AN ACT concerning driving privileges; imposing school attendance and
minimum grade point average requirements upon certain persons;
amending K.S.A. 2012 Supp. 8-255 and repealing the existing section.

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

New Section 1. (a) The division of vehicles of the department of
revenue shall not issue any driver’s license under the provisions of K.S.A.
2012 Supp. 8-2,101 or K.S.A. 8-2,147, and amendments thereto, farm
permit under the provisions of K.S.A. 8-296, and amendments thereto, or
instruction permit under the provisions of K.S.A. 8-239 or K.S.A. 2012
Supp. 8-2,100 and amendments thereto, for the operation of a motor
vehicle to any person who is less than 20 years of age and who, at the time
of making application for such license or permit, does not submit
documentation that the person holds a diploma or other certificate of
graduation issued to the person from a secondary school of this state or
any other state, or that the person holds a general educational development
(GED) certificate from a state approved institution or organization, or that
the person: (1) Is enrolled in, attending and making satisfactory progress in
school; or (2) is excused from such requirement due to circumstances
beyond such person’s control.

(b) Upon request, an attendance director or principal shall provide
documentation of enrollment and attendance status on a form approved by
the state board of education to any prospective student driver who is
properly enrolled in and attending a school under the jurisdiction of such
attendance director or principal for submission to the division of vehicles
on application for or reinstatement of a driver’s license or an instruction
permit to operate a motor vehicle.

(c) Whenever a student driver withdraws from school, except as
provided in subsection (e), the attendance director or principal shall notify
the division of vehicles of such withdrawal. Within 10 days of receipt of
such notice, the division of vehicles shall send notice to the student driver
that the student driver’s driving privileges will be restricted for 30 days in
accordance with K.S.A.8-296 or K.S.A. 2012 Supp. 8-2,101, and
amendments thereto. If the student driver can provide documentation to
the division that:

(1) The student has applied for a general educational development
(GED) certificate from a state approved institution or organization; or

(2) the student has been employed on a full-time basis, then the
student driver shall be eligible to receive a driver’s license which is
restricted in accordance with K.S.A. 2012 Supp. 8-2,101, and amendments
thereto, until the student reaches 20 years of age.

If the student driver does not comply with paragraphs (1) or (2) of this
subsection, such student driver’s driving privileges shall be suspended
until the student driver is 20 years of age.

(d) When any student driver who is 19 years of age or less, who has
not been issued a driver’s license by the division of vehicles withdraws
from school, the attendance director or principal shall notify the division
of vehicles of such withdrawal and if the student driver complies with the
provisions of paragraphs (1) or (2) of subsection (c), such student driver
shall be eligible to receive a driver’s license which is restricted in
accordance with K.S.A. 2012 Supp. 8-2,101, and amendments thereto,
until the student is 20 years of age.

If the student does not comply with paragraphs (1) or (2) of subsection
(c), such unlicensed student driver’s privilege of obtaining a driver’s
license issued by the division of vehicles shall be revoked or suspended
until the student is 20 years of age.

(e) Whenever a student driver withdraws from school of a student
driver, or such student driver fails to enroll in and attend school, and these
circumstances are beyond the control of the student driver, or the student
driver transfers to another school as confirmed in writing by the student
driver’s parent or guardian, no notice shall be sent to the division of
vehicles to suspend the student driver’s driving privileges. The attendance
director or principal shall provide the student driver with documentation to
present to the division of vehicles to excuse such student driver from the
school attendance requirements of this section. A school district
superintendent or a like official of any school, with the assistance of any
other staff or school personnel, shall be the sole judge of whether
withdrawal from school is due to circumstances beyond the control of a
student driver. Suspension or expulsion from school or imprisonment in a
jail or a penitentiary is not a circumstance beyond the control of a student
driver.

(f) As used in this section:

(1) "Student driver" means a person who is: (A) At least 14 years of
age and less than 18 years of age; and (B) properly enrolled in and
attending school or excused from the school attendance requirements of
this section.

