

SESSION OF 2009

**SUPPLEMENTAL NOTE ON
SUBSTITUTE FOR HOUSE BILL NO. 2143**

As Amended by House Committee of the Whole

Brief*

Sub. for HB 2143 would modify the requirements for driving permits and drivers' licenses for drivers younger than 17 years old. The changes from current law are explained below.

Instruction permit. The bill would require the adult who has a valid driver's license and is accompanying the holder of an instruction permit to be at least 21 years old. (Current law does not list a specific age for the adult.) The bill would add that an instruction permit could be suspended or revoked like any other driver's license. The minimum age for application would continue to be 14.

Farm permit. A farm permit would be available from age 14 until age 17 (changed from age 16). The bill would continue to allow farm permit holders to drive in connection with any farm work and to drive to and from school. The bill would allow permit holders who are 16 or older also to drive at any time from 5 a.m. to 9 p.m. and while going to or from authorized school activities.

Restricted license. Under the bill, an applicant for a restricted license must have held an instruction permit for at least one year instead of the current six months. If the applicant is younger than 16, the applicant must have completed driver's education. (Current law requires driver's education for all applicants.) The bill would require a 16-year-old applicant to have completed at least 50 hours of adult-supervised driving, with 10 of those hours at night; a 15-year-

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

old applicant would continue to be subject to a requirement for 25 hours of adult-supervised driving. The bill would allow licensees who are 16 or older also to drive at any time from 5 a.m. to 9 p.m. and while going to or from authorized school activities.

Restrictions on nonsibling passengers. The bill would continue to ban nonsibling minor passengers if the holder of the restricted license or farm permit is younger than 16. It would allow the holder of a farm permit or a restricted license who is at least 16 years old to have one passenger younger than 18 who is not a member of the permit holder's or licensee's immediate family.

Restrictions on use of wireless devices. The bill would ban those with instruction permits, farm permits, or restricted licenses from operating wireless communication devices while driving except to report illegal activity or to summon emergency help. The bill would define "wireless communication device" as "any wireless electronic communication device that provides for voice or data communication between two or more parties."

Lifting of restrictions. The bill would lift restrictions such as limits on nonsibling passengers and time of day when driving would be allowed on holders of farm permits and restricted licenses who are at least 16 years old and who have not violated any of the restrictions for at least six months. The permit or restricted license would continue to be considered a permit or restricted license for purposes of imposing penalties.

Full licensure. Under the bill, a first-time applicant would have to be at least 17 years old; current law allows full licensure at 16. The applicant for a full license who is younger than 18 must have completed at least 50 hours of supervised driving, with 10 of those hours at night, as in current law.

Penalties. The bill would make several changes to penalties for violations of driving restrictions:

- The bill would require – rather than allow as in current law – suspension of a farm permit or restricted license for any violation of restrictions or if the holder has two or more accidents chargeable to the holder.
- Under the terms of the bill, a suspended restricted license or farm permit could not be reinstated for one year if two or more accidents are charged to the holder. Current law stipulates a suspended license cannot be reinstated for one year or until the license holder reaches 16, whichever is longer.
- Under current law, the holder who is younger than 16 and convicted of two moving violations committed on separate occasions is not eligible to receive an unrestricted license until age 17. The bill would add to current law that if the holder of a farm permit or restricted license is 16 and convicted of two or more moving violations committed on separate occasions, the holder may not receive a driver's license that is not restricted until age 18.
- The bill would add required suspensions of driving privileges for those guilty of violating permit or license restrictions: 30 days for a first conviction, 90 days for a second conviction, and one year for a third or subsequent conviction.

Effective date. The bill would become effective January 1, 2010.

Continuation of current requirements. The bill would apply the conditions, limitations, and restrictions in place as of December 31, 2009, to those who hold any valid driving license or permit as of January 1, 2010.

Background

The bill was proposed by Representative Lee Tafanelli on behalf of Kansas Action for Children, AAA Kansas, and the Kansas Department of Transportation. Presenting testimony as proponents were Representative Tafanelli; Secretary Roderick

Bremby, Kansas Department of Health and Environment; Ron Gaches on behalf of Jim Hanni, AAA Kansas; Capt. Art Wilburn, Kansas Highway Patrol; Terry Heidner, Kansas Department of Transportation; Tamara O'Conner, State Farm Insurance; and Suzanne Wikle, Kansas Action for Children. Presenting written testimony in favor of the bill were Representative Jason Watkins; Terry Holdren, Kansas Farm Bureau; and Dennis Cooley, M.D., Kansas Chapter of the American Academy of Pediatrics.

Jim Gartner, AT&T, presented neutral testimony on the bill and offered an amendment. No testimony was offered in opposition to the bill.

A subcommittee was appointed to review the original bill. The substitute bill adds provisions approved by the subcommittee and includes an amendment suggested by the AT&T spokesperson regarding an exception to a proposed ban on the use of wireless communication devices.

The House Committee of the Whole amended the bill to name the bill's first two sections, regarding instruction permits and restricted drivers licenses, "Cody's Law."

According to the fiscal note on the original bill from the Division of the Budget, the Department of Revenue estimated costs of \$3,600 for programming time that would be required to modify the Kansas Drivers License System.