

## HOUSE BILL No. 2219

By Committee on Utilities and Telecommunications

2-3

---

1 AN ACT regulating traffic; concerning the operation of a motor vehicle;  
2 providing penalties for the use of a wireless communication device,  
3 license examination questions; amending K.S.A. 8-2118 and K.S.A.  
4 2014 Supp. 8-240 and 8-15,111 and repealing the existing sections.  
5

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

7 Section 1. K.S.A. 2014 Supp. 8-15,111 is hereby amended to read as  
8 follows: 8-15,111. (a) As used in this section:

9 (1) "Wireless communication device" means any *handheld* wireless  
10 electronic communication device that provides for voice or data  
11 communication between two or more parties, including, but not limited to,  
12 a mobile or cellular telephone, a text messaging device, a personal digital  
13 assistant that sends or receives messages, an audio-video player that sends  
14 or receives messages or a laptop computer. ~~"Wireless communication  
15 device" does not include a device which is voice-operated and which  
16 allows the user to send or receive a text-based communication without the  
17 use of either hand, except to activate or deactivate a feature or function.~~

18 (2) ~~"Write, send or read a written communication" means using a  
19 wireless communication device to manually type, send or read a written  
20 communication, including, but not limited to, a text message, instant  
21 message or electronic mail. "Hands free wireless communication device"  
22 means a wireless communication device that has an internal feature or  
23 function or is equipped or operated with an attachment or addition,  
24 whether or not permanently part of such wireless communication device,  
25 by which a user engages in voice or data communication between two or  
26 more parties without the use of either hand except to activate, deactivate  
27 or initiate a function of the hands free wireless communication device.~~

28 (b) Except as provided in ~~subsections (c) and subsection (d);~~

29 (1) No person shall operate a motor vehicle on a public road or  
30 highway while using a wireless communications device to write, send ~~or~~,  
31 read, *post, view, access, browse, transmit, save or retrieve* a written  
32 communication *or an electronic data communication unless using a hands  
33 free wireless communication device;*

34 (2) *no person shall operate a motor vehicle on a public road or  
35 highway while using a wireless communication device to initiate, receive  
36 or conduct a voice communication unless using a hands free wireless*

1 *communication device; and*

2 (3) *no person under the age of 18 shall operate a motor vehicle on a*  
3 *public road or highway while using a wireless communication device or*  
4 *hands free wireless communication device.*

5 (c) *An operator of a motor vehicle is presumed to be using a wireless*  
6 *communication device to initiate, receive or conduct a voice*  
7 *communication if such operator is holding such device in the immediate*  
8 *proximity of such operator's ear.*

9 (d) The provisions of subsection (b) shall not apply to:

10 (1) A law enforcement officer or emergency service personnel acting  
11 within the course and scope of the law enforcement officer's or emergency  
12 service personnel's employment;

13 (2) a motor vehicle stopped off the regular traveled portion of the  
14 roadway;

15 ~~(3) a person who reads, selects or enters a telephone number or name~~  
16 ~~in a wireless communications device for the purpose of making or~~  
17 ~~receiving a phone call;~~

18 ~~(4) a person who receives an emergency, traffic or weather alert~~  
19 ~~message; or~~

20 ~~(5)~~(4) a person receiving a message related to the operation or  
21 navigation of the motor vehicle;

22 (5) *the use of any non-cellular two way radio to transmit or receive*  
23 *communications;*

24 (6) *a person who reports current or ongoing illegal activity to law*  
25 *enforcement;*

26 (7) *a person who uses a wireless communication device or hands free*  
27 *electronic device to prevent imminent injury to a person or property; or*

28 (8) *a person who relays information between transit or a for-hire*  
29 *operator and the operator's dispatcher if the device is permanently affixed*  
30 *to the motor vehicle.*

31 ~~(d) The provisions of subsection (b) shall not prohibit a person from~~  
32 ~~using a wireless communications device while operating a moving motor~~  
33 ~~vehicle to:~~

34 ~~(1) Report current or ongoing illegal activity to law enforcement;~~

35 ~~(2) prevent imminent injury to a person or property; or~~

36 ~~(3) relay information between transit or for-hire operator and the~~  
37 ~~operator's dispatcher, in which the device is permanently affixed to the~~  
38 ~~motor vehicle.~~

39 (e) ~~From and after the effective date of this act and prior to January 1,~~  
40 ~~2011, a law enforcement officer shall issue a warning citation to anyone~~  
41 ~~violating subsection (b). Violation of this section is punishable by a fine of:~~

42 (1) *\$60, for a first conviction;*

43 (2) *\$120, for a second conviction within five years immediately*

1 preceding the date of the present violation; or

2 (3) \$240, for a third or subsequent conviction within five years  
3 immediately preceding the date of the present violation.

