

SENATE BILL No. 194

By Committee on Public Health and Welfare

2-15

1 AN ACT concerning health and healthcare; relating to the revised uniform
2 anatomical gift act; recognizing the inherent rights of Kansas citizens
3 and residents authorized to make anatomical gifts; amending K.S.A.
4 65-3233 and 65-3239 and K.S.A. 2018 Supp. 8-240, 8-243, 8-247, 8-
5 1324, 8-1325 and 8-1328 and repealing the existing sections.

6
7 *Be it enacted by the Legislature of the State of Kansas:*

8 New Section 1. (a) The legislature of the state of Kansas finds and
9 declares the following:

10 (1) The decisions whether to make an anatomical gift and thereafter
11 to authorize an anatomical gift or to make a decision whether to become a
12 living organ donor are deeply personal decisions of great importance and
13 significance made after careful consideration by the living organ donor or
14 the person authorized to make an anatomical gift;

15 (2) the donation of anatomical gifts serves important public health
16 needs, including medical research and education, therapy or
17 transplantation that improve the health and welfare of the citizens and
18 residents of the state of Kansas; and

19 (3) any citizen or resident of the state of Kansas has the inherent right
20 to make a decision about whether to be a donor and thereafter about the
21 conditions of use of an anatomical gift for any authorized purpose under
22 the revised uniform anatomical gift act.

23 (b) (1) Any citizen or resident of the state of Kansas authorized to
24 make an anatomical gift, under the revised uniform anatomical gift act, has
25 an inherent right to make a decision whether to make an anatomical gift
26 and thereafter about the conditions of use of an anatomical gift of all or
27 part of the donor's body for transplantation, therapy, research or education.
28 Any decision by a citizen or resident of the state of Kansas authorized to
29 make an anatomical gift under the revised uniform anatomical gift act
30 about the use of an anatomical gift under this subsection shall not
31 discriminate by reason of any prohibited basis for discrimination provided
32 in article 10 or 11 of chapter 44 of the Kansas Statutes Annotated, and
33 amendments thereto, or K.S.A. 65-3276, and amendments thereto.

34 (2) The department of health and environment shall adopt all
35 necessary rules and regulations to be effective on or before July 1, 2020,
36 defining the inherent right recognized in paragraph (1) and creating a

1 mechanism for a citizen or resident of the state of Kansas who is
2 authorized to make an anatomical gift under the revised uniform
3 anatomical gift act to exercise the right recognized in paragraph (1). The
4 definition of the inherent right recognized in paragraph (1) may include
5 conditions of use of an anatomical gift not recognized in other provisions
6 of the revised uniform anatomical gift act. The department of health and
7 environment shall seek input from experts in the field of organ
8 procurement and organ transplantation as the secretary of health and
9 environment, or the secretary's designee, deems appropriate at the
10 secretary's sole discretion in developing the rules and regulations required
11 by this paragraph. Such rules and regulations shall include:

12 (A) A mechanism for a Kansas citizen or resident authorized to make
13 an anatomical gift under the revised uniform anatomical gift act to exercise
14 the inherent right recognized in paragraph (1) when applying or reapplying
15 for a permit, license or other identification card from the division of
16 vehicles;

17 (B) a process to communicate that a Kansas citizen or resident
18 authorized to make an anatomical gift has exercised the inherent right
19 recognized in paragraph (1) to the statewide organ and tissue donor
20 registry, established and operated in accordance with K.S.A. 65-3239, and
21 amendments thereto;

22 (C) a process requiring the Kansas federally designated organ
23 procurement organization to conduct outreach to individuals listed in the
24 registry, established and operated in accordance with K.S.A. 65-3239, and
25 amendments thereto, to provide such individuals with information about
26 the inherent right recognized in paragraph (1) and directions on how to
27 exercise such right; and

28 (D) any other provisions as necessary to implement and administer
29 the provisions of this section.

30 (4) The inherent right recognized in paragraph (1) is superior to the
31 rights of any other person with respect to the part, including the rights
32 described in K.S.A. 65-3233(h), and amendments thereto, when it is
33 exercised by a citizen or resident of the state of Kansas authorized to make
34 an anatomical gift under the revised uniform anatomical gift act until the
35 anatomical gift is used in transplantation, therapy, research or education,
36 by the person to whom the gift passes under K.S.A. 65-3230, and
37 amendments thereto.

38 (5) On the effective date of the rules and regulations required to be
39 adopted under paragraph (1), the division of vehicles shall provide notice
40 to any individual who indicates a willingness to have their name placed on
41 the organ donor registry under K.S.A. 8-247 or 8-1325, and amendments
42 thereto, that information regarding an authorized donor's exercise of the
43 inherent right recognized under paragraph (1) will be provided to the organ

1 donation registry, maintained by the Kansas federally designated organ
2 procurement organization. The division of vehicles shall provide
3 information regarding an authorized donor's exercise of the inherent right
4 recognized under paragraph (1) to the organ donation registry maintained
5 by the Kansas designated organ procurement organization consistent with
6 the requirements of K.S.A. 8-247 or 8-1325, and amendments thereto.
7 Disclosures and notices made pursuant to this subsection shall be in
8 addition to the required disclosures and notices to the organ donor registry
9 authorized by K.S.A. 8-247 or 8-1325, and amendments thereto.

