AN ACT concerning driver's licenses; amending K.S.A. 2011 Supp. 8-247 and 8-2,101 and repealing the existing sections.

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

Section 1. K.S.A. 2011 Supp. 8-247 is hereby amended to read as follows: 8-247. (a) (1) All original licenses shall expire as follows:

(A) Licenses issued to persons who are at least 21 years of age, but less than 65 years of age shall expire on the sixth anniversary of the date of birth of the licensee which is nearest the date of application;

(B) licenses issued to persons who are 65 years of age or older shall expire on the fourth anniversary of the date of birth of the licensee which is nearest the date of application;

(C) any commercial drivers license shall expire on the fourth anniversary of the date of birth of the licensee which is nearest the date of application;

(D) licenses issued to an offender, as defined in K.S.A. 22-4902, and amendments thereto, who is required to register pursuant to the Kansas offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, shall expire every year on the date of birth of the licensee; or

(E) licenses issued to persons who are less than 21 years of age shall expire on 180 days after on the licensee's twenty-first 21st birthday.

(2) All renewals under: (A) Paragraph (1) (A) shall expire on every sixth anniversary of the date of birth of the licensee; (B) paragraph (1) (B) and (C) shall expire on every fourth anniversary of the date of birth of the licensee; (C) paragraph (1)(D) shall expire every year on the date of birth of the licensee; and (D) paragraph (1) (E), if a renewal license is issued, shall expire on 180 days after on the licensee's twenty-first 21st birthday. No driver's license shall expire in the same calendar year in which the original license or renewal license is issued, except that if the foregoing provisions of this section shall require the issuance of a renewal license or an original license for a period of less than six calendar months, the license issued to the applicant shall expire in accordance with the provisions of this subsection.

(b) If the driver's license of any person expires while such person is
outside of the state of Kansas and such person is on active duty in the
armed forces of the United States, or is the spouse or a person who is
residing with and is a dependent of such person on active duty, the license
of such person shall be renewable, without examination, at any time prior
to the end of the sixth month following the discharge of such person from
the armed forces, or within 90 days after residence within the state is
reestablished, whichever time is sooner. If the driver's license of any
person under this subsection expires while such person is outside the
United States, the division shall provide for renewal by mail, as long as the
division has a photograph or digital image of such person maintained in
the division's records. A driver's license renewed under the provisions of
this subsection shall be renewed by mail only once.

(c) At least 30 days prior to the expiration of a person's license the
division shall mail a notice of expiration or renewal application to such
person at the address shown on the license. The division shall include with
such notice a written explanation of substantial changes to traffic
regulations enacted by the legislature.

(d) (1) Except as provided in paragraph (2), every driver's license
shall be renewable on or before its expiration upon application and
payment of the required fee and successful completion of the examinations
required by subsection (e). Application for renewal of a valid driver's
license shall be made to the division in accordance with rules and
regulations adopted by the secretary of revenue. Such application shall
contain all the requirements of subsection (b) of K.S.A. 8-240, and
amendments thereto. Upon satisfying the foregoing requirements of this
subsection, and if the division makes the findings required by K.S.A. 8-
235b, and amendments thereto, for the issuance of an original license, the
license shall be renewed without examination of the applicant's driving
ability. If the division finds that any of the statements relating to
revocation, suspension or refusal of licenses required under subsection (b)
of K.S.A. 8-240, and amendments thereto, are in the affirmative, or if it
finds that the license held by the applicant is not a valid one, or if the
applicant has failed to make application for renewal of such person's
license on or before the expiration date thereof, the division may require
the applicant to take an examination of ability to exercise ordinary and
reasonable control in the operation of a motor vehicle as provided in
K.S.A. 8-235d, and amendments thereto.

