



KSDE FISCAL AUDITING TEAM  
785-296-4976

**AUDIT GUIDE**  
COMMERCIAL DRIVING SCHOOLS  
Calendar Year 2019, audited in FY21

**PURPOSE OF AUDIT**

The Kansas State Board of Education approves and or licenses Commercial Driving Schools, the instructors and the vehicles used in training. The Commercial Driver Training School is audited for compliance with Kansas Statutes Annotated (K.S.A.) 8-273 through 8-279 and the Kansas Administrative Regulations (K.A.R.) Chapter 91 Article 7. State auditors conduct compliance audits of these entities annually.

**AUDIT STEPS**

The following regulations and statutes outline the requirements that guide audit steps for KSDE annual audits:

**Licenses Required by Schools (K.A.R. 91-7-1)**

The original license shall be conspicuously displayed in the licensee's principal place of business. The license is valid for one year.

The receipt from KSDE for the license fee paid to the agency is on file and available for audit.

**Location of School (K.A.R. 91-7-2)**

Each drivers' training school shall maintain an established place of business. No license shall be issued a drivers' training school where business is conducted from a house trailer, tent, temporary stand, temporary addresses, a room or rooms in a hotel or motel, or through the exclusive use of a telephone answering service. The location shall be identified by a permanent sign and the name of the school shall appear on the sign.

**Conducting business (K.A.R. 91-7-6)**

The schools shall not publish, advertise, or imply that a license is guaranteed or assured.

The letters and numerals in the name of the drivers' training school shall not be smaller than the letters and numerals in the remainder of the text of any sign, or combination of signs used as a part of the same message relating to drivers' training school activities. The school shall not advertise the address of any location other than the licensed principal place of business.

### **Classroom Accommodations** (K.A.R. 91-7-11)

The seating facilities and writing surfaces are to be for no less than ten (10) students. The print and non-print materials are to relate to the proper operation of motor vehicles and traffic laws.

### **Licenses required for Instruction** (K.A.R. 91-7-8)

All persons giving instructions for compensation in the operation of motor vehicles are to be the holder of an instructor's license issued by the state board and is the possessor of a valid Kansas driver's license.

The instructor's license shall be carried by the instructor at all times while giving driving instructions, or when accompanying an applicant for a driver's license to the office of a driver's license examiner.

### **Drivers' Training School Vehicles** (K.A.R. 91-7-5)

All vehicles used for instruction are to be checked by the auditor. If any vehicle is not available at the time of the audit, a list of the vehicles that were checked should be listed. The vehicles that were not available to be checked are to be listed and will need to be available for examination the following year.

The vehicle identification certificate shall be carried in the vehicle while the vehicle is being used for instruction. The school has filed with the state board evidence of liability insurance.

The vehicle is equipped with dual controls on foot brake and or clutch, if any, and is otherwise equipped in accordance with the motor vehicle and traffic laws. The vehicle is equipped with rear view mirrors for both the driver and the instructor.

The vehicles, while being used for driving instructions, shall conspicuously display a sign, with background and letters of contrasting colors, stating "student driver". The sign shall be visible from the rear in letters not less than three (3) inches in height.

### **Students**

Auditors shall report:

- Number of students on list submitted to KSDE for audit.
- Number of students who began and completed the course in the current calendar year.
- Number of students who enrolled during the current calendar year and dropped the program.
- Number of students who enrolled during the previous year but did not complete their training until this calendar year.

### **Student Records to be Maintained** (K.A.R. 91-7-3)

The original signed contract entered into between the drivers' training school and every person receiving instructions in the operation of motor vehicles. The contract is to include the student name, address and contract number. The contract should also include the date, type and duration of all lessons.

A copy of a receipt for any moneys paid to the drivers' training school by a student. The receipt form shall contain: (a) the licensed name of the school; (b) the name of the student; (c) the date of payment; (d) the amount of payment; (e) the signature of the student; and (f) the signature of the person receiving the payment from the student.

All records shall be maintained for a period of three (3) years and shall be subject to inspection by the state board.

**Classroom Instruction** (K.A.R. 91-7-13)

A minimum of eight (8) clock hours of classroom instruction shall be offered and taught to each student enrolled in any commercial drivers' training school.

