

As Amended by House Committee

As Amended by Senate Committee

Session of 2021

SENATE BILL No. 215

By Committee on Education

2-10

1 AN ACT concerning transportation; relating to commercial driver's
2 education; transferring authority over driver's education programs
3 operated by certain postsecondary institutions and driver training
4 schools to the department of revenue; authorizing the department of
5 revenue to promulgate rules and regulations therefor; amending K.S.A.
6 8-273, 8-274, 8-275, 8-276, 8-277, 8-278, 8-279 and 8-280 and K.S.A.
7 ~~2020~~ 2021 Supp. 8-267 and 8-272 and repealing the existing sections.
8

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

10 **Section 1. K.S.A. 2021 Supp. 8-267 is hereby amended to read as**
11 **follows: 8-267. All moneys received under this act shall be remitted by**
12 **the secretary of revenue to the state treasurer in accordance with the**
13 **provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt**
14 **of each such remittance, the state treasurer shall deposit the entire**
15 **amount in the state treasury and shall:**

16 (a) Credit 37.5% of all moneys so received from class C driver's
17 licenses and 20% of all moneys so received from class M driver's
18 licenses and 20% of all moneys so received from class A or B driver's
19 licenses and 20% of all moneys so received from all commercial driver
20 licensee classes remaining after the \$2 credit provided in subsection (c)
21 to a special fund, which is hereby created and shall be known as the
22 state safety fund;

23 (b) credit 20% of all moneys so received from class M driver's
24 licenses to a special fund which is hereby created and shall be known
25 as the motorcycle safety fund;

26 (c) credit \$2 from each commercial driver's license fee to a special
27 fund which is hereby created and shall be known as the truck driver
28 training fund;

29 (d) credit all photo fees collected under K.S.A. 8-243, and
30 amendments thereto, to the photo fee fund;

31 (e) credit all hazardous materials endorsement fees collected
32 under K.S.A. 2021 Supp. 8-2,151, and amendments thereto, to the
33 hazmat fee fund; and

34 (f) credit the driver improvement clinic fees collected under

1 K.S.A. 8-255, and amendments thereto, as follows:

2 (1) Credit 50% of each such fee to the division of vehicles
3 operating fund; and

4 (2) credit 50% of each such fee to the correctional services special
5 revenue fund.

6 Moneys in the state safety fund and in the motorcycle safety fund
7 shall be distributed to provide funds for driver training courses in the
8 schools *and community colleges* in Kansas and for the administration of
9 this act, as the legislature shall provide. In addition, moneys in the
10 motorcycle safety fund shall be distributed to provide funds for
11 courses in motorcycle safety in community colleges in Kansas. Moneys
12 in the truck driver training fund shall be distributed to provide funds
13 for courses in truck driver training in community colleges, area
14 vocational schools and area vocational-technical schools in Kansas.
15 Except as otherwise provided by K.S.A. 8-241, and amendments
16 thereto, the state treasurer shall credit the balance of all moneys
17 received under this act, including all moneys received from
18 commercial driver's license endorsements to the state highway fund.

19 ~~Section 1.~~ Sec. 2. K.S.A. ~~2020~~ 2021 Supp. 8-272 is hereby amended
20 to read as follows: 8-272. (a) Any school district conducting an approved
21 course in driver training and any student attending a nonpublic school
22 accredited by the state board of education conducting an approved course
23 in driver training *and any student 19 years of age or under attending a*
24 *community college conducting an approved course in driver training*
25 shall be entitled to participate in the state safety fund created by K.S.A. 8-
26 267, and amendments thereto. In August of each year, the superintendent
27 of each school district and the governing authority of each nonpublic
28 school *and community college* shall report to the state board of education
29 the number of students who have been in attendance for a complete driver
30 training course conducted by such school district ~~or~~, nonpublic school *or*
31 *community college* during the past school year. The state board of
32 education shall certify to the director of accounts and reports the amount
33 due each school district and each student of a nonpublic school *or*
34 *community college* entitled to payment under this subsection. The director
35 of accounts and reports shall draw warrants on the state treasurer payable
36 to the treasurer of each school district and to each student of a nonpublic
37 school *or community college* entitled to payment under this subsection
38 upon vouchers approved by the state board and shall cause such warrants
39 to be delivered to the respective school districts ~~and~~, nonpublic schools
40 *and community colleges*. If the amount appropriated in any year from the
41 state safety fund is insufficient to pay the full amount each school district
42 and each student of a nonpublic school *or community college* is entitled to
43 receive under this subsection, then the entire amount appropriated for such

1 year shall be prorated among all school districts and all students of
2 nonpublic schools *and community colleges* in proportion to the amount
3 each school district and each student of a nonpublic school *or community*
4 *college* is entitled to receive. No moneys in the state safety fund shall be
5 used for any purpose other than that specified in this subsection or for the
6 support of driver improvement programs. The state board of education
7 shall prescribe all forms necessary for reporting in connection with this
8 act. The funds shall be distributed on or before November 1 each year.

