

**Substitute for HOUSE BILL No. 2194**

By Committee on Transportation

3-16

1 AN ACT concerning motor vehicles; relating to motorcycles, approved  
2 safety training curriculum, location for safety courses; amending  
3 K.S.A. ~~2016~~ 2017 Supp. 8-240 and 8-272 and repealing the existing  
4 sections.  
5

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

7 Section 1. K.S.A. ~~2016~~ 2017 Supp. 8-240 is hereby amended to read  
8 as follows: 8-240. (a) (1) Every application for an instruction permit shall  
9 be made upon a form furnished by the division of vehicles and  
10 accompanied by a fee of \$2 for class A, B, C or M and \$5 for all  
11 commercial classes. Every other application shall be made upon a form  
12 furnished by the division and accompanied by an examination fee of \$3,  
13 unless a different fee is required by K.S.A. 8-241, and amendments  
14 thereto, and by the proper fee for the license for which the application is  
15 made. All commercial class applicants shall be charged a \$15 driving test  
16 fee for the drive test portion of the commercial driver's license application.  
17 If the applicant is not required to take an examination or the commercial  
18 license drive test, the examination or commercial drive test fee shall not be  
19 required. The examination shall consist of three tests, as follows: (A)  
20 Vision; (B) written; and (C) driving. For a commercial driver's license, the  
21 drive test shall consist of three components, as follows: (A) Pre-trip; (B)  
22 skills test; and (C) road test. If the applicant fails the vision test, the  
23 applicant may have correction of vision made and take the vision test  
24 again without any additional fee. If an applicant fails the written test, the  
25 applicant may take such test again upon the payment of an additional  
26 examination fee of \$1.50. If an applicant fails the driving test, the  
27 applicant may take such test again upon the payment of an additional  
28 examination fee of \$1.50. If an applicant for a commercial driver's license  
29 fails any portion of the commercial drive test, the applicant may take such  
30 test again upon the payment of an additional drive test fee of \$10. If an  
31 applicant fails to pass all three of the tests within a period of six months  
32 from the date of original application and desires to take additional tests,  
33 the applicant shall file an application for reexamination upon a form  
34 furnished by the division, which shall be accompanied by a reexamination  
35 fee of \$3, except that any applicant who fails to pass the written or driving  
36 portion of an examination four times within a six-month period, shall be

1 required to wait a period of six months from the date of the last failed  
2 examination before additional examinations may be given. Upon the filing  
3 of such application and the payment of such reexamination fee, the  
4 applicant shall be entitled to reexamination in like manner and subject to  
5 the additional fees and time limitation as provided for examination on an  
6 original application. If the applicant passes the reexamination, the  
7 applicant shall be issued the classified driver's license for which the  
8 applicant originally applied, which license shall be issued to expire as if  
9 the applicant had passed the original examination.

10 (2) Applicants for class M licenses who have completed prior  
11 motorcycle safety training in accordance with department of defense  
12 instruction 6055.04 (DoDI 6055.04) *or curriculum recognized by the*  
13 *department of education and the motorcycle safety foundation* are not  
14 required to complete further written and driving testing pursuant to  
15 paragraph (1) of this subsection. ***An applicant who completes a***  
16 ***motorcycle safety curriculum shall provide a copy of the motorcycle***  
17 ***safety foundation completion form to the division prior to receiving a***  
18 ***class M license.***

19 (3) On and after January 1, 2017, an applicant for a class M license  
20 who passes a driving examination ~~administered by the division~~ on a three-  
21 wheeled motorcycle which is not an autocycle shall have a restriction  
22 placed on such applicant's license limiting the applicant to the operation of  
23 a registered three-wheeled motorcycle. An applicant for a class M license  
24 who passes a driving examination ~~administered by the division~~ on a two-  
25 wheeled motorcycle may operate any registered two-wheeled or three-  
26 wheeled motorcycle. ***The driving examination required by this***  
27 ***paragraph shall be administered by the division, by the department of***  
28 ***defense or as part of a curriculum recognized by the department of***  
29 ***education.***

