

As Amended by Senate Committee

Session of 2010

SENATE BILL No. 484

By Committee on Transportation

1-28

10 AN ACT relating to drivers' licenses; concerning restricted licenses and
11 instructional permits; amending K.S.A. 2009 Supp. **8-234a**, 8-296, 8-
12 2,100 and 8-2,101 and repealing the existing sections.

13

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

15 **Section 1. K.S.A. 2009 Supp. 8-234a is hereby amended to read**
16 **as follows: 8-234a. (a) As used in the motor vehicle drivers' license**
17 **act, the following words and phrases shall have the meanings re-**
18 **spectively ascribed to them herein:**

19 (1) **"Drivers' license examiner" or "examiner" means a drivers'**
20 **license examiner of the division of vehicles or any person whom the**
21 **director of vehicles has authorized, pursuant to the authority**
22 **granted by this act, to accept applications for drivers' licenses and**
23 **administer the examinations required for the issuance or renewal**
24 **of drivers' licenses. Any county treasurer authorized to accept ap-**
25 **plications for drivers' licenses or administer drivers' license exam-**
26 **inations shall be deemed to be acting as an agent of the state of**
27 **Kansas;**

28 (2) **"nonresident" means every person who is not a resident of**
29 **this state. For the purposes of the motor vehicle drivers' license act**
30 **any person who owns, rents or leases real estate in Kansas as such**
31 **person's residence and engages in a trade, business or profession**
32 **within Kansas or registers to vote in Kansas or enrolls such person's**
33 **children in a school in this state or purchases Kansas registration**
34 **for a motor vehicle, shall be deemed a resident of the state of Kansas**
35 **90 days after the conditions stated in this subsection commence,**
36 **except that military personnel on active duty and their military de-**
37 **pendents who are residents of another state, shall not be considered**
38 **residents of the state of Kansas for the purpose of this act;**

39 (3) **"patrol" means the state highway patrol;**

40 (4) **"address of principal residence" means: (A) The place where**
41 **a person makes his or her permanent principal home; (B) place**
42 **where a person resides, has an intention to remain and where they**
43 **intend to return following an absence; or (C) place of habitation to**

1 *which, whenever the person is absent, the person intends to return.*
 2 *If a person eats at one place and sleeps at another, the place where*
 3 *the person sleeps shall be considered the person’s address of prin-*
 4 *cipal residence;*

5 (5) *“state” means a state of the United States, the District of*
 6 *Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa*
 7 *and the Commonwealth of Northern Mariana Islands; ~~and~~*

8 (6) *“wireless communication device” means any wireless elec-*
 9 *tronic communication device that provides for voice or data com-*
 10 *munication between two or more parties, including, but not limited*
 11 *to, a mobile or cellular telephone, a text messaging device, a per-*
 12 *sonal digital assistant that sends or receives messages, an audio-*
 13 *video player that sends or receives messages or a laptop computer;*
 14 *and*

15 (7) *“religious organization” means any organization, church, body of*
 16 *communicants, or group, gathered in common membership for mutual*
 17 *support and edification in piety, worship and religious observances, or a*
 18 *society of individuals united for religious purposes at a definite place and*
 19 *which religious organization maintains an established place of worship*
 20 *within this state and has a regular schedule of services or meetings at least*
 21 *on a weekly basis and has been determined to be organized and created*
 22 *as a bona fide religious organization.*

23 (b) *As used in this act, the words and phrases defined by the*
 24 *sections in article 14 of chapter 8 of the Kansas Statutes Annotated,*
 25 *and amendments thereto, shall have the meanings respectively as-*
 26 *cribed to them therein, unless a different meaning is ascribed to any*
 27 *such word or phrase by subsection (a) of this section.*

28 ~~Section~~ **Sec. 8-2.** K.S.A. 2009 Supp. 8-296 is hereby amended to
 29 read as follows: 8-296. (a) Any person who is less than 17 years of age but
 30 is at least 14 years of age and who resides upon a farm in this state or is
 31 employed for compensation upon a farm in this state may apply to the
 32 division of vehicles for a farm permit authorizing such person, while pos-
 33 sessed the permit, to operate any motor vehicle in class C, as designated
 34 in K.S.A. 8-234b, and amendments thereto.

