

Substitute for HOUSE BILL No. 2039

By Committee on Judiciary

2-26

AN ACT concerning the division of vehicles; providing for issuance of temporary resident license; amending K.S.A. 8-234b, 8-235d, 8-237 and 8-240 and K.S.A. 2002 Supp. 8-247 and repealing the existing sections.

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

New Section 1. (a) On and after July 1, 2004, the division of vehicles may issue a temporary resident license to any applicant who complies with the provisions of this section and all other applicable requirements of the motor vehicle drivers' license act.

(b) For the purpose of obtaining a temporary resident license an applicant:

(1) Shall comply with the provisions of K.S.A. 8-240, and amendments thereto; and

(2) if not lawfully present in the United States, shall have proof of Kansas residency and have complied with all requirements of the division.

(c) A temporary residence license, issued to an applicant who has complied with all of the provisions of subsection (b), shall expire on the same date in the third year after the date the temporary resident license is issued.

(d) A temporary resident license shall not be transferable and the applicant may not rely on such license to obtain a driver's license in another state.

(e) The application for a temporary resident license shall not be considered a driver's license application under the provisions of K.S.A. 25-2352, and amendments thereto.

(f) The temporary residence license shall be considered a license to drive and shall not be considered a form of identification.

(g) As used in this section, proof of residency shall include, but not be limited to, paid receipts for utility bills; marriage license; certified copy of court order specifying a change of name of the person; commercially produced school yearbook with photograph of the person, and the book is less than five years old; a passport issued by any country; alien registration documents; student identification card bearing the photograph of the person; employee identification card bearing the photograph of the

1 person; a birth certificate issued by any country; or a copy of any federal
2 or state income tax return bearing the signature of the person.

3 (h) The secretary of revenue may adopt such rules and regulations to
4 develop criteria to verify residency and identification and as the secretary
5 deems necessary to implement the provisions of this section.

6 New Sec. 2. On and after July 1, 2004: (a) Persons who receive a
7 temporary resident license pursuant to section 1, and amendments
8 thereto, who are not United States citizens shall have such person's name
9 removed from the following lists: Voter registration pursuant to K.S.A.
10 25-2352, and amendments thereto, selective service list pursuant to
11 K.S.A. 74-2012, and amendments thereto, jury duty lists pursuant to
12 K.S.A. 43-162, and amendments thereto, and any other list that requires
13 a person to be a United States citizen.

14 (b) The secretary of revenue shall establish rules and regulations to
15 implement the provisions of this section.

16 New Sec. 3. On or before January 15, 2004, the director of the di-
17 vision of motor vehicles shall present to the Kansas legislature a prototype
18 design of a temporary resident license. Such temporary resident license
19 shall be distinguishable from all other license and permits.

20 Sec. 4. On and after July 1, 2004, K.S.A. 8-234b is hereby amended
21 to read as follows: 8-234b. (a) Every original driver's license issued by the
22 division shall indicate the class or classes of motor vehicles which the
23 licensee is entitled to drive. For this purpose the following classes are
24 established:

25 (1) Commercial class A motor vehicles include any combination of
26 vehicles with a gross combination weight rating of 26,001 pounds or more,
27 providing the gross vehicle weight rating of the vehicle or vehicles being
28 towed is in excess of 10,000 pounds;

29 (2) commercial class B motor vehicles include any single vehicle with
30 a gross vehicle weight rating of 26,001 pounds or more, or any such ve-
31 hicle towing a vehicle not in excess of 10,000 pounds gross vehicle weight
32 rating;

33 (3) commercial class C motor vehicles include any single vehicle less
34 than 26,001 pounds gross vehicle weight rating, or any such vehicle towing
35 a vehicle not in excess of 10,000 pounds, or any vehicle less than 26,001
36 pounds gross vehicle weight rating towing a vehicle in excess of 10,000
37 pounds gross vehicle weight rating, provided the gross combination
38 weight rating of the combination is less than 26,001 pounds comprising:

39 (A) Vehicles designed to transport 16 or more passengers, including
40 the driver; or

41 (B) vehicles used in the transportation of hazardous materials which
42 requires the vehicle to be placarded;

