

HOUSE BILL No. 2542

By Representative Horst

1-26

9 AN ACT relating to motor vehicles; concerning drivers' licenses; amend-
10 ing K.S.A. 8-234b and K.S.A. 2009 Supp. 8-235 and repealing the ex-
11 isting sections.
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13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 8-234b is hereby amended to read as follows: 8-
15 234b. (a) Every original driver's license issued by the division shall indi-
16 cate the class or classes of motor vehicles which the licensee is entitled
17 to drive. For this purpose the following classes are established:

18 (1) Commercial class A motor vehicles include any combination of
19 vehicles with a gross combination weight rating of 26,001 pounds or more,
20 providing the gross vehicle weight rating of the vehicle or vehicles being
21 towed is in excess of 10,000 pounds;

22 (2) commercial class B motor vehicles include any single vehicle with
23 a gross vehicle weight rating of 26,001 pounds or more, or any such ve-
24 hicle towing a vehicle not in excess of 10,000 pounds gross vehicle weight
25 rating;

26 (3) commercial class C motor vehicles include any single vehicle less
27 than 26,001 pounds gross vehicle weight rating, or any such vehicle towing
28 a vehicle not in excess of 10,000 pounds, or any vehicle less than 26,001
29 pounds gross vehicle weight rating towing a vehicle in excess of 10,000
30 pounds gross vehicle weight rating, provided the gross combination
31 weight rating of the combination is less than 26,001 pounds comprising:

32 (A) Vehicles designed to transport 16 or more passengers, including
33 the driver; or

34 (B) vehicles used in the transportation of hazardous materials which
35 requires the vehicle to be placarded;

36 (4) class A motor vehicles include any combination of vehicles with a
37 gross combination weight rating of 26,001 pounds or more, provided the
38 gross combination weight rating of the vehicle or vehicles being towed is
39 in excess of 10,000 pounds, and all other lawful combinations of vehicles
40 with a gross combination weight rating of 26,001 pounds, or more; except
41 that, class A does not include a combination of vehicles that has a truck
42 registered as a farm truck under subsection (2) of K.S.A. 8-143, and
43 amendments thereto;

1 (5) class B motor vehicles include any single vehicle with a gross ve-
2 hicle weight rating of 26,001 pounds or more, or any such vehicle towing
3 a vehicle not in excess of 10,000 pounds gross vehicle weight rating. Class
4 B motor vehicles do not include a single vehicle registered as a farm truck
5 under subsection (2) of K.S.A. 8-143, and amendments thereto, when
6 such farm truck has a gross vehicle weight rating of 26,001 pounds, or
7 more; or any fire truck operated by a volunteer fire department;

8 (6) class C motor vehicles include any single vehicle with a gross
9 vehicle weight rating less than 26,001 pounds, or any such vehicle towing
10 a vehicle not in excess of 10,000 pounds gross vehicle weight rating, or
11 any vehicle with a less than 26,001 gross vehicle weight rating towing a
12 vehicle in excess of 10,000 pounds gross vehicle weight rating, provided
13 the gross combination weight rating of the combination is less than 26,001
14 pounds, or any single vehicle registered as a farm truck under subsection
15 (2) of K.S.A. 8-143, and amendments thereto, when such farm truck has
16 a gross vehicle weight rating of 26,001 pounds, or more, or any fire truck
17 operated by a volunteer fire department; and

18 (7) class M motor vehicles includes motorcycles.

19 As used in this subsection, “gross vehicle weight rating” means the
20 value specified by the manufacturer as the maximum loaded weight of a
21 single or a combination (articulated) vehicle. The gross vehicle weight
22 rating of a combination (articulated) vehicle, commonly referred to as the
23 gross combination weight rating, is the gross vehicle weight rating of the
24 power unit plus the gross vehicle weight rating of the towed unit or units.

25 (b) Every applicant for an original driver’s license shall indicate on
26 such person’s application the class or classes of motor vehicles for which
27 the applicant desires a license to drive, and the division shall not issue a
28 driver’s license to any person unless such person has demonstrated sat-
29 isfactorily ability to exercise ordinary and reasonable control in the op-
30 eration of motor vehicles in the class or classes for which the applicant
31 desires a license to drive. The division shall administer an appropriate
32 examination of each applicant’s ability to drive such motor vehicles. Ex-
33 cept as provided in K.S.A. 8-2,125 through 8-2,142, and amendments
34 thereto, the director of vehicles may accept a copy of the certificate of a
35 person’s road test issued to an individual under the regulatory require-
36 ments of the United States department of transportation, in lieu of re-
37 quiring the person to demonstrate ability to operate any motor vehicle or
38 combination of vehicles, if such certificate was issued not more than three
39 years prior to the person’s application for a driver’s license.

40 (c) Any person who is the holder of a valid driver’s license which
41 entitles the person to drive class A motor vehicles may also drive class B
42 and C motor vehicles. Any person who is the holder of a valid driver’s
43 license which entitles the person to drive class B motor vehicles may also

1 drive class C motor vehicles.

