

## SENATE BILL No. 157

By Committee on Judiciary

2-2

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9 AN ACT relating to drivers' licenses; concerning driver improvement  
10 clinics; providing for the disposition of certain moneys; amending  
11 K.S.A. 2008 Supp. 8-255 and 8-267 and repealing the existing sections.  
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13 *Be it enacted by the Legislature of the State of Kansas:*

14 New Section 1. There is hereby created in the state treasury the  
15 correctional services special revenue fund. All moneys credited to the  
16 correctional services special revenue fund shall be used by the depart-  
17 ment of corrections only for the purpose of funding community correc-  
18 tions. All expenditures from the correctional services special revenue fund  
19 shall be made in accordance with appropriation acts, upon warrants of  
20 the director of accounts and reports issued pursuant to vouchers approved  
21 by the secretary of corrections.

22 Sec. 2. K.S.A. 2008 Supp. 8-255 is hereby amended to read as fol-  
23 lows: 8-255. (a) The division is authorized to restrict, suspend or revoke  
24 a person's driving privileges upon a showing by its records or other suf-  
25 ficient evidence the person:

26 (1) Has been convicted with such frequency of serious offenses  
27 against traffic regulations governing the movement of vehicles as to in-  
28 dicate a disrespect for traffic laws and a disregard for the safety of other  
29 persons on the highways;

30 (2) has been convicted of three or more moving traffic violations com-  
31 mitted on separate occasions within a 12-month period;

32 (3) is incompetent to drive a motor vehicle;

33 (4) has been convicted of a moving traffic violation, committed at a  
34 time when the person's driving privileges were restricted, suspended or  
35 revoked; or

36 (5) is a member of the armed forces of the United States stationed  
37 at a military installation located in the state of Kansas, and the authorities  
38 of the military establishment certify that such person's on-base driving  
39 privileges have been suspended, by action of the proper military author-  
40 ities, for violating the rules and regulations of the military installation  
41 governing the movement of vehicular traffic or for any other reason re-  
42 lating to the person's inability to exercise ordinary and reasonable control  
43 in the operation of a motor vehicle.

1 (b) The division shall suspend a person's driving privileges when re-  
2 quired by K.S.A. 8-262, 8-1014, 21-3765 or 41-727, and amendments  
3 thereto, and shall disqualify a person's privilege to drive commercial mo-  
4 tor vehicles when required by K.S.A. 8-2,142, and amendments thereto.  
5 The division shall restrict a person's driving privileges when required by  
6 K.S.A. 2008 Supp. 39-7,155, and amendments thereto.

7 (c) When the action by the division restricting, suspending, revoking  
8 or disqualifying a person's driving privileges is based upon a report of a  
9 conviction or convictions from a convicting court, the person may not  
10 request a hearing but, within 30 days after notice of restriction, suspen-  
11 sion, revocation or disqualification is mailed, may submit a written request  
12 for administrative review and provide evidence to the division to show  
13 the person whose driving privileges have been restricted, suspended, re-  
14 voked or disqualified by the division was not convicted of the offense  
15 upon which the restriction, suspension, revocation or disqualification is  
16 based. Within 30 days of its receipt of the request for administrative  
17 review, the division shall notify the person whether the restriction, sus-  
18 pension, revocation or disqualification has been affirmed or set aside. The  
19 request for administrative review shall not stay any action taken by the  
20 division.

