

HOUSE BILL No. 2438

By Committee on Transportation

1-13

9 AN ACT relating to motor vehicles; concerning restricted drivers' li-
10 censes; amending K.S.A. 2009 Supp. 8-2,101 and repealing the existing
11 section.

12

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

14 Section 1. K.S.A. 2009 Supp. 8-2-101 is hereby amended to read as
15 follows: 8-2-101. The division of vehicles may issue a restricted class C
16 or M driver's license in accordance with the provisions of this section. A
17 restricted class C license issued under this section shall entitle the li-
18 censee, while possessing the license, to operate any motor vehicle in class
19 C, as designated in K.S.A. 8-234b, and amendments thereto. A restricted
20 class M license shall entitle the licensee, while possessing such license,
21 to operate a motorcycle.

22 (a) The division may issue a restricted class C or M driver's license
23 to any person who:

24 (1) Is at least 15 years of age;

25 (2) has successfully completed an approved course in driver training;

26 (3) has held an instructional permit issued under the provisions of
27 K.S.A. 8-239, and amendments thereto, for a period of at least one year
28 and has completed at least 25 hours of adult supervised driving; and

29 (4) upon the written application of the person's parent or guardian,
30 which shall be submitted to the division.

31 Any licensee issued a restricted license under this subsection, shall
32 provide, prior to reaching 16 years of age, a signed affidavit of either a
33 parent or guardian, stating that the applicant has completed the required
34 25 hours prior to being issued a restricted license and 25 hours of addi-
35 tional adult supervised driving. Of the 50 hours required by this subsec-
36 tion, at least 10 of those hours shall be at night. The adult supervised
37 driving shall be conducted by an adult who is at least 21 years of age and
38 is the holder of a valid commercial driver's license, class A, B or C driver's
39 license.

40 (b) (1) A restricted license issued under subsection (a) shall entitle a
41 licensee who is at least 15 years of age but less than 16 years of age; to
42 operate the appropriate motor vehicles at any time:

43 (A) While going to or from or in connection with any job, employ-

1 ment or farm-related work;

2 (B) on days while school is in session, over the most direct and ac-
3 cessible route between the licensee's residence and school of enrollment
4 for the purposes of school attendance;

5 (C) when the licensee is operating a passenger car, at any time when
6 accompanied by an adult, who is the holder of a valid commercial driver's
7 license, class A, B or C driver's license and who is actually occupying a
8 seat beside the driver; or

9 (D) when the licensee is operating a motorcycle, at any time when
10 accompanied by an adult, who is the holder of a valid class M driver's
11 license and who is operating a motorcycle in the general proximity of the
12 licensee.

13 (2) For a period of six months, a restricted license issued under sub-
14 section (a) shall entitle a licensee who is at least 16 years of age to operate
15 the appropriate motor vehicles at any time:

16 (A) From 5:00 a.m. to 9:00 p.m.;

17 (B) while going to or from or in connection with any job, employment
18 or farm-related work;

19 (C) while going to or from authorized school activities;

20 (D) when the licensee is operating a passenger car, at any time when
21 accompanied by an adult, who is the holder of a valid commercial driver's
22 license, class A, B or C driver's license and who is actually occupying a
23 seat beside the driver; or

24 (E) when the licensee is operating a motorcycle, at any time when
25 accompanied by an adult, who is the holder of a valid class M driver's
26 license and who is operating a motorcycle in the general proximity of the
27 licensee.

28 After such six-month period, if the licensee has complied with the pro-
29 visions of this section, such restricted license shall entitle the licensee to
30 operate the appropriate motor vehicles at any time without any of the
31 restrictions required by this section.

32 (c) (1) The division may issue a restricted class C or M driver's li-
33 cense to any person who is under 17 years of age but at least 16 years of
34 age, who:

35 (A) Has held an instructional permit issued under the provisions of
36 K.S.A. 8-239, and amendments thereto, for a period of at least one year;
37 ~~and~~

38 (B) *has successfully completed an approved course in driver training;*
39 *and*

40 ~~(B)~~ (C) has submitted a signed affidavit of either a parent or guardian,
41 stating that the applicant has completed at least 50 hours of adult super-
42 vised driving with at least 10 of those hours being at night. The required
43 adult supervised driving shall be conducted by an adult who is at least 21

1 years of age and is the holder of a valid commercial driver's license, class
2 A, B or C driver's license.