35 (b) (1) A farm permit shall entitle the licensee, who is at least 14
 36 years of age, but less than 16 years of age, to operate the appropriate
 37 motor vehicles at any time:

38 (A) While going to or from or in connection with any farm job, em-
 39 ployment or other farm-related work;

40 (B) on days while school is in session, over the most direct and ac-
 41 cessible route between the licensee’s residence and school of enrollment
 42 for the purpose of school attendance; ~~or~~ ~~or~~

43 (C) ~~while going directly to or from any religious service or function;~~

- 1 ~~or~~
 2 ~~(C)-(D)~~ (C) when the licensee is operating a passenger car at any
 3 time when accompanied by an adult who is the holder of a valid com-
 4 mercial driver's license, class A, B or C driver's license and who is actually
 5 occupying a seat beside the driver.
 6 (2) For a period of six months, a farm permit shall entitle the licensee
 7 who is at least 16 years of age to operate the appropriate motor vehicles
 8 at any time:
 9 (A) From 5:00 a.m. to 9:00 p.m.;
- 10 (B) while going to or from or in connection with any farm job, em-
 11 ployment or other farm-related work; or
 12 (C) while going to or from authorized school activities;
 13 (D) *while going directly to or from any religious service or function*
 14 **held by a religious organization; or**
 15 ~~(D)~~ (E) when the licensee is operating a passenger car at any time
 16 when accompanied by an adult who is the holder of a valid commercial
 17 driver's license, class A, B or C driver's license and who is actually oc-
 18 cupying a seat beside the driver.
 19 After such six-month period, if the licensee has complied with the pro-
 20 visions of this section, such farm permit shall entitle the licensee to op-
 21 erate the appropriate motor vehicles at any time without the restrictions
 22 required by this section.
- 23 (c) A farm permit shall be issued only if:
 24 (1) The applicant can prove that such applicant resides or works on
 25 a farm;
 26 (2) the applicant has successfully completed the examination require-
 27 ments in K.S.A. 8-235d, and amendments thereto; and
 28 (3) the applicant submits the signed affidavit of either a parent or
 29 guardian, stating that the applicant lives on a farm or, if the applicant
 30 does not live on a farm but works on a farm, the applicant submits the
 31 signed affidavit of the applicant's employer and parent or guardian, at-
 32 testing to such employment.
- 33 (d) Any licensee issued a farm permit under this section:
 34 (1) Who is less than 16 years of age shall not operate any motor
 35 vehicle with nonsibling minor passengers; or
 36 (2) who is at least 16 years of age, for a period of six months after
 37 reaching 16 years of age, shall not operate any motor vehicle with more
 38 than one passenger who is less than 18 years of age and who is not a
 39 member of the licensee's immediate family.
 40 Any conviction for violating this subsection shall be construed as a
 41 moving traffic violation for the purpose of K.S.A. 8-255, and amendments
 42 thereto.
 43 (e) Any licensee issued a farm permit under this section shall not

1 operate a wireless communication device while driving a motor vehicle,
2 except that a licensee may operate a wireless communication device while
3 driving a motor vehicle to report illegal activity or to summons medical
4 or other emergency help.

5 (f) As used in this section, “farm” means any parcel of land larger
6 than 20 acres which is used in agricultural operations.

7 (g) (1) A farm permit issued under this section is subject to suspen-
8 sion or revocation in the same manner as any other driver’s license.

9 (2) A farm permit shall be suspended in accordance with K.S.A. 8-
10 291, and amendments thereto, for any violation of restrictions under this
11 section.

12 (3) The division shall suspend the farm permit upon receiving satis-
13 factory evidence that the licensee has been involved in two or more ac-
14 cidents chargeable to the licensee and such suspended license shall not
15 be reinstated for one year.