9 (b) (1) Any school district conducting an approved course in
10 motorcycle safety as a part of an approved course in driver training~~s~~, any
11 student attending a nonpublic school accredited by the state board of
12 education conducting an approved course in motorcycle safety as a part of
13 an approved course in driver training or any community college
14 conducting an approved course in motorcycle safety shall be entitled to
15 participate in the motorcycle safety fund created by K.S.A. 8-267, and
16 amendments thereto. The state board of education may establish, by rules
17 and regulations, standards for the conduct, operation and approval of
18 courses in motorcycle safety and for the qualifications of instructors for
19 such courses conducted by a school district or nonpublic accredited school.
20 Such standards shall not include the requirement that instructors be
21 licensed by the state board of education. In August of each year, the
22 superintendent of each school district or the governing authority of each
23 nonpublic school shall report to the state board of education the number of
24 students who have been in attendance for a complete course in motorcycle
25 safety as a part of the driver training course conducted by such school
26 district or nonpublic school during the past school year. The state board of
27 education shall certify to the director of accounts and reports the amount
28 due each school district and each student of a nonpublic school entitled to
29 payment under this subsection. The director of accounts and reports shall
30 draw warrants on the state treasurer payable to the treasurer of each school
31 district and to each student of a nonpublic school entitled to payment
32 under this subsection upon vouchers approved by the state board and shall
33 cause such warrants to be delivered to the respective school districts and
34 nonpublic schools. If the amount appropriated in any year from the
35 motorcycle safety fund shall be insufficient to pay the full amount each
36 school district and each student of a nonpublic school is entitled to receive
37 under this subsection, then the entire amount appropriated for such year
38 shall be prorated among all school districts and all students of nonpublic
39 schools in proportion to the amount each school district and each student
40 of a nonpublic school is entitled to receive. No moneys in the motorcycle
41 safety fund shall be used for any purpose other than that specified in this
42 subsection or for the support of motorcycle driver improvement programs.
43 The state board of education shall prescribe all forms necessary for

1 reporting in connection with this act. The funds shall be distributed on or
2 before November 1 each year.

3 (2) Any community college conducting an approved course in
4 motorcycle safety shall be entitled to participate in the motorcycle safety
5 fund created by K.S.A. 8-267, and amendments thereto. ~~The state board of~~
6 ~~regents~~ *department of revenue* may establish, by rules and regulations *or*
7 *by public declaration of the director of vehicles*, standards for the conduct,
8 operation and approval of courses in motorcycle safety and for the
9 qualifications of instructors for such courses conducted by a community
10 college. ~~Such standards shall not include the requirement that instructors~~
11 ~~be licensed by the state board of education.~~ In August of each year, the
12 chief administrative officer of each community college shall report to the
13 state board of regents *and the department* the number of students who
14 have been in attendance for a complete course in motorcycle safety as a
15 part of the driver training course conducted by such community college
16 during the past school year. The state board of regents shall certify to the
17 director of accounts and reports the amount due each community college
18 entitled to payment under this subsection. The director of accounts and
19 reports shall draw warrants on the state treasurer payable to the treasurer
20 of each community college entitled to payment under this subsection upon
21 vouchers approved by the state board *of regents* and shall cause such
22 warrants to be delivered to the respective community colleges. If the
23 amount appropriated in any year from the motorcycle safety fund shall be
24 insufficient to pay the full amount each community college is entitled to
25 receive under this subsection, then the entire amount appropriated for such
26 year shall be prorated among all community colleges in proportion to the
27 amount each community college is entitled to receive. No moneys in the
28 motorcycle safety fund shall be used for any purpose other than that
29 specified in this subsection or for the support of motorcycle driver
30 improvement programs *or department administration*. *The department, in*
31 *consultation with the* state board of regents, shall prescribe all forms
32 necessary for reporting in connection with this act. The funds shall be
33 distributed on or before November 1 each year.