30 (b) (1) For the purposes of obtaining any driver's license or  
31 instruction permit, an applicant shall submit, with the application, proof of  
32 age and proof of identity as the division may require. The applicant also  
33 shall provide a photo identity document, except that a non-photo identity  
34 document is acceptable if it includes both the applicant's full legal name  
35 and date of birth, and documentation showing the applicant's name, the  
36 applicant's address of principal residence and the applicant's social security  
37 number. The applicant's social security number shall remain confidential  
38 and shall not be disclosed, except as provided pursuant to K.S.A. 74-2012,  
39 and amendments thereto. If the applicant does not have a social security  
40 number the applicant shall provide proof of lawful presence and Kansas  
41 residency. The division shall assign a distinguishing number to the license  
42 or permit.

43 (2) The division shall not issue any driver's license or instruction

1 permit to any person who fails to provide proof that the person is lawfully  
2 present in the United States. Before issuing a driver's license or instruction  
3 permit to a person, the division shall require valid documentary evidence  
4 that the applicant: (A) Is a citizen or national of the United States; (B) is an  
5 alien lawfully admitted for permanent or temporary residence in the  
6 United States; (C) has conditional permanent resident status in the United  
7 States; (D) has an approved application for asylum in the United States or  
8 has entered into the United States in refugee status; (E) has a valid,  
9 unexpired nonimmigrant visa or nonimmigrant visa status for entry into  
10 the United States; (F) has a pending application for asylum in the United  
11 States; (G) has a pending or approved application for temporary protected  
12 status in the United States; (H) has approved deferred action status; or (I)  
13 has a pending application for adjustment of status to that of an alien  
14 lawfully admitted for permanent residence in the United States or  
15 conditional permanent resident status in the United States.

16 (3) If an applicant provides evidence of lawful presence set out in  
17 subsections (b)(2)(E) through (2)(I), or is an alien lawfully admitted for  
18 temporary residence under subsection (b)(2)(B), the division may only  
19 issue a driver's license to the person under the following conditions: (A) A  
20 driver's license issued pursuant to this subparagraph shall be valid only  
21 during the period of time of the applicant's authorized stay in the United  
22 States or, if there is no definite end to the period of authorized stay, a  
23 period of one year; (B) a driver's license issued pursuant to this  
24 subparagraph shall clearly indicate that it is temporary and shall state the  
25 date on which it expires; (C) no driver's license issued pursuant to this  
26 subparagraph shall be for a longer period of time than the time period  
27 permitted by K.S.A. 8-247(a), and amendments thereto; and (D) a driver's  
28 license issued pursuant to this subparagraph may be renewed, subject at  
29 the time of renewal, to the same requirements and conditions as set out in  
30 this subsection (b) for the issuance of the original driver's license.

31 (4) The division shall not issue any driver's license or instruction  
32 permit to any person who is not a resident of the state of Kansas, except as  
33 provided in K.S.A. 8-2,148, and amendments thereto.

34 (5) The division shall not issue a driver's license to a person holding a  
35 driver's license issued by another state without making reasonable efforts  
36 to confirm that the person is terminating or has terminated the driver's  
37 license in the other state.

38 (6) The parent or guardian of an applicant under 16 years of age shall  
39 sign the application for any driver's license submitted by such applicant.

40 (c) Every application shall state the full legal name, date of birth,  
41 gender and address of principal residence of the applicant, and briefly  
42 describe the applicant, and shall state whether the applicant has been  
43 licensed as a driver prior to such application, and, if so, when and by what

1 state or country. Such application shall state whether any such license has  
2 ever been suspended or revoked, or whether an application has ever been  
3 refused, and, if so, the date of and reason for such suspension, revocation  
4 or refusal. In addition, applications for commercial drivers' licenses and  
5 instruction permits for commercial licenses must include the following:  
6 The applicant's social security number; the person's signature; the person's:  
7 (1) Digital color image or photograph; or (2) a laser engraved photograph;  
8 certifications, including those required by 49 C.F.R. § 383.71(a), effective  
9 January 1, 1991; a consent to release driving record information; and, any  
10 other information required by the division.