16 (h) Any licensee issued a farm permit under this section shall provide
17 prior to reaching 16 years of age, a signed affidavit of either a parent or
18 guardian, stating that the applicant has completed at least 50 hours of
19 adult supervised driving with at least 10 of those hours being at night.
20 The adult supervised driving required by this paragraph shall be con-
21 ducted by an adult who is at least 21 years of age and is the holder of a
22 valid commercial driver’s license, class A, B or C driver’s license.

23 Evidence of failure of any licensee who was required to complete the
24 50 hours of adult supervised driving under this subsection shall not be
25 admissible in any action for the purpose of determining any aspect of
26 comparative negligence or mitigation of damages.

27 (i) Any licensee issued a farm permit under this section who: (1) Is
28 under the age of 16 years and is convicted of two or more moving traffic
29 violations committed on separate occasions shall not be eligible to receive
30 a driver’s license which is not restricted in accordance with the provisions
31 of subsection (b)(1), until the person reaches 17 years of age; (2) is at
32 least 16 years of age, but less than 17 years of age and is convicted of two
33 or more moving traffic violations committed on separate occasions shall
34 not be eligible to receive a driver’s license which is not restricted in ac-
35 cordance with the provisions of subsection (b)(2), until the person reaches
36 18 years of age; or (3) fails to provide the affidavit required under sub-
37 section (h), shall not be eligible to receive a driver’s license which is not
38 restricted in accordance with the provisions of subsection (b)(1), until the
39 person provides such affidavit to the division or the person reaches 17
40 years of age, whichever occurs first.

41 ~~Sec. 2-3.~~ K.S.A. 2009 Supp. 8-2,100 is hereby amended to read as
42 follows: 8-2,100. (a) Any person who is at least 14 years of age, but less
43 than 17 years of age may apply to the division for an instruction permit.

1 The division may issue an instruction permit under this section to any
2 person who is at least 14 years of age, but less than 16 years of age only
3 upon written application of a parent or guardian of the minor. The divi-
4 sion may in its discretion, after the applicant has successfully passed all
5 parts of the examination other than the driving test, issue to the applicant
6 an instruction permit for a period of one year.

7 (b) An instruction permit issued under this subsection shall authorize
8 the permit holder to drive a passenger car under the following conditions:

9 (1) The permit holder shall be in immediate possession of the instruc-
10 tion permit;

11 (2) a supervising driver shall be seated beside the permit holder in
12 the front seat of the passenger car when such car is in motion. The su-
13 pervising driver shall be an adult who is at least 21 years of age who is
14 the holder of a valid commercial driver's license, class A, B or C driver's
15 license and who has at least one year of driving experience. No person
16 other than the supervising driver can be in the front seat;

17 (3) the permit holder may drive at any time in accordance with the
18 provisions of this section;

19 (4) the permit holder shall not operate a wireless communication de-
20 vice while driving a passenger car, except that a permit holder may op-
21 erate a wireless communications device while driving a passenger car to
22 report illegal activity or to summons medical or other emergency help.

23 (c) Any person who is at least 14 years of age, but less than 17 years
24 of age may apply for an instruction permit to operate a motorcycle either
25 separate from or in conjunction with an instruction permit to operate a
26 passenger car. The applicant shall successfully pass all parts of the ex-
27 amination other than the driving test. An instruction permit issued under
28 this subsection shall authorize the permit holder to operate a motorcycle
29 if such permit holder is accompanied by an adult who is at least 21 years
30 of age, who is the holder of a valid class M driver's license, who has had
31 at least one year of driving experience and who is *either* riding a motor-
32 cycle in the general proximity of the permit holder *or is riding as a pas-
33 senger on the motorcycle being operated by the permit holder.*

34 (d) An instruction permit issued under this section is subject to sus-
35 pension or revocation in the same manner as any other driver's license.
36 An instruction permit shall be suspended in accordance with K.S.A. 8-
37 291, and amendments thereto, for any violation of restrictions under this
38 section.