4 (f) Any conviction for a violation of this section shall be considered  
5 as a moving traffic violation for the purpose of K.S.A. 8-255, and  
6 amendments thereto.

7 ~~(f)~~(g) This section shall be part of and supplemental to the uniform  
8 act regulating traffic on highways.

9 (h) The provisions of this section shall be applicable and uniform  
10 throughout the state and no city, county, subdivision or local authority  
11 shall enact or enforce any law, ordinance, rule, regulation or resolution in  
12 conflict with, in addition to, or supplemental to, the provisions of this  
13 section.

14 (i) If any provision of this act or its application to any person or  
15 circumstance is held invalid, the invalidity does not affect other provisions  
16 or applications of this act which can be given effect without the invalid  
17 provision or application, and to this end the provisions of this act are  
18 severable.

19 Sec. 2. K.S.A. 2014 Supp. 8-2118 is hereby amended to read as  
20 follows: 8-2118. (a) A person charged with a traffic infraction shall, except  
21 as provided in subsection (b), appear at the place and time specified in the  
22 notice to appear. If the person enters an appearance, waives right to trial,  
23 pleads guilty or no contest, the fine shall be no greater than that specified  
24 in the uniform fine schedule in subsection (c) and court costs shall be  
25 taxed as provided by law.

26 (b) Prior to the time specified in the notice to appear, a person  
27 charged with a traffic infraction may enter a written appearance, waive  
28 right to trial, plead guilty or no contest and pay the fine for the violation as  
29 specified in the uniform fine schedule in subsection (c) and court costs  
30 provided by law. Payment may be made in any manner accepted by the  
31 court. The traffic citation shall not have been complied with if the payment  
32 is not honored for any reason, or if the fine and court costs are not paid in  
33 full. When a person charged with a traffic infraction makes payment  
34 without executing a written waiver of right to trial and plea of guilty or no  
35 contest, the payment shall be deemed such an appearance, waiver of right  
36 to trial and plea of no contest.

37 (c) The following uniform fine schedule shall apply uniformly  
38 throughout the state but shall not limit the fine which may be imposed  
39 following a court appearance, except an appearance made for the purpose  
40 of pleading and payment as permitted by subsection (a). The description of  
41 offense contained in the following uniform fine schedule is for reference  
42 only and is not a legal definition.

43

	<i>Description of Offense</i>	<i>Statute</i>	<i>Fine</i>
1			
2	Refusal to submit to a prelim-	8-1012	\$105
3	inary breath test		
4	Unsafe speed for prevailing	8-1557	\$75
5	conditions		
6	Exceeding maximum speed	8-1558	1-10 mph over the
7	limit; or speeding in zone	to	limit, \$45
8	posted by the state depart-	8-1560	11-20 mph over the
9	ment of transportation; or	8-1560a	limit, \$45 plus \$6
10	speeding in locally posted	or	per mph over 10
11	zone	8-1560b	mph over the limit;
12			21-30 mph over the
13			limit, \$105 plus \$9
14			per mph over 20
15			mph over the limit;
16			31 and more mph
17			over the limit, \$195
18			plus \$15 per mph
19			over 30 mph over
20			the limit;
21	Disobeying traffic control de-	8-1507	\$75
22	vice		
23	Violating traffic control signal	8-1508	\$75
24	Violating pedestrian control	8-1509	\$45
25	signal		
26	Violating flashing traffic sig-	8-1510	\$75
27	nals		
28	Violating lane-control signal	8-1511	\$75
29	Unauthorized sign, signal,	8-1512	\$45
30	marking or device		
31	Driving on left side of road-	8-1514	\$75
32	way		
33	Failure to keep right to pass	8-1515	\$75
34	oncoming vehicle		
35	Improper passing; increasing	8-1516	\$75
36	speed when passed		
37	Improper passing on right	8-1517	\$75
38	Passing on left with insuffi-	8-1518	\$75
39	cient clearance		
40	Driving on left side where	8-1519	\$75
41	curve, grade, intersec-		
42	tion railroad crossing, or		
43	obstructed view		