43 (4) class A motor vehicles include any combination of vehicles with a

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

8 (5) class B motor vehicles include any single vehicle with a gross ve-
9 hicle weight rating of 26,001 pounds or more, or any such vehicle towing
10 a vehicle not in excess of 10,000 pounds gross vehicle weight rating. Class
11 B motor vehicles do not include a single vehicle registered as a farm truck
12 under subsection (2) of K.S.A. 8-143, and amendments thereto, when
13 such farm truck has a gross vehicle weight rating of 26,001 pounds, or
14 more; or any fire truck operated by a volunteer fire department;

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

25 (7) class M motor vehicles includes motorcycles; *and*

26 (8) *temporary resident license.*

27 As used in this subsection, “gross vehicle weight rating” means the
28 value specified by the manufacturer as the maximum loaded weight of a
29 single or a combination (articulated) vehicle. The gross vehicle weight
30 rating of a combination (articulated) vehicle, commonly referred to as the
31 gross combination weight rating, is the gross vehicle weight rating of the
32 power unit plus the gross vehicle weight rating of the towed unit or units.

33 (b) Every applicant for an original driver’s license shall indicate on
34 such person’s application the class or classes of motor vehicles for which
35 the applicant desires a license to drive, and the division shall not issue a
36 driver’s license to any person unless such person has demonstrated sat-
37 isfactorily ability to exercise ordinary and reasonable control in the op-
38 eration of motor vehicles in the class or classes for which the applicant
39 desires a license to drive. The division shall administer an appropriate
40 examination of each applicant’s ability to drive such motor vehicles. Ex-
41 cept as provided in K.S.A. 8-2,125 through 8-2,142, and amendments
42 thereto, the director of vehicles may accept a copy of the certificate of a
43 person’s road test issued to an individual under the regulatory require-

1 ments of the United States department of transportation, in lieu of re-
2 quiring the person to demonstrate ability to operate any motor vehicle or
3 combination of vehicles, if such certificate was issued not more than three
4 years prior to the person's application for a driver's license.

5 *Every applicant for a temporary resident license shall indicate on such*
6 *person's application not only that such applicant is applying for a tem-*
7 *porary resident license, but the class or classes of motor vehicles for which*
8 *the applicant desires a license to drive.*

9 (c) Any person who is the holder of a valid driver's license which
10 entitles the person to drive class A motor vehicles may also drive class B
11 and C motor vehicles. Any person who is the holder of a valid driver's
12 license which entitles the person to drive class B motor vehicles may also
13 drive class C motor vehicles.

14 (d) The secretary of revenue shall adopt rules and regulations estab-
15 lishing qualifications for the safe operation of the various types, sizes and
16 combinations of vehicles in each class of motor vehicles established in
17 subsection (a). Such rules and regulations shall include the adoption of
18 at least the minimum qualifications for commercial drivers' licenses con-
19 tained in the commercial motor vehicle safety act of 1986.

20 (e) Any reference in the motor vehicle drivers' license act to a class
21 or classes of motor vehicles is a reference to the classes of motor vehicles
22 established in subsection (a), and any reference in the motor vehicle driv-
23 ers' license act to a classified driver's license or a class of driver's license
24 means a driver's license which restricts the holder thereof to driving one
25 or more of such classes of motor vehicles.

26 (f) The secretary of revenue may enter into a contract with any per-
27 son, who meets the qualifications imposed on persons regularly employed
28 by the division as drivers' license examiners, to accept applications for
29 drivers' licenses and to administer the examinations required for the is-
30 suance of drivers' licenses.

31 (g) Notwithstanding the provisions of subsection (a), any person em-
32 ployed as an automotive mechanic who possesses a valid class C driver's
33 license may drive any class A or class B motor vehicle on the highways
34 for the purpose of determining the proper performance of the vehicle,
35 except that this does not include commercial class A, B or C vehicles.