39 (e) This section shall be a part of and supplemental to the motor
40 vehicle driver's license act.

41 Sec. ~~3~~ **4**. K.S.A. 2009 Supp. 8-2,101 is hereby amended to read as
42 follows: 8-2,101. The division of vehicles may issue a restricted class C or
43 M driver's license in accordance with the provisions of this section. A

1 restricted class C license issued under this section shall entitle the li-
 2 censee, while possessing the license, to operate any motor vehicle in class
 3 C, as designated in K.S.A. 8-234b, and amendments thereto. A restricted
 4 class M license shall entitle the licensee, while possessing such license,
 5 to operate a motorcycle.

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

- 8 (1) Is at least 15 years of age;
- 9 (2) has successfully completed an approved course in driver training;
- 10 (3) has held an instructional permit issued under the provisions of
 11 K.S.A. 8-239, and amendments thereto, for a period of at least one year
 12 and has completed at least 25 hours of adult supervised driving; and
- 13 (4) upon the written application of the person's parent or guardian,
 14 which shall be submitted to the division.

15 Any licensee issued a restricted license under this subsection, shall
 16 provide prior to reaching 16 years of age, a signed affidavit of either a
 17 parent or guardian, stating that the applicant has completed the required
 18 25 hours prior to being issued a restricted license and 25 hours of addi-
 19 tional adult supervised driving. Of the 50 hours required by this subsec-
 20 tion, at least 10 of those hours shall be at night. The adult supervised
 21 driving shall be conducted by an adult who is at least 21 years of age and
 22 is the holder of a valid commercial driver's license, class A, B or C driver's
 23 license.

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

- 27 (A) While going to or from or in connection with any job, employ-
 28 ment or farm-related work;
- 29 (B) on days while school is in session, over the most direct and ac-
 30 cessible route between the licensee's residence and school of enrollment
 31 for the purposes of school attendance;
- 32 ~~(C) while going directly to or from any religious service or function;~~
- 33 ~~(C)-(D)~~ (C) when the licensee is operating a passenger car, at any
 34 time when accompanied by an adult, who is the holder of a valid com-
 35 mercial driver's license, class A, B or C driver's license and who is actually
 36 occupying a seat beside the driver; or
- 37 ~~(D)-(E)~~ (D) when the licensee is operating a motorcycle, at any time
 38 when accompanied by an adult, who is the holder of a valid class M
 39 driver's license and who is *either* operating a motorcycle in the general
 40 proximity of the licensee *or is riding as a passenger on the motorcycle*
 41 *being operated by the licensee.*

42 (2) For a period of six months, a restricted license issued under sub-
 43 section (a) shall entitle a licensee who is at least 16 years of age to operate

1 the appropriate motor vehicles at any time:

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

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

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

6 (D) *while going directly to or from any religious service or function*
7 **held by a religious organization;**

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

12 ~~(E)~~ (F) when the licensee is operating a motorcycle, at any time when
13 accompanied by an adult, who is the holder of a valid class M driver's
14 license and who is *either* operating a motorcycle in the general proximity
15 of the licensee *or is riding as a passenger on the motorcycle being oper-*
16 *ated by the licensee.*

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

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

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

27 (B) has submitted a signed affidavit of either a parent or guardian,
28 stating that the applicant has completed at least 50 hours of adult super-
29 vised driving with at least 10 of those hours being at night. The required
30 adult supervised driving shall be conducted by an adult who is at least 21
31 years of age and is the holder of a valid commercial driver's license, class
32 A, B or C driver's license.