10 (c) This section shall be a part of and supplemental to the revised
11 uniform anatomical gift act.

12 (d) This section shall be null and void and have no force and effect if
13 the rules and regulations required to be adopted under subsection (b) are
14 not adopted to be effective prior to January 1, 2023.

15 Sec. 2. K.S.A. 2018 Supp. 8-240 is hereby amended to read as
16 follows: 8-240. (a) (1) Every application for an instruction permit shall be
17 made upon a form furnished by the division of vehicles and accompanied
18 by a fee of \$2 for class A, B, C or M and \$5 for all commercial classes.
19 Every other application shall be made upon a form furnished by the
20 division and accompanied by an examination fee of \$3, unless a different
21 fee is required by K.S.A. 8-241, and amendments thereto, and by the
22 proper fee for the license for which the application is made. All
23 commercial class applicants shall be charged a \$15 driving test fee for the
24 drive test portion of the commercial driver's license application. If the
25 applicant is not required to take an examination or the commercial license
26 drive test, the examination or commercial drive test fee shall not be
27 required. The examination shall consist of three tests, as follows: (A)
28 Vision; (B) written; and (C) driving. For a commercial driver's license, the
29 drive test shall consist of three components, as follows: (A) Pre-trip; (B)
30 skills test; and (C) road test. If the applicant fails the vision test, the
31 applicant may have correction of vision made and take the vision test
32 again without any additional fee. If an applicant fails the written test, the
33 applicant may take such test again upon the payment of an additional
34 examination fee of \$1.50. If an applicant fails the driving test, the
35 applicant may take such test again upon the payment of an additional
36 examination fee of \$1.50. If an applicant for a commercial driver's license
37 fails any portion of the commercial drive test, the applicant may take such
38 test again upon the payment of an additional drive test fee of \$10. If an
39 applicant fails to pass all three of the tests within a period of six months
40 from the date of original application and desires to take additional tests,
41 the applicant shall file an application for reexamination upon a form
42 furnished by the division, ~~which shall be accompanied by a reexamination~~
43 fee of \$3, except that any applicant who fails to pass the written or driving

1 portion of an examination four times within a six-month period, shall be
2 required to wait a period of six months from the date of the last failed
3 examination before additional examinations may be given. Upon the filing
4 of such application and the payment of such reexamination fee, the
5 applicant shall be entitled to reexamination in like manner and subject to
6 the additional fees and time limitation as provided for examination on an
7 original application. If the applicant passes the reexamination, the
8 applicant shall be issued the classified driver's license for which the
9 applicant originally applied, ~~which license shall be issued~~ to expire as if
10 the applicant had passed the original examination.

11 (2) Applicants for class M licenses who have completed prior
12 motorcycle safety training in accordance with department of defense
13 instruction 6055.04 (DoDI 6055.04) or the motorcycle safety foundation
14 are not required to complete further written and driving testing pursuant to
15 paragraph (1). An applicant seeking exemption from the written and
16 driving tests pursuant to this paragraph shall provide a copy of the
17 motorcycle safety foundation completion form to the division prior to
18 receiving a class M license.

19 (3) On and after January 1, 2017, an applicant for a class M license
20 who passes a driving examination on a three-wheeled motorcycle ~~which~~
21 *that* is not an autocycle shall have a restriction placed on such applicant's
22 license limiting the applicant to the operation of a registered three-wheeled
23 motorcycle. An applicant for a class M license who passes a driving
24 examination on a two-wheeled motorcycle may operate any registered
25 two-wheeled or three-wheeled motorcycle. The driving examination
26 required by this paragraph shall be administered by the division, by the
27 department of defense or as part of a curriculum recognized by the
28 motorcycle safety foundation.

29 (b) (1) For the purposes of obtaining any driver's license or
30 instruction permit, an applicant shall submit, with the application, proof of
31 age and proof of identity as the division may require. The applicant also
32 shall provide a photo identity document, except that a non-photo identity
33 document is acceptable if it includes both the applicant's full legal name
34 and date of birth, and documentation showing the applicant's name, the
35 applicant's address of principal residence and the applicant's social security
36 number. The applicant's social security number shall remain confidential
37 and shall not be disclosed, except as provided pursuant to K.S.A. 74-2012,
38 and amendments thereto. If the applicant does not have a social security
39 number the applicant shall provide proof of lawful presence and Kansas
40 residency. The division shall assign a distinguishing number to the license
41 or permit.

42 (2) The division shall not issue any driver's license or instruction
43 permit to any person who fails to provide proof that the person is lawfully

1 present in the United States. Before issuing a driver's license or instruction
2 permit to a person, the division shall require valid documentary evidence
3 that the applicant: (A) Is a citizen or national of the United States; (B) is an
4 alien lawfully admitted for permanent or temporary residence in the
5 United States; (C) has conditional permanent resident status in the United
6 States; (D) has an approved application for asylum in the United States or
7 has entered into the United States in refugee status; (E) has a valid,
8 unexpired nonimmigrant visa or nonimmigrant visa status for entry into
9 the United States; (F) has a pending application for asylum in the United
10 States; (G) has a pending or approved application for temporary protected
11 status in the United States; (H) has approved deferred action status; or (I)
12 has a pending application for adjustment of status to that of an alien
13 lawfully admitted for permanent residence in the United States or
14 conditional permanent resident status in the United States.

