

As Amended by House Committee

Session of 2020

SENATE BILL No. 326

By Committee on Transportation

1-28

1 AN ACT concerning drivers' licenses; relating to online renewals of
2 licenses; authorizing individuals up to 65 years of age the ability to
3 renew online; **providing for drivers' license renewal notices to be**
4 **delivered electronically; clarifying the weight restrictions for**
5 **certain classes of drivers' licenses; amending K.S.A. 2019 Supp. 8-**
6 **234b, 8-240 and 8-247 and repealing the existing ~~section~~ sections.**
7

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

9 **Section 1. K.S.A. 2019 Supp. 8-234b is hereby amended to read as**
10 **follows: 8-234b. (a) Every original driver's license issued by the**
11 **division shall indicate the class or classes of motor vehicles ~~which~~ that**
12 **the licensee is entitled to drive. For this purpose the following classes**
13 **are established:**

14 **(1) Commercial class A motor vehicles include any combination of**
15 **vehicles with a gross combination weight rating *or gross combination***
16 **weight of 26,001 pounds or more, providing the gross vehicle weight**
17 **rating *or gross vehicle weight* of the vehicle or vehicles being towed is**
18 **in excess of 10,000 pounds;**

19 **(2) commercial class B motor vehicles include any single vehicle**
20 **with a gross vehicle weight rating *or gross vehicle weight* of 26,001**
21 **pounds or more, or any such vehicle towing a vehicle not in excess of**
22 **10,000 pounds gross vehicle weight rating *or gross vehicle weight*;**

23 **(3) commercial class C motor vehicles include any single vehicle**
24 **less than 26,001 pounds gross vehicle weight rating *or gross vehicle***
25 **weight, or any such vehicle towing a vehicle not in excess of 10,000**
26 **pounds, or any vehicle less than 26,001 pounds gross vehicle weight**
27 **rating *or gross vehicle weight* towing a vehicle in excess of 10,000**
28 **pounds gross vehicle weight rating *or gross vehicle weight*, provided**
29 **the gross combination weight rating *or gross combination weight* of the**
30 **combination is less than 26,001 pounds comprising:**

31 **(A) Vehicles designed to transport 16 or more passengers,**
32 **including the driver; or**

33 **(B) vehicles used in the transportation of hazardous materials**
34 **~~which~~ that requires the vehicle to be placarded;**

35 **(4) class A motor vehicles include any combination of vehicles**
36 **with a gross combination weight rating *or gross combination weight* of**

1 **26,001 pounds or more, provided the gross combination weight rating**
2 *or gross combination weight of the vehicle or vehicles being towed is in*
3 **excess of 10,000 pounds, and all other lawful combinations of vehicles**
4 **with a gross combination weight rating *or gross combination weight of***
5 **26,001 pounds, ~~or more, except that.~~ Class A ~~does~~ *motor vehicles do not***
6 **include a combination of vehicles that has a truck registered as a farm**
7 **truck under K.S.A. 8-143, and amendments thereto;**

8 **(5) class B motor vehicles include any single vehicle with a gross**
9 **vehicle weight rating *or gross vehicle weight of 26,001 pounds or more,***
10 **or any such vehicle towing a vehicle not in excess of 10,000 pounds**
11 **gross vehicle weight rating *or gross vehicle weight.* Class B motor**
12 **vehicles do not include a single vehicle registered as a farm truck**
13 **under K.S.A. 8-143, and amendments thereto, when such farm truck**
14 **has a gross vehicle weight rating *or gross vehicle weight of 26,001***
15 **pounds, ~~or more,~~ or any fire truck operated by a volunteer fire**
16 **department;**

17 **(6) class C motor vehicles include any single vehicle with a gross**
18 **vehicle weight rating *or gross vehicle weight less than 26,001 pounds,***
19 **or any such vehicle towing a vehicle not in excess of 10,000 pounds**
20 **gross vehicle weight rating *or gross vehicle weight,* or any vehicle with**
21 **a less than 26,001 gross vehicle weight rating *or gross vehicle weight***
22 **towing a vehicle in excess of 10,000 pounds gross vehicle weight rating**
23 ***or gross vehicle weight,* provided the gross combination weight rating**
24 ***or gross vehicle weight of the combination is less than 26,001 pounds,***
25 **or any single vehicle registered as a farm truck under K.S.A. 8-143,**
26 **and amendments thereto, when such farm truck has a gross vehicle**
27 **weight rating *or gross vehicle weight of 26,001 pounds, or more,* or any**
28 **fire truck operated by a volunteer fire department or any autocycle;**
29 **and**

