

HOUSE BILL No. 2771

By Committee on Transportation

2-9

9 AN ACT relating to drivers' licenses; concerning certain renewals;
10 amending K.S.A. 2003 Supp. 8-240 and 8-247 and repealing the exist-
11 ing sections.

12
13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 2003 Supp. 8-240 is hereby amended to read as
15 follows: 8-240. (a) Every application for an instruction permit shall be
16 made upon a form furnished by the division of vehicles and accompanied
17 by a fee of \$2 for class A, B, C or M and \$5 for all commercial classes.
18 Every other application shall be made upon a form furnished by the
19 division and accompanied by an examination fee of \$3, unless a different
20 fee is required by K.S.A. 8-241, and amendments thereto, and by the
21 proper fee for the license for which the application is made. If the ap-
22 plicant is not required to take an examination the examination fee shall
23 not be required. The examination shall consist of three tests, as follows:
24 (1) Vision; (2) written; and (3) driving. If the applicant fails the vision test,
25 the applicant may have correction of vision made and take the vision test
26 again without any additional fee. If an applicant fails the written test, the
27 applicant may take such test again upon the payment of an additional
28 examination fee of \$1.50. If an applicant fails the driving test, the ap-
29 plicant may take such test again upon the payment of an additional exami-
30 nation fee of \$1.50. If an applicant fails to pass all three of the tests within
31 a period of six months from the date of original application and desires
32 to take additional tests, the applicant shall file an application for reex-
33 amination upon a form furnished by the division, which shall be accom-
34 panied by a reexamination fee of \$3, except that any applicant who fails
35 to pass the written or driving portion of an examination four times within
36 a six-month period, shall be required to wait a period of six months from
37 the date of the last failed examination before additional examinations may
38 be given. Upon the filing of such application and the payment of such
39 reexamination fee, the applicant shall be entitled to reexamination in like
40 manner and subject to the additional fees and time limitation as provided
41 for examination on an original application. If the applicant passes the
42 reexamination, the applicant shall be issued the classified driver's license
43 for which the applicant originally applied, which license shall be issued

1 to expire as if the applicant had passed the original examination.

2 (b) (1) For the purposes of obtaining any driver's license or instruc-
3 tion permit, an applicant shall submit, with the application, proof of age
4 or proof of identity, or both, as the division may require. An applicant
5 shall submit the applicant's social security number or a taxpayer identi-
6 fication number if the applicant does not have a social security number,
7 which shall remain confidential and shall not be disclosed, except as pro-
8 vided pursuant to K.S.A. 74-2012, and amendments thereto. If the ap-
9 plicant does not have a social security number or a taxpayer identification
10 number, the applicant shall submit a sworn statement, with the applica-
11 tion, stating that the applicant does not have a social security number or
12 taxpayer identification number. The distinguishing number assigned to
13 the license or permit may be the applicant's social security number or a
14 taxpayer identification number if the applicant so requests in writing. If
15 the applicant is applying for an instruction permit or driver's license and
16 the applicant otherwise meets the requirements for such license, the ap-
17 plicant shall receive a temporary license or instruction permit until the
18 division verifies all facts relative to such applicant's right to receive an
19 instruction permit or driver's license, including the age, identity, social
20 security number, taxpayer identification number and residency of the
21 applicant.

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

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

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

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

33 (c) Every application shall state the name, date of birth, sex and res-
34 idence address of the applicant, and briefly describe the applicant, and
35 shall state whether the applicant has been licensed as a driver prior to
36 such application, and, if so, when and by what state or country. Such
37 application shall state whether any such license has ever been suspended
38 or revoked, or whether an application has ever been refused, and, if so,
39 the date of and reason for such suspension, revocation or refusal. In ad-
40 dition, applications for commercial drivers' licenses and instruction per-
41 mits for commercial licenses must include the following: The applicant's
42 social security number; the person's signature; the person's color photo-
43 graph; certifications, including those required by 49 C.F.R. 383.71(a),

1 effective January 1, 1991; a consent to release driving record information;
2 and, any other information required by the division.

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

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

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

13 (1) For a class C driver's license issued to a person at least 21 years
14 of age, but less than ~~65~~ 60 years of age, \$18;

15 (2) for a class C driver's license issued to a person less than 21 years
16 of age ~~or 65 years of age or older~~, or a farm permit, \$12;

17 (3) *for a class C driver's license issued to a person at least 60 years*
18 *of age, but less than 80 years of age, \$6;*

19 (4) *for a class C driver's license issued to a person at least 80 years*
20 *of age or older, \$3;*

21 ~~(5)~~ (5) for a class M driver's license issued to a person at least 21
22 years of age, but less than ~~65~~ 60 years of age, \$12.50;

23 ~~(4)~~ (6) for a class M driver's license issued to a person less than 21
24 years of age ~~or 65 years of age or older~~, \$9;

25 (7) *for a class M driver's license issued to a person at least 60 years*
26 *of age but less than 80 years of age, \$4.50;*

27 (8) *for a class M driver's license issued to a person 80 years of age or*
28 *older, \$2.75;*

29 ~~(5)~~ (9) for a class A or B driver's license issued to a person who is at
30 least 21 years of age, but less than ~~65~~ 60 years of age, \$24;

31 ~~(6)~~ (10) for a class A or B driver's license issued to a person less than
32 21 years of age ~~or 65 years of age or older~~, \$16; ~~or~~

33 (11) *for a class A or B driver's license issued to a person at least 60*
34 *years of age, but less than 80 years of age, \$8;*

35 (12) *for a class A or B driver's license issued to a person 80 years of*
36 *age or older; \$4; or*

37 ~~(7)~~ (13) for any class of commercial driver's license, \$18.