21 (d) Upon restricting, suspending, revoking or disqualifying the driv-  
22 ing privileges of any person as authorized by this act, the division shall  
23 immediately notify the person in writing. Except as provided by K.S.A.  
24 8-1002 and 8-2,145, and amendments thereto, and subsections (c) and  
25 (g), if the person makes a written request for hearing within 30 days after  
26 such notice of restriction, suspension or revocation is mailed, the division  
27 shall afford the person an opportunity for a hearing as early as practical  
28 not sooner than five days nor more than 30 days after such request is  
29 mailed. If the division has not revoked or suspended the person's driving  
30 privileges or vehicle registration prior to the hearing, the hearing may be  
31 held within not to exceed 45 days. Except as provided by K.S.A. 8-1002  
32 and 8-2,145, and amendments thereto, the hearing shall be held in the  
33 person's county of residence or a county adjacent thereto, unless the  
34 division and the person agree that the hearing may be held in some other  
35 county. Upon the hearing, the director or the director's duly authorized  
36 agent may administer oaths and may issue subpoenas for the attendance  
37 of witnesses and the production of relevant books and papers and may  
38 require an examination or reexamination of the person. When the action  
39 proposed or taken by the division is authorized but not required, the  
40 division, upon the hearing, shall either rescind or affirm its order of re-  
41 striction, suspension or revocation or, good cause appearing therefor, ex-  
42 tend the restriction or suspension of the person's driving privileges, mod-  
43 ify the terms of the restriction or suspension or revoke the person's driving

1 privileges. When the action proposed or taken by the division is required,  
2 the division, upon the hearing, shall either affirm its order of restriction,  
3 suspension, revocation or disqualification, or, good cause appearing there-  
4 for, dismiss the administrative action. If the person fails to request a  
5 hearing within the time prescribed or if, after a hearing, the order of  
6 restriction, suspension, revocation or disqualification is upheld, the per-  
7 son shall surrender to the division, upon proper demand, any driver's  
8 license in the person's possession.

9 (e) In case of failure on the part of any person to comply with any  
10 subpoena issued in behalf of the division or the refusal of any witness to  
11 testify to any matters regarding which the witness may be lawfully inter-  
12 rogated, the district court of any county, on application of the division,  
13 may compel obedience by proceedings for contempt, as in the case of  
14 disobedience of the requirements of a subpoena issued from the court or  
15 a refusal to testify in the court. Each witness who appears before the  
16 director or the director's duly authorized agent by order or subpoena,  
17 other than an officer or employee of the state or of a political subdivision  
18 of the state, shall receive for the witness' attendance the fees and mileage  
19 provided for witnesses in civil cases in courts of record, which shall be  
20 audited and paid upon the presentation of proper vouchers sworn to by  
21 the witness.

22 ~~(f) The division, in the interest of traffic and safety, may establish~~  
23 ~~driver improvement clinics throughout the state and, upon reviewing the~~  
24 ~~driving record of a person whose driving privileges are subject to suspen-~~  
25 ~~sion under subsection (a)(2), may permit the person to retain such per-~~  
26 ~~son's driving privileges by attending a driver improvement clinic. A person~~  
27 ~~who is required to attend a driver improvement clinic shall pay a fee of~~  
28 ~~\$15. Amounts received under this subsection shall be remitted to the state~~  
29 ~~treasurer in accordance with the provisions of K.S.A. 75-4215, and~~  
30 ~~amendments thereto. Upon receipt of each such remittance, the state~~  
31 ~~treasurer shall deposit the same in the state treasury to the credit of the~~  
32 ~~division of vehicles operating fund. *The division, in the interest of traffic*~~  
33 ~~*and safety, may establish or contract with a private individual, corpora-*~~  
34 ~~*tion, partnership or association for the services of driver improvement*~~  
35 ~~*clinics throughout the state and, upon reviewing the driving record of a*~~  
36 ~~*person whose driving privileges are subject to suspension under subsec-*~~  
37 ~~*tion (a)(2), may permit the person to retain such person's driving privi-*~~  
38 ~~*leges by attending a driver improvement clinic. Any person other than a*~~  
39 ~~*person issued a commercial driver's license under K.S.A. 8-2,125 et seq.,*~~  
40 ~~*and amendments thereto, desiring to attend a driver improvement clinic*~~  
41 ~~*shall make application to the division and such application shall be ac-*~~  
42 ~~*companied by the required fee. The secretary of revenue shall adopt rules*~~  
43 ~~*and regulations prescribing a driver's improvement clinic fee which shall*~~