11 (d) When an application is received from a person previously licensed  
12 in another jurisdiction, the division shall request a copy of the driver's  
13 record from the other jurisdiction. When received, the driver's record shall  
14 become a part of the driver's record in this state with the same force and  
15 effect as though entered on the driver's record in this state in the original  
16 instance.

17 (e) When the division receives a request for a driver's record from  
18 another licensing jurisdiction the record shall be forwarded without charge.

19 (f) A fee shall be charged as follows:

20 (1) For a class C driver's license issued to a person at least 21 years of  
21 age, but less than 65 years of age, \$18;

22 (2) for a class C driver's license issued to a person 65 years of age or  
23 older, \$12;

24 (3) for a class M driver's license issued to a person at least 21 years of  
25 age, but less than 65 years of age, \$12.50;

26 (4) for a class M driver's license issued to a person 65 years of age or  
27 older, \$9;

28 (5) for a class A or B driver's license issued to a person who is at least  
29 21 years of age, but less than 65 years of age, \$24;

30 (6) for a class A or B driver's license issued to a person 65 years of  
31 age or older, \$16;

32 (7) for any class of commercial driver's license issued to a person 21  
33 years of age or older, \$18; or

34 (8) for class A, B, C or M, or a farm permit, or any commercial  
35 driver's license issued to a person less than 21 years of age, \$20.

36 A fee of \$10 shall be charged for each commercial driver's license  
37 endorsement, except air brake endorsements which shall have no charge.

38 A fee of \$3 per year shall be charged for any renewal of a license issued  
39 prior to the effective date of this act to a person less than 21 years of age.

40 If one fails to make an original application or renewal application for a  
41 driver's license within the time required by law, or fails to make  
42 application within 60 days after becoming a resident of Kansas, a penalty  
43 of \$1 shall be added to the fee charged for the driver's license.

1 (g) Any person who possesses an identification card as provided in  
2 K.S.A. 8-1324, and amendments thereto, shall surrender such  
3 identification card to the division upon being issued a valid Kansas driver's  
4 license or upon reinstatement and return of a valid Kansas driver's license.

5 (h) The division shall require that any person applying for a driver's  
6 license submit to a mandatory facial image capture. The captured facial  
7 image shall be displayed on the front of the applicant's driver's license.

8 (i) The director of vehicles may issue a temporary driver's license to  
9 an applicant who cannot provide valid documentary evidence as defined  
10 by subsection (b)(2), if the applicant provides compelling evidence  
11 proving current lawful presence. Any temporary license issued pursuant to  
12 this subsection shall be valid for one year.

13 (j) For purposes of this subsection, the division may rely on the  
14 division's most recent, existing color digital image and signature image of  
15 the applicant for the class C or M driver's license if the division has the  
16 information on file. The determination on whether an electronic online  
17 renewal application or equivalent of a driver's license is permitted shall be  
18 made by the director of vehicles or the director's designee. The division  
19 shall not renew a driver's license through an electronic online or equivalent  
20 process if the license has been previously renewed through an electronic  
21 online application in the immediately preceding driver's license period. No  
22 renewal under this subsection shall be granted to any person who is: (1)  
23 Younger than 30 days from turning 21 years of age; (2) 65 years of age or  
24 older; (3) a registered offender pursuant to K.S.A. 22-4901 et seq., and  
25 amendments thereto; or (4) has a temporary driver's license issued  
26 pursuant to K.S.A. 8-240(b)(3), and amendments thereto, provided the  
27 license is not otherwise withdrawn. The secretary of revenue may adopt  
28 and administer rules and regulations to implement a program to permit an  
29 electronic online renewal of a driver's license.