34 (c) (1) ~~For the purpose of~~ *As used in this subsection, "vocational*
35 *education school" "institution" means a technical school affiliated with a*
36 *public university in this state, a technical college or community college,*
37 ~~area vocational-technical school or area vocational school.~~

38 (2) ~~Any vocational education school institution~~ conducting an
39 approved course in truck driving shall be entitled to participate in the truck
40 driver training fund created by K.S.A. 8-267, and amendments thereto.
41 ~~The state board of regents~~ *department* may establish, by rules and
42 regulations *or by public declaration of the director of vehicles*, standards
43 for the conduct, operation and approval of courses in truck driver training

1 and for the qualifications of instructors for such courses. Such standards
2 shall not include the requirement that instructors be certificated by the
3 state board of regents. *Courses in truck driver training for an interstate*
4 *commercial class license shall also comply with the Kansas uniform*
5 *commercial drivers' license act.* In August of each year, the chief
6 administrative officer of each ~~vocational-education-school~~ *participating*
7 *institution* shall report to the state board of regents *and the department* the
8 number of students who have been in attendance for a complete course in
9 truck driver training conducted by such ~~vocational-education-school~~
10 *institution* during the past school year. The state board of regents shall
11 certify to the director of accounts and reports the amount due each
12 ~~vocational-education-school~~ *institution* entitled to payment under this
13 subsection. The director of accounts and reports shall draw warrants on the
14 state treasurer payable to the treasurer of each ~~vocational-education-school~~
15 *institution* entitled to payment under this subsection upon vouchers
16 approved by the state board of regents and shall cause such warrants to be
17 delivered to the respective ~~vocational-education-school~~ *institution*. If the
18 amount appropriated in any year from the truck driver training fund shall
19 be insufficient to pay the full amount each ~~vocational-education-school~~
20 *institution* is entitled to receive under this subsection, then the entire
21 amount appropriated for such year shall be prorated among all ~~vocational~~
22 ~~education-schools~~ *participating institutions* in proportion to the amount
23 each ~~vocational-education-school~~ *institution* is entitled to receive. No
24 moneys in the truck driver training fund shall be used for any purpose
25 other than that specified in this subsection or for the support of truck driver
26 training programs *and department administration*. The *department, in*
27 *consultation with the* state board of regents, shall prescribe all forms
28 necessary for reporting in connection with this act. The funds shall be
29 distributed on or before November 1 each year.

30 Sec. 3. K.S.A. 8-273 is hereby amended to read as follows: 8-273.
31 ~~The following words and phrases when used in this act shall, unless the~~
32 ~~context otherwise requires, have the meanings respectively ascribed to~~
33 ~~them in this section:~~

34 (a) "Motor vehicle:" *means* every vehicle ~~which~~ *that* is self-propelled
35 upon or by which any person or property is or may be transported or
36 drawn upon a public highway except devices used exclusively upon
37 stationary rails or tracks.

38 (b) "Drivers' training schools:" *means* any person, partnership or
39 corporation giving driving instruction to ~~ten~~ (10) or more persons per
40 calendar year for the purpose of meeting requirements for licensed driving
41 of motor vehicles in Kansas.

42 (c) "Person:" *means* every natural person, firm, copartnership,
43 association, corporation, or school.

1 (d) "Department:" ~~means the state department of education~~ *revenue*
2 acting directly or through its duly authorized officers and agents.

3 (e) "State board:" *means* the state board of education.

4 (f) "Drivers' license examiners:" *means* examiners appointed by the
5 division of vehicles for the purpose of giving drivers' license examinations.

6 ~~Sec. 3.~~ 4. K.S.A. 8-274 is hereby amended to read as follows: 8-274.

7 No person shall operate a driver training school or engage in the business
8 of giving instruction for hire in the driving of motor vehicles or in the
9 preparation of an applicant for examination given by driver license
10 examiners for an operator's or chauffeur's license or permit, unless a
11 license therefor has been secured from the ~~state board~~ *department*.

12 ~~Sec. 4.~~ 5. K.S.A. 8-275 is hereby amended to read as follows: 8-275.