15 (3) If an applicant provides evidence of lawful presence set out in
16 subsections (b)(2)(E) through (2)(I), or is an alien lawfully admitted for
17 temporary residence under subsection (b)(2)(B), the division may only
18 issue a driver's license to the person under the following conditions: (A) A
19 driver's license issued pursuant to this subparagraph shall be valid only
20 during the period of time of the applicant's authorized stay in the United
21 States or, if there is no definite end to the period of authorized stay, a
22 period of one year; (B) a driver's license issued pursuant to this
23 subparagraph shall clearly indicate that it is temporary and shall state the
24 date on which it expires; (C) no driver's license issued pursuant to this
25 subparagraph shall be for a longer period of time than the time period
26 permitted by K.S.A. 8-247(a), and amendments thereto; and (D) a driver's
27 license issued pursuant to this subparagraph may be renewed, subject at
28 the time of renewal, to the same requirements and conditions as set out in
29 this subsection (b) for the issuance of the original driver's license.

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

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

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

39 (c) Every application shall state the full legal name, date of birth,
40 gender and address of principal residence of the applicant, and briefly
41 describe the applicant, and shall state whether the applicant has been
42 licensed as a driver prior to such application, and, if so, when and by what
43 state or country. Such application shall state whether any such license has

1 ever been suspended or revoked, or whether an application has ever been
2 refused, and, if so, the date of and reason for such suspension, revocation
3 or refusal. In addition, applications for commercial drivers' licenses and
4 instruction permits for commercial licenses must include the following:
5 The applicant's social security number; the person's signature; the person's:
6 (1) Digital color image or photograph; or (2) a laser engraved photograph;
7 certifications, including those required by 49 C.F.R. § 383.71(a), effective
8 January 1, 1991; a consent to release driving record information; and, any
9 other information required by the division. Each application for a driver's
10 license shall include a question asking if the applicant is willing to give
11 such applicant's authorization to be listed as an organ, eye or tissue donor
12 in the Kansas donor registry in accordance with the revised uniform
13 anatomical gift act, ~~K.S.A. 65-3220 through 65-3244, and amendments or~~
14 *rules and regulations adopted thereunder*. The gift would become effective
15 upon the death of the donor.

16 (d) When an application is received from a person previously licensed
17 in another jurisdiction, the division shall request a copy of the driver's
18 record from the other jurisdiction. When received, the driver's record shall
19 become a part of the driver's record in this state with the same force and
20 effect as though entered on the driver's record in this state in the original
21 instance.

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

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

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

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

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

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

33 (5) for a class A or B driver's license issued to a person who is at least
34 21 years of age, but less than 65 years of age, \$24;

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

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

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

41 A fee of \$10 shall be charged for each commercial driver's license
42 endorsement, except air brake endorsements ~~which~~ *that* shall have no
43 charge.

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

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

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

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

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

19 (j) (1) For purposes of this subsection, the division may rely on the
20 division's most recent, existing color digital image and signature image of
21 the applicant for the class C or M driver's license if the division has the
22 information on file. The determination on whether an electronic online
23 renewal application or equivalent of a driver's license is permitted shall be
24 made by the director of vehicles or the director's designee. The division
25 shall not renew a driver's license through an electronic online or equivalent
26 process if the license has been previously renewed through an electronic
27 online application in the immediately preceding driver's license period. No
28 renewal under this subsection shall be granted to any person who is: (A)
29 Younger than 30 days from turning 21 years of age; (B) 65 years of age or
30 older; (C) a registered offender pursuant to K.S.A. 22-4901 et seq., and
31 amendments thereto; or (D) has a temporary driver's license issued
32 pursuant to K.S.A. 8-240(b)(3), and amendments thereto, provided the
33 license is not otherwise withdrawn.

34 (2) The vision examination requirements in K.S.A. 8-247(e), and
35 amendments thereto, are not required for electronic online renewal
36 applications, except that the electronic online renewal applicant must
37 certify under penalty of law that the applicant's vision satisfies the
38 requirements of K.S.A. 8-295, and amendments thereto, and has
39 undergone an examination of eyesight by a licensed ophthalmologist or a
40 licensed optometrist within the last year. As a condition for any electronic
41 online renewal application, the applicant must: (A) Authorize the exchange
42 of vision and medical information between the division and the applicant's
43 ophthalmologist or optometrist; and (B) is at least 21 years of age, but less

1 than 50 years of age. The ophthalmologist or optometrist shall have four
2 business days to confirm or deny the vision and medical information of the
3 applicant. If no response is received by the division, the division shall
4 accept the vision and medical information provided for processing the
5 renewal application. The waiver of vision examination for online renewal
6 applications contained within this subsection shall expire on July 1, 2022.

7 (3) The secretary of revenue shall adopt and administer rules and
8 regulations to implement a program to permit an electronic online renewal
9 of a driver's license, including, but not limited to, requirements that an
10 electronic online renewal applicant shall have previously provided
11 documentation of identity, lawful presence and residence to the division
12 for electronic scanning.

