

HOUSE BILL No. 2646

By Committee on Transportation

1-29

AN ACT relating to motor vehicles; concerning drivers' licenses; amending K.S.A. 2003 Supp. 8-247 and repealing the existing section.

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

Section 1. K.S.A. 2003 Supp. 8-247 is hereby amended to read as follows: 8-247. (a) All original licenses shall expire as follows:

(1) 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;

(2) licenses issued to persons who are less than 21 years of age or 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; or

(3) 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. All renewals under paragraph (1) shall expire on every sixth anniversary of the date of birth of the licensee and all renewals under paragraphs (2) and (3) shall expire on every fourth anniversary of the date of birth of the licensee. 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 on active duty in the armed forces of the United States, 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 reestablished residence within the state, whichever time is sooner. If the driver's license of any person expires while such person is outside the United States, the division shall provide for renewal by mail.

(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: (1) A copy of the eyesight examination form; (2) a copy

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

5 (d) Every driver's license shall be renewable on or before its expira-
6 tion upon application and payment of the required fee and successful
7 completion of the examinations required by subsection (e). Application
8 for renewal of a valid driver's license shall be made to the division in
9 accordance with rules and regulations adopted by the secretary of reve-
10 nue. Such application shall contain all the requirements of subsection (b)
11 of K.S.A. 8-240, and amendments thereto. Upon satisfying the foregoing
12 requirements of this subsection, and if the division makes the findings
13 required by K.S.A. 8-235b, and amendments thereto, for the issuance of
14 an original license, the license shall be renewed without examination of
15 the applicant's driving ability, *except as provided in paragraph (1) of sub-*
16 *section (e)*. If the division finds that any of the statements relating to
17 revocation, suspension or refusal of licenses required under subsection
18 ~~(b)~~ (c) of K.S.A. 8-240, and amendments thereto, are in the affirmative,
19 or if it finds that the license held by the applicant is not a valid one, or if
20 the applicant has failed to make application for renewal of such person's
21 license on or before the expiration date thereof, the division may require
22 the applicant to take an examination of ability to exercise ordinary and
23 reasonable control in the operation of a motor vehicle as provided in
24 K.S.A. 8-235d, and amendments thereto.

25 (e) (1) Prior to renewal of a driver's license, ~~the applicant:~~

26 (A) *Any applicant less than 75 years of age* shall pass an examination
27 of eyesight and a written examination of ability to read and understand
28 highway signs regulating, warning and directing traffic and knowledge of
29 the traffic laws of this state; *or*

30 (B) *any applicant 75 years of age or older shall pass an examination*
31 *of eyesight and a written examination of ability to read and understand*
32 *highway signs regulating, warning and directing traffic and knowledge*
33 *of the traffic laws of this state and shall be required to take an examination*
34 *of ability to exercise ordinary and reasonable control in the operation of*
35 *a motor vehicle. Such examination examinations shall be equivalent to the*
36 *tests required for an original driver's license under K.S.A. 8-235d, and*
37 *amendments thereto. A driver's license examiner shall administer the ex-*
38 *aminations without charge and shall report the results of the examinations*
39 *on a form provided by the division, which shall be submitted by the*
40 *applicant to the division at the time such applicant applies for license*
41 *renewal.*

42 (2) In lieu of the examination of the applicant's eyesight by the ex-
43 aminer, the applicant may submit a report on the examination of eyesight

1 by a physician licensed to practice medicine and surgery or by a licensed
2 optometrist. The report shall be based on an examination of the appli-
3 cant's eyesight not more than three months prior to the date the report
4 is submitted, and it shall be made on a form furnished the applicant with
5 the notice of the expiration of license under subsection (c).

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

10 (4) The division shall determine whether the results of the ~~written~~
11 ~~examination and the eyesight reported~~ *examinations reported under par-*
12 *agraph (1)* are sufficient for renewal of the license and, if the results of
13 ~~either or both~~ *any* of the examinations are insufficient, the division shall
14 notify the applicant of such fact and return the license fee. In determining
15 the sufficiency of an applicant's eyesight, the division may request an
16 advisory opinion of the medical advisory board, which is hereby author-
17 ized to render such opinions.

18 (5) An applicant who is denied a license under this subsection (e)
19 may reapply for renewal of such person's driver's license, except that if
20 such application is not made within 90 days of the date the division sent
21 notice to the applicant that the license would not be renewed, the appli-
22 cant shall proceed as if applying for an original driver's license. If the
23 applicant has been denied renewal of such person's driver's license be-
24 cause such applicant failed to pass the written *or driving* examination, the
25 applicant shall pay an examination fee of \$1.50 to take the test again.

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

39 (7) Seizure disorders which are controlled shall not be considered a
40 disability. In cases where such seizure disorders are not controlled, the
41 director or the medical advisory board may recommend that such person
42 be issued a driver's license to drive class C or M vehicles and restricted
43 to operating such vehicles as the division determines to be appropriate

1 to assure the safe operation of a motor vehicle by the licensee. Restricted
2 licenses issued pursuant to this paragraph shall be subject to suspension
3 or revocation. For the purpose of this paragraph, seizure disorders which
4 are controlled means that the licensee has not sustained a seizure involv-
5 ing a loss of consciousness in the waking state within six months preceding
6 the application or renewal of a driver's license and whenever a person
7 licensed to practice medicine and surgery makes a written report to the
8 division stating that the licensee's seizures are controlled. The report shall
9 be based on an examination of the applicant's medical condition not more
10 than three months prior to the date the report is submitted. Such report
11 shall be made on a form furnished to the applicant by the division. Any
12 physician who makes such report shall not be liable for any damages
13 which may be attributable to the issuance or renewal of a driver's license
14 and subsequent operation of a motor vehicle by the licensee.

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

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

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

26 (2) written information describing the organ donation registry pro-
27 gram maintained by the Kansas federally designated organ procurement
28 organization. The written information required under this paragraph shall
29 include, in a type, size and format that is conspicuous in relation to the
30 surrounding material, the address and telephone number of Kansas' fed-
31 erally designated organ procurement organization, along with an advisory
32 to call such designated organ procurement organization with questions
33 about the organ donor registry program;

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

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

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

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

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

5 (6) if an applicant indicates a willingness under this subsection to have
6 such applicant's name placed on the organ donor registry, the division
7 shall within 10 days forward the applicant's name, gender, date of birth
8 and most recent address to the organ donor registry maintained by the
9 Kansas federally designated organ procurement organization. The divi-
10 sion may forward information under this subsection by mail or by elec-
11 tronic means. The division shall not maintain a record of the name or
12 address of an individual who indicates a willingness to have such person's
13 name placed on the organ donor registry after forwarding that informa-
14 tion to the organ donor registry under this subsection. Information about
15 an applicant's indication of a willingness to have such applicant's name
16 placed on the organ donor registry that is obtained by the division and
17 forwarded under this paragraph shall be confidential and not disclosed.

18 Sec. 2. K.S.A. 2003 Supp. 8-247 is hereby repealed.

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

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