1	Driving on left in no-passing	8-1520	\$75
2	zone		
3	Unlawful passing of stopped	8-1520a	\$75
4	emergency vehicle		
5	Driving wrong direction on	8-1521	\$75
6	one-way road		
7	Improper driving on laned	8-1522	\$75
8	roadway		
9	Following too close	8-1523	\$75
10	Improper crossover on di-	8-1524	\$45
11	vided highway		
12	Failure to yield right-of-way	8-1526	\$75
13	at uncontrolled intersection		
14	Failure to yield to approach-	8-1527	\$75
15	ing vehicle when turning		
16	left		
17	Failure to yield at stop or	8-1528	\$75
18	yield sign		
19	Failure to yield from private	8-1529	\$75
20	road or driveway		
21	Failure to yield to emergency	8-1530	\$195
22	vehicle		
23	Failure to yield to pedestrian	8-1531	\$105
24	or vehicle working on		
25	roadway		
26	Failure to comply with re-	8-1531a	\$45
27	strictions in road con-		
28	struction zone		
29	Disobeying pedestrian traffic	8-1532	\$45
30	control device		
31	Failure to yield to pedestrian	8-1533	\$75
32	in crosswalk; pedestrian		
33	suddenly entering road-		
34	way; passing vehicle		
35	stopped for pedestrian at		
36	crosswalk		
37	Improper pedestrian crossing	8-1534	\$45
38	Failure to exercise due care in	8-1535	\$45
39	regard to pedestrian		
40	Improper pedestrian move-	8-1536	\$45
41	ment in crosswalk		
42	Improper use of roadway by	8-1537	\$45
43	pedestrian		

1	Soliciting ride or business	8-1538	\$45
2	on roadway		
3	Driving through safety zone	8-1539	\$45
4	Failure to yield to pedestrian	8-1540	\$45
5	on sidewalk		
6	Failure of pedestrian to yield	8-1541	\$45
7	to emergency vehicle		
8	Failure to yield to blind pe-	8-1542	\$45
9	destrian		
10	Pedestrian disobeying bridge	8-1544	\$45
11	or railroad signal		
12	Improper turn or approach	8-1545	\$75
13	Improper "U" turn	8-1546	\$75
14	Unsafe starting of stopped	8-1547	\$45
15	vehicle		
16	Unsafe turning or stopping,	8-1548	\$75
17	failure to give proper sig-		
18	nal; using turn signal un-		
19	lawfully		
20	Improper method of giving	8-1549	\$45
21	notice of intention to turn		
22	Improper hand signal	8-1550	\$45
23	Failure to stop or obey	8-1551	\$195
24	road crossing signal		
25	Failure to stop at railroad	8-1552	\$135
26	crossing stop sign		
27	Certain hazardous vehicles	8-1553	\$195
28	failure to stop at railroad		
29	crossing		
30	Improper moving of heavy	8-1554	\$75
31	equipment at railroad		
32	crossing		
33	Vehicle emerging from alley,	8-1555	\$75
34	private roadway, building		
35	or driveway		
36	Improper passing of school	8-1556	\$315
37	bus; improper use of		
38	school bus signals		
39	Improper passing of church	8-1556a	\$195
40	or day-care bus; improper		
41	use of signals		
42	Impeding normal traffic	8-1561	\$45
43	by slow speed		