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

17 Sec. 3. K.S.A. 2018 Supp. 8-243 is hereby amended to read as
18 follows: 8-243. (a) Upon payment of the required fee, the division shall
19 issue to every applicant qualifying under the provisions of this act the
20 driver's license as applied for by the applicant. Such license shall bear the
21 class or classes of motor vehicles ~~which~~ that the licensee is entitled to
22 drive, a distinguishing number assigned to the licensee, the full legal
23 name, date of birth, gender, address of principal residence and a brief
24 description of the licensee, either: (1) A digital color image or photograph;
25 or (2) a laser engraved photograph of the licensee, a facsimile of the
26 signature of the licensee and the statement provided for in subsection (b).
27 No driver's license shall be valid until it has been signed by the licensee.
28 All drivers' licenses issued to persons under the age of 21 years shall be
29 readily distinguishable from licenses issued to persons age 21 years or
30 older. In addition, all drivers' licenses issued to persons under the age of 18
31 years shall also be readily distinguishable from licenses issued to persons
32 age 18 years or older. The secretary of revenue shall implement a vertical
33 format to make drivers' licenses issued to persons under the age of 21 more
34 readily distinguishable. Except as otherwise provided, no driver's license
35 issued by the division shall be valid until either: (1) A digital color image
36 or photograph; or (2) a laser engraved photograph of such licensee has
37 been taken and verified before being placed on the driver's license. The
38 secretary of revenue shall prescribe a fee of not more than \$8 and upon the
39 payment of such fee, the division shall cause either: (1) A digital color
40 image or photograph; or (2) a laser engraved photograph of such applicant
41 to be placed on the driver's license. Upon payment of such fee prescribed
42 by the secretary of revenue, plus payment of the fee required by K.S.A. 8-
43 246, and amendments thereto, for issuance of a new license, the division

1 shall issue to such licensee a new license containing either: (1) A digital
2 color image or photograph; or (2) a laser engraved photograph of such
3 licensee. A driver's license ~~which~~ *that* does not contain the principal
4 address as required may be issued to persons who are program participants
5 pursuant to K.S.A. 75-455, and amendments thereto, upon payment of the
6 fee required by K.S.A. 8-246, and amendments thereto. All Kansas drivers'
7 licenses and identification cards shall have physical security features
8 designed to prevent tampering, counterfeiting or duplication of the
9 document for fraudulent purposes. The secretary of revenue shall
10 incorporate common machine-readable technology into all Kansas drivers'
11 licenses and identification cards.

12 (b) A Kansas driver's license issued to any person 16 years of age or
13 older who indicated on the person's application that the person wished to
14 make a gift of all or any part of the body of the licensee in accordance with
15 the revised uniform anatomical gift act, ~~K.S.A. 65-3220 through 65-3244,~~
16 ~~and amendments thereto or rules and regulations adopted thereunder,~~ shall
17 have the word "Donor" placed on the front of the licensee's driver's
18 license.

19 (c) Any person who is deaf or hard of hearing may request that the
20 division issue to such person a driver's license ~~which~~ *that* is readily
21 distinguishable from drivers' licenses issued to other drivers and upon such
22 request the division shall issue such license. Drivers' licenses issued to
23 persons who are deaf or hard of hearing and under the age of 21 years shall
24 be readily distinguishable from drivers' licenses issued to persons who are
25 deaf or hard of hearing and 21 years of age or older. Upon satisfaction of
26 subsection (a), the division shall issue a receipt of application permitting
27 the operation of a vehicle consistent with the requested class, if there are
28 no other restrictions or limitations, pending the division's verification of
29 the information and production of a driver's license.

30 (d) A driver's license issued to a person required to be registered
31 under K.S.A. 22-4901 et seq., and amendments thereto, shall be assigned a
32 distinguishing number by the division ~~which~~ *that* will readily indicate to
33 law enforcement officers that such person is a registered offender. The
34 division shall develop a numbering system to implement the provisions of
35 this subsection.

36 (e) (1) Any person who is a veteran may request that the division
37 issue to such person a driver's license ~~which~~ *that* shall include the
38 designation "VETERAN" displayed on the front of the driver's license at a
39 location to be determined by the secretary of revenue. In order to receive a
40 license described in this subsection, the veteran must provide proof of the
41 veteran's military service and honorable discharge or general discharge
42 under honorable conditions, including a copy of the veteran's DD214 form
43 or equivalent.

1 (2) As used in this subsection, "veteran" means a person who:

2 (A) Has served in: The army, navy, marine corps, air force, coast
3 guard, air or army national guard or any branch of the military reserves of
4 the United States; and

5 (B) has been separated from the branch of service in which the person
6 was honorably discharged or received a general discharge under honorable
7 conditions.

8 (3) The director of vehicles may adopt any rules and regulations
9 necessary to carry out the provisions of this subsection.

10 (f) (1) Any person who submits satisfactory proof to the director of
11 vehicles, on a form provided by the director, that such person needs
12 assistance with cognition, including, but not limited to, persons with
13 autism spectrum disorder, may request that the division issue to such
14 person a driver's license, that shall note such impairment on the driver's
15 license at a location to be determined by the secretary of revenue.

16 (2) Satisfactory proof that a person needs assistance with cognition
17 shall include a statement from a person licensed to practice the healing arts
18 in any state, an advanced practice registered nurse licensed under K.S.A.
19 65-1131, and amendments thereto, a licensed physician assistant or a
20 person clinically licensed by the Kansas behavioral sciences regulatory
21 board certifying that such person needs assistance with cognition.