**Behind the Wheel Instruction** (K.A.R. 91-7-14)

Each student shall be given six (6) clock hours of behind-the-wheel driving instruction in the initial drivers' training course.

**STATE REGULATIONS**

**Article 7. —COMMERCIAL DRIVERS' TRAINING SCHOOLS**

**91-7-1. Licenses required.**

Every person conducting a drivers' training school shall be licensed by the State Board of Education prior to engaging in that business. No license shall be issued until at least one (1) instructor has obtained an instructor's license and at least one (1) motor vehicle has been approved for drivers' training school use.

*(a) Applications.*

- (1) Application shall be made on a form prescribed by the state board. Renewal applications shall be submitted for approval and issuance at least ten (10) days prior to the expiration date of the current license.
- (2) When an application is made by an individual, it shall be signed and sworn to by the individual. In the case of a partnership, the application shall be signed and sworn to by any one (1) partner. In the case of a corporation, the application shall be signed and sworn to by the president and attested to by the secretary.
- (3) Every initial application shall be accompanied by the following supplementary documents:
  - (A) In the case of a corporation, a certified copy of its certificate of incorporation and a copy of the corporate resolution authorizing the corporation to engage in the business of operating a drivers' training school;
  - (B) a sample of every contract form for instructional purposes, receipt forms, and other forms used by the school and delivered to students; and
  - (C) a schedule of all services to be performed by the school.

*(b) License fee.*

- (1) The annual fee for the initial license and renewal shall be twenty-five dollars (\$25.00).
- (2) The license shall be valid for the calendar year.

*(c) Display of license.* The original license shall be conspicuously displayed in the licensee's principal place of business.

*(d) License not transferable.*

- (1) In the event of any change of ownership or interest in the business, including the sale of more than 25% of the capital stock of a corporation, application for a new license shall be filed with the state board.

- (2) The state board may, in its discretion, permit continuance of the business by the licensee, pending processing of the application made by the person to whom the business, or interest in the business, is to be transferred.
- (3) The existing license and copies, together with all instructors' certificates issued, shall be surrendered before a license shall be issued to the new owner.
- (e) *Lost, mutilated or destroyed licenses.* In the event a license is lost, mutilated or destroyed, a duplicate shall be issued upon proof of the facts, and upon payment of five dollars (\$5.00) and, in the case of mutilation, upon surrender of the mutilated license. Proof shall be submitted in the form of an affidavit indicating:
  - (1) the date the license was lost, mutilated or destroyed; and
  - (2) the circumstances involving the loss, mutilation, or destruction of the license.
- (f) *Surrender of license.*
  - (1) A license to be surrendered for cancellation or deposited for safe keeping shall be returned to the office of the state board.
  - (2) In all cases, the licensee shall state, in writing, the reason for the surrender or deposit.  
(*Authorized by K.S.A. 8-278; effective Jan. 1, 1966; amended Jan. 1, 1970; amended May 1, 1979.*)

#### **91-7-2. Location of school.**

- (a) Each drivers' training school shall maintain an established place of business.
- (b) A drivers' training school shall not change its location without prior approval of the state board.
- (c) No license shall be issued for conducting a drivers' training school where business is conducted from a house trailer, tent, temporary stand, temporary addresses, a room or rooms in a hotel or motel, or through the exclusive use of a telephone answering service.
- (d) The location shall be identified by a permanent sign and the name of the school shall appear on the sign. (*Authorized by K.S.A. 8-278; effective Jan. 1, 1966; amended Jan. 1, 1970; amended May 1, 1979.*)

#### **91-7-3. Records to be maintained.**

- (a) *Types of records.* Every school shall maintain the following records:
  - (1) The name, address, and contract number with respect to every person receiving lessons, lectures, tutoring, or any other services relating to instructions in the operation of motor vehicles;
  - (2) The date, type, and duration of all lessons, lectures, tutoring, instructions, or other services relating to instruction in the operation of motor vehicles, including the name of the instructor giving the instruction; and
  - (3) The original contract entered into between the drivers' training school and every person receiving lessons, lectures, tutoring, instructions, or other services relating to instruction in the operation of motor vehicles
- (4) A copy of a receipt for any moneys paid to the drivers' training school by a student. The receipt form shall contain:
  - (A) the licensed name of the school;
  - (B) the name of the student;
  - (C) the date of payment;
  - (D) the amount of payment;
  - (E) the signature of the student; and
  - (F) the signature of the person receiving the payment from the student.

