SENATE BILL No. 126

By Committee on Transportation

AN ACT concerning motor vehicles; relating to commercial driver's licenses; examination fees; commercial driver's license drive test fee fund; amending K.S.A. 2014 Supp. 8-240 and repealing the existing section.

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

New Section 1. There is hereby created in the state treasury the commercial driver's license drive test fee fund. All moneys credited to the commercial driver's license drive test fee fund shall be used by the department of revenue only for the purpose of funding the administration and operation of the commercial driver's license drive test, including software maintenance and enhancement, equipment maintenance and purchase, acquisition and maintenance of a test track or courses for conducting a driving test, training and marketing associated with the operations for the division of vehicles regarding the issuance of commercial driver's licenses. All expenditures from the commercial driver's license drive test fee fund shall be made in accordance with appropriation acts, upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of the department of revenue.

New Sec. 2. The division of vehicles shall remit the commercial driver's license drive test fees received by the division under K.S.A. 8-240(a)(1), and amendments thereto, 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 and credit such fees to the commercial driver's license drive test fee fund. Moneys credited to the commercial driver's license drive test fee fund as provided herein shall be used to supplement existing appropriations and shall not be used to supplant general fund or other special revenue fund appropriations to the Kansas department of revenue.

Sec. 3. K.S.A. 2014 Supp. 8-240 is hereby amended to read as follows: 8-240. (a) (1) Every application for an instruction permit shall be made upon a form furnished by the division of vehicles and accompanied by a fee of $2 for class A, B, C or M and $5 for all commercial classes. Every other application shall be made upon a form furnished by the
division and accompanied by an examination fee of $3, unless a different fee is required by K.S.A. 8-241, and amendments thereto, and by the proper fee for the license for which the application is made. All commercial class applicants shall be charged a $15 driving test fee for the drive test portion of the commercial driver's license application. If the applicant is not required to take an examination or the commercial license drive test, the examination or commercial drive test fee shall not be required. The examination shall consist of three tests, as follows: (A) Vision; (B) written; and (C) driving. For a commercial driver's license, the drive test shall consist of three components, as follows: (A) Pre-trip; (B) skills test; and (C) road test. If the applicant fails the vision test, the applicant may have correction of vision made and take the vision test again without any additional fee. If an applicant fails the written test, the applicant may take such test again upon the payment of an additional examination fee of $1.50. If an applicant fails the driving test, the applicant may take such test again upon the payment of an additional examination fee of $1.50. If an applicant for a commercial driver's license fails any portion of the commercial drive test, the applicant may take such test again upon the payment of an additional drive test fee of $10. If an applicant fails to pass all three of the tests within a period of six months from the date of original application and desires to take additional tests, the applicant shall file an application for reexamination upon a form furnished by the division, which shall be accompanied by a reexamination fee of $3, except that any applicant who fails to pass the written or driving portion of an examination four times within a six-month period, shall be required to wait a period of six months from the date of the last failed examination before additional examinations may be given. Upon the filing of such application and the payment of such reexamination fee, the applicant shall be entitled to reexamination in like manner and subject to the additional fees and time limitation as provided for examination on an original application. If the applicant passes the reexamination, the applicant shall be issued the classified driver's license for which the applicant originally applied, which license shall be issued to expire as if the applicant had passed the original examination.

(2) Applicants for class M licenses who have completed prior motorcycle safety training in accordance with department of defense instruction 6055.04 (DoDI 6055.04) are not required to complete further written and driving testing pursuant to paragraph (1) of this subsection.

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

(2) The division shall not issue any driver's license or instruction
permit to any person who fails to provide proof that the person is lawfully
present in the United States. Before issuing a driver's license or instruction
permit to a person, the division shall require valid documentary evidence
that the applicant: (A) Is a citizen or national of the United States; (B) is an
alien lawfully admitted for permanent or temporary residence in the
United States; (C) has conditional permanent resident status in the United
States; (D) has an approved application for asylum in the United States or
has entered into the United States in refugee status; (E) has a valid,
unexpired nonimmigrant visa or nonimmigrant visa status for entry into
the United States; (F) has a pending application for asylum in the United
States; (G) has a pending or approved application for temporary protected
status in the United States; (H) has approved deferred action status; or (I)
has a pending application for adjustment of status to that of an alien
lawfully admitted for permanent residence in the United States or
conditional permanent resident status in the United States.

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

(4) The division shall not issue any driver's license or instruction
permit to any person who is not a resident of the state of Kansas, except as
provided in K.S.A. 8-2,148, and amendments thereto.
(5) The division shall not issue a driver's license to a person holding a driver's license issued by another state without making reasonable efforts to confirm that the person is terminating or has terminated the driver's license in the other state.

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

(c) Every application shall state the full legal name, date of birth, gender and address of principal residence of the applicant, and briefly describe the applicant, and shall state whether the applicant has been licensed as a driver prior to such application, and, if so, when and by what state or country. Such application shall state whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for such suspension, revocation or refusal. In addition, applications for commercial drivers' licenses and instruction permits for commercial licenses must include the following: The applicant's social security number; the person's signature; the person's colored digital photograph; certifications, including those required by 49 C.F.R. § 383.71(a), effective January 1, 1991; a consent to release driving record information; and, any other information required by the division.

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

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

(f) A fee shall be charged as follows:

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

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

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

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

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

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

(7) for any class of commercial driver's license issued to a person 21 years of age or older, $18; or
(8) for class A, B, C or M, or a farm permit, or any commercial
driver's license issued to a person less than 21 years of age, $20.

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

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

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

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

(h) The division shall require that any person applying for a driver's
license submit to a mandatory facial image capture.

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

Sec. 4. K.S.A. 2014 Supp. 8-240 is hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its
publication in the statute book.