22 Sec. 4. K.S.A. 2018 Supp. 8-247 is hereby amended to read as
23 follows: 8-247. (a) (1) All original licenses issued on and after July 1,
24 2018, shall expire as follows:

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

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

31 (C) any commercial drivers license shall expire on the fifth
32 anniversary of the date of birth of the licensee ~~which~~ *that* is nearest the
33 date of application;

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

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

40 (2) All renewals under: (A) Paragraph (1)(A) shall expire on every
41 sixth anniversary of the date of birth of the licensee; (B) paragraph (1)(B)
42 shall expire on every fourth anniversary of the date of birth of the licensee;
43 (C) paragraph (1)(C) shall expire on every fifth anniversary of the date of

1 birth of the licensee; (D) paragraph (1)(D) shall expire every year on the
2 date of birth of the licensee; and (E) paragraph (1)(E), if a renewal license
3 is issued, shall expire on the licensee's 21st birthday. No driver's license
4 shall expire in the same calendar year in which the original license or
5 renewal license is issued, except that if the foregoing provisions of this
6 section shall require the issuance of a renewal license or an original license
7 for a period of less than six calendar months, the license issued to the
8 applicant shall expire in accordance with the provisions of this subsection.

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

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

27 (d) (1) Except as provided in paragraph (2), every driver's license
28 shall be renewable on or before its expiration upon application and
29 payment of the required fee and successful completion of the examinations
30 required by subsection (e). Application for renewal of a valid driver's
31 license shall be made to the division in accordance with rules and
32 regulations adopted by the secretary of revenue. Such application shall
33 contain all the requirements of K.S.A. 8-240(b), and amendments thereto.
34 Such notice shall also include a question asking if the applicant is willing
35 to give such applicant's authorization to be listed as an organ, eye and
36 tissue donor in the Kansas donor registry in accordance with the revised
37 uniform anatomical gift act, ~~K.S.A. 65-3220 through 65-3244, and~~
38 ~~amendments thereto or rules and regulations adopted thereunder.~~ Upon
39 satisfying the foregoing requirements of this subsection, and if the division
40 makes the findings required by K.S.A. 8-235b, and amendments thereto,
41 for the issuance of an original license, the license shall be renewed without
42 examination of the applicant's driving ability. If the division finds that any
43 of the statements relating to revocation, suspension or refusal of licenses

1 required under K.S.A. 8-240(b), and amendments thereto, are in the
2 affirmative, or if it finds that the license held by the applicant is not a valid
3 one, or if the applicant has failed to make application for renewal of such
4 person's license on or before the expiration date thereof, the division may
5 require the applicant to take an examination of ability to exercise ordinary
6 and reasonable control in the operation of a motor vehicle as provided in
7 K.S.A. 8-235d, and amendments thereto.

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

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

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

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

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

41 (5) When the division has good cause to believe that an applicant for
42 renewal of a driver's license is incompetent or otherwise not qualified to
43 operate a motor vehicle in accord with the public safety and welfare, the

1 division may require such applicant to submit to such additional
2 examinations as are necessary to determine that the applicant is qualified
3 to receive the license applied for. Subject to paragraph (6), in so evaluating
4 such qualifications, the division may request an advisory opinion of the
5 medical advisory board—~~which~~. *The medical advisory board* is hereby
6 authorized to render such opinions in addition to its duties prescribed by
7 K.S.A. 8-255b(b), and amendments thereto. Any such applicant who is
8 denied the renewal of such a driver's license because of a mental or
9 physical disability shall be afforded a hearing in the manner prescribed by
10 K.S.A. 8-255(c), and amendments thereto.

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

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

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

42 (1) Information explaining the person's right to make an anatomical
43 gift in accordance with K.S.A. 8-243, and amendments thereto, and the

1 revised uniform anatomical gift act, ~~K.S.A. 65-3220 through 65-3244, and~~
2 ~~amendments thereto or rules and regulations adopted thereunder;~~

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

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

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

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

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

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

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

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

43 (i) The director of the division of vehicles shall submit a report to the

1 legislature at the beginning of the regular session in 2012 regarding the
2 impact of not requiring a written test for the renewal of a driver's license,
3 including any cost savings to the division.

4 Sec. 5. K.S.A. 2018 Supp. 8-1324 is hereby amended to read as
5 follows: 8-1324. (a) Any resident who does not hold a current valid Kansas
6 driver's license may make application to the division of vehicles and be
7 issued one identification card.

8 (b) (1) Each application for an identification card shall include a
9 question asking if the applicant is willing to give such applicant's
10 authorization to be listed as an organ, eye and tissue donor in the Kansas
11 donor registry in accordance with the revised uniform anatomical gift act,
12 ~~K.S.A. 65-3220 through 65-3244, and amendments thereto or rules and~~
13 ~~regulations adopted thereunder.~~ The gift would become effective upon the
14 death of the donor.

