

## HOUSE BILL No. 2506

By Committee on Corrections and Juvenile Justice

1-23

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1 AN ACT concerning driver's licenses; relating to habitual violators;  
2 motorized bicycles; amending K.S.A. 8-286 and 8-288 and K.S.A.  
3 2011 Supp. 8-235 and 8-287 and repealing the existing sections.  
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5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2011 Supp. 8-235 is hereby amended to read as  
7 follows: 8-235. (a) No person, except those expressly exempted, shall  
8 drive any motor vehicle upon a highway in this state unless such person  
9 has a valid driver's license. No person shall receive a driver's license  
10 unless and until such person surrenders or with the approval of the  
11 division, lists to the division all valid licenses in such person's possession  
12 issued to such person by any other jurisdiction. All surrendered licenses or  
13 the information listed on foreign licenses shall be returned by the division  
14 to the issuing department, together with information that the licensee is  
15 now licensed in a new jurisdiction. No person shall be permitted to have  
16 more than one valid license at any time.

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

34 (c) Any person operating in this state a motor vehicle, except a  
35 motorcycle, which is registered in this state other than under a temporary  
36 thirty-day permit shall be the holder of a driver's license which is classified

1 for the operation of such motor vehicle, and any person operating in this  
2 state a motorcycle which is registered in this state shall be the holder of a  
3 class M driver's license, except that any person operating in this state a  
4 motorcycle which is registered under a temporary thirty-day permit shall  
5 be the holder of a driver's license for any class of motor vehicles.

6 (d) No person shall drive any motorized bicycle upon a highway of  
7 this state unless *such person*: (1) ~~Such person~~ Has a valid driver's license  
8 which entitles the licensee to drive a motor vehicle in any class or classes;  
9 (2) ~~such person~~ is at least 15 years of age and has passed the written and  
10 visual examinations required for obtaining a class C driver's license, in  
11 which case the division shall issue to such person a class C license which  
12 clearly indicates such license is valid only for the operation of motorized  
13 bicycles; ~~or~~ (3) ~~such person~~ has had their driving privileges suspended, for  
14 a violation other than a violation of K.S.A. 8-2,144, 8-1567 or 8-1567a,  
15 and amendments thereto, and has made application to the division for the  
16 issuance of a class C license for the operation of motorized bicycles, in  
17 accordance with paragraph (2), in which case the division shall issue to  
18 such person a class C license which clearly indicates such license is valid  
19 only for the operation of motorized bicycles; *or* (4) *has had their driving*  
20 *privileges revoked under K.S.A. 8-286, and amendments thereto, and has*  
21 *made application to the division for issuance of a class C license for the*  
22 *operation of motorized bicycles, in accordance with paragraph (2), in*  
23 *which case the division shall issue such person a class C license which*  
24 *clearly indicates such license is valid only for the operation of motorized*  
25 *bicycles.*

26 (e) Violation of this section shall constitute a class B misdemeanor.

27 Sec. 2. K.S.A. 8-286 is hereby amended to read as follows: 8-286.  
28 Whenever the files and records of the division shall disclose that the  
29 record of convictions of any person is such that the person is an habitual  
30 violator, as prescribed by K.S.A. 8-285, and amendments thereto, the  
31 division promptly shall revoke the person's driving privileges for a period  
32 of three years, *except as allowed under subsection (d)(4) of K.S.A. 8-235,*  
33 *and amendments thereto.*

34 Sec. 3. K.S.A. 2011 Supp. 8-287 is hereby amended to read as  
35 follows: 8-287. *Except as allowed under subsection (d)(4) of K.S.A. 8-235,*  
36 *and amendments thereto,* operation of a motor vehicle in this state while  
37 one's driving privileges are revoked pursuant to K.S.A. 8-286, and  
38 amendments thereto, is a class A nonperson misdemeanor. The person  
39 found guilty of a third or subsequent conviction of this section shall be  
40 sentenced to not less than 90 days imprisonment and fined not less than  
41 \$1,500. The person convicted shall not be eligible for release on probation,  
42 suspension or reduction of sentence or parole until the person has served at  
43 least 90 days' imprisonment. The 90 days' imprisonment mandated by this

1 subsection may be served in a work release program only after such person  
2 has served 48 consecutive hours' imprisonment, provided such work  
3 release program requires such person to return to confinement at the end of  
4 each day in the work release program. The court may place the person  
5 convicted under a house arrest program pursuant to K.S.A. 2011 Supp. 21-  
6 6609, and amendments thereto, or any municipal ordinance to serve the  
7 remainder of the minimum sentence only after such person has served 48  
8 consecutive hours' imprisonment.

9 Sec. 4. K.S.A. 8-288 is hereby amended to read as follows: 8-288.

10 *Except as allowed under subsection (d)(4) of K.S.A. 8-235, and*  
11 *amendments thereto*, no license to operate a motor vehicle in Kansas shall  
12 be issued to a person for a period of three years from the date of the  
13 division's order revoking such person's driving privileges pursuant to  
14 K.S.A. 8-286, and amendments thereto, and until the person's driving  
15 privileges have been restored.

16 Sec. 5. K.S.A. 8-286 and 8-288 and K.S.A. 2011 Supp. 8-235 and 8-  
17 287 are hereby repealed.

18 Sec. 6. This act shall take effect and be in force from and after its  
19 publication in the statute book.

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