



STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

May 10, 1978

ATTORNEY GENERAL OPINION NO. 78- 160

Mr. Robert G. Suelter
County Attorney
Barton County
P.O. Box 881
Great Bend, KS 67530

Re: Motor Vehicles--Driver's License--Restrictions

Synopsis: After compliance with its provisions, K.S.A. 8-235(d), in and of itself, authorizes a person over 14 years of age but under 16 years of age to operate a motorized bicycle on the highway and the restrictions of K.S.A. 8-237 do not apply.

* * *

Dear Mr. Suelter:

You inquire whether persons over 14 years of age but under 16 years of age, holding a class C license, authorizing them to operate motorized bicycles, are subject to the restrictions of K.S.A. 8-237.

K.S.A. 8-237 provides in pertinent part that:

A restricted class C license issued pursuant to this subsection shall entitle the holder thereof, while having such license in his or her possession, to operate any motor vehicle in class C, as designated in K.S.A. 1977 Supp. 8-234(b), and a restricted class D license

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shall entitle the holder thereof, while the license is in the licensee's possession, to operate a motorcycle. Any such restricted license shall entitle the licensee to operate the appropriate vehicle at any time while going to or from or in connection with any job, employment, or farm-related work, or on days while school is in session, over the most direct and accessible route between the licensee's residence and his or her school of enrollment for the purposes of school attendance, or when such licensee is operating a passenger car, at any time when accompanied by an adult who is the holder of a valid class A, B, or C driver's license, and who is actually occupying a seat beside the driver, or when such licensee is operating a motorcycle, at any time when accompanied by an adult who is the holder of a valid class D driver's license and who is operating a motorcycle in the general proximity of the licensee. [Emphasis Supplied]

In our view this statutory language is clear. The restrictions contained in K.S.A. 8-237 only apply to a license issued pursuant to that section.


K.S.A. 8-23d(d) provides as follows:

(d) No person shall drive any motorized bicycle upon a highway of this state unless: (1) Such person has a valid driver's license which entitles the licensee to drive a motor vehicle in any class or classes; or (2) such person is at least fourteen (14) years of age and has passed the written and visual examinations required for obtaining a class C driver's license, in which case the division shall issue to such person a class C license which clearly indicates such license is valid only for the operation of motorized bicycles.

K.S.A. 8-235(d) clearly provides for the issuance of a driver's license for the operation of motorized bicycles which is independent from the provisions of K.S.A. 8-237. We conclude, therefore, that the provisions

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of K.S.A. 8-235(d) are in no way related to the restrictions contained in K.S.A. 8-237, and a person between the age of 14 and 15 years may operate a motorized bicycle with a license issued pursuant to K.S.A. 8-235(d) without being restricted by the provisions of K.S.A. 8-237.

Very truly yours,

CURT T. SCHNEIDER
Attorney General

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