1 *not exceed \$500 and such rules and regulations deemed necessary for*  
2 *carrying out the provisions of this section, including the development of*  
3 *standards and criteria to be utilized by such driver improvement clinics.*  
4 *Amounts received under this subsection shall be remitted to the state*  
5 *treasurer in accordance with the provisions of K.S.A. 75-4215, and*  
6 *amendments thereto. Upon receipt of each such remittance, the state trea-*  
7 *surer shall deposit the same in the state treasury as prescribed by sub-*  
8 *section (f) of K.S.A. 8-267, and amendments thereto.*

9 (g) When the action by the division restricting a person's driving priv-  
10 ileges is based upon certification by the secretary of social and rehabili-  
11 tation services pursuant to K.S.A. 2008 Supp. 39-7,155, and amendments  
12 thereto, the person may not request a hearing but, within 30 days after  
13 notice of ~~suspension~~ restriction is mailed, may submit a written request  
14 for administrative review and provide evidence to the division to show  
15 the person whose driving privileges have been restricted by the division  
16 is not the person certified by the secretary of social and rehabilitation  
17 services, did not receive timely notice of the proposed restriction from  
18 the secretary of social and rehabilitation services or has been decertified  
19 by the secretary of social and rehabilitation services. Within 30 days of its  
20 receipt of the request for administrative review, the division shall notify  
21 the person whether the restriction has been affirmed or set aside. The  
22 request for administrative review shall not stay any action taken by the  
23 division.

24 Sec. 3. K.S.A. 2008 Supp. 8-267 is hereby amended to read as fol-  
25 lows: 8-267. All moneys received under this act shall be remitted by the  
26 secretary of revenue to the state treasurer in accordance with the provi-  
27 sions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each  
28 such remittance, the state treasurer shall deposit the entire amount in the  
29 state treasury and shall:

30 (a) Credit 37.5% of all moneys so received from class C driver's li-  
31 censes and 20% of all moneys so received from class M driver's licenses  
32 and 20% of all moneys so received from class A or B driver's licenses and  
33 20% of all moneys so received from all commercial driver licensee classes  
34 remaining after the \$2 credit provided in subsection (c) to a special fund,  
35 which is hereby created and shall be known as the state safety fund;

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

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

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

1 (e) credit all hazardous materials endorsement fees collected under  
2 K.S.A. 2008 Supp. 8-2,151, and amendments thereto, to the hazmat fee  
3 fund; *and*

4 (f) *credit the driver improvement clinic fees collected under K.S.A. 8-*  
5 *255, and amendments thereto, as follows:*

6 (1) *Credit 50% of each such fee to the division of vehicles operating*  
7 *fund; and*

8 (2) *credit 50% of each such fee to the correctional services special*  
9 *revenue fund.*

10 Moneys in the state safety fund and in the motorcycle safety fund shall  
11 be distributed to provide funds for driver training courses in the schools  
12 in Kansas and for the administration of this act, as the legislature shall  
13 provide. In addition, moneys in the motorcycle safety fund shall be dis-  
14 tributed to provide funds for courses in motorcycle safety in community  
15 colleges in Kansas. Moneys in the truck driver training fund shall be  
16 distributed to provide funds for courses in truck driver training in com-  
17 munity colleges, area vocational schools and area vocational-technical  
18 schools in Kansas. Except as otherwise provided by K.S.A. 8-241, and  
19 amendments thereto, the state treasurer shall credit the balance of all  
20 moneys received under this act, including all moneys received from com-  
21 mercial driver's license endorsements to the state highway fund.

22 Sec. 4. K.S.A. 2008 Supp. 8-255 and 8-267 are hereby repealed.

23 Sec. 5. This act shall take effect and be in force from and after Jan-  
24 uary 1, 2010, and its publication in the statute book.