(2) Any licensee, whose driver's license expires on their twenty-first
21st birthday, shall have 45 15 days from the date of expiration of such
license to make application to renew such licensee's license. Such license
shall continue to be valid for such 45 15 days or until such license is
renewed, whichever occurs sooner. A licensee who renews under the
provisions of this paragraph shall not be required by the division to take an
examination of ability to exercise ordinary and reasonable control in the
operation of a motor vehicle as provided in K.S.A. 8-235d, and
amendments thereto.

(e) (1) Prior to renewal of a driver's license, the applicant shall pass
an examination of eyesight. Such examination shall be equivalent to the
test required for an original driver's license under K.S.A. 8-235d, and
amendments thereto. A driver's license examiner shall administer the
examination without charge and shall report the results of the examination
on a form provided by the division.

(2) In lieu of the examination of the applicant's eyesight by the
examiner, the applicant may submit a report on the examination of
eyesight by a physician licensed to practice medicine and surgery or by a
licensed optometrist. The report shall be based on an examination of the
applicant's eyesight not more than three months prior to the date the report
is submitted, and it shall be made on a form furnished by the division to
the applicant.

(3) The division shall determine whether the results of the eyesight
examination or report is sufficient for renewal of the license and, if the
results of the eyesight examination or report is insufficient, the division
shall notify the applicant of such fact and return the license fee. In
determining the sufficiency of an applicant's eyesight, the division may
request an advisory opinion of the medical advisory board, which is
hereby authorized to render such opinions.

(4) An applicant who is denied a license under this subsection (e)
may reapply for renewal of such person's driver's license, except that if
such application is not made within 90 days of the date the division sent
notice to the applicant that the license would not be renewed, the applicant
shall proceed as if applying for an original driver's license.

(5) When the division has good cause to believe that an applicant for
renewal of a driver's license is incompetent or otherwise not qualified to
operate a motor vehicle in accord with the public safety and welfare, the
division may require such applicant to submit to such additional
examinations as are necessary to determine that the applicant is qualified
to receive the license applied for. Subject to paragraph (6) of this
subsection, in so evaluating such qualifications, the division may request
an advisory opinion of the medical advisory board which is hereby
authorized to render such opinions in addition to its duties prescribed by
subsection (b) of K.S.A. 8-255b, and amendments thereto. Any such
applicant who is denied the renewal of such a driver's license because of a
mental or physical disability shall be afforded a hearing in the manner
prescribed by subsection (c) of K.S.A. 8-255, and amendments thereto.

(6) Seizure disorders which are controlled shall not be considered a
disability. In cases where such seizure disorders are not controlled, the
director or the medical advisory board may recommend that such person
be issued a driver's license to drive class C or M vehicles and restricted to
operating such vehicles as the division determines to be appropriate to
assure the safe operation of a motor vehicle by the licensee. Restricted
licenses issued pursuant to this paragraph shall be subject to suspension or
revocation. For the purpose of this paragraph, seizure disorders which are
controlled means that the licensee has not sustained a seizure involving a
loss of consciousness in the waking state within six months preceding the
application or renewal of a driver's license and whenever a person licensed
to practice medicine and surgery makes a written report to the division
stating that the licensee's seizures are controlled. The report shall be based
on an examination of the applicant's medical condition not more than three
months prior to the date the report is submitted. Such report shall be made
on a form furnished to the applicant by the division. Any physician who
makes such report shall not be liable for any damages which may be
attributable to the issuance or renewal of a driver's license and subsequent
operation of a motor vehicle by the licensee.

(f) If the driver's license of any person expires while such person is
outside the state of Kansas, the license of such person shall be extended
for a period not to exceed six months and shall be renewable, without a
driving examination, at any time prior to the end of the sixth month
following the original expiration date of such license or within 10 days
after such person returns to the state, whichever time is sooner. This
subsection (f) shall not apply to temporary drivers' licenses issued pursuant
to subsection (b)(3) of K.S.A. 8-240, and amendments thereto.