- (b) *Loss, mutilation, or destruction of records.* (1) The loss, mutilation, or destruction of any records which a drivers' training school is required to maintain under these regulations shall be reported immediately to the state board by affidavit stating: (A) the date the records were lost, destroyed, or mutilated; (B) the circumstances involving the loss, destruction, or mutilation; and (C) the name of the precinct, police officer, or police department to which the loss was reported and the date of the report.
- (c) *Retention of records.* All records shall be maintained for a period of three (3) years and shall be subject to inspection by the state board. *(Authorized by K.S.A. 8-278; effective Jan. 1, 1966; amended Jan. 1, 1970; amended May 1, 1979.)*

#### **91-7-4. Bond required.**

The bond required by K.S.A. 8-275 shall be on a form provided by the state board and shall be filed in the office of the state board. *(Authorized by K.S.A. 8-278; effective Jan. 1, 1966; amended Jan. 1, 1970; amended May 1, 1979.)*

#### **91-7-5. Drivers' training school vehicles.**

##### *(a) Identification certificates.*

- (1) A motor vehicle owned or controlled by a drivers' training school shall not be used for the purpose of giving instructions in driving until the licensee has obtained from the state board a school vehicle identification certificate. This certificate shall be carried in the vehicle while the vehicle is being used either for driving instructions or for driving tests.
- (2) Application for a school vehicle identification certificate shall be made on a form prescribed by the state board.
- (3) A school vehicle identification certificate shall not be issued until:
  - (A) the vehicle has been equipped with dual controls on foot brake and on clutch, if any, and has been otherwise equipped in accordance with the motor vehicle and traffic laws;
  - (B) the school has filed with the state board evidence of liability insurance in a company authorized to do business in this state as required by K.S.A. 8-275(d). In the event of cancellation or expiration of insurance, the vehicle shall not be used for drivers' training school purposes. The school vehicle identification certificate shall terminate automatically and shall be surrendered to the state board;
  - (C) the vehicle has been equipped with seat belts for both the student and instructor. Seat belts shall be used by both the student and instructor when the vehicle is being operated for instructional purposes; and
  - (D) the vehicle has been equipped with rear view mirrors for both the driver and the instructor.

##### *(b) Sign displayed on vehicles.*

- (1) Vehicles, while being used for driving instructions, shall conspicuously display a sign, with background and letters of contrasting colors, stating "student driver."
- (2) The sign shall be visible from the rear in letters not less than three (3) inches in height. Letters shall be of a reflectorized material, basically white, amber, or yellow in color.  
*(Authorized by K.S.A. 8-278; effective Jan. 1, 1966; amended Jan. 1, 1970; amended May 1, 1979.)*

#### 91-7-6. Conduct of drivers' training schools.

- (a) *Advertising.* Advertising by drivers' training schools shall conform to the following:
- (1) the schools shall not publish, advertise, or imply that a license is guaranteed or assured;
  - (2) the schools shall not display signs, indicating that licenses or plates may be secured at the school;
  - (3) the letters and numerals in the name of the drivers' training school shall not be smaller than the letters and numerals in the remainder of the text of any sign, or combination of signs used as a part of the same message relating to drivers' training school activities;
  - (4) the school may use on forms, contracts and advertising the phrase, "This school is licensed by the State of Kansas." Other uses of the word "state" are prohibited. The school shall not advertise the address of any location other than the licensed principal place of business; and
  - (5) the school shall not employ any form of advertising which is misleading. Written notice of disapproval of misleading advertising by the state board shall be given to the licensee and the advertising in question shall be discontinued.
- (b) *Agreements.* A student shall not be given lessons, lectures, tutoring, or any other service relating to instructions in motor vehicle operation until a written contract, in a form approved by the state board has been executed both by the school and the student.
- (1) A copy of the contract shall be given to the student. The original shall be retained by the school.
  - (2) A school shall not use any contract unless the form of the contract has been approved by the state board.
  - (3) Each school shall file and maintain with the state board a list of those persons authorized or empowered to execute contracts on behalf of the school.
- (c) *Instruction permits.* A school shall ascertain, previous to giving instructions in driving, that a student is in possession of a valid instruction permit or a valid driver's license.
- (d) *Requirements at driving test.* An applicant appearing for a driving test with a vehicle for which a vehicle identification certificate has been issued or a vehicle not required to have a certificate, shall be accompanied by a Kansas licensed driver who has in his or her possession a valid instructor's license for the school whose name appears on the vehicle identification certificate.
- (e) *Employees of drivers' training schools.* A drivers' training school shall not knowingly employ any person in any capacity who has been convicted of a felony, driving while intoxicated, or negligent homicide. (Authorized by K.S.A. 8-278; effective Jan. 1, 1966; amended Jan. 1, 1970; amended May 1, 1979.)

