As Amended by House Committee

Session of 2016

HOUSE BILL No. 2563

By Committee on Transportation

1-28

AN ACT concerning motor vehicles; relating to the application fee for a restricted motorized bicycle driver's license; amending K.S.A. 2015 Supp. 8-235 and repealing the existing section.

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

Section 1. K.S.A. 2015 Supp. 8-235 is hereby amended to read as follows: 8-235. (a) No person, except those expressly exempted, shall drive any motor vehicle upon a highway in this state unless such person has a valid driver's license. No person shall receive a driver's license unless and until such person surrenders or with the approval of the division, lists to the division all valid licenses in such person's possession issued to such person by any other jurisdiction. All surrendered licenses or the information listed on foreign licenses shall be returned by the division to the issuing department, together with information that the licensee is now licensed in a new jurisdiction. No person shall be permitted to have more than one valid license at any time.

(b) Any person licensed under the motor vehicle drivers' license act may exercise the privilege granted upon all streets and highways in this state and shall not be required to obtain any other license to exercise such privilege by any local authority. Nothing herein shall prevent cities from requiring licenses of persons who drive taxicabs or municipally franchised transit systems for hire upon city streets, to protect the public from drivers whose character or habits make them unfit to transport the public. If a license is denied, the applicant may appeal such decision to the district court of the county in which such city is located by filing within 14 days after such denial, a notice of appeal with the clerk of the district court and by filing a copy of such notice with the city clerk of the involved city. The city clerk shall certify a copy of such decision of the city governing body to the clerk of the district court and the matter shall be docketed as any other cause and the applicant shall be granted a trial of such person's character and habits. The matter shall be heard by the court de novo in accordance with the code of civil procedure. The cost of such appeal shall be assessed in such manner as the court may direct.

(c) Any person operating in this state a motor vehicle, except a motorcycle, which is registered in this state other than under a temporary thirty-day permit shall be the holder of a driver's license which is classified
for the operation of such motor vehicle, and any person operating in this
state a motorcycle which is registered in this state shall be the holder of a
class M driver's license, except that any person operating in this state a
motorcycle which is registered under a temporary thirty-day permit shall
be the holder of a driver's license for any class of motor vehicles.

(d) No person shall drive any motorized bicycle upon a highway of
this state unless such person: (1) Has a valid driver's license which entitles
the licensee to drive a motor vehicle in any class or classes; (2) is at least
15 years of age and has passed the written and visual examinations
required for obtaining a class C driver's license, in which case the division
shall issue to such person a class C license which clearly indicates such
license is valid only for the operation of motorized bicycles; (3) has had
their driving privileges suspended, for a violation other than a violation of
K.S.A. 8-2,144, and amendments thereto, or a second or subsequent
violation of K.S.A. 8-1567 or 8-1567a or K.S.A. 2015 Supp. 8-1025, and
amendments thereto, and such person: (A) Has completed the mandatory
period of suspension as provided in K.S.A. 8-1014, and amendments
thereto; and (B) has made application and submitted a $50 nonrefundable
application fee to the division for the issuance of a class C license for the
operation of motorized bicycles, in accordance with paragraph (2), in
which case the division shall issue to such person a class C license which
clearly indicates such license is valid only for the operation of motorized
bicycles; or (4) has had their driving privileges revoked under K.S.A. 8-
286, and amendments thereto, has not had a test refusal or test failure or
alcohol or drug-related conviction, as those terms are defined in K.S.A. 8-
1013, and amendments thereto, in the last five years, has not been
convicted of a violation of subsection (b) of K.S.A. 8-1568(b), and
amendments thereto, in the last five years and has made application to the
division for issuance of a class C license for the operation of motorized
bicycles, in accordance with paragraph (2), in which case the division shall
issue such person a class C license which clearly indicates such license is
valid only for the operation of motorized bicycles. As used in this
subsection, "motorized bicycle" shall have the meaning ascribed to it
in K.S.A. 8-126, and amendments thereto.

(e) All moneys received under subsection (d) from the nonrefundable
application fee shall be applied by the division of vehicles for the
additional administrative costs to implement restricted driving privileges.
The division shall remit all restricted driving privilege application fees to
the state treasurer in accordance with the provisions of K.S.A. 75-4215,
and amendments thereto. Upon receipt of each such remittance, the state
treasurer shall deposit the entire amount in the state treasury to the credit
of the division of vehicles operating fund.

(e) (f) Violation of this section shall constitute a class B misdemeanor.
Sec. 2. K.S.A. 2015 Supp. 8-235 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.