3 (2) For a period of six months, a restricted license issued under sub-
4 section (c)(1) shall entitle a licensee to operate the appropriate motor
5 vehicles at any time:

6 (A) From 5:00 a.m. to 9:00 p.m.;

7 (B) while going to or from or in connection with any job, employment
8 or farm-related work;

9 (C) while going to or from authorized school activities;

10 (D) when the licensee is operating a passenger car, at any time when
11 accompanied by an adult, who is the holder of a valid commercial driver's
12 license, class A, B or C driver's license and who is actually occupying a
13 seat beside the driver; or

14 (E) when the licensee is operating a motorcycle, at any time when
15 accompanied by an adult, who is the holder of a valid class M driver's
16 license and who is operating a motorcycle in the general proximity of the
17 licensee.

18 After such six-month period, if the licensee has complied with the pro-
19 visions of this section, such restricted license shall entitle the licensee to
20 operate the appropriate motor vehicles at any time without any of the
21 restrictions required by this section.

22 (d) (1) Any licensee issued a restricted license under subsection (a):

23 (A) Who is less than 16 years of age shall not operate any motor
24 vehicle with nonsibling minor passengers; or

25 (B) who is at least 16 years of age, for a period of six months after
26 reaching 16 years of age, shall not operate any motor vehicle with more
27 than one passenger who is less than 18 years of age and who is not a
28 member of the licensee's immediate family.

29 (2) Any licensee issued a restricted license under subsection (c), for
30 a period of six months after such restricted license is issued, shall not
31 operate any motor vehicle with more than one passenger who is less than
32 18 years of age and who is not a member of the licensee's immediate
33 family.

34 (3) Any conviction for violating this subsection shall be construed as
35 a moving traffic violation for the purpose of K.S.A. 8-255, and amend-
36 ments thereto.

37 (e) Any licensee issued a restricted license under this section shall
38 not operate a wireless communication device while driving a motor ve-
39 hicle, except that a licensee may operate a wireless communication device
40 while driving a motor vehicle to report illegal activity or to summons
41 medical or other emergency help.

42 (f) (1) A restricted driver's license issued under this section is subject
43 to suspension or revocation in the same manner as any other driver's

1 license.

2 (2) A restricted driver's license shall be suspended in accordance with
3 K.S.A. 8-291, and amendments thereto, for any violation of restrictions
4 under this section.

5 (3) The division shall suspend the restricted driver's license upon re-
6 ceiving satisfactory evidence that the licensee has been involved in two
7 or more accidents chargeable to the licensee and such suspended license
8 shall not be reinstated for one year.

9 (g) Evidence of failure of any licensee who was required to complete
10 the 50 hours of adult supervised driving under this section shall not be
11 admissible in any action for the purpose of determining any aspect of
12 comparative negligence or mitigation of damages.

13 (h) Any licensee issued a restricted license under:

14 (1) Subsection (a) who:

15 (A) Is under the age of 16 years and is convicted of two or more
16 moving traffic violations committed on separate occasions shall not be
17 eligible to receive a driver's license which is not restricted in accordance
18 with the provisions of subsection (b)(1) until the person reaches 17 years
19 of age;

20 (B) is under 17 years of age but at least 16 years of age and is con-
21 victed of two or more moving traffic violations committed on separate
22 occasions shall not be eligible to receive a driver's license which is not
23 restricted in accordance with the provisions of subsection (b)(2) until the
24 person reaches 18 years of age; or

25 (C) fails to provide the affidavit required under subsection (a) shall
26 not be eligible to receive a driver's license which is not restricted in ac-
27 cordance with the provisions of subsection (b)(1) until the person provides
28 such affidavit to the division or the person reaches 17 years of age, which-
29 ever occurs first.

30 (2) Subsection (c) who is under the age of 17 years and is convicted
31 of two or more moving traffic violations committed on separate occasions
32 shall not be eligible to receive a driver's license which is not restricted in
33 accordance with the provisions of subsection (c) until the person reaches
34 18 years of age.

35 (i) This section shall be a part of and supplemental to the motor
36 vehicle driver's license act.

37 Sec. 2. K.S.A. 2009 Supp. 8-2,101 is hereby repealed.

38 Sec. 3. This act shall take effect and be in force from and after its
39 publication in the statute book.