#### 91-7-7. Grounds for revocation, suspension, and refusal to renew license.

- (a) *Action by the State Board of Education.* The state board may suspend or revoke a drivers' training school license or a drivers' training instructor's license or refuse to issue a renewal of these licenses for any of the reasons outlined in K.S.A. 8-279 after due notice of the violation in writing.
- (b) *Right to have hearing.* Any school or instructor notified of suspension, revocation, or refusal to issue a drivers' training school license or drivers' training instructor's license may, within twenty (20) days following date of notification, request and have a hearing before a committee appointed by the state board. This committee shall make recommendations to the state board and the decision of the board shall be final. (Authorized by K.S.A. 8-278; effective Jan. 1, 1966; amended Jan. 1, 1970; amended May 1, 1979.)

#### **91-7-8. Licenses required for instruction.**

- (a) The owner, operator, partner, or any officer of a drivers' training school, or any other person, shall not give instructions for compensation in the operation of motor vehicles, unless the person is the holder of an instructor's license issued by the state board and is the possessor of a valid Kansas driver's license.
- (b) *Application for instructors' licenses.* The applicant for an initial or renewal license shall:
  - (1) be at least twenty-one (21) years of age;
  - (2) present to the state board evidence of six (6) semester hours of credit in driver education and three (3) semester hours in general safety from an accredited college or university, or have a valid Kansas teacher's certificate coded for driver's education; and
  - (3) filed with the state board, on a form prescribed by the state board, a physical examination report and a health certificate.
- (c) *Fee, instructor's license.* The instructor's license shall be valid for the calendar year, and the annual fee for the initial license or renewal shall be five dollars (\$5.00)
- (d) *Carrying instructor's license.* The instructor's license shall be carried by the instructor at all times while giving driving instructions, or when accompanying an applicant for a driver's license to the office of a driver's license examiner.
- (e) *Lost, mutilated, or destroyed licenses.* Should a license be lost, mutilated, or destroyed, a duplicate license shall be issued upon proof of the facts and payment of a fee of five dollars (\$5.00) and, in the case of a mutilated license, the surrender of the license. Proof of facts shall consist of:
  - (1) the date the license was lost, mutilated, or destroyed; and
  - (2) the circumstances involving the loss, mutilation, or destruction.
- (f) *Surrender of instructor's license.* An instructor's license shall be surrendered to the state board immediately upon termination of an instructor's services with the drivers' training school designated on the license. *(Authorized by K.S.A. 8-278; effective Jan. 1, 1966; amended Jan. 1, 1970; amended May 1, 1979.)*

#### **91-7-9.**

*(Authorized by K.S.A. 8-278; effective Jan. 1, 1966; amended Jan. 1, 1967; amended Jan. 1, 1970; revoked May 1, 1979.)*

#### **91-7-10.**

*(Authorized by K.S.A. 8-278; effective Jan. 1, 1966; amended Jan. 1, 1970; revoked May 1, 1979.)*

#### **91-7-11. Classroom accommodations.**

Classroom facilities shall be subject to inspection and approval by the state board and shall have the following accommodations:

- (a) seating facilities and writing surfaces for no less than ten (10) students;
- (b) lighting, heating, ventilation, and sanitary facilities that comply with all local, city, county, municipal, state, and federal regulations; and Accrediting Community Colleges; Criteria
- (c) print and nonprint materials relating to the proper operation of motor vehicles and traffic laws. *(Authorized by K.S.A. 8-278; effective Jan. 1, 1966; amended Jan. 1, 1970; amended May 1, 1979.)*