36 Sec. 5. On and after July 1, 2004, K.S.A. 8-235d is hereby amended
37 to read as follows: 8-235d. (a) Drivers' license examiners of the division
38 shall accept original applications for drivers' licenses and instruction per-
39 mits, as distinguished from applications for renewals of licenses, on forms
40 prescribed by the division and also shall issue instruction permits. Drivers'
41 license examiners of the division shall examine every applicant for a
42 driver's license who is required by the provisions of the motor vehicle
43 drivers' license act to be examined. Such examination shall be held in the

1 county where the applicant resides or at a place adjacent thereto reason-
2 ably convenient to the applicant or at a location established by the sec-
3 retary for the issuance of a commercial driver's license. Such examination
4 shall include a test of the applicant's eyesight, the applicant's ability to
5 read and understand highway signs regulating, warning and directing traf-
6 fic, the applicant's knowledge of the traffic laws of this state and shall
7 include an actual demonstration of ability to exercise ordinary and rea-
8 sonable control in the operation of motor vehicles which the class of
9 license applied for would entitle the applicant to drive. At the conclusion
10 of the examination the examiner shall issue a license to the applicant, if
11 the applicant has successfully passed the examination with the class of
12 license the applicant has applied for.

13 (b) In addition to the requirements of subsection (a):

14 (1) Any person applying for a driver's license shall comply with the
15 provisions of subsection (b) of K.S.A. 8-240, and amendments thereto;
16 ~~and~~

17 (2) *any person applying for a temporary resident license shall comply*
18 *with the provisions of section 1, and amendments thereto; and*

19 ~~(2)~~ (3) any person who is under the age of 18 years and at least 16
20 years of age, who is applying for a driver's license for the first time, not
21 including an instruction permit, shall submit a signed affidavit of either
22 a parent or guardian, stating that the applicant has completed at least 50
23 hours of adult supervised driving with at least 10 of those hours being at
24 night. The required adult supervised driving required in this subsection
25 shall be conducted by an adult who is at least 21 years of age and is the
26 holder of a valid commercial driver's license, class A, B or C driver's
27 license.

28 Evidence of failure of any licensee who was required to complete the
29 50 hours of adult supervised driving under this subsection shall not be
30 admissible in any action for the purpose of determining any aspect of
31 comparative negligence or mitigation of damages.

32 Sec. 6. On and after July 1, 2004, K.S.A. 8-237 is hereby amended
33 to read as follows: 8-237. The division of vehicles shall not issue any
34 driver's license to any person:

35 (a) Who is under the age of 16 years, except that the division may
36 issue a restricted class C or M license, as provided in this act, to any
37 person who: (1) Is at least 15 years of age; (2) has successfully completed
38 an approved course in driver training; (3) has held an instructional permit
39 issued under the provisions of K.S.A. 8-239, and amendments thereto,
40 for a period of at least six months and has completed at least 25 hours of
41 adult supervised driving; and (4) upon the written application of the per-
42 son's parent or guardian. The required adult supervised driving required
43 in clause (3) above shall be conducted by an adult who is at least 21 years

1 of age and is the holder of a valid commercial driver's license, class A, B
2 or C driver's license. Except as hereafter provided, the application of the
3 parent or guardian shall be submitted to the division. The governing body
4 of any city, by ordinance, may require the application of any person who
5 is under 16 years of age and who resides within the city to be first sub-
6 mitted to the chief law enforcement officer of the city. The board of
7 county commissioners of any county, by resolution, may require the ap-
8 plication of any person who is under 16 years of age and who resides
9 within the county and outside the corporate limits of any city to be first
10 submitted to the chief law enforcement officer of the county. No ordi-
11 nance or resolution authorized by this subsection shall become effective
12 until a copy of it is transmitted to the division of vehicles. The chief law
13 enforcement officer of any city or county which has adopted the ordi-
14 nance or resolution authorized by this subsection shall make a recom-
15 mendation on the application as to the necessity for the issuance of the
16 restricted license, and the recommendation shall be transmitted, with the
17 application, to the division of vehicles. If the division finds that it is nec-
18 essary to issue the restricted license, it shall issue a driver's license to the
19 person.

20 A restricted class C license issued under this subsection shall entitle
21 the licensee, while possessing the license, to operate any motor vehicle
22 in class C, as designated in K.S.A. 8-234b, and amendments thereto. A
23 restricted class M license shall entitle the licensee, while possessing such
24 license, to operate a motorcycle. The restricted license shall entitle the
25 licensee to operate the appropriate vehicle at any time:

26 (1) While going to or from or in connection with any job, employment
27 or farm-related work;

28 (2) on days while school is in session, over the most direct and ac-
29 cessible route between the licensee's residence and school of enrollment
30 for the purposes of school attendance;

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

35 (4) when the licensee is operating a motorcycle, at any time when
36 accompanied by an adult who is the holder of a valid class M driver's
37 license and who is operating a motorcycle in the general proximity of the
38 licensee.