30 **(7) class M motor vehicles includes motorcycles, but does not**
31 **include autocycles.**

32 **As used in this subsection, "gross vehicle weight rating" means the**
33 **value specified by the manufacturer as the maximum loaded weight of**
34 **a single or a combination (articulated) vehicle. The gross vehicle**
35 **weight rating of a combination (articulated) vehicle, commonly**
36 **referred to as the gross combination weight rating, is the gross vehicle**
37 **weight rating of the power unit plus the gross vehicle weight rating of**
38 **the towed unit or units.**

39 **(b) Every applicant for an original driver's license shall indicate**
40 **on such person's application the class or classes of motor vehicles ~~for~~**
41 **~~which~~ *that* the applicant desires a license to drive, and the division**
42 **shall not issue a driver's license to any person unless such person has**
43 **demonstrated satisfactorily ability to exercise ordinary and reasonable**

1 control in the operation of motor vehicles in the class or classes ~~for~~
2 ~~which~~ *that* the applicant desires a license to drive. The division shall
3 administer an appropriate examination of each applicant's ability to
4 drive such motor vehicles. Except as provided in K.S.A. 8-2,125
5 through 8-2,142, and amendments thereto, the director of vehicles may
6 accept a copy of the certificate of a person's road test issued to an
7 individual under the regulatory requirements of the United States
8 department of transportation, in lieu of requiring the person to
9 demonstrate ability to operate any motor vehicle or combination of
10 vehicles, if such certificate was issued not more than three years prior
11 to the person's application for a driver's license.

12 (c) Any person who is the holder of a valid driver's license ~~which~~
13 *that* entitles the person to drive class A motor vehicles may also drive
14 class B and C motor vehicles. Any person who is the holder of a valid
15 driver's license ~~which~~ *that* entitles the person to drive class B motor
16 vehicles may also drive class C motor vehicles.

17 (d) The secretary of revenue shall adopt rules and regulations
18 establishing qualifications for the safe operation of the various types,
19 sizes and combinations of vehicles in each class of motor vehicles
20 established in subsection (a). Such rules and regulations shall include
21 the adoption of at least the minimum qualifications for commercial
22 drivers' licenses contained in the commercial motor vehicle safety act
23 of 1986.

24 (e) Any reference in the motor vehicle drivers' license act to a
25 class or classes of motor vehicles is a reference to the classes of motor
26 vehicles established in subsection (a), and any reference in the motor
27 vehicle drivers' license act to a classified driver's license or a class of
28 driver's license means a driver's license ~~which~~ *that* restricts the holder
29 thereof to driving one or more of such classes of motor vehicles.

30 (f) The secretary of revenue may enter into a contract with any
31 person, who meets the qualifications imposed on persons regularly
32 employed by the division as drivers' license examiners, to accept
33 applications for drivers' licenses and to administer the examinations
34 required for the issuance of drivers' licenses.

35 (g) Notwithstanding the provisions of subsection (a), any person
36 employed as an automotive mechanic who possesses a valid class C
37 driver's license may drive any class A or class B motor vehicle on the
38 highways for the purpose of determining the proper performance of
39 the vehicle, except that this does not include commercial class A, B or
40 C vehicles.