91-7-12. *(Authorized by K.S.A. 8-278; effective Jan. 1, 1966; amended Jan. 1, 1970; revoked May 1, 1979.)*

**91-7-13. Classroom instruction.**

- (a) A minimum of eight (8) clock hours of classroom instruction shall be offered and taught to each student enrolled in any commercial drivers' training school.
- (b) The contents of classroom instruction shall be submitted to the state board for approval.
- (c) The offered classroom instruction shall be available at least once each calendar month for students currently enrolled in the drivers' training school and shall include safe driving practices in the operation of motor vehicles. *(Authorized by K.S.A. 8-278; effective Jan. 1, 1966; amended Jan. 1, 1970; amended May 1, 1979.)*

**91-7-14. Behind-the-wheel driving instruction.**

Each student shall be given six (6) clock hours of behind-the-wheel driving instruction in the initial drivers' training course. *(Authorized by K.S.A. 8-278; effective Jan. 1, 1966; amended Jan. 1, 1970; amended May 1, 1979.)*

**91-7-15. Advanced courses.**

(1) Advanced courses in driving under special conditions may be offered to licensed drivers. *(Authorized by K.S.A. 8-278; effective Jan. 1, 1966; amended Jan. 1, 1970.)*

**STATE STATUTES**

**K.S.A. Chapter 8 Article 2:**

**Drivers' Training School License Act: K.S.A. 8-273 through K.S.A. 8-279 Definitions**

**"Motor vehicle"** Every vehicle which is self-propelled upon or by which any person or property is or may be transported or drawn upon a public highway except devices used exclusively upon stationary rails or tracks.

**"Drivers' training schools."** Any person, partnership or corporation giving driving instruction to ten (10) or more persons per calendar year for the purpose of meeting requirements for licensed driving of motor vehicles in Kansas.

**"Person."** Every natural person, firm, co-partnership, association, corporation, or school. **"Department"** The State Department of Education acting directly or through its duly authorized officers and agents.

**"State board"** The State Board of Education

**"Drivers' license examiners."** Examiners appointed by the division of vehicles for the purpose of giving drivers' license examinations.



## Driver Training

### K.S.A. 8-272

**State safety fund, motorcycle safety fund and truck driver training fund; entitlements; certification of amounts; distribution; proration of insufficient appropriations; motorcycle safety courses and instructors; vocational education school, truck driver training.**

- (a) Any school district conducting an approved course in driver training and any student attending a nonpublic school accredited by the State Board of Education conducting an approved course in driver training shall be entitled to participate in the state safety fund created by K.S.A. 8-267, and amendments thereto. In August of each year, the superintendent of each school district and the governing authority of each nonpublic school shall report to the State Board of Education the number of students who have been in attendance for a complete driver training course conducted by such school district or nonpublic school during the past school year. The State Board of Education shall certify to the director of accounts and reports the amount due each school district and each student of a nonpublic school entitled to payment under this subsection. The director of accounts and reports shall draw warrants on the state treasurer payable to the treasurer of each school district and to each student of a nonpublic school entitled to payment under this subsection upon vouchers approved by the state board and shall cause such warrants to be delivered to the respective school districts and nonpublic schools. If the amount appropriated in any year from the state safety fund is insufficient to pay the full amount each school district and each student of a nonpublic school is entitled to receive under this subsection, then the entire amount appropriated for such year shall be prorated among all school districts and all students of nonpublic schools in proportion to the amount each school district and each student of a nonpublic school is entitled to receive. No moneys in the state safety fund shall be used for any purpose other than that specified in this subsection or for the support of driver improvement programs. The State Board of Education shall prescribe all forms necessary for reporting in connection with this act. The funds shall be distributed on or before November 1 each year.
- (b) (1) Any school district conducting an approved course in motorcycle safety as a part of an approved course in driver training; any student attending a nonpublic school accredited by the State Board of Education conducting an approved course in motorcycle safety as a part of an approved course in driver training or any community college conducting an approved course in motorcycle safety shall be entitled to participate in the motorcycle safety fund created by K.S.A. 8-267, and amendments thereto. The State Board of Education may establish, by rules and regulations, standards for the conduct, operation and approval of courses in motorcycle safety and for the qualifications of instructors for such courses conducted by a school district or nonpublic accredited school. Such standards shall not include the requirement that instructors be licensed by the State Board of Education. In August of each year, the superintendent of each school district or the governing authority of each nonpublic school shall report to the State Board of Education the number of students who have been in attendance for a complete course in motorcycle safety as a part of the driver training course conducted by such school district or nonpublic school during the past school year. The State Board of Education shall certify to the director of accounts and reports the amount due each school district and each student of a nonpublic school entitled to payment under this subsection. The director of accounts and reports shall draw warrants on the state treasurer payable to the treasurer of each school district and to each student of a nonpublic school entitled to payment under this subsection