39 Any licensee issued a restricted license under this subsection shall not
40 operate any motor vehicle with nonsibling minor passengers and any con-
41 viction for violating this provision shall be construed as a moving traffic
42 violation for the purpose of K.S.A. 8-255, and amendments thereto.

43 A restricted driver's license issued under this subsection is subject to

1 suspension or revocation in the same manner as any other driver's license.
2 In addition, the division may suspend the restricted driver's license upon
3 receiving satisfactory evidence that: (1) The licensee has violated the re-
4 striction of the license, (2) the licensee has been involved in two or more
5 accidents chargeable to the licensee or (3) the recommendation of the
6 chief law enforcement officer of any city or county requiring the rec-
7 ommendation has been withdrawn. The suspended license shall not be
8 reinstated for one year or until the licensee reaches the age of 16, which-
9 ever period is longer.

10 Any licensee issued a restricted license under this subsection who: (1)
11 Is under the age of 16 years and is convicted of two or more moving
12 traffic violations committed on separate occasions shall not be eligible to
13 receive a driver's license which is not restricted in accordance with the
14 provisions of this subsection until the person reaches 17 years of age; or
15 (2) fails to provide the required affidavit stating that the licensee has
16 completed at least 50 hours of adult supervised driving with 10 of those
17 hours being at night shall not be eligible to receive a driver's license which
18 is not restricted in accordance with the provisions of this subsection until
19 the person provides such affidavit to the division or the person reaches
20 17 years of age, whichever occurs first.

21 Any licensee issued a restricted license under this subsection on and
22 after July 1, 1999, shall provide prior to reaching 16 years of age, a signed
23 affidavit of either a parent or guardian, stating that the applicant has
24 completed the required 25 hours prior to being issued a restricted license
25 and 25 hours of additional adult supervised driving. Of the 50 hours re-
26 quired by this subsection, at least 10 of those hours shall be at night. The
27 adult supervised driving shall be conducted by an adult who is at least 21
28 years of age and is the holder of a valid commercial driver's license, class
29 A, B or C driver's license.

30 Evidence of failure of any licensee who was required to complete the
31 50 hours of adult supervised driving under this subsection shall not be
32 admissible in any action for the purpose of determining any aspect of
33 comparative negligence or mitigation of damages.

34 (b) Who is under the age of 18 years, except as provided in K.S.A. 8-
35 2,147, and amendments thereto, for the purpose of driving a commercial
36 or class A or B motor vehicle.

37 (c) Whose license is currently revoked, suspended or canceled in this
38 or any other state, except as provided in K.S.A. 8-256, and amendments
39 thereto.

40 (d) Who is a habitual drunkard, habitual user of narcotic drugs or
41 habitual user of any other drug to a degree which renders the user in-
42 capable of safely driving a motor vehicle.

43 (e) Who has previously been adjudged to be afflicted with or suffering

1 from any mental disability or disease and who, at the time of making
2 application for a driver's license, has not been restored to capacity in the
3 manner provided by law. Application of this limitation to any person
4 known to have suffered any seizure disorder is subject to the provisions
5 of paragraph (7) of subsection (e) of K.S.A. 8-247, and amendments
6 thereto.

7 (f) Who is required by the motor vehicle drivers' license act to take
8 an examination, unless the person has successfully passed the
9 examination.

10 (g) Who is at least 16 years of age and less than 17 years of age, who
11 is applying for a driver's license for the first time since reaching 16 years
12 of age and who, three times or more, has been adjudged to be a traffic
13 offender under the Kansas juvenile code or a juvenile offender under the
14 Kansas juvenile justice code, by reason of violation of one or more statutes
15 regulating the movement of traffic on the roads, streets or highways of
16 this state, except that, in the discretion of the director, the person may
17 be issued a driver's license which is restricted in the manner the division
18 deems to be appropriate. No person described by this subsection shall be
19 eligible to receive a driver's license which is not restricted until the person
20 has reached the age of 17 years.