1	Speeding on motor-driven	8-1562	\$75
2	cycle		
3	Speeding in certain vehicles	8-1563	\$45
4	or on posted bridge		
5	Improper stopping, standing	8-1569	\$45
6	or parking on roadway		
7	Parking, standing or stopping	8-1571	\$45
8	in prohibited area		
9	Improper parking	8-1572	\$45
10	Unattended vehicle	8-1573	\$45
11	Improper backing	8-1574	\$45
12	Driving on sidewalk	8-1575	\$45
13	Driving with view or driving	8-1576	\$45
14	mechanism obstructed		
15	Unsafe opening of vehicle	8-1577	\$45
16	door		
17	Riding in house trailer	8-1578	\$45
18	Unlawful riding on vehicle	8-1578a	\$75
19	Improper driving in defiles,	8-1579	\$45
20	canyons, or on grades		
21	Coasting	8-1580	\$45
22	Following fire apparatus too	8-1581	\$75
23	closely		
24	Driving over fire hose	8-1582	\$45
25	Putting glass, etc., on high-	8-1583	\$105
26	way		
27	Driving into intersection,	8-1584	\$45
28	crosswalk, or crossing		
29	without sufficient space		
30	on other side		
31	Improper operation of snow-	8-1585	\$45
32	mobile on highway		
33	Parental responsibility of	8-1586	\$45
34	child riding bicycle		
35	Not riding on bicycle seat;	8-1588	\$45
36	too many persons on		
37	bicycle		
38	Clinging to other vehicle	8-1589	\$45
39	Improper riding of bicycle on	8-1590	\$45
40	roadway		
41	Carrying articles on bicycle;	8-1591	\$45
42	one hand on handlebars		
43	Improper bicycle lamps,	8-1592	\$45

1	brakes or reflectors		
2	Improper operation of mo-	8-1594	\$45
3	torcycle; seats; passen-		
4	gers, bundles		
5	Improper operation of mo-	8-1595	\$75
6	torcycle on laned road		
7	way		
8	Motorcycle clinging to other	8-1596	\$45
9	vehicle		
10	Improper motorcycle handle-	8-1597	\$75
11	bars or passenger		
12	equipment		
13	Motorcycle helmet and eye-	8-1598	\$45
14	protection requirements		
15	Unlawful operation of all-ter-	8-15,100	\$75
16	rain vehicle		
17	Unlawful operation of	8-15,101	\$75
18	low-speed vehicle		
19	Littering	8-15,102	\$115
20	Disobeying school crossing	8-15,103	\$75
21	guard		
22	Unlawful operation of micro	8-15,106	\$75
23	utility truck		
24	Failure to remove vehicles in	8-15,107	\$75
25	accidents		
26	Unlawful operation of golf	8-15,108	\$75
27	cart		
28	Unlawful operation of work-	8-15,109	\$75
29	site utility vehicle		
30	Unlawful display of license	8-15,110	\$60
31	plate		
32	<del>Unlawful text messaging</del>	<del>8-15,111</del>	<del>\$60</del>
33	Equipment offenses that are	8-1701	\$75
34	not misdemeanors		
35	Driving without lights when	8-1703	\$45
36	needed		
37	Defective headlamps	8-1705	\$45
38	Defective tail lamps	8-1706	\$45
39	Defective reflector	8-1707	\$45
40	Improper stop lamp or turn	8-1708	\$45
41	signal		
42	Improper lighting equipment	8-1710	\$45
43	on certain vehicles		



1	Improper lamp color on cer-	8-1711	\$45
2	tain vehicles		
3	Improper mounting of re-	8-1712	\$45
4	flectors and lamps on cer-		
5	tain vehicles		
6	Improper visibility of reflec-	8-1713	\$45
7	tors and lamps on certain		
8	vehicles		
9	No lamp or flag on projecting	8-1715	\$75
10	load		
11	Improper lamps on parked	8-1716	\$45
12	vehicle		
13	Improper lights, lamps, re-	8-1717	\$45
14	flectors and emblems on		
15	farm tractors or slow-		
16	moving vehicles		
17	Improper lamps and equip-	8-1718	\$45
18	ment on implements of		
19	husbandry, road machin-		
20	ery or animal-drawn ve-		
21	hicles		
22	Unlawful use of spot, fog, or	8-1719	\$45
23	auxiliary lamp		
24	Improper lamps or lights on	8-1720	\$45
25	emergency vehicle		
26	Improper stop or turn signal	8-1721	\$45
27	Improper vehicular hazard	8-1722	\$45
28	warning lamp		
29	Unauthorized additional	8-1723	\$45
30	lighting equipment		
31	Improper multiple-beam lights	8-1724	\$45
32	Failure to dim headlights	8-1725	\$75
33	Improper single-beam head-	8-1726	\$45
34	lights		
35	Improper speed with alter-	8-1727	\$45
36	nate lighting		
37	Improper number of driving	8-1728	\$45
38	lamps		
39	Unauthorized lights and sig-	8-1729	\$45
40	nals		
41	Improper school bus lighting	8-1730	\$45
42	equipment and warning		
43	devices		