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

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

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

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

40 (D) *while going directly to or from any religious service or function;*

41 ~~(D)~~ (E) when the licensee is operating a passenger car, at any time
42 when accompanied by an adult, who is the holder of a valid commercial
43 driver's license, class A, B or C driver's license and who is actually oc-

1 cupying a seat beside the driver; or
2 ~~(E)~~ (F) when the licensee is operating a motorcycle, at any time when
3 accompanied by an adult, who is the holder of a valid class M driver's
4 license and who is *either* operating a motorcycle in the general proximity
5 of the licensee *or is riding as a passenger on the motorcycle being oper-*
6 *ated by the licensee.*
7 After such six-month period, if the licensee has complied with the pro-
8 visions of this section, such restricted license shall entitle the licensee to
9 operate the appropriate motor vehicles at any time without any of the
10 restrictions required by this section.
11 (d) (1) Any licensee issued a restricted license under subsection (a):
12 (A) Who is less than 16 years of age shall not operate any motor
13 vehicle with nonsibling minor passengers; or
14 (B) who is at least 16 years of age, for a period of six months after
15 reaching 16 years of age, shall not operate any motor vehicle with more
16 than one passenger who is less than 18 years of age and who is not a
17 member of the licensee's immediate family.
18 (2) Any licensee issued a restricted license under subsection (c), for
19 a period of six months after such restricted license is issued, shall not
20 operate any motor vehicle with more than one passenger who is less than
21 18 years of age and who is not a member of the licensee's immediate
22 family.
23 (3) Any conviction for violating this subsection shall be construed as
24 a moving traffic violation for the purpose of K.S.A. 8-255, and amend-
25 ments thereto.
26 (e) Any licensee issued a restricted license under this section shall
27 not operate a wireless communication device while driving a motor ve-
28 hicle, except that a licensee may operate a wireless communication device
29 while driving a motor vehicle to report illegal activity or to summons
30 medical or other emergency help.
31 (f) (1) A restricted driver's license issued under this section is subject
32 to suspension or revocation in the same manner as any other driver's
33 license.
34 (2) A restricted driver's license shall be suspended in accordance with
35 K.S.A. 8-291, and amendments thereto, for any violation of restrictions
36 under this section.
37 (3) The division shall suspend the restricted driver's license upon re-
38 ceiving satisfactory evidence that the licensee has been involved in two
39 or more accidents chargeable to the licensee and such suspended license
40 shall not be reinstated for one year.
41 (g) Evidence of failure of any licensee who was required to complete
42 the 50 hours of adult supervised driving under this section shall not be
43 admissible in any action for the purpose of determining any aspect of

1 comparative negligence or mitigation of damages.
2 (h) Any licensee issued a restricted license under:
3 (1) Subsection (a) who:
4 (A) Is under the age of 16 years and is convicted of two or more
5 moving traffic violations committed on separate occasions shall not be
6 eligible to receive a driver's license which is not restricted in accordance
7 with the provisions of subsection (b)(1) until the person reaches 17 years
8 of age;
9 (B) is under 17 years of age but at least 16 years of age and is con-
10 victed of two or more moving traffic violations committed on separate
11 occasions shall not be eligible to receive a driver's license which is not
12 restricted in accordance with the provisions of subsection (b)(2) until the
13 person reaches 18 years of age; or
14 (C) fails to provide the affidavit required under subsection (a) shall
15 not be eligible to receive a driver's license which is not restricted in ac-
16 cordance with the provisions of subsection (b)(1) until the person provides
17 such affidavit to the division or the person reaches 17 years of age, which-
18 ever occurs first.
19 (2) Subsection (c) who is under the age of 17 years and is convicted
20 of two or more moving traffic violations committed on separate occasions
21 shall not be eligible to receive a driver's license which is not restricted in
22 accordance with the provisions of subsection (c) until the person reaches
23 18 years of age.
24 (i) This section shall be a part of and supplemental to the motor
25 vehicle driver's license act.
26 Sec. ~~4~~ **5**. K.S.A. 2009 Supp. ~~8-234a~~, 8-296, 8-2,100 and 8-2,101 are
27 hereby repealed.
28 Sec. ~~5~~ **6**. This act shall take effect and be in force from and after its
29 publication in the Kansas register.