(g) The division shall reference the website of the agency in a
person's notice of expiration or renewal under subsection (c). The division
shall provide the following information on the website of the agency:

(1) Information explaining the person's right to make an anatomical
gift in accordance with K.S.A. 8-243, and amendments thereto, and the
revised uniform anatomical gift act, K.S.A. 2011 Supp. 65-3220 through
65-3244, and amendments thereto;

(2) information describing the organ donation registry program
maintained by the Kansas federally designated organ procurement
organization. The information required under this paragraph shall include,
in a type, size and format that is conspicuous in relation to the surrounding
material, the address and telephone number of Kansas' federally
designated organ procurement organization, along with an advisory to call
such designated organ procurement organization with questions about the
organ donor registry program;

(3) information giving the applicant the opportunity to be placed on
the organ donation registry described in paragraph (2);

(4) inform the applicant that, if the applicant indicates under this
subsection a willingness to have such applicant's name placed on the organ
donor registry described in paragraph (2), the division will forward the
applicant's name, gender, date of birth and most recent address to the organ
donation registry maintained by the Kansas federally designated organ
procurement organization, as required by paragraph (6);
(5) the division may fulfill the requirements of paragraph (4) by one
or more of the following methods:
(A) Providing such information on the website of the agency; or
(B) providing printed material to an applicant who personally appears
at an examining station;
(6) if an applicant indicates a willingness under this subsection to
have such applicant's name placed on the organ donor registry, the division
shall within 10 days forward the applicant's name, gender, date of birth and
most recent address to the organ donor registry maintained by the Kansas
federally designated organ procurement organization. The division may
forward information under this subsection by mail or by electronic means.
The division shall not maintain a record of the name or address of an
individual who indicates a willingness to have such person's name placed
on the organ donor registry after forwarding that information to the organ
donor registry under this subsection. Information about an applicant's
indication of a willingness to have such applicant's name placed on the
organ donor registry that is obtained by the division and forwarded under
this paragraph shall be confidential and not disclosed.
(h) Notwithstanding any other provisions of law, any offender under
subsection (a)(1)(D) who held a valid driver's license on the effective date
of this act may continue to operate motor vehicles until the next
anniversary of the date of birth of such offender. Upon such date such
driver's license shall expire and the offender shall be subject to the
provisions of this section.
(i) The director of the division of vehicles shall submit a report to the
legislature at the beginning of the regular session in 2012 regarding the
impact of not requiring a written test for the renewal of a driver's license,
including any cost savings to the division.
Sec. 2. K.S.A. 2011 Supp. 8-2,101 is hereby amended to read as
follows: 8-2,101. The division of vehicles may issue a restricted class C
or M driver's license in accordance with the provisions of this section. A
restricted class C license issued under this section shall entitle the
licensee, while possessing the license, to operate any motor vehicle in
class C, as designated in K.S.A. 8-234b, and amendments thereto. A
restricted class M license shall entitle the licensee, while possessing such
license, to operate a motorcycle.
(a) The division may issue a restricted class C or M driver's license
to any person who:
(1) Is at least 15 years of age;
(2) has successfully completed an approved course in driver training;
(3) has held an instructional permit issued under the provisions of K.S.A. 8-239, 8-2,100, and amendments thereto, for a period of at least one year and has completed at least 25 hours of adult supervised driving or has obtained an instructional permit from another state or the district of Columbia which has equivalent or greater requirements; and
(4) upon the written application of the person’s parent or guardian, which shall be submitted to the division.

Any licensee issued a restricted license under this subsection, shall provide prior to reaching 16 years of age, a signed affidavit of either a parent or guardian, stating that the applicant has completed the required 25 hours prior to being issued a restricted license and 25 hours of additional adult supervised driving. Of the 50 hours required by this subsection, at least 10 of those hours shall be at night. The adult supervised driving shall be conducted by an adult who is at least 21 years of age and is the holder of a valid commercial driver's license, class A, B or C driver's license.