upon vouchers approved by the state board and shall cause such warrants to be delivered to the respective school districts and nonpublic schools. If the amount appropriated in any year from the motorcycle safety fund shall be insufficient to pay the full amount each school district and each student of a nonpublic school is entitled to receive under this subsection, then the entire amount appropriated for such year shall be prorated among all school districts and all students of nonpublic schools in proportion to the amount each school district and each student of a nonpublic school is entitled to receive. No moneys in the motorcycle safety fund shall be used for any purpose other than that specified in this subsection or for the support of motorcycle driver improvement programs. The State Board of Education shall prescribe all forms necessary for reporting in connection with this act. The funds shall be distributed on or before November 1 each year.

(2) Any community college conducting an approved course in motorcycle safety shall be entitled to participate in the motorcycle safety fund created by K.S.A. 8-267, and amendments thereto. The State Board of Regents may establish, by rules and regulations, standards for the conduct, operation and approval of courses in motorcycle safety and for the qualifications of instructors for such courses conducted by a community college. Such standards shall not include the requirement that instructors be licensed by the State Board of Education. In August of each year, the Chief Administrative Officer of each community college shall report to the State Board of Regents the number of students who have been in attendance for a complete course in motorcycle safety as a part of the driver training course conducted by such community college during the past school year. The State Board of Regents shall certify to the director of accounts and reports the amount due each community college entitled to payment under this subsection. The director of accounts and reports shall draw warrants on the state treasurer payable to the treasurer of each community college entitled to payment under this subsection upon vouchers approved by the state board and shall cause such warrants to be delivered to the respective community colleges. If the amount appropriated in any year from the motorcycle safety fund shall be insufficient to pay the full amount each community college is entitled to receive under this subsection, then the entire amount appropriated for such year shall be prorated among all community colleges in proportion to the amount each community college is entitled to receive. No moneys in the motorcycle safety fund shall be used for any purpose other than that specified in this subsection or for the support of motorcycle driver improvement programs. The State Board of Regents shall prescribe all forms necessary for reporting in connection with this act. The funds shall be distributed on or before November 1 each year.

- (c) For the purpose of this subsection, "vocational education school" means community college, area vocational-technical school or area vocational school. Any vocational education school conducting an approved course in truck driving shall be entitled to participate in the truck driver training fund created by K.S.A. 8-267, and amendments thereto. The State Board of Regents may establish, by rules and regulations, standards for the conduct, operation and approval of courses in truck driver training and for the qualifications of instructors for such courses. Such standards shall not include the requirement that instructors be certificated by the State Board of Regents. In August of each year, the chief administrative officer of each vocational education school shall report to the State Board of Regents the number of students who have been in attendance for a complete course in truck driver training conducted by such vocational education school during the past school year. The State Board of Regents shall certify to the director of accounts and reports the amount due each vocational education school entitled to

payment under this subsection. The director of accounts and reports shall draw warrants on the state treasurer payable to the treasurer of each vocational education school entitled to payment under this subsection upon vouchers approved by the State Board of Regents and shall cause such warrants to be delivered to the respective vocational education school. If the amount appropriated in any year from the truck driver training fund shall be insufficient to pay the full amount each vocational education school is entitled to receive under this subsection, then the entire amount appropriated for such year shall be prorated among all vocational education schools in proportion to the amount each vocational education school is entitled to receive. No moneys in the truck driver training fund shall be used for any purpose other than that specified in this subsection or for the support of truck driver training programs. The State Board of Regents shall prescribe all forms necessary for reporting in connection with this act. The funds shall be distributed on or before November 1 each year.