21 (h) Who has not submitted proof of age or proof of identity, as re-
22 quired by K.S.A. 8-240, and amendments thereto.

23 (i) Whose presence in the United States is in violation of federal im-
24 migration laws, *except that the division may issue a temporary resident*
25 *license in accordance with the provisions of section 1, and amendments*
26 *thereto.*

27 (j) *Who is not a resident of the state of Kansas, except as provided in*
28 *K.S.A. 8-2,148, and amendments thereto.*

29 Sec. 7. On and after July 1, 2004, K.S.A. 8-240 is hereby amended
30 to read as follows: 8-240. (a) Every application for an instruction permit
31 shall be made upon a form furnished by the division of vehicles and
32 accompanied by a fee of \$2 for class A, B, C or M and \$5 for all com-
33 mercial classes. Every other application shall be made upon a form fur-
34 nished by the division and accompanied by an examination fee of \$3,
35 unless a different fee is required by K.S.A. 8-241, and amendments
36 thereto, and by the proper fee for the license for which the application
37 is made. If the applicant is not required to take an examination the ex-
38 amination fee shall not be required. The examination shall consist of three
39 tests, as follows: (1) Vision; (2) written; and (3) driving. If the applicant
40 fails the vision test, the applicant may have correction of vision made and
41 take the vision test again without any additional fee. If an applicant fails
42 the written test, the applicant may take such test again upon the payment
43 of an additional examination fee of \$1.50. If an applicant fails the driving

1 test, the applicant may take such test again upon the payment of an ad-
2 ditional examination fee of \$1.50. If an applicant fails to pass all three of
3 the tests within a period of six months from the date of original application
4 and desires to take additional tests, the applicant shall file an application
5 for reexamination upon a form furnished by the division, which shall be
6 accompanied by a reexamination fee of \$3, except that any applicant who
7 fails to pass the written or driving portion of an examination four times
8 within a six-month period, shall be required to wait a period of six months
9 from the date of the last failed examination before additional examinations
10 may be given. Upon the filing of such application and the payment of
11 such reexamination fee, the applicant shall be entitled to reexamination
12 in like manner and subject to the additional fees and time limitation as
13 provided for examination on an original application. If the applicant
14 passes the reexamination, the applicant shall be issued the classified
15 driver's license for which the applicant originally applied, which license
16 shall be issued to expire as if the applicant had passed the original
17 examination.

18 (b) (1) For the purposes of obtaining any driver's license, an appli-
19 cant shall submit, with the application, proof of age or proof of identity,
20 or both, as the division may require.

21 ~~(2) An applicant who submits proof of age or of identity issued by an~~
22 ~~entity other than a state or the United States shall also submit such proof~~
23 ~~as the division may require that the applicant is lawfully present in the~~
24 ~~United States for a temporary resident license shall comply with the pro-~~
25 ~~visions of section 1, and amendments thereto.~~

26 ~~(3) The division shall not issue any driver's license to any person who~~
27 ~~is not lawfully present in the United States.~~

28 ~~—(4) The division shall not issue any driver's license to any person who~~
29 ~~is not a resident of the state of Kansas, except as provided in K.S.A. 8-~~
30 ~~2,148, and amendments thereto.~~

31 ~~—(5) (3) The parent or guardian of an applicant under 16 years of age~~
32 ~~shall sign the application for any driver's license submitted by such~~
33 ~~applicant.~~

34 (c) Every application shall state the name, date of birth, sex and res-
35 idence address of the applicant, and briefly describe the applicant, and
36 shall state whether the applicant has theretofore been licensed as a driver,
37 and, if so, when and by what state or country, and whether any such
38 license has ever been suspended or revoked, or whether an application
39 has ever been refused, and, if so, the date of and reason for such suspen-
40 sion, revocation or refusal. In addition to the above criteria, applications
41 for commercial drivers' licenses and instruction permits for commercial
42 licenses must include the following: The applicant's social security num-
43 ber; the person's signature; the person's color photograph; certifications,

1 including those required by 49 C.F.R. 383.71(a), effective January 1,
2 1991; a consent to release driving record information; and, any other
3 information required by the division.