(2) "School" means: (A) A public or nonpublic school operating in
this state and attendance at which satisfies the requirements of K.S.A. 72-
1111, and amendments thereto; (B) a special education program provided
for under the laws of this state; (C) an area vocational school or area vocational-technical school; (D) a program of instruction designed to prepare persons for general educational development (GED) examinations and credentials; (E) an adult basic education program established and operating under the laws of this state; (F) a regularly supervised program of instruction approved by the state board of education under subsection (g) of K.S.A. 72-1111, and amendments thereto; (G) a community college organized and operating under the laws of this state; (I) the job preparation, training and education component of the KanWork program under K.S.A. 39-7,105, and amendments thereto; (J) a proprietary school operating under a certificate of approval issued by the state board of education; or (K) a non-accredited private school as described in K.S.A. 72-53,100 et seq., and amendments thereto.

(3) "Withdrawal from school" or "withdraws from school" means more than 10 consecutive days or 15 days total unexcused absences from school during a single semester or other term.

(4) "Making satisfactory progress in school" means that the student driver is maintaining a minimum grade point average of 2.0 on a 4.0 scale for the previous semester or similar equivalent grading period for which grades are recorded as part of the student’s permanent record.

Sec. 2. K.S.A. 2012 Supp. 8-255 is hereby amended to read as follows: 8-255. (a) The division is authorized to restrict, suspend or revoke a person's driving privileges upon a showing by its records or other sufficient evidence the person:

(1) Has been convicted with such frequency of serious offenses against traffic regulations governing the movement of vehicles as to indicate a disrespect for traffic laws and a disregard for the safety of other persons on the highways;

(2) has been convicted of three or more moving traffic violations committed on separate occasions within a 12-month period;

(3) is incompetent to drive a motor vehicle;

(4) has been convicted of a moving traffic violation, committed at a time when the person's driving privileges were restricted, suspended or revoked; or

(5) is a member of the armed forces of the United States stationed at a military installation located in the state of Kansas, and the authorities of the military establishment certify that such person's on-base driving privileges have been suspended, by action of the proper military authorities, for violating the rules and regulations of the military installation governing the movement of vehicular traffic or for any other reason relating to the person's inability to exercise ordinary and reasonable control in the operation of a motor vehicle.

(b) (1) The division shall:
(A) Suspend a person's driving privileges:
   (i) When required by K.S.A. 8-262, 8-1014 or 41-727 or section 1, and amendments thereto;
   (ii) upon a person's second conviction of theft, as defined in subsection (a)(5) of K.S.A. 2012 Supp. 21-5801, and amendments thereto, for six months; and
   (iii) upon a person's third or subsequent conviction of theft, as defined in subsection (a)(5) of K.S.A. 2012 Supp. 21-5801, and amendments thereto, for one year;
(B) disqualify a person's privilege to drive commercial motor vehicles when required by K.S.A. 8-2,142, and amendments thereto; and
(C) restrict a person's driving privileges when required by K.S.A. 2012 Supp. 39-7,155, and amendments thereto.

(2) As used in this subsection, "conviction" means a final conviction without regard to whether the sentence was suspended or probation granted after such conviction. Forfeiture of bail, bond or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated, shall be equivalent to a conviction. "Conviction" includes being convicted of a violation of K.S.A. 21-3765, prior to its repeal, or subsection (a)(5) of K.S.A. 2012 Supp. 21-5801, and amendments thereto.

(c) When the action by the division restricting, suspending, revoking or disqualifying a person's driving privileges is based upon a report of a conviction or convictions from a convicting court, the person may not request a hearing but, within 30 days after notice of restriction, suspension, revocation or disqualification is mailed, may submit a written request for administrative review and provide evidence to the division to show the person whose driving privileges have been restricted, suspended, revoked or disqualified by the division was not convicted of the offense upon which the restriction, suspension, revocation or disqualification is based. Within 30 days of its receipt of the request for administrative review, the division shall notify the person whether the restriction, suspension, revocation or disqualification has been affirmed or set aside. The request for administrative review shall not stay any action taken by the division.