1	Unauthorized lights and de-	8-1730a	\$45
2	vices on church or day-		
3	care bus		
4	Improper lights on highway	8-1731	\$45
5	construction or maintenance		
6	vehicles		
7	Defective brakes	8-1734	\$45
8	Defective or improper use of	8-1738	\$45
9	horn or warning device		
10	Defective muffler	8-1739	\$45
11	Defective mirror	8-1740	\$45
12	Defective wipers; obstructed	8-1741	\$45
13	windshield or windows		
14	Improper tires	8-1742	\$45
15	Improper flares or warning	8-1744	\$45
16	devices		
17	Improper use of vehicular	8-1745	\$45
18	hazard warning lamps		
19	and devices		
20	Improper air-conditioning	8-1747	\$45
21	equipment		
22	Improper safety belt or	8-1749	\$45
23	shoulder harness		
24	Improper wide-based single	8-1742b	\$75
25	tires		
26	Improper compression re-	8-1761	\$75
27	lease engine braking sys-		
28	tem		
29	Defective motorcycle head-	8-1801	\$45
30	lamp		
31	Defective motorcycle tail	8-1802	\$45
32	lamp		
33	Defective motorcycle reflec-	8-1803	\$45
34	tor		
35	Defective motorcycle stop	8-1804	\$45
36	lamps and turn signals		
37	Defective multiple-beam	8-1805	\$45
38	lighting		
39	Improper road-lighting equip-	8-1806	\$45
40	ment on motor-driven cy-		
41	cles		
42	Defective motorcycle or mo-	8-1807	\$45
43	tor-driven cycle brakes		

1	Improper performance abil-	8-1808	\$45
2	ity of brakes		
3	Operating motorcycle with	8-1809	\$45
4	disapproved braking sys-		
5	tem		
6	Defective horn, muffler, mir-	8-1810	\$45
7	rors or tires		
8	Unlawful statehouse parking	75-4510a	\$30
9	Exceeding gross weight of	8-1909	Pounds Overweight
10	vehicle or combination		up to 1000.....\$40
11			1001 to 2000.....3¢
12			per pound
13			2001 to 500 .....5¢
14			per pound
15			5001 to 7500.....7¢
16			per pound
17			7501 and over.....10¢
18			per pound
19	Exceeding gross weight on	8-1908	Pounds Overweight
20	any axle or tandem,		up to 1000 \$40
21	triple or quad axles		1001 to 2000.....3¢
22			per pound
23			2001 to 5000.....5¢
24			per pound
25			5001 to 7500.....7¢
26			per pound
27			7501 and over.....10¢
28			per pound
29	Failure to obtain proper re-	66-1324	\$287
30	gistration, clearance or		
31	to have current cer-		
32	tification		
33	Insufficient liability insur-	66-1,128	\$137
34	ance for motor carriers	or 66-1314	
35	Failure to obtain interstate	79-34,122	\$137
36	motor fuel tax author-		
37	ization		
38	No authority as private or	66-1,111	\$137
39	common carrier		
40	Violation of motor carrier	66-1,129	\$115
41	safety rules and regula-		
42	tions, except for viola-		
43	tions specified in sub-		

1 section (b)(2) of K.S.A.  
2 66-1,130, and amend-  
3 ments thereto  
4

5 (d) Traffic offenses classified as traffic infractions by this section  
6 shall be classified as ordinance traffic infractions by those cities adopting  
7 ordinances prohibiting the same offenses. A schedule of fines for all  
8 ordinance traffic infractions shall be established by the municipal judge in  
9 the manner prescribed by K.S.A. 12-4305, and amendments thereto. Such  
10 fines may vary from those contained in the uniform fine schedule  
11 contained in subsection (c).