4 (d) When an application is received from a person previously licensed
5 in another jurisdiction, the division shall request a copy of the driver's
6 record from the other jurisdiction. When received, the driver's record
7 shall become a part of the driver's record in this state with the same force
8 and effect as though entered on the driver's record in this state in the
9 original instance.

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

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

14 (1) For a class C driver's license issued to a person at least 21 years
15 of age, but less than 65 years of age, \$12;

16 (2) for a class C driver's license issued to a person less than 21 years
17 of age or 65 years of age or older, or a farm permit, \$8;

18 (3) for a class M driver's license issued to a person at least 21 years
19 of age, but less than 65 years of age, \$6.50;

20 (4) for a class M driver's license issued to a person less than 21 years
21 of age or 65 years of age or older, \$5;

22 (5) for a class A or B driver's license issued to a person who is at least
23 21 years of age, but less than 65 years of age, \$18;

24 (6) for a class A or B driver's license issued to a person less than 21
25 years of age or 65 years of age or older, \$12; ~~or~~

26 (7) for any class of commercial driver's license, \$14; *or*

27 (8) *for any class of temporary resident license, \$10.*

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

30 If one fails to make an original application or renewal application for a
31 driver's license within the time required by law, or fails to make appli-
32 cation within 60 days after becoming a resident of Kansas, a penalty of
33 \$1 shall be added to the fee charged for the driver's license.

34 (g) *There is hereby established in the state treasury the driver's ed-*
35 *ucation fund. One dollar from each temporary resident license fee shall*
36 *be credited to the driver's education fund. All moneys received by the*
37 *division for such fund shall be remitted to the state treasurer in accord-*
38 *ance with the provisions of K.S.A. 75-4215, and amendments thereto.*
39 *Upon receipt of each such remittance, the state treasurer shall deposit the*
40 *entire amount in the state treasury to the credit of the driver's education*
41 *fund. Moneys in such fund shall be used for grants for educational pro-*
42 *grams designed to educate temporary resident license applicants regard-*
43 *ing the laws of the United States and Kansas regarding driving rules,*

1 *vehicle ownership, titling and insurance, and to promote trust and co-*
2 *operation with law enforcement. Expenditures from the fund shall be*
3 *made in accordance with appropriation acts upon warrants of the director*
4 *of accounts and reports issued pursuant to vouchers approved by the*
5 *director of the division of motor vehicles or a person designated by the*
6 *director.*

7 Sec. 8. On and after July 1, 2004, K.S.A. 2002 Supp. 8-247 is hereby
8 amended to read as follows: 8-247. (a) All original licenses shall expire as
9 follows:

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

13 (2) licenses issued to persons who are less than 21 years of age or are
14 65 years of age or older shall expire on the fourth anniversary of the date
15 of birth of the licensee which is nearest the date of application; ~~or~~

16 (3) any commercial drivers license shall expire on the fourth anni-
17 versary of the date of birth of the licensee which is nearest the date of
18 application; *or*

19 (4) *temporary resident licenses shall expire in accordance with the*
20 *provisions of section 1, and amendments thereto.*

21 All renewals under paragraph (1) shall expire on every sixth anniversary
22 of the date of birth of the licensee ~~and~~, all renewals under paragraphs (2)
23 and (3) shall expire on every fourth anniversary of the date of birth of the
24 licensee *and renewals under paragraph (4) shall expire in accordance*
25 *with the provisions of section 1, and amendments thereto.* No driver's
26 license shall expire in the same calendar year in which the original license
27 or renewal license is issued, except that if the foregoing provisions of this
28 section shall require the issuance of a renewal license or an original license
29 for a period of less than six calendar months, the license issued to the
30 applicant shall expire in accordance with the provisions of this subsection.

31 (b) If the driver's license of any person expires while such person is
32 outside of the state of Kansas and on active duty in the armed forces of
33 the United States, the license of such person shall be renewable, without
34 examination, at any time prior to the end of the sixth month following the
35 discharge of such person from the armed forces, or within 90 days after
36 reestablished residence within the state, whichever time is sooner. If the
37 driver's license of any person expires while such person is outside the
38 United States, the division shall provide for renewal by mail.