41 ~~Section 1.~~ Sec. 2. K.S.A. 2019 Supp. 8-240 is hereby amended to
42 read as follows: 8-240. (a) (1) Every application for an instruction permit
43 shall be made upon a form furnished by the division of vehicles and

1 accompanied by a fee of \$2 for class A, B, C or M and \$5 for all
2 commercial classes. Every other application shall be made upon a form
3 furnished by the division and accompanied by an examination fee of \$3,
4 unless a different fee is required by K.S.A. 8-241, and amendments
5 thereto, and by the proper fee for the license for which the application is
6 made. All commercial class applicants shall be charged a \$15 driving test
7 fee for the drive test portion of the commercial driver's license application.
8 If the applicant is not required to take an examination or the commercial
9 license drive test, the examination or commercial drive test fee shall not be
10 required. The examination shall consist of three tests, as follows: (A)
11 Vision; (B) written; and (C) driving. For a commercial driver's license, the
12 drive test shall consist of three components, as follows: (A) Pre-trip; (B)
13 skills test; and (C) road test. If the applicant fails the vision test, the
14 applicant may have correction of vision made and take the vision test
15 again without any additional fee. If an applicant fails the written test, the
16 applicant may take such test again upon the payment of an additional
17 examination fee of \$1.50. If an applicant fails the driving test, the
18 applicant may take such test again upon the payment of an additional
19 examination fee of \$1.50. If an applicant for a commercial driver's license
20 fails any portion of the commercial drive test, the applicant may take such
21 test again upon the payment of an additional drive test fee of \$10. If an
22 applicant fails to pass all three of the tests within a period of six months
23 from the date of original application and desires to take additional tests,
24 the applicant shall file an application for reexamination upon a form
25 furnished by the division, which shall be accompanied by a reexamination
26 fee of \$3, except that any applicant who fails to pass the written or driving
27 portion of an examination four times within a six-month period, shall be
28 required to wait a period of six months from the date of the last failed
29 examination before additional examinations may be given. Upon the filing
30 of such application and the payment of such reexamination fee, the
31 applicant shall be entitled to reexamination in like manner and subject to
32 the additional fees and time limitation as provided for examination on an
33 original application. If the applicant passes the reexamination, the
34 applicant shall be issued the classified driver's license for which the
35 applicant originally applied, which license shall be issued to expire as if
36 the applicant had passed the original examination.

37 (2) Applicants for class M licenses who have completed prior
38 motorcycle safety training in accordance with department of defense
39 instruction 6055.04 (DoDI 6055.04) or the motorcycle safety foundation
40 are not required to complete further written and driving testing pursuant to
41 paragraph (1). An applicant seeking exemption from the written and
42 driving tests pursuant to this paragraph shall provide a copy of the
43 motorcycle safety foundation completion form to the division prior to

1 receiving a class M license.

2 (3) On and after January 1, 2017, an applicant for a class M license
3 who passes a driving examination on a three-wheeled motorcycle—~~which~~
4 *that* is not an autocycle shall have a restriction placed on such applicant's
5 license limiting the applicant to the operation of a registered three-wheeled
6 motorcycle. An applicant for a class M license who passes a driving
7 examination on a two-wheeled motorcycle may operate any registered
8 two-wheeled or three-wheeled motorcycle. The driving examination
9 required by this paragraph shall be administered by the division, by the
10 department of defense or as part of a curriculum recognized by the
11 motorcycle safety foundation.

12 (b) (1) For the purposes of obtaining any driver's license or
13 instruction permit, an applicant shall submit, with the application, proof of
14 age and proof of identity as the division may require. The applicant also
15 shall provide a photo identity document, except that a non-photo identity
16 document is acceptable if it includes both the applicant's full legal name
17 and date of birth, and documentation showing the applicant's name, the
18 applicant's address of principal residence and the applicant's social security
19 number. The applicant's social security number shall remain confidential
20 and shall not be disclosed, except as provided pursuant to K.S.A. 74-2012,
21 and amendments thereto. If the applicant does not have a social security
22 number the applicant shall provide proof of lawful presence and Kansas
23 residency. The division shall assign a distinguishing number to the license
24 or permit.