**History:** L. 1959, ch. 312, § 1; L. 1969, ch. 310, § 1; L. 1971, ch. 20, § 1; L. 1974, ch. 40, § 1; L. 1977, ch. 39, § 1; L. 1978, ch. 35, § 1; L. 1979, ch. 39, § 1; L. 1982, ch. 42, § 3; L. 1989, ch. 39, § 3; L. 1990, ch. 41, § 4; L. 2005, ch. 194, § 25; May 19.

#### K.S.A. 8-273

**Drivers' training school license act; definitions.** The following words and phrases when used in this act shall, unless the context otherwise requires, have the meanings respectively ascribed to them in this section:

- (a) **"Motor vehicle."** Every vehicle which is self-propelled upon or by which any person or property is or may be transported or drawn upon a public highway except devices used exclusively upon stationary rails or tracks.
- (b) **"Drivers' training schools."** Any person, partnership or corporation giving driving instruction to ten (10) or more persons per calendar year for the purpose of meeting requirements for licensed driving of motor vehicles in Kansas.
- (c) **"Person."** Every natural person, firm, co-partnership, association, corporation, or school.
- (d) **"Department."** The State Department of Education acting directly or through its duly authorized officers and agents.
- (e) **"State board."** The State Board of Education.
- (f) **"Drivers' license examiners."** Examiners appointed by the division of vehicles for the purpose of giving drivers' license examinations. **History:** L. 1965, ch. 72, § 1; L. 1969, ch. 310, § 2; July 1

#### K.S.A. 8-274

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

**History:** L. 1965, ch. 72, § 2; L. 1969, ch. 310, § 3; July 1.

#### **K.S.A. 8-275**

**Same; qualifications to operate school.** Every person in order to qualify to operate a driving school shall meet the following requirements:

- (a) Be of good moral character.
- (b) Maintain an established place of business to the public.
- (c) Maintain bodily injury and property damage liability insurance on motor vehicles while used in driving instruction, insuring the liability of the driving school, the driving instructors and any person taking instruction in at least the following amounts: One hundred thousand dollars (\$100,000) for bodily injury to or death of one person in any one accident and, subject to said limit for one person, two hundred thousand dollars (\$200,000) for bodily injury to or death of two (2) or more persons in any one accident and the amount of twenty thousand dollars (\$20,000) for damage to property of others in any one accident. Evidence of such insurance coverage in the form of a certificate from the insurance carrier shall be filed with the State Department of Education, and such certificate shall stipulate that the insurance shall not be canceled except upon ten (10) days prior written notice to the state board. Such insurance shall be written by a company authorized to do business in this state.
- (d) Provide a continuous surety company bond in the principal sum of two thousand five hundred dollars (\$2,500) for the protection of the contractual rights of students in such form as will meet with the approval of the state board and written by a company authorized to do business in this state. However, the aggregate liability of the surety for all breaches of the condition of the bond in no event shall exceed the principal sum of two thousand five hundred dollars (\$2,500). The surety on any such bond may cancel such bond on giving thirty (30) days' notice thereof in writing to the state board and shall be relieved of liability for any breach of any condition of the bond which occurs after the effective date of cancellation.
- (e) Have the equipment necessary to the giving of proper instruction in the operation of motor vehicles as prescribed by the state board.
- (f) Pay to the board an application fee of twenty-five dollars (\$25).

**History:** L. 1965, ch. 72, § 3; L. 1969, ch. 310, § 4; July 1.

#### **K.S.A. 8-276**

**Drivers' training schools; qualifications for instructor of school.** Every person in order to qualify as an instructor for a driving school shall meet the following requirements:

- (a) Present to the state board evidence of: (1) Credit in driver education and safety from an accredited college or university equivalent to credits in those subjects which are required of instructors in the public schools of Kansas; (2) having a valid Kansas teacher's certificate coded for driver education; or (3) having completed at least 30 hours of classroom and 24 hours of behind the wheel training under the direct supervision of an individual who is presently licensed as an instructor by the state board under paragraphs (1) or (2) and who has been continuously licensed and who has actively instructed students for a period of at least three years.
- (b) Have knowledge of the Kansas operation lifesaver highway/railroad grade crossing safety program.
- (c) Be physically able to operate safely a motor vehicle and to train others in the operation of motor vehicles.
- (d) Provide a certificate of health from a medical doctor stating that such person is free from contagious disease.
- (e) Hold a valid Kansas drivers' license.