13 ~~Every person~~ *In order for a person* to qualify to operate a driving school,
14 ~~such person~~ shall meet the following requirements:

15 (a) Be of good moral character;

16 (b) maintain an established place of business to the public;

17 (c) maintain bodily injury and property damage liability insurance on
18 motor vehicles while used in driving instruction, insuring the liability of
19 the driving school, the driving instructors and any person taking
20 instruction in at least the following amounts: ~~One hundred thousand~~
21 ~~dollars~~ (\$100,000) for bodily injury to or death of one person in any one
22 accident and, subject to ~~said~~ *such* limit for one person, ~~two hundred~~
23 ~~thousand dollars~~ (\$200,000) for bodily injury to or death of two ~~(2)~~ or
24 more persons in any one accident and the amount of ~~twenty thousand~~
25 ~~dollars~~ (\$20,000) for damage to property of others in any one accident.

26 Evidence of such insurance coverage in the form of a certificate from the
27 insurance carrier shall be filed with the ~~state department of education,~~
28 ~~revenue~~ and such certificate shall stipulate that the insurance shall not be
29 canceled except upon ~~ten (10) days~~ *10 days'* prior written notice to the
30 ~~state board~~ *department*. Such insurance shall be written by a company
31 authorized to do business in this state;

32 (d) provide a continuous surety company bond in the principal sum of
33 ~~two thousand five hundred dollars~~ (\$2,500) for the protection of the
34 contractual rights of students in such form as will meet with the approval
35 of the ~~state board~~ *department* and written by a company authorized to do
36 business in this state. However, the aggregate liability of the surety for all
37 breaches of the condition of the bond in no event shall exceed the principal
38 sum of ~~two thousand five hundred dollars~~ (\$2,500). The surety on any such
39 bond may cancel such bond on giving ~~thirty (30) days~~ *30 days'* written
40 notice thereof ~~in writing~~ to the ~~state board~~ *department* and shall be
41 relieved of liability for any breach of any condition of the bond ~~which that~~
42 occurs after the effective date of cancellation;

43 (e) have the equipment necessary to the giving of proper instruction

1 in the operation of motor vehicles as prescribed by the ~~state board-~~
2 ~~department; and~~

3 (f) pay to the ~~board~~ *department* an application fee of ~~twenty-five~~
4 ~~dollars (\$25).~~

5 Sec. ~~5~~ 6. K.S.A. 8-276 is hereby amended to read as follows: 8-276.
6 ~~Every person~~In order *for a person* to qualify as an instructor for a driving
7 school, *such person* shall meet the following requirements:

8 (a) Present to the ~~state board~~ *department* evidence of: (1) Credit in
9 driver education and safety from an accredited college or university
10 equivalent to credits in those subjects ~~which are~~ required of instructors in
11 the ~~public schools of Kansas~~ *accredited by the state board*; (2) having a
12 valid ~~Kansas teacher's certificate coded for~~ *credential issued by the state*
13 *board to teach* driver education; or (3) having completed at least 30 hours
14 of classroom and 24 hours of behind the wheel training under the direct
15 supervision of an individual who is presently licensed as an instructor by
16 the state board under ~~paragraphs~~ *paragraph* (1) or (2) and who has been
17 continuously licensed and who has actively instructed students for a period
18 of at least three years;

19 (b) have knowledge of the Kansas operation lifesaver
20 highway/railroad grade crossing safety program;

21 (c) be physically able to operate safely a motor vehicle and to train
22 others in the operation of motor vehicles;

23 (d) provide a certificate of health from a medical doctor stating that
24 such person is ~~free from contagious disease.~~ *physically and mentally able*
25 *to safely operate a motor vehicle;*

26 (e) hold a valid Kansas drivers' license; *and*

27 (f) pay to the ~~state board~~ *department* an application fee of \$5.

28 Sec. ~~6~~ 7. K.S.A. 8-277 is hereby amended to read as follows: 8-277.

29 (a) The ~~state board~~ *department* shall issue a license certificate to each
30 applicant to conduct a driver training school or to each driver training
31 instructor when the ~~state board~~ *department* is satisfied that such ~~person~~
32 *applicant* has met the qualifications required under this act.

33 (b) All ~~outstanding~~ licenses issued to any driver training school or
34 driver training instructor pursuant to the provisions of this act, shall expire
35 as a matter of law at midnight on December 31 of the calendar year for
36 which the license was issued, unless sooner canceled, suspended or
37 revoked under the provisions of K.S.A. 8-279, *and amendments thereto.*

38 (c) The license of each driver training school and each driver training
39 instructor may be renewed subject to the same conditions as the original
40 license, and upon payment of the same fee.