25 (2) The division shall not issue any driver's license or instruction
26 permit to any person who fails to provide proof that the person is lawfully
27 present in the United States. Before issuing a driver's license or instruction
28 permit to a person, the division shall require valid documentary evidence
29 that the applicant: (A) Is a citizen or national of the United States; (B) is an
30 alien lawfully admitted for permanent or temporary residence in the
31 United States; (C) has conditional permanent resident status in the United
32 States; (D) has an approved application for asylum in the United States or
33 has entered into the United States in refugee status; (E) has a valid,
34 unexpired nonimmigrant visa or nonimmigrant visa status for entry into
35 the United States; (F) has a pending application for asylum in the United
36 States; (G) has a pending or approved application for temporary protected
37 status in the United States; (H) has approved deferred action status; or (I)
38 has a pending application for adjustment of status to that of an alien
39 lawfully admitted for permanent residence in the United States or
40 conditional permanent resident status in the United States.

41 (3) If an applicant provides evidence of lawful presence set out in
42 subsections (b)(2)(E) through (2)(I), or is an alien lawfully admitted for
43 temporary residence under subsection (b)(2)(B), the division may only

1 issue a driver's license to the person under the following conditions: (A) A
2 driver's license issued pursuant to this subparagraph shall be valid only
3 during the period of time of the applicant's authorized stay in the United
4 States or, if there is no definite end to the period of authorized stay, a
5 period of one year; (B) a driver's license issued pursuant to this
6 subparagraph shall clearly indicate that it is temporary and shall state the
7 date on which it expires; (C) no driver's license issued pursuant to this
8 subparagraph shall be for a longer period of time than the time period
9 permitted by K.S.A. 8-247(a), and amendments thereto; and (D) a driver's
10 license issued pursuant to this subparagraph may be renewed, subject at
11 the time of renewal, to the same requirements and conditions as set out in
12 this subsection (b) for the issuance of the original driver's license.

13 (4) The division shall not issue any driver's license or instruction
14 permit to any person who is not a resident of the state of Kansas, except as
15 provided in K.S.A. 8-2,148, and amendments thereto.

16 (5) The division shall not issue a driver's license to a person holding a
17 driver's license issued by another state without making reasonable efforts
18 to confirm that the person is terminating or has terminated the driver's
19 license in the other state.

20 (6) The parent or guardian of an applicant under 16 years of age shall
21 sign the application for any driver's license submitted by such applicant.

22 (c) Every application shall state the full legal name, date of birth,
23 gender and address of principal residence of the applicant, and briefly
24 describe the applicant, and shall state whether the applicant has been
25 licensed as a driver prior to such application, and, if so, when and by what
26 state or country. Such application shall state whether any such license has
27 ever been suspended or revoked, or whether an application has ever been
28 refused, and, if so, the date of and reason for such suspension, revocation
29 or refusal. In addition, applications for commercial drivers' licenses and
30 instruction permits for commercial licenses must include the following:
31 The applicant's social security number; the person's signature; the person's:
32 (1) Digital color image or photograph; or (2) a laser engraved photograph;
33 certifications, including those required by 49 C.F.R. § 383.71(a), effective
34 January 1, 1991; a consent to release driving record information; and, any
35 other information required by the division. Each application for a driver's
36 license shall include a question asking if the applicant is willing to give
37 such applicant's authorization to be listed as an organ, eye or tissue donor
38 in the Kansas donor registry in accordance with the revised uniform
39 anatomical gift act, K.S.A. 65-3220 through 65-3244, and amendments
40 *thereto*. The gift would become effective upon the death of the donor.

41 (d) When an application is received from a person previously licensed
42 in another jurisdiction, the division shall request a copy of the driver's
43 record from the other jurisdiction. When received, the driver's record shall

1 become a part of the driver's record in this state with the same force and
2 effect as though entered on the driver's record in this state in the original
3 instance.

4 (e) When the division receives a request for a driver's record from
5 another licensing jurisdiction the record shall be forwarded without charge.

6 (f) A fee shall be charged as follows:

7 (1) For a class C driver's license issued to a person at least 21 years of
8 age, but less than 65 years of age, \$18;

9 (2) for a class C driver's license issued to a person 65 years of age or
10 older, \$12;

11 (3) for a class M driver's license issued to a person at least 21 years of
12 age, but less than 65 years of age, \$12.50;

13 (4) for a class M driver's license issued to a person 65 years of age or
14 older, \$9;

15 (5) for a class A or B driver's license issued to a person who is at least
16 21 years of age, but less than 65 years of age, \$24;

17 (6) for a class A or B driver's license issued to a person 65 years of
18 age or older, \$16;

19 (7) for any class of commercial driver's license issued to a person 21
20 years of age or older, \$18; or

21 (8) for class A, B, C or M, or a farm permit, or any commercial
22 driver's license issued to a person less than 21 years of age, \$20.