2 (d) The secretary of revenue shall adopt rules and regulations estab-
3 lishing qualifications for the safe operation of the various types, sizes and
4 combinations of vehicles in each class of motor vehicles established in
5 subsection (a). Such rules and regulations shall include the adoption of
6 at least the minimum qualifications for commercial drivers' licenses con-
7 tained in the commercial motor vehicle safety act of 1986.

8 (e) Any reference in the motor vehicle drivers' license act to a class
9 or classes of motor vehicles is a reference to the classes of motor vehicles
10 established in subsection (a), and any reference in the motor vehicle driv-
11 ers' license act to a classified driver's license or a class of driver's license
12 means a driver's license which restricts the holder thereof to driving one
13 or more of such classes of motor vehicles.

14 (f) The secretary of revenue may enter into a contract with any per-
15 son, who meets the qualifications imposed on persons regularly employed
16 by the division as drivers' license examiners, to accept applications for
17 drivers' licenses and to administer the examinations required for the is-
18 suance of drivers' licenses.

19 (g) Notwithstanding the provisions of subsection (a), any person em-
20 ployed as an automotive mechanic who possesses a valid class C driver's
21 license may drive any class A or class B motor vehicle on the highways
22 for the purpose of determining the proper performance of the vehicle,
23 except that this does not include commercial class A, B or C vehicles.

24 (h) *Notwithstanding the provisions of subsection (a), a person who*
25 *possesses a valid driver's license which entitles the licensee to drive a*
26 *motor vehicle in any class or classes may drive any three-wheeled motor-*
27 *cycle.*

28 Sec. 2. K.S.A. 2009 Supp. 8-235 is hereby amended to read as fol-
29 lows: 8-235. (a) No person, except those expressly exempted, shall drive
30 any motor vehicle upon a highway in this state unless such person has a
31 valid driver's license. No person shall receive a driver's license unless and
32 until such person surrenders or with the approval of the division, lists to
33 the division all valid licenses in such person's possession issued to such
34 person by any other jurisdiction. All surrendered licenses or the infor-
35 mation listed on foreign licenses shall be returned by the division to the
36 issuing department, together with information that the licensee is now
37 licensed in a new jurisdiction. No person shall be permitted to have more
38 than one valid license at any time.

39 (b) Any person licensed under the motor vehicle drivers' license act
40 may exercise the privilege granted upon all streets and highways in this
41 state and shall not be required to obtain any other license to exercise such
42 privilege by any local authority. Nothing herein shall prevent cities from
43 requiring licenses of persons who drive taxicabs or municipally franchised

1 transit systems for hire upon city streets, to protect the public from drivers
2 whose character or habits make them unfit to transport the public. If a
3 license is denied, the applicant may appeal such decision to the district
4 court of the county in which such city is located by filing within 10 days
5 after such denial, a notice of appeal with the clerk of the district court
6 and by filing a copy of such notice with the city clerk of the involved city.
7 The city clerk shall certify a copy of such decision of the city governing
8 body to the clerk of the district court and the matter shall be docketed
9 as any other cause and the applicant shall be granted a trial of such per-
10 son's character and habits. The matter shall be heard by the court *de novo*
11 in accordance with the code of civil procedure. The cost of such appeal
12 shall be assessed in such manner as the court may direct.

13 (c) Any person operating in this state a motor vehicle, except a mo-
14 torcycle, which is registered in this state other than under a temporary
15 thirty-day permit shall be the holder of a driver's license which is classified
16 for the operation of such motor vehicle, and any person operating in this
17 state a motorcycle which is registered in this state shall be the holder of
18 a class M driver's license, except that any person operating in this state a
19 motorcycle which is registered under a temporary thirty-day permit *or*
20 *any three-wheeled motorcycle* shall be the holder of a driver's license for
21 any class of motor vehicles.

22 (d) No person shall drive any motorized bicycle upon a highway of
23 this state unless: (1) Such person has a valid driver's license which entitles
24 the licensee to drive a motor vehicle in any class or classes; (2) such person
25 is at least 15 years of age and has passed the written and visual exami-
26 nations required for obtaining a class C driver's license, in which case the
27 division shall issue to such person a class C license which clearly indicates
28 such license is valid only for the operation of motorized bicycles; or (3)
29 such person has had their driving privileges suspended, for a violation
30 other than a violation of K.S.A. 8-1567 or 8-1567a, and amendments
31 thereto, and has made application to the division for the issuance of a
32 class C license for the operation of motorized bicycles, in accordance with
33 paragraph (2), in which case the division shall issue to such person a class
34 C license which clearly indicates such license is valid only for the oper-
35 ation of motorized bicycles.

36 (e) Violation of this section shall constitute a class B misdemeanor.
37 Sec. 3. K.S.A. 8-234b and K.S.A. 2009 Supp. 8-235 are hereby
38 repealed.

39 Sec. 4. This act shall take effect and be in force from and after its
40 publication in the statute book.