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

40 If one fails to make an original application or renewal application for a
41 driver's license within the time required by law, or fails to make appli-
42 cation within 60 days after becoming a resident of Kansas, a penalty of
43 \$1 shall be added to the fee charged for the driver's license.

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

5 Sec. 2. K.S.A. 2003 Supp. 8-247 is hereby amended to read as fol-
6 lows: 8-247. (a) All original licenses shall expire as follows:

7 (1) Licenses issued to persons who are at least 21 years of age, but
8 less than ~~65~~ 60 years of age shall expire on the sixth anniversary of the
9 date of birth of the licensee which is nearest the date of application;

10 (2) licenses issued to persons who are less than 21 years of age ~~or are~~
11 ~~65 years of age or older~~ shall expire on the fourth anniversary of the date
12 of birth of the licensee which is nearest the date of application; ~~or~~

13 (3) *licenses issued to persons who are at least 60 years of age, but less*
14 *than 80 years of age shall expire on the second anniversary of the date of*
15 *birth of the licensee which is nearest the date of application;*

16 (4) *licenses issued to persons who are at least 80 years of age or older*
17 *shall expire on the first anniversary of the date of birth of the licensee*
18 *which is nearest the date of application;*

19 ~~(3)~~ (5) any commercial drivers license shall expire on the fourth an-
20 niversary of the date of birth of the licensee which is nearest the date of
21 application. All renewals under paragraph (1) shall expire on every sixth
22 anniversary of the date of birth of the licensee ~~and~~, all renewals under
23 ~~paragraphs (2) and (3)~~ *paragraph (2)* shall expire on every fourth anni-
24 versary of the date of birth of the licensee, *all renewals under paragraph*
25 *(3) shall expire on every second anniversary of the date of birth of the*
26 *licensee and all renewals under paragraph (4) shall expire on every first*
27 *anniversary of the date of birth of the licensee.* No driver's license shall
28 expire in the same calendar year in which the original license or renewal
29 license is issued, except that if the foregoing provisions of this section
30 shall require the issuance of a renewal license or an original license for a
31 period of less than six calendar months, the license issued to the applicant
32 shall expire in accordance with the provisions of this subsection.

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

41 (c) At least 30 days prior to the expiration of a person's license the
42 division shall mail a notice of expiration or renewal application to such
43 person at the address shown on the license. The division shall include

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

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

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

27 (A) *Any applicant less than 60 years of age shall pass an examination*
28 *of eyesight and a written examination of ability to read and understand*
29 *highway signs regulating, warning and directing traffic and knowledge of*
30 *the traffic laws of this state;*

31 (B) *any applicant 60 years of age or older shall pass an examination*
32 *of eyesight and a written examination of ability to read and understand*
33 *highway signs and regulating, warning and directing traffic and knowl-*
34 *edge of the traffic laws of this state and shall be required to take an*
35 *examination, in a driving simulator, to demonstrate the ability to exercise*
36 *ordinary and reasonable control in the operation of a motor vehicle.*

37 (C) ~~Such examination~~ *examinations shall be equivalent to the tests*
38 *required for an original driver's license under K.S.A. 8-235d, and amend-*
39 *ments thereto. A driver's license examiner shall administer the examina-*
40 *tions without charge and shall report the results of the examinations on*
41 *a form provided by the division, which shall be submitted by the applicant*
42 *to the division at the time such applicant applies for license renewal.*

43 (2) In lieu of the examination of the applicant's eyesight by the ex-

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

7 (3) In lieu of the driver's license examiner administering the written
8 examination, the applicant may complete the examination furnished with
9 the notice of the expiration of license under subsection (c) and submit
10 the completed examination to the division, *except for applicants 60 years*
11 *of age or older, the driver's license examiner shall administer the written*
12 *examination.*

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

21 (5) 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 appli-
25 cant shall proceed as if applying for an original driver's license. If the
26 applicant has been denied renewal of such person's driver's license be-
27 cause such applicant failed to pass the written examination, the applicant
28 shall pay an examination fee of \$1.50 to take the test again.

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

42 (7) Seizure disorders which are controlled shall not be considered a
43 disability. In cases where such seizure disorders are not controlled, the

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

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

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

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

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

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

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

- 1 nated organ procurement organization, as required by paragraph (6);
2 (5) the division may fulfill the requirements of paragraph (4) by one
3 or more of the following methods:
4 (A) Providing printed material enclosed with a mailed notice for
5 driver's license renewal; or
6 (B) providing printed material to an applicant who personally appears
7 at an examining station;
8 (6) if an applicant indicates a willingness under this subsection to have
9 such applicant's name placed on the organ donor registry, the division
10 shall within 10 days forward the applicant's name, gender, date of birth
11 and most recent address to the organ donor registry maintained by the
12 Kansas federally designated organ procurement organization. The divi-
13 sion may forward information under this subsection by mail or by elec-
14 tronic means. The division shall not maintain a record of the name or
15 address of an individual who indicates a willingness to have such person's
16 name placed on the organ donor registry after forwarding that informa-
17 tion to the organ donor registry under this subsection. Information about
18 an applicant's indication of a willingness to have such applicant's name
19 placed on the organ donor registry that is obtained by the division and
20 forwarded under this paragraph shall be confidential and not disclosed.
21 (h) *The division shall install and maintain driving simulators at all*
22 *drivers' license examination stations.*
23 Sec. 3. K.S.A. 2003 Supp. 8-240 and 8-247 are hereby repealed.
24 Sec. 4. This act shall take effect and be in force from and after its
25 publication in the statute book.