15 (2) For the purpose of obtaining an identification card, an applicant
16 shall submit, with the application, proof of age, proof of identity and proof
17 of lawful presence. An applicant shall submit with the application a photo
18 identity document, except that a non-photo identity document is acceptable
19 if it includes both the applicant's full legal name and date of birth, and
20 documentation showing the applicant's name, the applicant's address of
21 principal residence and the applicant's social security account number. The
22 applicant's social security number shall remain confidential and shall not
23 be disclosed, except as provided pursuant to K.S.A. 74-2014, and
24 amendments thereto. If the applicant does not have a social security
25 number, the applicant shall provide proof of lawful presence and Kansas
26 residency. The division shall assign a distinguishing number to the
27 identification card. Before issuing an identification card to a person, the
28 division shall make reasonable efforts to verify with the issuing agency the
29 issuance, validity and completeness of each document required to be
30 presented by the applicant to prove age, identity and lawful presence.

31 (c) The division shall not issue an identification card to any person
32 who fails to provide proof that the person is lawfully present in the United
33 States. If an applicant provides evidence of lawful presence as set out in
34 K.S.A. 8-240(b)(2)(E) through (2)(I), and amendments thereto, or is an
35 alien lawfully admitted for temporary residence under K.S.A. 8-240(b)(2)
36 (B), and amendments thereto, the division may only issue a temporary
37 identification card to the person under the following conditions: (A) A
38 temporary identification card issued pursuant to this subparagraph shall be
39 valid only during the period of time of the applicant's authorized stay in
40 the United States or, if there is no definite end to the period of authorized
41 stay, a period of one year; (B) a temporary identification card issued
42 pursuant to this subparagraph shall clearly indicate that it is temporary and
43 shall state the date upon which it expires; (C) no temporary identification

1 card issued pursuant to this subparagraph shall be for a longer period of
2 time than the time period permitted by K.S.A. 8-1325, and amendments
3 thereto; and (D) a temporary identification card issued pursuant to this
4 subparagraph may be renewed, subject at the time of renewal, to the same
5 requirements and conditions set forth in this subsection (c) for the issuance
6 of the original temporary identification card.

7 (d) The division shall not issue an identification card to any person
8 who holds a current valid Kansas driver's license unless such driver's
9 license has been physically surrendered pursuant to the provisions of
10 K.S.A. 8-1002(e), and amendments thereto.

11 (e) The division shall refuse to issue an identification card to a person
12 holding a driver's license or identification card issued by another state
13 without confirmation that the person is terminating or has terminated the
14 license or identification card.

15 (f) The parent or guardian of an applicant under 16 years of age shall
16 sign the application for an identification card submitted by such applicant.

17 (g) (1) The division shall require payment of a fee of \$14 at the time
18 application for an identification card is made, except that persons who are
19 65 or more years of age or who are handicapped, as defined in K.S.A. 8-
20 1,124, and amendments thereto, shall be required to pay a fee of only \$10.
21 In addition to the fees prescribed by this subsection, the division shall
22 require payment of the photo fee established pursuant to K.S.A. 8-243, and
23 amendments thereto, for the cost of the photograph to be placed on the
24 identification card.

25 (2) The division shall not require or accept payment of application or
26 photo fees under this subsection for any person 17 years of age or older for
27 purposes of meeting the voter identification requirements of K.S.A. 25-
28 2908, and amendments thereto. Such person shall:

29 (A) Swear under oath that such person desires an identification card
30 in order to vote in an election in Kansas and that such person does not
31 possess any of the forms of identification acceptable under K.S.A. 25-
32 2908, and amendments thereto. The affidavit shall specifically list the
33 acceptable forms of identification under K.S.A. 25-2908, and amendments
34 thereto; and

35 (B) produce evidence that such person is registered to vote in Kansas.

36 (3) The secretary of revenue shall adopt rules and regulations in order
37 to implement the provisions of paragraph (2).

38 (h) All Kansas identification cards shall have physical security
39 features designed to prevent tampering, counterfeiting or duplication for
40 fraudulent purposes.

41 (i) For the purposes of K.S.A. 8-1324 through 8-1328, and
42 amendments thereto, a person shall be deemed to be a resident of the state
43 if:

- 1 (1) The person owns, leases or rents a place of domicile in this state;
2 (2) the person engages in a trade, business or profession in this state;
3 (3) the person is registered to vote in this state;
4 (4) the person enrolls the person's child in a school in this state; or
5 (5) the person registers the person's motor vehicle in this state.
- 6 (j) The division shall require that any person applying for an
7 identification card submit to a mandatory facial image capture. The
8 captured facial image shall be displayed on the front of the applicant's
9 identification card.
- 10 (k) (1) Any person who is a veteran may request that the division
11 issue to such person a nondriver identification card ~~which~~ *that* shall
12 include the designation "VETERAN" displayed on the front of the
13 nondriver identification card at a location to be determined by the
14 secretary of revenue. In order to receive a nondriver identification card
15 described in this subsection, the veteran must provide proof of the
16 veteran's military service and honorable discharge or general discharge
17 under honorable conditions, including a copy of the veteran's DD214 form
18 or equivalent.
- 19 (2) As used in this subsection, "veteran" means a person who:
20 (A) Has served in: The army, navy, marine corps, air force, coast
21 guard, air or army national guard or any branch of the military reserves of
22 the United States; and
23 (B) has been separated from the branch of service in which the person
24 was honorably discharged or received a general discharge under honorable
25 conditions.
- 26 (3) The director of vehicles may adopt any rules and regulations
27 necessary to carry out the provisions of this subsection.
- 28 (l) The director of vehicles may issue a temporary identification card
29 to an applicant who cannot provide valid documentary evidence as defined
30 by subsection (c), if the applicant provides compelling evidence proving
31 current lawful presence. Any temporary identification card issued pursuant
32 to this subparagraph shall be valid for one year.
- 33 (m) Upon payment of the required fee, the division shall issue to
34 every applicant qualifying under the provisions of this act an identification
35 card. Such identification card shall bear a distinguishing number assigned
36 to the cardholder, the full legal name, date of birth, address of principal
37 residence, a brief description of the cardholder, either: (1) A digital color
38 image or photograph; or (2) a laser engraved photograph of the cardholder,
39 and a facsimile of the signature of the cardholder. An identification card
40 ~~which~~ *that* does not contain the address of principal residence of the
41 cardholder as required may be issued to persons who are program
42 participants pursuant to K.S.A. 75-455, and amendments thereto.
- 43 (n) An identification card issued to any person who indicated on the

