the files and records of the division shall disclose that the
28 record of convictions of any person is such that the person is an habitual
29 violator, as prescribed by K.S.A. 8-285, and amendments thereto, the
30 division promptly shall revoke the person's driving privileges for a period
31 of three years, *except as allowed under subsection (d)(4) of K.S.A. 8-235,*
32 *and amendments thereto.*

33 Sec. 3. K.S.A. 2006 Supp. 8-287 is hereby amended to read as fol-
34 lows: 8-287. *Except as allowed under subsection (d)(4) of K.S.A. 8-235,*
35 *and amendments thereto,* operation of a motor vehicle in this state while
36 one's driving privileges are revoked pursuant to K.S.A. 8-286 and amend-
37 ments thereto is a class A nonperson misdemeanor. The person found
38 guilty of a third or subsequent conviction of this section shall be sentenced
39 to not less than 90 days imprisonment and fined not less than \$1,500. The
40 person convicted shall not be eligible for release on probation, suspension
41 or reduction of sentence or parole until the person has served at least 90
42 days' imprisonment. The 90 days' imprisonment mandated by this sub-
43 section may be served in a work release program only after such person

1 has served 48 consecutive hours' imprisonment provided such work re-
2 lease program requires such person to return to confinement at the end
3 of each day in the work release program. The court may place the person
4 convicted under a house arrest program pursuant to K.S.A. 21-4603b,
5 and amendments thereto, or any municipal ordinance to serve the re-
6 mainder of the minimum sentence only after such person has served 48
7 consecutive hours' imprisonment.

8 Sec. 4. K.S.A. 8-288 is hereby amended to read as follows: 8-288.
9 *Except as allowed under subsection (d)(4) of K.S.A. 8-235, and amend-*
10 *ments thereto*, no license to operate a motor vehicle in Kansas shall be
11 issued to a person for a period of three years from the date of the division's
12 order revoking such person's driving privileges pursuant to K.S.A. 8-286
13 and amendments thereto and until the person's driving privileges have
14 been restored.

15 Sec. 5. K.S.A. 8-235, 8-286 and 8-288 and K.S.A. 2006 Supp. 8-287
16 are hereby repealed.

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