



STATE OF KANSAS

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ATTORNEY GENERAL OPINION NO. 89- 124

John D. Gatz
Counsel for U.S.D. No. 315
390 N. Franklin
P.O. Box 346
Colby, Kansas 67701

Re: Automobiles and Other Vehicles -- Drivers'
 Licenses; Motor Vehicle Drivers' License Act --
 Persons to Whom License Not Issued; Exceptions;
 Restricted Licenses; Conditions

Synopsis: K.S.A. 8-237 allows persons possessing restricted
 drivers' licenses to drive over the most direct and
 accessible route from their residence to their
 school of enrollment and back for the purpose of
 school attendance. Driving to school for reasons
 other than school attendance, such as
 extracurricular activities, is prohibited. A
 restricted driver may, for school attendance
 purposes only, drive directly to a second campus
 while school is in session. Cited herein: K.S.A.
 8-237; 72-4401; 77-201.

* * *

Dear Mr. Gatz:

As legal counsel for Unified School District No. 315, you request our opinion as to whether an individual having a restricted drivers' license pursuant to K.S.A. 8-237 is permitted to operate a motor vehicle during the hours when school is in session in order to drive over the most direct

route between one school campus to another campus of the same school for attendance of vocational-agricultural classes.

K.S.A. 8-237 states in part:

"A restricted class C license issued under this subsection shall entitle the licensee, while possessing the license, to operate any motor vehicle in class C, as designated in K.S.A. 8-2346. . . . The restricted license shall entitle the licensee to operate the appropriate vehicle at any time: . . . (2) on days while school is in session, over the most direct and accessible route between the licensee's residence and school of enrollment for purposes of school attendance." (Emphasis added).

As discussed in Attorney General Opinion No. 88-110, K.S.A. 8-237 authorizes a restricted driver to drive from his or her residence to school and back for the purpose of school attendance. Driving from one campus of a school to another campus of the same school is not addressed in the statute. However, it can be argued that driving to a second campus is merely a continuation of the trip from home to school in that, while there is a stop at one campus, the trip to the second campus is part of the drive from residence to school for the purpose of attending school.

When the language of a statute is unambiguous, courts follow the intent expressed in the statute. Boaldin v. University of Kansas, 242 Kan. 288 (1987). However, when a statute is subject to interpretation, the purpose and intent of the legislature governs. Harris Enterprises, Inc. v. Moore, 241 Kan. 59 (1987). In determining legislative intent, courts are not bound to an examination of language alone but may properly consider the causes which impel the adoption of the statute, the objective sought by the legislature, the historical background of the statute and the effect the statute may have under the various suggested constructions. State v. Phifer, 241 Kan. 233 (1987).

K.S.A. 8-237 restricts the occasions that underage drivers may drive alone. Pursuant to K.S.A. 8-237 the legislature recognizes that some students may have to provide their own transportation to school. Until 1949 the only restrictions on a 14 or 15 year old licensee, beyond those which apply to an

unrestricted licensee, prohibited the younger drivers from driving a motor vehicle used as either a bus or a common carrier. In 1949, K.S.A. 8-237 was amended to include an additional, but minor, restriction; the legislature began to require a parent's or guardian's signature before a 14 or 15 year old could receive a restricted license. L. 1949, ch. 104, § 8. This resulted in a decrease in the number of minors obtaining and driving pursuant to restricted licenses. In 1955 the first major restrictions regarding school attendance were added. These restrictions allowed a minor to drive only between the hours of 7 a.m. and 6 p.m. on days when school was in session and from home to school and back for the purpose of school attendance. L. 1959, ch. 50, § 1. These time restraints were eliminated pursuant to L. 1975, ch. 36, § 10.

The amendments to K.S.A. 8-237 reflect the increase in traffic on Kansas roads from 1943 to 1955. According to the Department of Transportation, in 1943 cars traveled 4,178,684,000 miles on Kansas roads. By 1954, that number has increased to 9,266,790,000, more than twice the miles traveled in 1943 (Mileage and Travel Tables as of Dec. 31, 1987 compiled and provided by Kansas Department of Transportation). This increase in cars on the roads resulted in a need for increased traffic safety. Amendments to K.S.A. 8-237 resulted in a decrease in the number of minors possessing or using restricted licenses. Nevertheless, the legislature continued to allow underage drivers to use their restricted driving privileges in order to drive themselves to school for the purpose of attending school.

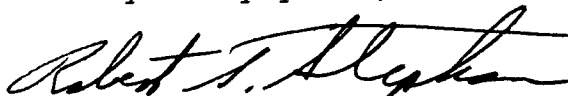
Attorney General Opinion No. 88-110 opined that while K.S.A. 8-237 allows a restricted driver to drive to school and back for school attendance purposes, a student may not drive to extracurricular school activities. See also Attorney General Opinion No. 83-83. Colby High's second campus is used for vocational and agricultural classes. Vo-ag classes are considered core-curriculum, as set forth in K.S.A. 72-4401. Attorney General Opinion No. 88-110 states that "driving to classes offered while school is in session during non-traditional times, such as summer or evening, more closely resembles school attendance . . . and in our opinion may be permissible in specific instances." Thus, we interpreted the school restriction in a manner supporting the extremely limited school attendance purpose.

Driving while school is in session to attend a class at a separate school campus can be distinguished from driving to lunch or to an activity merely associated with school or a

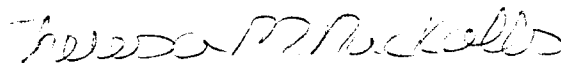
class. The middle of the morning or afternoon may not be considered a traditional drive time since most students go to and from school at approximately 8:00 A.M. in the morning and 3:00 P.M. in the afternoon. However, in this case the drive is for school attendance purposes while school is session. Students will be driving to attend a core-curriculum class at the school they are enrolled in and not driving to mere extracurricular activities.

Legislative history indicates that separate campuses were not discussed when the school portion of the statute was included. Such separate campuses may not have existed in 1955. The legislature does indicate a clear intent to allow students to drive to and from school and their residence over the most direct route for the purpose of attending school. In driving from one campus to another while school is in session for the purposes of attending school, the intent of the statute is not violated. Thus, it is our opinion that K.S.A. 8-237 permits students possessing a restricted drivers license to drive from one campus to another for the purpose of attending school while school is in session. Such a use may be viewed as part of the permissible drive from school to residence and must be over the most direct route for the purpose of attending school. We note that, perhaps due to the nature of the statute, various interpretations of these restrictions abound. However, legislative discussion and court cases provide little or no guidance. It may therefore be beneficial to seek legislative clarification or directive as to second campus or extra-curricular activities.

Very truly yours,



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