30 Sec. 2. K.S.A. ~~2016~~ 2017 Supp. 8-272 is hereby amended to read as  
31 follows: 8-272. (a) Any school district conducting an approved course in  
32 driver training and any student attending a nonpublic school accredited by  
33 the state board of education conducting an approved course in driver  
34 training shall be entitled to participate in the state safety fund created by  
35 K.S.A. 8-267, and amendments thereto. In August of each year, the  
36 superintendent of each school district and the governing authority of each  
37 nonpublic school shall report to the state board of education the number of  
38 students who have been in attendance for a complete driver training course  
39 conducted by such school district or nonpublic school during the past  
40 school year. The state board of education shall certify to the director of  
41 accounts and reports the amount due each school district and each student  
42 of a nonpublic school entitled to payment under this subsection. The  
43 director of accounts and reports shall draw warrants on the state treasurer

1 payable to the treasurer of each school district and to each student of a  
2 nonpublic school entitled to payment under this subsection upon vouchers  
3 approved by the state board and shall cause such warrants to be delivered  
4 to the respective school districts and nonpublic schools. If the amount  
5 appropriated in any year from the state safety fund is insufficient to pay  
6 the full amount each school district and each student of a nonpublic school  
7 is entitled to receive under this subsection, then the entire amount  
8 appropriated for such year shall be prorated among all school districts and  
9 all students of nonpublic schools in proportion to the amount each school  
10 district and each student of a nonpublic school is entitled to receive. No  
11 moneys in the state safety fund shall be used for any purpose other than  
12 that specified in this subsection or for the support of driver improvement  
13 programs. The state board of education shall prescribe all forms necessary  
14 for reporting in connection with this act. The funds shall be distributed on  
15 or before November 1 each year.

16 (b) (1) Any school district conducting an approved course in  
17 motorcycle safety as a part of an approved course in driver training; any  
18 student attending a nonpublic school accredited by the state board of  
19 education conducting an approved course in motorcycle safety as a part of  
20 an approved course in driver training or any community college  
21 conducting an approved course in motorcycle safety shall be entitled to  
22 participate in the motorcycle safety fund created by K.S.A. 8-267, and  
23 amendments thereto. The state board of education may establish, by rules  
24 and regulations, standards for the conduct, operation and approval of  
25 courses in motorcycle safety and for the qualifications of instructors for  
26 such courses conducted by a school district or nonpublic accredited school.  
27 Such standards shall not include: (A) The requirement that instructors be  
28 licensed by the state board of education; or (B) *the requirement that the*  
29 *course be conducted in the state of Kansas if all other requirements are*  
30 *satisfied*. In August of each year, the superintendent of each school district  
31 or the governing authority of each nonpublic school shall report to the  
32 state board of education the number of students who have been in  
33 attendance for a complete course in motorcycle safety as a part of the  
34 driver training course conducted by such school district or nonpublic  
35 school during the past school year. The state board of education shall  
36 certify to the director of accounts and reports the amount due each school  
37 district and each student of a nonpublic school entitled to payment under  
38 this subsection. The director of accounts and reports shall draw warrants  
39 on the state treasurer payable to the treasurer of each school district and to  
40 each student of a nonpublic school entitled to payment under this  
41 subsection upon vouchers approved by the state board and shall cause such  
42 warrants to be delivered to the respective school districts and nonpublic  
43 schools. If the amount appropriated in any year from the motorcycle safety

1 fund shall be insufficient to pay the full amount each school district and  
2 each student of a nonpublic school is entitled to receive under this  
3 subsection, then the entire amount appropriated for such year shall be  
4 prorated among all school districts and all students of nonpublic schools in  
5 proportion to the amount each school district and each student of a  
6 nonpublic school is entitled to receive. No moneys in the motorcycle  
7 safety fund shall be used for any purpose other than that specified in this  
8 subsection or for the support of motorcycle driver improvement programs.  
9 The state board of education shall prescribe all forms necessary for  
10 reporting in connection with this act. The funds shall be distributed on or  
11 before November 1 each year.