- (f) Pay to the state board an application fee of \$5.

**History:** L. 1965, ch. 72, § 4; L. 1969, ch. 310, § 5; L. 1994, ch. 204, § 1; July 1.

#### **K.S.A. 8-277**

**Same; issuance of certificate, when; expiration; renewal of licenses.**

- (a) The state board shall issue a license certificate to each applicant to conduct a driver training school or to each driver training instructor when the state board is satisfied that such person has met the qualifications required under this act.
- (b) All outstanding licenses issued to any driver training school or driver training instructor pursuant to the provisions of this act, shall expire as a matter of law at midnight on December 31 of the calendar year for which the license was issued, unless sooner canceled, suspended or revoked under the provisions of K.S.A. 8-279.
- (c) The license of each driver training school and each driver training instructor may be renewed subject to the same conditions as the original license, and upon payment of the same fee.
- (d) All applications for renewal of a driver training school license or driver training instructor's license shall be on a form prescribed by the state board, and must be filed with the State Department of Education not more than sixty (60) days, nor less than ten (10) days preceding the expiration date of the license to be renewed.

**History:** L. 1965, ch. 72, § 5; L. 1969, ch. 310, § 6; July 1.

#### **K.S.A. 8-278**

**Same; rules and regulations by state board.** The state board is authorized to prescribe by rules and regulations, standards for the eligibility, conduct and operation of driver training schools and instructors and to adopt other reasonable rules and regulations to carry out the provisions of this act. **History:** L. 1965, ch. 72, § 6; L. 1969, ch. 310, § 7; July 1.

#### **K.S.A. 8-279**

**Same; cancellation, suspension, revocation or refusal to issue license, when.** The state board may cancel, suspend, revoke or refuse to renew any driver's training school or driver's training instructor license:

- (a) When the state board is satisfied that the licensee fails to meet the requirements to receive or hold a license under this act.
- (b) Whenever the licensee fails to keep the records required herein.
- (b) Whenever the licensee permits fraud or engages in fraudulent practices either with reference to the applicant or the state board, or induces or countenances fraud or fraudulent practices on the part of any applicant for a driver's license or permit.
- (c) Whenever the licensee fails to comply with any provision of this act or any of the rules and regulations of the state board made pursuant thereto. (e) Whenever the licensee represents himself or herself as an agent or employee of the state board or license examiners or uses advertising designed to lead or which would reasonably have the effect of leading persons to believe that such licensee is in fact an employee or representative of the state board or license examiners.
- (f) Whenever the licensee or any employee or agent of the licensee solicits driver training or instruction in an office of any department of the state having to do with the administration of any law relating to motor vehicles.
- (g) Whenever the licensee has had his or her operator's or chauffeur's license canceled, suspended or revoked.

**History:** L. 1965, ch. 72, § 7; L. 1969, ch. 310, § 8; July 1.

**K.S.A. 8-280**

**Same; disposition of moneys.** All moneys received under this act 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 entire amount in the state treasury to the credit of the state safety fund created by K.S.A. 8-267, and amendments thereto.

**History:** L. 1965, ch. 72, § 8; L. 2001, ch. 5, § 34; July 1.

**K.S.A. 8-281**

**Same; penalty for violations.** Any person violating any provision of this act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than five hundred dollars (\$500) or be sentenced to the county jail for not more than six (6) months or both such fine and imprisonment.

**History:** L. 1965, ch. 72, § 9; June 30.

**K.S.A. 8-282**

**Same; act inapplicable to certain schools.** This act shall not apply to an accredited grade school, high school, junior college or college conducting a driver's training course; nor shall it apply to driver improvement schools operated by this state or a municipality thereof.

**History:** L. 1965, ch. 72, § 10; June 30

**K.S.A. 8-283**

**Same; citation of act.** This act may be cited as the drivers' training school license act.

**History:** L. 1965, ch. 72, § 11; June 30.

***An Equal Employment/Educational Opportunity Agency***

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KSDE General Counsel, 900 SW Jackson. Topeka, KS 66612 785-296-3201*

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