

SESSION OF 2010

**CONFERENCE COMMITTEE REPORT BRIEF  
HOUSE BILL NO. 2482**

As Agreed to March 25, 2010

**Brief\***

HB 2482, as amended, would make several changes related to drivers' licenses. The bill would become effective upon publication in the *Kansas Register*.

*Driver's License Renewal*

The bill would make several changes to the law regarding renewal of drivers' licenses:

- The bill would allow the Division of Motor Vehicles, Department of Revenue, to renew without examination the expiring driver's license of the spouse or dependent child living with a person on active military duty outside of Kansas. (Those on active duty may renew in this way under current law.) The renewal must be before the end of six months following discharge from the armed forces or 90 days after residence in Kansas is reestablished, whichever is sooner.
- The bill would allow the Division to renew by mail one time the driver's license of a person on active duty outside of the United States or that person's spouse or dependent child living with the person on active duty, if the Division has a photograph or digital image of the licensee on file.
- The bill would remove requirements that the Division mail certain materials to each person whose driver's license will expire: a copy of the eyesight examination form, a copy of

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the written examination, and a copy of the Kansas driver's manual. The Division would be required to mail a written explanation of substantial changes to traffic regulations enacted by the Legislature with the notice of expiration or renewal application.

- The bill would remove requirements for a driver renewing his or her license to pass a written examination on highway signs and knowledge of traffic laws.
- The bill would remove requirements that the Division mail written information regarding organ donation to each person whose driver's license or non-driver's identification card will expire in at least 30 days.
- The bill would allow the Division to reference an agency website and make available on that website information on a person's right to make an anatomical gift and the organ donation registry program, in lieu of mailing that information to the person renewing a driver's license or a nondriver's identification card.
- The bill would remove a paragraph specification from a statutory reference.

(Sections 2, 3, 8)

#### *Changes to Graduated Driver's License Restrictions*

The bill would allow a 16-year-old holder of a farm permit or restricted license to drive directly to or from any religious worship service held by a religious organization. The bill would define "religious organization."

The bill also would allow an adult who has held a valid class M driver's license for at least a year to ride as a passenger on a motorcycle operated by the holder of an instruction permit or a restricted class M driver's license.

Current law allows the adult to ride a motorcycle in proximity to the novice driver. (Sections 1, 4, 5, 6)

*Restricting Diversion Agreements  
for Commercial Drivers*

The bill would amend the Kansas Uniform Commercial Driver's License Act regarding diversion agreements so that a person who held a commercial driver's license at the time a violation occurred could not enter into such an agreement in lieu of criminal proceedings. (Section 7)

**Conference Committee Action**

The Conference Committee agreed to the Senate amendments to the bill, with these changes:

- Remove requirements for the Division of Vehicles to mail out written examination materials at driver's license renewal;
- Require the Division to mail to each renewing holder of a driver's license a written explanation of substantial changes to traffic regulations enacted by the Legislature;
- Require the Division to submit a report at the beginning of the 2012 Legislative Session on the impact of not requiring a written test for the renewal of a driver's license; and
- Remove to and from a religious "function" from the types of driving that would be allowed for a 16-year-old driver with a farm permit or restricted license, specifying the 16-year-old could drive to and from a religious worship service.

## **Background**

### *Driver's License Renewal*

The Director of the Division of Vehicles requested and testified in favor of the original bill. She said that, of 45 states responding to an inquiry sent to all states, only Kansas currently requires knowledge testing at driver's license renewal. She stated that removing the requirements for materials to be mailed would allow the Division to send only a postcard to remind a driver that a driver's license soon will expire. There was no other testimony on the bill. The original bill also would allow the Division to renew without examination the expiring driver's license of the spouse or dependent child living with a person on active military duty outside of Kansas under certain circumstances. (Those on active duty may renew in this way under current law.)

The House Committee on Transportation amended the bill to allow the Division of Vehicles to renew by mail one time the expiring driver's license of a person on active military duty outside of the United States or a license of a spouse or dependent child living with a person on active duty outside of the United States if the Division has a digital photograph of the person on file.