12 (2) Any community college conducting an approved course in  
13 motorcycle safety shall be entitled to participate in the motorcycle safety  
14 fund created by K.S.A. 8-267, and amendments thereto. The state board of  
15 regents may establish, by rules and regulations, standards for the conduct,  
16 operation and approval of courses in motorcycle safety and for the  
17 qualifications of instructors for such courses conducted by a community  
18 college. Such standards shall not include the requirement that instructors  
19 be licensed by the state board of education. In August of each year, the  
20 chief administrative officer of each community college shall report to the  
21 state board of regents the number of students who have been in attendance  
22 for a complete course in motorcycle safety as a part of the driver training  
23 course conducted by such community college during the past school year.  
24 The state board of regents shall certify to the director of accounts and  
25 reports the amount due each community college entitled to payment under  
26 this subsection. The director of accounts and reports shall draw warrants  
27 on the state treasurer payable to the treasurer of each community college  
28 entitled to payment under this subsection upon vouchers approved by the  
29 state board and shall cause such warrants to be delivered to the respective  
30 community colleges. If the amount appropriated in any year from the  
31 motorcycle safety fund shall be insufficient to pay the full amount each  
32 community college is entitled to receive under this subsection, then the  
33 entire amount appropriated for such year shall be prorated among all  
34 community colleges in proportion to the amount each community college  
35 is entitled to receive. No moneys in the motorcycle safety fund shall be  
36 used for any purpose other than that specified in this subsection or for the  
37 support of motorcycle driver improvement programs. The state board of  
38 regents shall prescribe all forms necessary for reporting in connection with  
39 this act. The funds shall be distributed on or before November 1 each year.

40 (c) For the purpose of this subsection, "vocational education school"  
41 means community college, area vocational-technical school or area  
42 vocational school. Any vocational education school conducting an  
43 approved course in truck driving shall be entitled to participate in the truck

1 driver training fund created by K.S.A. 8-267, and amendments thereto.  
2 The state board of regents may establish, by rules and regulations,  
3 standards for the conduct, operation and approval of courses in truck  
4 driver training and for the qualifications of instructors for such courses.  
5 Such standards shall not include the requirement that instructors be  
6 certificated by the state board of regents. In August of each year, the chief  
7 administrative officer of each vocational education school shall report to  
8 the state board of regents the number of students who have been in  
9 attendance for a complete course in truck driver training conducted by  
10 such vocational education school during the past school year. The state  
11 board of regents shall certify to the director of accounts and reports the  
12 amount due each vocational education school entitled to payment under  
13 this subsection. The director of accounts and reports shall draw warrants  
14 on the state treasurer payable to the treasurer of each vocational education  
15 school entitled to payment under this subsection upon vouchers approved  
16 by the state board of regents and shall cause such warrants to be delivered  
17 to the respective vocational education school. If the amount appropriated  
18 in any year from the truck driver training fund shall be insufficient to pay  
19 the full amount each vocational education school is entitled to receive  
20 under this subsection, then the entire amount appropriated for such year  
21 shall be prorated among all vocational education schools in proportion to  
22 the amount each vocational education school is entitled to receive. No  
23 moneys in the truck driver training fund shall be used for any purpose  
24 other than that specified in this subsection or for the support of truck driver  
25 training programs. The state board of regents shall prescribe all forms  
26 necessary for reporting in connection with this act. The funds shall be  
27 distributed on or before November 1 each year.

28 Sec. 3. K.S.A. ~~2016~~ **2017** Supp. 8-240 and 8-272 are hereby repealed.

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