23 A fee of \$10 shall be charged for each commercial driver's license
24 endorsement, except air brake endorsements, which shall have no charge.

25 A fee of \$3 per year shall be charged for any renewal of a license issued
26 prior to the effective date of this act to a person less than 21 years of age.

27 If one fails to make an original application or renewal application for a
28 driver's license within the time required by law, or fails to make
29 application within 60 days after becoming a resident of Kansas, a penalty
30 of \$1 shall be added to the fee charged for the driver's license.

31 (g) Any person who possesses an identification card as provided in
32 K.S.A. 8-1324, and amendments thereto, shall surrender such
33 identification card to the division upon being issued a valid Kansas driver's
34 license or upon reinstatement and return of a valid Kansas driver's license.

35 (h) The division shall require that any person applying for a driver's
36 license submit to a mandatory facial image capture. The captured facial
37 image shall be displayed on the front of the applicant's driver's license.

38 (i) The director of vehicles may issue a temporary driver's license to
39 an applicant who cannot provide valid documentary evidence as defined
40 by subsection (b)(2), if the applicant provides compelling evidence
41 proving current lawful presence. Any temporary license issued pursuant to
42 this subsection shall be valid for one year.

43 (j) (1) For purposes of this subsection, the division may rely on the

1 division's most recent, existing color digital image and signature image of
2 the applicant for the class C or M driver's license if the division has the
3 information on file. The determination on whether an electronic online
4 renewal application or equivalent of a driver's license is permitted shall be
5 made by the director of vehicles or the director's designee. The division
6 shall not renew a driver's license through an electronic online or equivalent
7 process if the license has been previously renewed through an electronic
8 online application in the immediately preceding driver's license period. No
9 renewal under this subsection shall be granted to any person who is: (A)
10 Younger than 30 days from turning 21 years of age; (B) 65 years of age or
11 older; (C) a registered offender pursuant to K.S.A. 22-4901 et seq., and
12 amendments thereto; or (D) has a temporary driver's license issued
13 pursuant to K.S.A. 8-240(b)(3), and amendments thereto, provided the
14 license is not otherwise withdrawn.

15 (2) The vision examination requirements in K.S.A. 8-247(e), and
16 amendments thereto, are not required for electronic online renewal
17 applications, except that the electronic online renewal applicant must
18 certify under penalty of law that the applicant's vision satisfies the
19 requirements of K.S.A. 8-295, and amendments thereto, and has
20 undergone an examination of eyesight by a licensed ophthalmologist or a
21 licensed optometrist within the last year. As a condition for any electronic
22 online renewal application, the applicant must: (A) Authorize the exchange
23 of vision and medical information between the division and the applicant's
24 ophthalmologist or optometrist; and (B) is at least 21 years of age, but less
25 than 65 years of age. The ophthalmologist or optometrist shall have
26 four business days to confirm or deny the vision and medical information
27 of the applicant. If no response is received by the division, the division
28 shall accept the vision and medical information provided for processing
29 the renewal application. The waiver of vision examination for online
30 renewal applications contained within this subsection shall expire on July
31 1, 2022.

32 (3) The secretary of revenue shall adopt and administer rules and
33 regulations to implement a program to permit an electronic online renewal
34 of a driver's license, including, but not limited to, requirements that an
35 electronic online renewal applicant shall have previously provided
36 documentation of identity, lawful presence and residence to the division
37 for electronic scanning.

38 (4) Prior to February 1, 2022, the division shall report to the house
39 and senate committees on transportation regarding the online renewal
40 process of this subsection and its effects to safety on the state's roads and
41 highways.

