

HOUSE BILL No. 2604

By Representative Lightner

9-24

AN ACT relating to drivers' licenses; concerning the expiration thereof; amending K.S.A. 8-240 and 8-247 and repealing the existing sections.

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

Section 1. K.S.A. 8-240 is hereby amended to read as follows: 8-240. (a) Every application for an instruction permit shall be made upon a form furnished by the division of vehicles and accompanied by a fee of \$2 for class A, B, C or M and \$5 for all commercial classes. Every other application shall be made upon a form furnished by the division and accompanied by an examination fee of \$3, unless a different fee is required by K.S.A. 8-241, and amendments thereto, and by the proper fee for the license for which the application is made. If the applicant is not required to take an examination the examination fee shall not be required. The examination shall consist of three tests, as follows: (1) Vision; (2) written; and (3) driving. If the applicant fails the vision test, the applicant may have correction of vision made and take the vision test again without any additional fee. If an applicant fails the written test, the applicant may take such test again upon the payment of an additional examination fee of \$1.50. If an applicant fails the driving test, the applicant may take such test again upon the payment of an additional examination fee of \$1.50. If an applicant fails to pass all three of the tests within a period of six months from the date of original application and desires to take additional tests, the applicant shall file an application for reexamination upon a form furnished by the division, which shall be accompanied by a reexamination fee of \$3, except that any applicant who fails to pass the written or driving portion of an examination four times within a six-month period, shall be required to wait a period of six months from the date of the last failed examination before additional examinations may be given. Upon the filing of such application and the payment of such reexamination fee, the applicant shall be entitled to reexamination in like manner and subject to the additional fees and time limitation as provided for examination on an original application. If the applicant passes the reexamination, the applicant shall be issued the classified driver's license for which the applicant originally applied, which license shall be issued to expire as if the applicant had passed the original examination.

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

4 (2) An applicant who submits proof of age or of identity issued by an
5 entity other than a state or the United States shall also submit such proof
6 as the division may require that the applicant is lawfully present in the
7 United States.

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

10 (4) The division shall not issue any driver's license to any person who
11 is not a resident of the state of Kansas, except as provided in K.S.A. 8-
12 2,148, and amendments thereto.

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

15 (c) Every application shall state the name, date of birth, sex and res-
16 idence address of the applicant, and briefly describe the applicant, and
17 shall state whether the applicant has theretofore been licensed as a driver,
18 and, if so, when and by what state or country, and whether any such
19 license has ever been suspended or revoked, or whether an application
20 has ever been refused, and, if so, the date of and reason for such suspen-
21 sion, revocation or refusal. In addition to the above criteria, applications
22 for commercial drivers' licenses and instruction permits for commercial
23 licenses must include the following: The applicant's social security num-
24 ber; the person's signature; the person's color photograph; certifications,
25 including those required by 49 C.F.R. 383.71(a), effective January 1,
26 1991; a consent to release driving record information; and, any other
27 information required by the division.

28 (d) When an application is received from a person previously licensed
29 in another jurisdiction, the division shall request a copy of the driver's
30 record from the other jurisdiction. When received, the driver's record
31 shall become a part of the driver's record in this state with the same force
32 and effect as though entered on the driver's record in this state in the
33 original instance.

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

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

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

40 (2) for a class C driver's license issued to a person less than 21 years
41 of age or 65 years of age or older, or a farm permit, ~~\$\$~~ \$6;

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

1 (4) for a class M driver's license issued to a person less than 21 years
2 of age or 65 years of age or older, ~~\$5~~ \$3.75;

3 (5) for a class A or B driver's license issued to a person who is at least
4 21 years of age, but less than 65 years of age, \$18;

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

7 (7) for any class of commercial driver's license, \$14.

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

10 If one fails to make an original application or renewal application for a
11 driver's license within the time required by law, or fails to make appli-
12 cation within 60 days after becoming a resident of Kansas, a penalty of
13 \$1 shall be added to the fee charged for the driver's license.

14 Sec. 2. K.S.A. 8-247 is hereby amended to read as follows: 8-247. (a)
15 All original licenses shall expire as follows:

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

19 (2) licenses issued to persons who are less than 21 years of age or are
20 65 years of age or older shall expire on the ~~fourth~~ *third* anniversary of
21 the date of birth of the licensee which is nearest the date of application;
22 or

23 (3) any commercial drivers license shall expire on the fourth anni-
24 versary of the date of birth of the licensee which is nearest the date of
25 application. All renewals under paragraph (1) shall expire on every sixth
26 anniversary of the date of birth of the licensee; *all renewals under para-*
27 *graph (2) shall expire on every third anniversary of the date of birth of*
28 *the licensee* and all renewals under ~~paragraphs (2) and~~ *paragraph (3)* shall
29 expire on every fourth anniversary of the date of birth of the licensee. No
30 driver's license shall expire in the same calendar year in which the original
31 license or renewal license is issued, except that if the foregoing provisions
32 of this section shall require the issuance of a renewal license or an original
33 license for a period of less than six calendar months, the license issued
34 to the applicant shall expire in accordance with the provisions of this
35 subsection.

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

1 (c) At least 30 days prior to the expiration of a person's license the
2 division shall mail a notice of expiration or renewal application to such
3 person at the address shown on the license. The division shall include
4 with such notice a copy of the eyesight examination form and a copy of
5 the written examination prescribed by subsection (e). In addition, a copy
6 of the Kansas driver's manual, prepared pursuant to K.S.A. 8-266b, and
7 amendments thereto, also shall be included.

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

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

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

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

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

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

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

33 (7) Seizure disorders which are controlled shall not be considered a
34 disability. In cases where such seizure disorders are not controlled, the
35 director or the medical advisory board may recommend that such person
36 be issued a driver's license to drive class C or M vehicles and restricted
37 to operating such vehicles as the division determines to be appropriate
38 to assure the safe operation of a motor vehicle by the licensee. Restricted
39 licenses issued pursuant to this paragraph shall be subject to suspension
40 or revocation. For the purpose of this paragraph, seizure disorders which
41 are controlled means that the licensee has not sustained a seizure involv-
42 ing a loss of consciousness in the waking state within six months preceding
43 the application or renewal of a driver's license and whenever a person

1 licensed to practice medicine and surgery makes a written report to the
2 division stating that the licensee's seizures are controlled. The report shall
3 be based on an examination of the applicant's medical condition not more
4 than three months prior to the date the report is submitted. Such report
5 shall be made on a form furnished to the applicant by the division. Any
6 physician who makes such report shall not be liable for any damages
7 which may be attributable to the issuance or renewal of a driver's license
8 and subsequent operation of a motor vehicle by the licensee.

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

15 Sec. 3. K.S.A. 8-240 and 8-247 are hereby repealed.

16 Sec. 4. This act shall take effect and be in force from and after Jan-
17 uary 1, 2003, and its publication in the statute book.

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