

HOUSE BILL No. 2092

By Committee on Transportation

1-23

1 AN ACT concerning motor vehicles; relating to restricted drivers' licenses;
2 seizure disorders; amending K.S.A. 2014 Supp. 8-247 and repealing the
3 existing section.
4

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

6 Section 1. K.S.A. 2014 Supp. 8-247 is hereby amended to read as
7 follows: 8-247. (a) (1) All original licenses shall expire as follows:

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

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

14 (C) any commercial driver's license shall expire on the fourth
15 anniversary of the date of birth of the licensee which is nearest the date of
16 application;

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

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

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

34 (b) If the driver's license of any person expires while such person is
35 outside of the state of Kansas and such person is on active duty in the
36 armed forces of the United States, or is the spouse or a person who is

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

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

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

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

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

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

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

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

26 (5) 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
30 examinations as are necessary to determine that the applicant is qualified
31 to receive the license applied for. Subject to paragraph (6) of this
32 subsection, in so evaluating such qualifications, the division may request
33 an advisory opinion of the medical advisory board which is hereby
34 authorized to render such opinions in addition to its duties prescribed by
35 ~~subsection (b) of K.S.A. 8-255b(b)~~, and amendments thereto. Any such
36 applicant who is denied the renewal of such a driver's license because of a
37 mental or physical disability shall be afforded a hearing in the manner
38 prescribed by ~~subsection (c) of K.S.A. 8-255(c)~~, and amendments thereto.

39 (6) 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 to
43 operating such vehicles as the division determines to be appropriate to

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

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

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

30 (1) Information explaining the person's right to make an anatomical
31 gift in accordance with K.S.A. 8-243, and amendments thereto, and the
32 revised uniform anatomical gift act, K.S.A. 2014 Supp. 65-3220 through
33 65-3244, and amendments thereto;

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

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

1 (4) inform the applicant that, if the applicant indicates under this
2 subsection a willingness to have such applicant's name placed on the organ
3 donor registry described in paragraph (2), the division will forward the
4 applicant's name, gender, date of birth and most recent address to the organ
5 donation registry maintained by the Kansas federally designated organ
6 procurement organization, as required by paragraph (6);

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

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

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

12 (6) if an applicant indicates a willingness under this subsection to
13 have such applicant's name placed on the organ donor registry, the division
14 shall within 10 days forward the applicant's name, gender, date of birth and
15 most recent address to the organ donor registry maintained by the Kansas
16 federally designated organ procurement organization. The division may
17 forward information under this subsection by mail or by electronic means.
18 The division shall not maintain a record of the name or address of an
19 individual who indicates a willingness to have such person's name placed
20 on the organ donor registry after forwarding that information to the organ
21 donor registry under this subsection. Information about an applicant's
22 indication of a willingness to have such applicant's name placed on the
23 organ donor registry that is obtained by the division and forwarded under
24 this paragraph shall be confidential and not disclosed.

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

31 (i) The director of the division of vehicles shall submit a report to the
32 legislature at the beginning of the regular session in 2012 regarding the
33 impact of not requiring a written test for the renewal of a driver's license,
34 including any cost savings to the division.

35 Sec. 2. K.S.A. 2014 Supp. 8-247 is hereby repealed.

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