42 **Sec. 3. K.S.A. 2019 Supp. 8-247 is hereby amended to read as**
43 **follows: 8-247. (a) (1) All original licenses issued on and after July 1,**

1 2018, shall expire as follows:

2 (A) Licenses issued to persons who are at least 21 years of age;
3 but less than 65 years of age shall expire on the sixth anniversary of
4 the date of birth of the licensee—~~which~~ *that* is nearest the date of
5 application;

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

9 (C) any commercial driver's license shall expire on the fifth
10 anniversary of the date of birth of the licensee—~~which~~ *that* is nearest the
11 date of application;

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

17 (E) licenses issued to persons who are less than 21 years of age
18 shall expire on the licensee's 21st birthday.

19 (2) All renewals under: (A) Paragraph (1)(A) shall expire on
20 every sixth anniversary of the date of birth of the licensee; (B)
21 paragraph (1)(B) shall expire on every fourth anniversary of the date
22 of birth of the licensee; (C) paragraph (1)(C) shall expire on every
23 fifth anniversary of the date of birth of the licensee; (D) paragraph (1)
24 (D) shall expire every year on the date of birth of the licensee; and (E)
25 paragraph (1)(E), if a renewal license is issued, shall expire on the
26 licensee's 21st birthday. No driver's license shall expire in the same
27 calendar year ~~in which~~ *when* the original license or renewal license is
28 issued, except that if the foregoing provisions of this section shall
29 require the issuance of a renewal license or an original license for a
30 period of less than six calendar months, the license issued to the
31 applicant shall expire in accordance with the provisions of this
32 subsection.

33 (b) If the driver's license of any person expires while such person
34 is outside of the state of Kansas and such person is on active duty in
35 the armed forces of the United States, or is the spouse or a person who
36 is residing with and is a dependent of such person on active duty, the
37 license of such person shall be renewable, without examination, at any
38 time prior to the end of the sixth month following the discharge of
39 such person from the armed forces, or within 90 days after residence
40 within the state is reestablished, whichever time is sooner. If the
41 driver's license of any person under this subsection expires while such
42 person is outside the United States, the division shall provide for
43 renewal by mail, as long as the division has a photograph or digital

1 image of such person maintained in the division's records. A driver's
2 license renewed under the provisions of this subsection shall be
3 renewed by mail only once.

4 (c) At least 30 days prior to the expiration of a person's license,
5 the division shall mail, *or send electronically if authorized by the person,*
6 a notice of expiration or renewal application to such person at the
7 address shown on the license *or the electronic mail address provided to*
8 *the division. A person may at any time revoke the authorization to receive*
9 *the notice electronically provided by this subsection, and any notice sent*
10 *by the division after the date of the revocation shall be mailed to such*
11 *person. The division shall include with such notice a written*
12 *explanation of substantial changes to traffic regulations enacted by the*
13 *legislature.*

14 (d) (1) Except as provided in paragraph (2), every driver's license
15 shall be renewable on or before its expiration upon application and
16 payment of the required fee and successful completion of the
17 examinations required by subsection (e). Application for renewal of a
18 valid driver's license shall be made to the division in accordance with
19 rules and regulations adopted by the secretary of revenue. Such
20 application shall contain all the requirements of K.S.A. 8-240(b), and
21 amendments thereto. Such notice shall also include a question asking
22 if the applicant is willing to give such applicant's authorization to be
23 listed as an organ, eye and tissue donor in the Kansas donor registry
24 in accordance with the revised uniform anatomical gift act, K.S.A. 65-
25 3220 through 65-3244, and amendments thereto. Upon satisfying the
26 foregoing requirements of this subsection, and if the division makes
27 the findings required by K.S.A. 8-235b, and amendments thereto, for
28 the issuance of an original license, the license shall be renewed without
29 examination of the applicant's driving ability. If the division finds that
30 any of the statements relating to revocation, suspension or refusal of
31 licenses required under K.S.A. 8-240(b), and amendments thereto, are
32 in the affirmative, or if it finds that the license held by the applicant is
33 not a valid one, or if the applicant has failed to make application for
34 renewal of such person's license on or before the expiration date
35 thereof, the division may require the applicant to take an examination
36 of ability to exercise ordinary and reasonable control in the operation
37 of a motor vehicle as provided in K.S.A. 8-235d, and amendments
38 thereto.