39 (c) At least 30 days prior to the expiration of a person's license the
40 division shall mail a notice of expiration or renewal application to such
41 person at the address shown on the license. The division shall include
42 with such notice: (1) A copy of the eyesight examination form; (2) a copy
43 of the written examination prescribed by subsection (e); (3) a copy of the

1 Kansas driver's manual, prepared pursuant to K.S.A. 8-266b, and amend-
2 ments thereto; and (4) the written information required under subsection
3 (g).

4 (d) Every driver's license shall be renewable on or before its expira-
5 tion upon application and payment of the required fee and successful
6 completion of the examinations required by subsection (e). Application
7 for renewal of a valid driver's license shall be made to the division in
8 accordance with rules and regulations adopted by the secretary of reve-
9 nue. Such application shall contain all the requirements of subsection (b)
10 of K.S.A. 8-240, and amendments thereto. Upon satisfying the foregoing
11 requirements of this subsection, and if the division makes the findings
12 required by K.S.A. 8-235b, and amendments thereto, for the issuance of
13 an original license, the license shall be renewed without examination of
14 the applicant's driving ability. If the division finds that any of the state-
15 ments relating to revocation, suspension or refusal of licenses required
16 under ~~subsection (b)~~ of K.S.A. 8-240, and amendments thereto, are in
17 the affirmative, or if it finds that the license held by the applicant is not
18 a valid one, or if the applicant has failed to make application for renewal
19 of such person's license on or before the expiration date thereof, the
20 division may require the applicant to take an examination of ability to
21 exercise ordinary and reasonable control in the operation of a motor ve-
22 hicle as provided in K.S.A. 8-235d, and amendments thereto.

23 (e) (1) Prior to renewal of a driver's license, the applicant shall pass
24 an examination of eyesight and a written examination of ability to read
25 and understand highway signs regulating, warning and directing traffic
26 and knowledge of the traffic laws of this state. Such examination shall be
27 equivalent to the tests required for an original driver's license under
28 K.S.A. 8-235d, and amendments thereto. A driver's license examiner shall
29 administer the examinations without charge and shall report the results
30 of the examinations on a form provided by the division, which shall be
31 submitted by the applicant to the division at the time such applicant
32 applies for license renewal.

33 (2) In lieu of the examination of the applicant's eyesight by the ex-
34 aminer, the applicant may submit a report on the examination of eyesight
35 by a physician licensed to practice medicine and surgery or by a licensed
36 optometrist. The report shall be based on an examination of the appli-
37 cant's eyesight not more than three months prior to the date the report
38 is submitted, and it shall be made on a form furnished the applicant with
39 the notice of the expiration of license under subsection (c).

40 (3) In lieu of the driver's license examiner administering the written
41 examination, the applicant may complete the examination furnished with
42 the notice of the expiration of license under subsection (c) and submit
43 the completed examination to the division.

1 (4) The division shall determine whether the results of the written
2 examination and the eyesight reported are sufficient for renewal of the
3 license and, if the results of either or both of the examinations are insuf-
4 ficient, the division shall notify the applicant of such fact and return the
5 license fee. In determining the sufficiency of an applicant's eyesight, the
6 division may request an advisory opinion of the medical advisory board,
7 which is hereby authorized to render such opinions.

8 (5) An applicant who is denied a license under this subsection (e)
9 may reapply for renewal of such person's driver's license, except that if
10 such application is not made within 90 days of the date the division sent
11 notice to the applicant that the license would not be renewed, the appli-
12 cant shall proceed as if applying for an original driver's license. If the
13 applicant has been denied renewal of such person's driver's license be-
14 cause such applicant failed to pass the written examination, the applicant
15 shall pay an examination fee of \$1.50 to take the test again.

16 (6) When the division has good cause to believe that an applicant for
17 renewal of a driver's license is incompetent or otherwise not qualified to
18 operate a motor vehicle in accord with the public safety and welfare, the
19 division may require such applicant to submit to such additional exami-
20 nations as are necessary to determine that the applicant is qualified to
21 receive the license applied for. Subject to paragraph (7) of this subsection,
22 in so evaluating such qualifications, the division may request an advisory
23 opinion of the medical advisory board which is hereby authorized to ren-
24 der such opinions in addition to its duties prescribed by subsection (b) of
25 K.S.A. 8-255b, and amendments thereto. Any such applicant who is den-
26 ied the renewal of such a driver's license because of a mental or physical
27 disability shall be afforded a hearing in the manner prescribed by sub-
28 section (c) of K.S.A. 8-255, and amendments thereto.

