

HOUSE BILL No. 2609

By Representatives Esau, Blex, Burris, Carlson, Clayton, Clifford, Collins, Corbet, Croft, Donohoe, Ellis, Eplee, Estes, Fairchild, Featherston, Francis, French, Garber, Helmer, Highland, Howe, Humphries, Jacobs, T. Johnson, Lynn, Moser, Murphy, Neelly, Newland, Penn, Probst, Resman, Rhiley, Samsel, Sanders, Sawyer, Schmidt, Seiwert, C. Smith, E. Smith, Sutton, Thomas, Toplikar, Turner, Waggoner, Wasinger and Woodard

2-7

1 AN ACT concerning driver's licenses; relating to restricted driver's
2 licenses; allowing restricted driver's license holders to drive to and
3 from worship services for any religious organization at age 15;
4 amending K.S.A. 2021 Supp. 8-2,101 and repealing the existing
5 section.
6

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

8 Section 1. K.S.A. 2021 Supp. 8-2,101 is hereby amended to read as
9 follows: 8-2,101. (a) (1) The division of vehicles may issue a restricted
10 class C or M driver's license in accordance with the provisions of this
11 section. A restricted class C license issued under this section shall entitle
12 the licensee, while possessing the license, to operate any motor vehicle in
13 class C, as designated in K.S.A. 8-234b, and amendments thereto. A
14 restricted class M license shall entitle the licensee, while possessing such
15 license, to operate a motorcycle.

16 ~~(a)~~(2) The division may issue a restricted class C or M driver's license
17 to any person who:

18 ~~(+)~~(A) Is at least 15 years of age;

19 ~~(-)~~(B) has successfully completed an approved course in driver
20 training;

21 ~~(-)~~(C) has held an instructional permit issued under the provisions of
22 K.S.A. 2021 Supp. 8-2,100, and amendments thereto, for a period of at
23 least one year and has completed at least 25 hours of adult supervised
24 driving or has obtained an instructional permit from another state or the
25 district of Columbia—~~which~~ *that* has equivalent or greater requirements;
26 and

27 ~~(4)~~(D) upon the written application of the person's parent or guardian,
28 which shall be submitted to the division.

29 (3) Any licensee issued a restricted license under this subsection,
30 shall provide, prior to reaching 16 years of age, a signed affidavit of either
31 a parent or guardian, stating that the applicant has completed the required
32 25 hours prior to being issued a restricted license and 25 hours of

1 additional adult supervised driving. Of the 50 hours required by this
2 subsection, at least 10 of those hours shall be at night. The adult
3 supervised driving shall be conducted by an adult who is at least 21 years
4 of age and is the holder of a valid commercial driver's license, class A, B
5 or C driver's license.

6 (b) (1) A restricted license issued under subsection (a) shall entitle a
7 licensee who is at least 15 years of age but less than 16 years of age, to
8 operate the appropriate motor vehicles at any time:

9 (A) While going to or from or in connection with any job,
10 employment or farm-related work;

11 (B) on days while school is in session, over the most direct and
12 accessible route between the licensee's residence and school of enrollment
13 for the purposes of school attendance;

14 (C) *while going directly to or from any religious worship service held*
15 *by a religious organization;*

16 ~~(D)~~ when the licensee is operating a passenger car, at any time
17 when accompanied by an adult, who is the holder of a valid commercial
18 driver's license, class A, B or C driver's license and who is actually
19 occupying a seat beside the driver; or

20 ~~(E)~~ when the licensee is operating a motorcycle, at any time when
21 accompanied by an adult, who is the holder of a valid class M driver's
22 license and who is either operating a motorcycle in the general proximity
23 of the licensee or is riding as a passenger on the motorcycle being operated
24 by the licensee.

25 (2) (A) For a period of six months, a restricted license issued under
26 subsection (a) shall entitle a licensee who is at least 16 years of age to
27 operate the appropriate motor vehicles at any time:

28 ~~(A)~~(i) From 5 a.m. to 9 p.m.;

29 ~~(B)~~(ii) while going to or from or in connection with any job,
30 employment or farm-related work;

31 ~~(C)~~(iii) while going to or from authorized school activities;

32 ~~(D)~~(iv) while going directly to or from any religious worship service
33 held by a religious organization;

34 ~~(E)~~(v) when the licensee is operating a passenger car, at any time
35 when accompanied by an adult, who is the holder of a valid commercial
36 driver's license, class A, B or C driver's license and who is actually
37 occupying a seat beside the driver; or

38 ~~(F)~~(vi) when the licensee is operating a motorcycle, at any time when
39 accompanied by an adult, who is the holder of a valid class M driver's
40 license and who is either operating a motorcycle in the general proximity
41 of the licensee or is riding as a passenger on the motorcycle being operated
42 by the licensee.

43 (B) After such six-month period, if the licensee has complied with the

1 provisions of this section, such restricted license shall entitle the licensee
 2 to operate the appropriate motor vehicles at any time without any of the
 3 restrictions required by this section.