12 (e) Fines listed in the uniform fine schedule contained in subsection  
13 (c) shall be doubled if a person is convicted of a traffic infraction, which is  
14 defined as a moving violation in accordance with rules and regulations  
15 adopted pursuant to K.S.A. 8-249, and amendments thereto, committed  
16 within any road construction zone as defined in K.S.A. 8-1458a, and  
17 amendments thereto.

18 (f) For a second violation of K.S.A. 8-1908 or 8-1909, and  
19 amendments thereto, within two years after a prior conviction of K.S.A. 8-  
20 1908 or 8-1909, and amendments thereto, such person, upon conviction  
21 shall be fined 1½ times the applicable amount from one, but not both, of  
22 the schedules listed in the uniform fine schedule contained in subsection  
23 (c). For a third violation of K.S.A. 8-1908 or 8-1909, and amendments  
24 thereto, within two years, after two prior convictions of K.S.A. 8-1908 or  
25 8-1909, and amendments thereto, such person, upon conviction shall be  
26 fined two times the applicable amount from one, but not both, of the  
27 schedules listed in the uniform fine schedule contained in subsection (c).  
28 For a fourth and each succeeding violation of K.S.A. 8-1908 or 8-1909,  
29 and amendments thereto, within two years after three prior convictions of  
30 K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon  
31 conviction shall be fined 2½ times the applicable amount from one, but  
32 not both, of the schedules listed in the uniform fine schedule contained in  
33 subsection (c).

34 (g) Fines listed in the uniform fine schedule contained in subsection  
35 (c) relating to exceeding the maximum speed limit, shall be doubled if a  
36 person is convicted of exceeding the maximum speed limit in a school  
37 zone authorized under ~~subsection (a)(4) of~~ K.S.A. 8-1560(a)(4), and  
38 amendments thereto.

39 Sec. 3. K.S.A. 2014 Supp. 8-240 is hereby amended to read as  
40 follows: 8-240. (a) (1) Every application for an instruction permit shall be  
41 made upon a form furnished by the division of vehicles and accompanied  
42 by a fee of \$2 for class A, B, C or M and \$5 for all commercial classes.  
43 Every other application shall be made upon a form furnished by the

1 division and accompanied by an examination fee of \$3, unless a different  
2 fee is required by K.S.A. 8-241, and amendments thereto, and by the  
3 proper fee for the license for which the application is made. If the  
4 applicant is not required to take an examination the examination fee shall  
5 not be required. The examination shall consist of three tests, as follows:  
6 (A) Vision; (B) written; and (C) driving. *The division shall include*  
7 *distracted driving questions as part of the written test.* If the applicant fails  
8 the vision test, the applicant may have correction of vision made and take  
9 the vision test again without any additional fee. If an applicant fails the  
10 written test, the applicant may take such test again upon the payment of an  
11 additional examination fee of \$1.50. If an applicant fails the driving test,  
12 the applicant may take such test again upon the payment of an additional  
13 examination fee of \$1.50. If an applicant fails to pass all three of the tests  
14 within a period of six months from the date of original application and  
15 desires to take additional tests, the applicant shall file an application for  
16 reexamination upon a form furnished by the division, which shall be  
17 accompanied by a reexamination fee of \$3, except that any applicant who  
18 fails to pass the written or driving portion of an examination four times  
19 within a six-month period, shall be required to wait a period of six months  
20 from the date of the last failed examination before additional examinations  
21 may be given. Upon the filing of such application and the payment of such  
22 reexamination fee, the applicant shall be entitled to reexamination in like  
23 manner and subject to the additional fees and time limitation as provided  
24 for examination on an original application. If the applicant passes the  
25 reexamination, the applicant shall be issued the classified driver's license  
26 for which the applicant originally applied, which license shall be issued to  
27 expire as if the applicant had passed the original examination.

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

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

1 or permit.

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

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

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

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

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

43 (c) Every application shall state the full legal name, date of birth,

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

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

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

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

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

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

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

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

31 (5) for a class A or B driver's license issued to a person who is at least  
32 21 years of age, but less than 65 years of age, \$24;

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

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

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

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

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

43 If one fails to make an original application or renewal application for a

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

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

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

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

15 Sec. 4. K.S.A. 8-2118 and K.S.A. 2014 Supp. 8-240 and 8-15,111 are  
16 hereby repealed.

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