41 (d) All applications for renewal of a driver training school license or
42 driver training instructor's license shall be on a form prescribed by the
43 ~~state board~~ *department*, and ~~must shall~~ be filed with the ~~state~~ *department*

1 of education not more than sixty (60) days, nor less fewer than ten (10)
2 days preceding the expiration date of the license to be renewed.

3 Sec. ~~7~~ 8. K.S.A. 8-278 is hereby amended to read as follows: 8-278.

4 (a) ~~The state board~~ department is authorized to prescribe by rules and
5 regulations, standards for the eligibility, conduct and operation of driver
6 training schools and instructors and to adopt other reasonable rules and
7 regulations to carry out the provisions of this act.

8 (b) *All rules and regulations of the state board of education*
9 *pertaining to functions of the driver's training school license act in*
10 *existence on July 1, ~~2021~~ 2022, shall continue to be effective and shall be*
11 *deemed to be duly adopted rules and regulations of the secretary of*
12 *revenue until revised, amended, revoked or nullified pursuant to law.*

13 (c) *All orders and directives of the state department of education*
14 *pertaining to functions of the driver's training school license act on July 1,*
15 *~~2021~~ 2022, shall continue to be effective and shall be deemed to be orders*
16 *and directives of the department until revised, amended or nullified by the*
17 *state director of vehicles.*

18 Sec. ~~8~~ 9. K.S.A. 8-279 is hereby amended to read as follows: 8-279.
19 ~~The state board~~ department may cancel, suspend, revoke or refuse to
20 renew any driver's training school or driver's training instructor license if
21 any of the following occurs:

22 (a) ~~When the state board~~ The department is satisfied that the licensee
23 fails to meet the requirements to receive or hold a license under this act.;

24 (b) ~~Whenever~~ the licensee fails to keep the records required herein.;

25 (c) ~~Whenever~~ the licensee permits fraud or engages in fraudulent
26 practices either with reference to the applicant or the ~~state board~~
27 department, or induces or countenances fraud or fraudulent practices on
28 the part of any applicant for a driver's license or permit.;

29 (d) ~~Whenever~~ the licensee fails to comply with any provision of this
30 act or any of the rules and regulations of the ~~state board~~ department made
31 pursuant thereto.;

32 (e) ~~Whenever~~ the licensee represents himself or herself such licensee
33 as an agent or employee of the ~~state board~~ department or license
34 examiners or uses advertising designed to lead or which would reasonably
35 have the effect of leading persons to believe that such licensee is in fact an
36 employee or representative of the ~~state board~~ department or license
37 examiners.;

38 (f) ~~Whenever~~ the licensee or any employee or agent of the licensee
39 solicits driver training or instruction in an office of any department of the
40 state having to do with the administration of any law relating to motor
41 vehicles.;

42 (g) ~~Whenever~~ the licensee has had his or her their operator's or
43 chauffeur's license canceled, suspended or revoked.

1 Sec. ~~9~~ **10**. K.S.A. 8-280 is hereby amended to read as follows: 8-280.

2 (a) *There is hereby created in the state treasury the commercial driver*
3 *education fund. The commercial driver education fund shall be*
4 *administered by the department of revenue. All expenditures from the*
5 *commercial driver education fund shall be made in accordance with*
6 *appropriation acts upon warrants of the director of accounts and reports*
7 *issued pursuant to vouchers approved by the secretary of revenue.*

8 (b) All moneys received under this act shall be remitted to the state
9 treasurer in accordance with the provisions of K.S.A. 75-4215, and
10 amendments thereto. Upon receipt of each such remittance, the state
11 treasurer shall deposit the entire amount in the state treasury to the credit
12 of the ~~state safety fund created by K.S.A. 8-267, and amendments thereto~~
13 *commercial driver education fund.*

14 Sec. ~~10~~ **11**. K.S.A. 8-273, 8-274, 8-275, 8-276, 8-277, 8-278, 8-279
15 and 8-280 and K.S.A. ~~2020~~ **2021** Supp. **8-267** and 8-272 are hereby
16 repealed.

17 Sec. ~~11~~ **12**. This act shall take effect and be in force from and after
18 its publication in the statute book.