29 (7) Seizure disorders which are controlled shall not be considered a
30 disability. In cases where such seizure disorders are not controlled, the
31 director or the medical advisory board may recommend that such person
32 be issued a driver's license to drive class C or M vehicles and restricted
33 to operating such vehicles as the division determines to be appropriate
34 to assure the safe operation of a motor vehicle by the licensee. Restricted
35 licenses issued pursuant to this paragraph shall be subject to suspension
36 or revocation. For the purpose of this paragraph, seizure disorders which
37 are controlled means that the licensee has not sustained a seizure involv-
38 ing a loss of consciousness in the waking state within six months preceding
39 the application or renewal of a driver's license and whenever a person
40 licensed to practice medicine and surgery makes a written report to the
41 division stating that the licensee's seizures are controlled. The report shall
42 be based on an examination of the applicant's medical condition not more
43 than three months prior to the date the report is submitted. Such report

1 shall be made on a form furnished to the applicant by the division. Any
2 physician who makes such report shall not be liable for any damages
3 which may be attributable to the issuance or renewal of a driver's license
4 and subsequent operation of a motor vehicle by the licensee.

5 (f) If the driver's license of any person expires while such person is
6 outside the state of Kansas, the license of such person shall be extended
7 for a period not to exceed six months and shall be renewable, without a
8 driving examination, at any time prior to the end of the sixth month fol-
9 lowing the original expiration date of such license or within 10 days after
10 such person returns to the state, whichever time is sooner.

11 (g) The division shall provide the following information in a person's
12 notice of expiration or renewal under subsection (c):

13 (1) Written information explaining the person's right to make an an-
14 atomical gift in accordance with K.S.A. 8-243, and amendments thereto,
15 and the uniform anatomical gift act;

16 (2) written information describing the organ donation registry pro-
17 gram maintained by the Kansas federally designated organ procurement
18 organization. The written information required under this paragraph shall
19 include, in a type, size and format that is conspicuous in relation to the
20 surrounding material, the address and telephone number of Kansas' fed-
21 erally designated organ procurement organization, along with an advisory
22 to call such designated organ procurement organization with questions
23 about the organ donor registry program;

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

26 (4) inform the applicant in writing that, if the applicant indicates un-
27 der this subsection a willingness to have such applicant's name placed on
28 the organ donor registry described in paragraph (2), the division will for-
29 ward the applicant's name, gender, date of birth and most recent address
30 to the organ donation registry maintained by the Kansas federally desig-
31 nated organ procurement organization, as required by paragraph (6);

32 (5) the division may fulfill the requirements of paragraph (4) by one
33 or more of the following methods:

34 (A) Providing printed material enclosed with a mailed notice for
35 driver's license renewal; or

36 (B) providing printed material to an applicant who personally appears
37 at an examining station;

38 (6) if an applicant indicates a willingness under this subsection to have
39 such applicant's name placed on the organ donor registry, the division
40 shall within 10 days forward the applicant's name, gender, date of birth
41 and most recent address to the organ donor registry maintained by the
42 Kansas federally designated organ procurement organization. The divi-
43 sion may forward information under this subsection by mail or by elec-

1 tronic means. The division shall not maintain a record of the name or
2 address of an individual who indicates a willingness to have such person's
3 name placed on the organ donor registry after forwarding that informa-
4 tion to the organ donor registry under this subsection. Information about
5 an applicant's indication of a willingness to have such applicant's name
6 placed on the organ donor registry that is obtained by the division and
7 forwarded under this paragraph shall be confidential and not disclosed.

8 Sec. 9. On and after July 1, 2004, K.S.A. 8-234b, 8-235d, 8-237 and
9 8-240 and K.S.A. 2002 Supp. 8-247 are hereby repealed.

10 Sec. 10. This act shall take effect and be in force from and after its
11 publication in the statute book.

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