4 (c) (1) The division may issue a restricted class C or M driver's
 5 license to any person who is under 17 years of age but at least 16 years of
 6 age, who:

7 (A) Has held an instructional permit issued under the provisions of
 8 K.S.A. 2021 Supp. 8-2,100, and amendments thereto, for a period of at
 9 least one year; and

10 (B) has submitted a signed affidavit of either a parent or guardian,
 11 stating that the applicant has completed at least 50 hours of adult
 12 supervised driving with at least 10 of those hours being at night. The
 13 required adult supervised driving shall be conducted by an adult who is at
 14 least 21 years of age and is the holder of a valid commercial driver's
 15 license, class A, B or C driver's license.

16 (2) (A) For a period of six months, a restricted license issued under
 17 subsection (c)(1) shall entitle a licensee to operate the appropriate motor
 18 vehicles at any time:

19 ~~(A)~~(i) From 5 a.m. to 9 p.m.;

20 ~~(B)~~(ii) while going to or from or in connection with any job,
 21 employment or farm-related work;

22 ~~(C)~~(iii) while going to or from authorized school activities;

23 ~~(D)~~(iv) while going directly to or from any religious worship service
 24 held by a religious organization;

25 ~~(E)~~(v) when the licensee is operating a passenger car, at any time
 26 when accompanied by an adult, who is the holder of a valid commercial
 27 driver's license, class A, B or C driver's license and who is actually
 28 occupying a seat beside the driver; or

29 ~~(F)~~(vi) when the licensee is operating a motorcycle, at any time when
 30 accompanied by an adult, who is the holder of a valid class M driver's
 31 license and who is either operating a motorcycle in the general proximity
 32 of the licensee or is riding as a passenger on the motorcycle being operated
 33 by the licensee.

34 (B) After such six-month period, if the licensee has complied with the
 35 provisions of this section, such restricted license shall entitle the licensee
 36 to operate the appropriate motor vehicles at any time without any of the
 37 restrictions required by this section.

38 (d) (1) Any licensee issued a restricted license under subsection (a)
 39 who is:

40 (A) ~~who is~~ Less than 16 years of age shall not operate any motor
 41 vehicle with nonsibling minor passengers; or

42 (B) ~~who is~~ at least 16 years of age, for a period of six months after
 43 reaching 16 years of age, shall not operate any motor vehicle with more

1 than one passenger who is less than 18 years of age and who is not a
2 member of the licensee's immediate family.

3 (2) Any licensee issued a restricted license under subsection (c), for a
4 period of six months after such restricted license is issued, shall not
5 operate any motor vehicle with more than one passenger who is less than
6 18 years of age and who is not a member of the licensee's immediate
7 family.

8 (3) Any conviction for violating this subsection shall be construed as
9 a moving traffic violation for the purpose of K.S.A. 8-255, and
10 amendments thereto.

11 (e) Any licensee issued a restricted license under this section shall not
12 operate a wireless communication device while driving a motor vehicle,
13 except that a licensee may operate a wireless communication device while
14 driving a motor vehicle to report illegal activity or to summons medical or
15 other emergency help.

16 (f) (1) A restricted driver's license issued under this section is subject
17 to suspension or revocation in the same manner as any other driver's
18 license.

19 (2) A restricted driver's license shall be suspended in accordance with
20 K.S.A. 8-291, and amendments thereto, for any violation of restrictions
21 under this section.

22 (3) The division shall suspend the restricted driver's license upon
23 receiving satisfactory evidence that the licensee has been involved in two
24 or more accidents chargeable to the licensee and such suspended license
25 shall not be reinstated for one year.

26 (g) Evidence of failure of any licensee who was required to complete
27 the 50 hours of adult supervised driving under this section shall not be
28 admissible in any action for the purpose of determining any aspect of
29 comparative negligence or mitigation of damages.

30 (h) Any licensee issued a restricted license under:

31 (1) Subsection (a) who:

32 (A) Is under the age of 16 years and is convicted of two or more
33 moving traffic violations committed on separate occasions shall not be
34 eligible to receive a driver's license ~~which~~ that is not restricted in
35 accordance with the provisions of subsection (b)(1) until the person
36 reaches 17 years of age;

37 (B) is under 17 years of age but at least 16 years of age and is
38 convicted of two or more moving traffic violations committed on separate
39 occasions shall not be eligible to receive a driver's license ~~which~~ that is not
40 restricted in accordance with the provisions of subsection (b)(2) until the
41 person reaches 18 years of age; or

42 (C) fails to provide the affidavit required under subsection (a) shall
43 not be eligible to receive a driver's license which is not restricted in

1 accordance with the provisions of subsection (b)(1) until the person
2 provides such affidavit to the division or the person reaches 17 years of
3 age, whichever occurs first.

4 (2) Subsection (c) who is under the age of 17 years and is convicted
5 of two or more moving traffic violations committed on separate occasions
6 shall not be eligible to receive a driver's license which is not restricted in
7 accordance with the provisions of subsection (c) until the person reaches
8 18 years of age.

9 (i) This section shall be a part of and supplemental to the motor
10 vehicle driver's license act.

11 Sec. 2. K.S.A. 2021 Supp. 8-2,101 is hereby repealed.

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