(b) (1) A restricted license issued under subsection (a) shall entitle a licensee who is at least 15 years of age but less than 16 years of age, to operate the appropriate motor vehicles at any time:
(A) While going to or from or in connection with any job, employment or farm-related work;
(B) on days while school is in session, over the most direct and accessible route between the licensee's residence and school of enrollment for the purposes of school attendance;
(C) when the licensee is operating a passenger car, at any time when accompanied by an adult, who is the holder of a valid commercial driver's license, class A, B or C driver's license and who is actually occupying a seat beside the driver; or
(D) when the licensee is operating a motorcycle, at any time when accompanied by an adult, who is the holder of a valid class M driver's license and who is either operating a motorcycle in the general proximity of the licensee or is riding as a passenger on the motorcycle being operated by the licensee.

(2) For a period of six months, a restricted license issued under subsection (a) shall entitle a licensee who is at least 16 years of age to operate the appropriate motor vehicles at any time:
(A) From 5:00 a.m. to 9:00 p.m.;
(B) while going to or from or in connection with any job, employment or farm-related work;
(C) while going to or from authorized school activities;
(D) while going directly to or from any religious worship service held by a religious organization;

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

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

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

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

(A) Has held an instructional permit issued under the provisions of K.S.A. 8-239, and amendments thereto, for a period of at least one year; and

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

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

(A) From 5:00 a.m. to 9:00 p.m.;

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

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

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

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

(F) when the licensee is operating a motorcycle, at any time when accompanied by an adult, who is the holder of a valid class M driver's license and who is either operating a motorcycle in the general
proximity of the licensee or is riding as a passenger on the motorcycle
being operated by the licensee. After such six-month period, if the licensee has complied with the
provisions of this section, such restricted license shall entitle the licensee
to operate the appropriate motor vehicles at any time without any of the
restrictions required by this section.
(d) (1) Any licensee issued a restricted license under subsection (a):
(A) Who is less than 16 years of age shall not operate any motor
vehicle with nonsibling minor passengers; or
(B) who is at least 16 years of age, for a period of six months after
reaching 16 years of age, shall not operate any motor vehicle with more
than one passenger who is less than 18 years of age and who is not a
member of the licensee's immediate family.
(2) Any licensee issued a restricted license under subsection (c), for
a period of six months after such restricted license is issued, shall not
operate any motor vehicle with more than one passenger who is less
than 18 years of age and who is not a member of the licensee's
immediate family.
(3) Any conviction for violating this subsection shall be construed
as a moving traffic violation for the purpose of K.S.A. 8-255, and
amendments thereto.
(e) Any licensee issued a restricted license under this section shall
not operate a wireless communication device while driving a motor
vehicle, except that a licensee may operate a wireless communication
device while driving a motor vehicle to report illegal activity or to
summons medical or other emergency help.
(f) (1) A restricted driver's license issued under this section is
subject to suspension or revocation in the same manner as any other
driver's license.
(2) A restricted driver's license shall be suspended in accordance
with K.S.A. 8-291, and amendments thereto, for any violation of
restrictions under this section.
(3) The division shall suspend the restricted driver's license upon
receiving satisfactory evidence that the licensee has been involved in two
or more accidents chargeable to the licensee and such suspended license
shall not be reinstated for one year.
(g) Evidence of failure of any licensee who was required to
complete the 50 hours of adult supervised driving under this section
shall not be admissible in any action for the purpose of determining any
aspect of comparative negligence or mitigation of damages.
(h) Any licensee issued a restricted license under:
(1) Subsection (a) who:
(A) Is under the age of 16 years and is convicted of two or more
moving traffic violations committed on separate occasions shall not be eligible to receive a driver's license which is not restricted in accordance with the provisions of subsection (b)(1) until the person reaches 17 years of age;

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

(C) fails to provide the affidavit required under subsection (a) shall not be eligible to receive a driver's license which is not restricted in accordance with the provisions of subsection (b)(1) until the person provides such affidavit to the division or the person reaches 17 years of age, whichever occurs first.

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

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

Sec. 2. K.S.A. 2011 Supp. 8-247 and 8-2,101 are hereby repealed.

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