1 application that the person wished to make an anatomical gift in
2 accordance with the revised uniform anatomical gift act, ~~K.S.A. 65-3220~~
3 ~~through 65-3244, and amendments thereto or rules and regulations~~
4 ~~adopted thereunder~~, shall have the word "Donor" placed on the front of the
5 applicant's identification card.

6 (o) (1) Any person who submits satisfactory proof to the director of
7 vehicles, on a form provided by the director, that such person needs
8 assistance with cognition, including, but not limited to, persons with
9 autism spectrum disorder, may request that the division issue to such
10 person a nondriver identification card, that shall note such impairment on
11 the nondriver identification card at a location to be determined by the
12 secretary of revenue.

13 (2) Satisfactory proof that a person needs assistance with cognition
14 shall include a statement from a person licensed to practice the healing arts
15 in any state, an advanced practice registered nurse licensed under K.S.A.
16 65-1131, and amendments thereto, a licensed physician assistant or a
17 person clinically licensed by the Kansas behavioral sciences regulatory
18 board certifying that such person needs assistance with cognition.

19 Sec. 6. K.S.A. 2018 Supp. 8-1325 is hereby amended to read as
20 follows: 8-1325. (a) Every identification card shall expire, unless earlier
21 canceled or ~~subsection (e) of K.S.A. 8-1324(c)~~, and amendments thereto,
22 applies, on the sixth birthday of the applicant following the date of original
23 issue, except as otherwise provided by K.S.A. 8-1329, and amendments
24 thereto. Renewal of any identification card shall be made for a term of six
25 years and shall expire in a like manner as the originally issued
26 identification card, unless surrendered earlier or ~~subsection (e) of K.S.A.~~
27 ~~8-1324(c)~~, and amendments thereto, applies. For any person who has been
28 issued an identification card, the division shall mail a notice of expiration
29 or renewal at least 30 days prior to the expiration of such person's
30 identification card at the address shown on such identification card. The
31 division shall include with such notice, written information required under
32 subsection (b). Any application for renewal received later than 90 days
33 after expiration of the identification card shall be considered to be an
34 application for an original identification card. The division shall require
35 payment of a fee of \$14 for each identification card renewal, except that
36 persons who are 65 or more years of age or who are persons with a
37 disability, as defined in K.S.A. 8-1,124, and amendments thereto, shall be
38 required to pay a fee of only \$10.

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

42 (1) Information explaining the person's right to make an anatomical
43 gift in accordance with K.S.A. 8-1328, and amendments thereto, and the

1 revised uniform anatomical gift act, ~~K.S.A. 65-3220 through 65-3244, and~~
2 ~~amendments thereto or rules and regulations adopted thereunder;~~

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

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

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

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

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

22 (B) providing printed material to an applicant who personally applies
23 for an identification card;

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

37 Sec. 7. K.S.A. 2018 Supp. 8-1328 is hereby amended to read as
38 follows: 8-1328. (a) The identification card shall resemble in appearance,
39 so far as is practicable, a driver's license issued in accordance with K.S.A.
40 8-243, and amendments thereto, and shall adequately describe the
41 registrant. The identification card shall be sealed in transparent plastic or
42 similar substance.

43 (b) All Kansas identification cards issued to any person 16 years of

1 age or older shall contain a form ~~which~~ *that* provides a statement for
2 making a gift of all or any part of the body in accordance with the revised
3 uniform anatomical gift act, ~~K.S.A. 65-3220 through 65-3244, and~~
4 ~~amendments thereto~~ *or rules and regulations adopted thereunder*, except
5 as otherwise provided by this subsection. The statement to be effective
6 shall be signed by the applicant in the presence of two witnesses who shall
7 sign the statement in the presence of the donor. The gift becomes effective
8 upon the death of the donor. Delivery of the identification card during the
9 donor's lifetime is not necessary to make a valid gift. Any valid gift
10 statement executed prior to July 1, 2007, shall remain effective until
11 invalidated. The word "Donor" shall be placed on the front of an
12 applicant's identification card, indicating that the statement for making an
13 anatomical gift under this subsection has been executed by such applicant.

14 Sec. 8. K.S.A. 65-3233 is hereby amended to read as follows: 65-
15 3233. (a) When a hospital refers an individual at or near death to a
16 procurement organization, the organization shall make a reasonable search
17 of the records of the division of motor vehicles of the department of
18 revenue and any donor registry that it knows exists for the geographical
19 area in which the individual resides to ascertain whether the individual has
20 made an anatomical gift.