39 (2) Any licensee, whose driver's license expires on the licensee's
40 21st birthday, shall have 45 days from the date of expiration of such
41 license to make application to renew such licensee's license. Such
42 license shall continue to be valid for such 45 days or until such license
43 is renewed, whichever occurs sooner. A licensee who renews under the

1 provisions of this paragraph shall not be required by the division to
2 take an examination of ability to exercise ordinary and reasonable
3 control in the operation of a motor vehicle as provided in K.S.A. 8-
4 235d, and amendments thereto.

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

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

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

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

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

1 amendments thereto.

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

23 (f) If the driver's license of any person expires while such person
24 is outside the state of Kansas, the license of such person shall be
25 extended for a period not to exceed six months and shall be renewable,
26 without a driving examination, at any time prior to the end of the sixth
27 month following the original expiration date of such license or within
28 10 days after such person returns to the state, whichever time is
29 sooner. This subsection shall not apply to temporary drivers' licenses
30 issued pursuant to K.S.A. 8-240(b)(3), and amendments thereto.

31 (g) (1) The division shall reference the website of the agency in a
32 person's notice of expiration or renewal under subsection (c). The
33 division shall provide the following information on the website of the
34 agency:

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

39 ~~(-)~~(B) information describing the organ donation registry
40 program maintained by the Kansas federally designated organ
41 procurement organization. The information required under this
42 paragraph shall include, in a type, size and format that is conspicuous
43 in relation to the surrounding material, the address and telephone

1 number of Kansas' federally designated organ procurement
2 organization, along with an advisory to call such designated organ
3 procurement organization with questions about the organ donor
4 registry program;

5 ~~(C)~~ information giving the applicant the opportunity to be
6 placed on the organ donation registry described in ~~paragraph (2)~~
7 ~~subparagraph (B)~~; and

8 ~~(4)~~ inform the applicant ~~(D)~~ information that, if the applicant
9 indicates under this subsection a willingness to have such applicant's
10 name placed on the organ donor registry described in ~~paragraph (2)~~
11 ~~subparagraph (B)~~, the division will forward the applicant's name,
12 gender, date of birth and most recent address to the organ donation
13 registry maintained by the Kansas federally designated organ
14 procurement organization, as required by ~~paragraph (6)~~; (3).

15 ~~(5)~~(2) The division may fulfill the requirements of ~~paragraph (4)~~
16 ~~(1)(D)~~ by one or more of the following methods:

17 (A) Providing such information on the website of the agency; or

18 (B) providing printed material to an applicant who personally
19 appears at an examining station; and

20 ~~(6)~~(3) If an applicant indicates a willingness under this subsection
21 to have such applicant's name placed on the organ donor registry, the
22 division shall within 10 days forward the applicant's name, gender,
23 date of birth and most recent address to the organ donor registry
24 maintained by the Kansas federally designated organ procurement
25 organization. The division may forward information under this
26 subsection by mail or by electronic means. The division shall not
27 maintain a record of the name or address of an individual who
28 indicates a willingness to have such person's name placed on the organ
29 donor registry after forwarding that information to the organ donor
30 registry under this subsection. Information about an applicant's
31 indication of a willingness to have such applicant's name placed on the
32 organ donor registry that is obtained by the division and forwarded
33 under this paragraph shall be confidential and not disclosed.

34 (h) Notwithstanding any other provisions of law, any offender
35 under subsection (a)(1)(D) who held a valid driver's license on the
36 effective date of this act may continue to operate motor vehicles until
37 the next anniversary of the date of birth of such offender. Upon such
38 date, such driver's license shall expire, and the offender shall be
39 subject to the provisions of this section.

40 ~~(i)~~—The director of the division of vehicles shall submit a report to the
41 legislature at the beginning of the regular session in 2012 regarding the
42 impact of not requiring a written test for the renewal of a driver's license,
43 including any cost savings to the division.

1 Sec.~~2~~ **4.** K.S.A. 2019 Supp. **8-234b**, 8-240~~is~~ **and 8-247** are hereby
2 repealed.

3 Sec.~~3~~ **5.** This act shall take effect and be in force from and after its
4 publication in the statute book.