(d) Upon restricting, suspending, revoking or disqualifying the driving privileges of any person as authorized by this act, the division shall immediately notify the person in writing. Except as provided by K.S.A. 8-1002 and 8-2,145, and amendments thereto, and subsections (c) and (g), if the person makes a written request for hearing within 30 days after such notice of restriction, suspension or revocation is mailed, the division shall afford the person an opportunity for a hearing as early as practical not sooner than five days nor more than 30 days after such request is mailed. If the division has not revoked or suspended the person's driving privileges
or vehicle registration prior to the hearing, the hearing may be held within
not to exceed 45 days. Except as provided by K.S.A. 8-1002 and 8-2,145,
and amendments thereto, the hearing shall be held in the person's county of
residence or a county adjacent thereto, unless the division and the person
agree that the hearing may be held in some other county. Upon the hearing,
the director or the director's duly authorized agent may administer oaths
and may issue subpoenas for the attendance of witnesses and the
production of relevant books and papers and may require an examination
or reexamination of the person. When the action proposed or taken by the
division is authorized but not required, the division, upon the hearing, shall
either rescind or affirm its order of restriction, suspension or revocation or,
good cause appearing therefor, extend the restriction or suspension of the
person's driving privileges, modify the terms of the restriction or
suspension or revoke the person's driving privileges. When the action
proposed or taken by the division is required, the division, upon the
hearing, shall either affirm its order of restriction, suspension, revocation
or disqualification, or, good cause appearing therefor, dismiss the
administrative action. If the person fails to request a hearing within the
time prescribed or if, after a hearing, the order of restriction, suspension,
revocation or disqualification is upheld, the person shall surrender to the
division, upon proper demand, any driver's license in the person's
possession.

(e) In case of failure on the part of any person to comply with any
subpoena issued on behalf of the division or the refusal of any witness to
testify to any matters regarding which the witness may be lawfully
interrogated, the district court of any county, on application of the division,
may compel obedience by proceedings for contempt, as in the case of
disobedience of the requirements of a subpoena issued from the court or a
refusal to testify in the court. Each witness who appears before the director
or the director's duly authorized agent by order or subpoena, other than an
officer or employee of the state or of a political subdivision of the state,
shall receive for the witness' attendance the fees and mileage provided for
witnesses in civil cases in courts of record, which shall be audited and paid
upon the presentation of proper vouchers sworn to by the witness.

(f) The division, in the interest of traffic and safety, may establish or
contract with a private individual, corporation, partnership or association
for the services of driver improvement clinics throughout the state and,
upon reviewing the driving record of a person whose driving privileges are
subject to suspension under subsection (a)(2), may permit the person to
retain such person's driving privileges by attending a driver improvement
clinic. Any person other than a person issued a commercial driver's license
under K.S.A. 8-2,125 et seq., and amendments thereto, desiring to attend a
driver improvement clinic shall make application to the division and such
application shall be accompanied by the required fee. The secretary of revenue shall adopt rules and regulations prescribing a driver's improvement clinic fee which shall not exceed $500 and such rules and regulations deemed necessary for carrying out the provisions of this section, including the development of standards and criteria to be utilized by such driver improvement clinics. Amounts received under this subsection shall be remitted 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 same in the state treasury as prescribed by subsection (f) of K.S.A. 8-267, and amendments thereto.

(g) When the action by the division restricting a person's driving privileges is based upon certification by the secretary of social and rehabilitation services pursuant to K.S.A. 2012 Supp. 39-7,155, and amendments thereto, the person may not request a hearing but, within 30 days after notice of restriction is mailed, may submit a written request for administrative review and provide evidence to the division to show the person whose driving privileges have been restricted by the division is not the person certified by the secretary of social and rehabilitation services, did not receive timely notice of the proposed restriction from the secretary of social and rehabilitation services or has been decertified by the secretary of social and rehabilitation services. Within 30 days of its receipt of the request for administrative review, the division shall notify the person whether the restriction has been affirmed or set aside. The request for administrative review shall not stay any action taken by the division.

(h) Any person whose driving privileges have been suspended under subsection (b)(1)(A)(ii) or (b)(1)(A)(iii), shall pay a reinstatement fee in the amount of $100 to the division. The division shall remit all revenues received from such fees, at least monthly, to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, for deposit in the state treasury and credit to the state highway fund.

Sec. 3. K.S.A. 2012 Supp. 8-255 is hereby repealed.

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