21 (b) A procurement organization must be allowed reasonable access to
22 information in the records of the division of motor vehicles of the
23 department of revenue to ascertain whether an individual at or near death
24 is a donor.

25 (c) When a hospital refers an individual at or near death to a
26 procurement organization, the organization may conduct any reasonable
27 examination necessary to ensure the medical suitability of a part that is or
28 could be the subject of an anatomical gift for transplantation, therapy,
29 research or education from a donor or a prospective donor. During the
30 examination period, measures necessary to ensure the medical suitability
31 of the part may not be withdrawn unless the hospital or procurement
32 organization knows that the individual expressed a contrary intent.

33 (d) Unless prohibited by law other than this act, at any time after a
34 donor's death, the person to which a part passes under K.S.A. 65-3230, and
35 amendments thereto, may conduct any reasonable examination necessary
36 to ensure the medical suitability of the body or part for its intended
37 purpose.

38 (e) Unless prohibited by law other than this act, an examination under
39 subsection (c) or (d) may include an examination of all medical and dental
40 records of the donor or prospective donor.

41 (f) Upon the death of a minor who was a donor or had signed a
42 refusal, unless a procurement organization knows the minor is
43 emancipated, the procurement organization shall conduct a reasonable

1 search for the parents of the minor and provide the parents with an
2 opportunity to revoke or amend the anatomical gift or revoke the refusal.

3 (g) Upon referral by a hospital under subsection (a), a procurement
4 organization shall make a reasonable search for any person listed in K.S.A.
5 65-3228, and amendments thereto, having priority to make an anatomical
6 gift on behalf of a prospective donor. If a procurement organization
7 receives information that an anatomical gift to any other person was made,
8 amended, or revoked, it shall promptly advise the other person of all
9 relevant information.

10 (h) Subject to K.S.A. 65-3230(i) and K.S.A. 65-3242, and
11 amendments thereto, *and section 1(b), and amendments thereto*, the rights
12 of the person to which a part passes under K.S.A. 65-3230, and
13 amendments thereto, are superior to the rights of all others with respect to
14 the part. The person may accept or reject an anatomical gift in whole or in
15 part. Subject to the terms of the document of gift and this act, a person that
16 accepts an anatomical gift of an entire body may allow embalming, burial
17 or cremation, and use of remains in a funeral service. If the gift is of a part,
18 the person to which the part passes under K.S.A. 65-3230, and
19 amendments thereto, upon the death of the donor and before embalming,
20 burial, or cremation, shall cause the part to be removed without
21 unnecessary mutilation.

22 (i) Neither the physician who attends the decedent at death nor the
23 physician who determines the time of the decedent's death may participate
24 in the procedures for removing or transplanting a part from the decedent.

25 (j) A physician or technician may remove a donated part from the
26 body of a donor that the physician or technician is qualified to remove.

27 Sec. 9. K.S.A. 65-3239 is hereby amended to read as follows: 65-
28 3239. (a) Information obtained under K.S.A. 8-247 and 8-1325, and
29 amendments thereto, from the division of vehicles by the Kansas federally
30 designated organ procurement organization shall be used for the purpose
31 of establishing a statewide organ and tissue donor registry accessible to in-
32 state recognized cadaveric organ and cadaveric tissue agencies for the
33 recovery or placement of organs and tissue and to procurement agencies in
34 another state when a Kansas resident is a donor of an anatomical gift and
35 is not located in Kansas at the time of death or immediately before the
36 death of the donor. No organ or tissue donation organization may obtain
37 information from the organ and tissue donor registry for the purposes of
38 fund-raising. Organ and tissue donor registry information shall not be
39 further disseminated unless authorized in this section or by federal law.
40 Dissemination of organ and tissue donor registry information may be made
41 by the Kansas federally designated organ procurement organization to a
42 recognized in-state procurement agency for other tissue recovery, or an
43 out-of-state federally designated organ procurement agency. An individual

1 who agrees to have such individual's name in the first person consent
2 organ and tissue donor registry has given full legal consent *consistent with*
3 *the exercise of the inherent right described in section 1(b), and*
4 *amendments thereto*, to the donation of any of such individual's organs or
5 tissues upon such individual's death as recorded in the registry.

6 (b) The Kansas federally designated organ procurement organization
7 may acquire donor information from sources other than the division of
8 vehicles.

9 (c) All costs associated with the creation and maintenance of the
10 organ and tissue donor registry shall be paid by the Kansas federally
11 designated organ procurement organization. Such organization shall also
12 pay the costs of providing and maintaining the written information and
13 educational materials required to be distributed under ~~subsection (g) of~~
14 K.S.A. 8-247(g), and amendments thereto, and under ~~subsection (b) of~~
15 K.S.A. 8-1325(b), and amendments thereto.

16 (d) An individual does not need to participate in the organ and tissue
17 donor registry to be a donor of organs or tissue. The registry is to facilitate
18 organ and tissue donations and not inhibit Kansans from being donors
19 upon death.

20 (e) This section shall be a part of and supplemental to the revised
21 uniform anatomical gift act.

22 Sec. 10. K.S.A. 65-3233 and 65-3239 and K.S.A. 2018 Supp. 8-240,
23 8-243, 8-247, 8-1324, 8-1325 and 8-1328 are hereby repealed.

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