The Senate Committee on Transportation made a technical amendments to this portion of the bill and added language regarding nondriver's identification cards, allowing information on anatomical gifts to be made available on the agency website rather than mailed with card renewal notices.

The Senate Committee of the Whole amended the bill to retain current law requiring each driver to pass an examination on highway signs and traffic laws at driver's license renewal and requirements that the Division mail of a copy of the eyesight examination form, a copy of the written examination, and a copy of the Kansas driver's manual to each person whose driver's license will expire within at least 30 days. The Senate Committee of the Whole also made technical amendments to the bill.

*Changes to Graduated Driver's License Restrictions*

The Senate Committee on Transportation amended the bill to include the provisions of SB 484 as amended. Senator Mike Petersen testified as a proponent of SB 484. Written testimony was received from a church youth leader.

Written testimony in opposition to the bill was received from representatives of AAA Kansas, Safe Kids Kansas, and Kansas Action for Children. They requested no changes be made to the graduated driver's license law enacted in 2009. The Kansas Department of Transportation submitted neutral written testimony on the bill.

The Senate Committee on Transportation amended that bill to specify that a religious service or function must be one held by a religious organization, add a definition of "religious organization," and remove provisions that would have allowed 14-year-old holders of farm permits and 15-year-old holders of farm permits and restricted drivers' licenses to drive directly to and from any religious service or function. The definition of "religious organization" is very similar to that for a "nonprofit religious organization" under the Bingo Act. The Conference Committee removed to and from a religious "function" from the types of driving that would be allowed.

<b>Allowed Driving, By Age</b>			
<b>Driving allowed by a holder of a farm permit or restricted license</b>	<b>age 14 (farm permit only)</b>	<b>age 15</b>	<b>age 16</b>
To or from or in connection with any farm job, employment or farm-related work	yes	yes	yes
On days school is in session, directly to and from school	yes	yes	
When accompanied by an adult driver	yes	yes	yes
From 5 a.m. to 9 p.m.			yes

Allowed Driving, By Age			
Driving allowed by a holder of a farm permit or restricted license	age 14 (farm permit only)	age 15	age 16
While going to or from authorized school activities			yes
This bill would allow, while going directly to or from any religious worship service held by a religious organization			with this bill

*Restricting Diversion Agreements  
for Commercial Drivers*

A diversion agreement prevents a conviction for a violation of a state or local traffic control law (except a parking violation) from appearing on a person’s driving record.

The Senate Committee on Transportation amended the bill to include the provisions of HB 2484. The chief counsel of the Kansas Department of Transportation and the attorney with the Office of the Director of Vehicles, Department of Revenue, testified in support of HB 2484. They said that current law allows the holder of a commercial driver’s license (CDL) to, under certain circumstances, exchange a CDL for another class of driver’s license between arrest or citation and conviction, enter into and complete a diversion agreement, and thereby “mask” most criminal and traffic convictions. After the diversion is completed, those drivers again get CDLs. They said this practice allows convicted CDL drivers to avoid restriction periods under federal law for certain convictions for unsafe driving, such as convictions for driving under the influence. Both also stated that passage of the bill is required for the State to be in substantial compliance with Federal Motor Carrier Safety Administration requirements. No opponents presented testimony.

### *Fiscal Effects*

According to the fiscal notes for the respective portions of the bill, the Department of Revenue estimated the bill would have the following fiscal effects:

- *Driver's License Renewal* provisions in the original bill would have reduced expenditures from the State Highway Fund by \$0.30 in postage, paper, and duplicating costs for each driver's license renewal, for a total savings of \$20,000 in fiscal year 2010 and \$135,000 in fiscal year 2011. No estimate was available on how the requirement to notify renewing drivers of substantial changes to traffic regulations or removing requirements to send information on anatomical gifts to renewing holders of nondriver's identification cards would affect the amount of potential savings.
- *Changes to Graduated Driver's License Restrictions and Restricting Diversion Agreements for Commercial Drivers* provisions would have negligible implementation costs.

transportation; driver's license; farm permit; religious service; motorcycle; anatomical gift; CDL; commercial driver's license; diversion