

SENATE BILL No. 342

By Committee on Transportation

1-29

1 AN ACT concerning drivers' licenses; relating to renewal of licenses;
2 providing for the renewal notice to be delivered electronically;
3 amending K.S.A. 2019 Supp. 8-247 and repealing the existing section.
4

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

6 Section 1. K.S.A. 2019 Supp. 8-247 is hereby amended to read as
7 follows: 8-247. (a) (1) All original licenses issued on and after July 1,
8 2018, shall expire as follows:

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

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

15 (C) any commercial driver's license shall expire on the fifth
16 anniversary of the date of birth of the licensee ~~which~~ *that* is nearest the
17 date of application;

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

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

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

36 (b) If the driver's license of any person expires while such person is

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

13 (c) At least 30 days prior to the expiration of a person's license, the
14 division shall mail, *or send electronically if authorized by the person*, a
15 notice of expiration or renewal application to such person at the address
16 shown on the license *or the electronic mail address provided to the*
17 *division*. The division shall include with such notice a written explanation
18 of substantial changes to traffic regulations enacted by the legislature.

19 (d) (1) Except as provided in paragraph (2), every driver's license
20 shall be renewable on or before its expiration upon application and
21 payment of the required fee and successful completion of the examinations
22 required by subsection (e). Application for renewal of a valid driver's
23 license shall be made to the division in accordance with rules and
24 regulations adopted by the secretary of revenue. Such application shall
25 contain all the requirements of K.S.A. 8-240(b), and amendments thereto.
26 Such notice shall also include a question asking if the applicant is willing
27 to give such applicant's authorization to be listed as an organ, eye and
28 tissue donor in the Kansas donor registry in accordance with the revised
29 uniform anatomical gift act, K.S.A. 65-3220 through 65-3244, and
30 amendments thereto. Upon satisfying the foregoing requirements of this
31 subsection, and if the division makes the findings required by K.S.A. 8-
32 235b, and amendments thereto, for the issuance of an original license, the
33 license shall be renewed without examination of the applicant's driving
34 ability. If the division finds that any of the statements relating to
35 revocation, suspension or refusal of licenses required under K.S.A. 8-
36 240(b), and amendments thereto, are in the affirmative, or if it finds that
37 the license held by the applicant is not a valid one, or if the applicant has
38 failed to make application for renewal of such person's license on or before
39 the expiration date thereof, the division may require the applicant to take
40 an examination of ability to exercise ordinary and reasonable control in the
41 operation of a motor vehicle as provided in K.S.A. 8-235d, and
42 amendments thereto.

43 (2) Any licensee, whose driver's license expires on the licensee's 21st

1 birthday, shall have 45 days from the date of expiration of such license to
2 make application to renew such licensee's license. Such license shall
3 continue to be valid for such 45 days or until such license is renewed,
4 whichever occurs sooner. A licensee who renews under the provisions of
5 this paragraph shall not be required by the division to take an examination
6 of ability to exercise ordinary and reasonable control in the operation of a
7 motor vehicle as provided in K.S.A. 8-235d, and amendments thereto.

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

14 (2) In lieu of the examination of the applicant's eyesight by the
15 examiner, the applicant may submit a report on the examination of
16 eyesight by a physician licensed to practice medicine and surgery or by a
17 licensed optometrist. The report shall be based on an examination of the
18 applicant's eyesight not more than three months prior to the date the report
19 is submitted, and it shall be made on a form furnished by the division to
20 the applicant.

21 (3) The division shall determine whether the results of the eyesight
22 examination or report is sufficient for renewal of the license and, if the
23 results of the eyesight examination or report is insufficient, the division
24 shall notify the applicant of such fact and return the license fee. In
25 determining the sufficiency of an applicant's eyesight, the division may
26 request an advisory opinion of the medical advisory board, ~~which and the~~
27 ~~board~~ is hereby authorized to render such opinions.

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

33 (5) When the division has good cause to believe that an applicant for
34 renewal of a driver's license is incompetent or otherwise not qualified to
35 operate a motor vehicle in accord with the public safety and welfare, the
36 division may require such applicant to submit to such additional
37 examinations as are necessary to determine that the applicant is qualified
38 to receive the license applied for. Subject to paragraph (6), in so evaluating
39 such qualifications, the division may request an advisory opinion of the
40 medical advisory board ~~which, and the board~~ is hereby authorized to
41 render such opinions in addition to its duties prescribed by K.S.A. 8-
42 255b(b), and amendments thereto. Any such applicant who is denied the
43 renewal of such a driver's license because of a mental or physical disability

1 shall be afforded a hearing in the manner prescribed by K.S.A. 8-255(c),
2 and amendments thereto.

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

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

31 (g) (1) The division shall reference the website of the agency in a
32 person's notice of expiration or renewal under subsection (c). The division
33 shall provide the following information on the website of the agency:

34 ~~(1)~~(A) Information explaining the person's right to make an
35 anatomical gift in accordance with K.S.A. 8-243, and amendments thereto,
36 and the revised uniform anatomical gift act, K.S.A. 65-3220 through 65-
37 3244, and amendments thereto;

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

1 such designated organ procurement organization with questions about the
2 organ donor registry program;

3 ~~(3)(C)~~ information giving the applicant the opportunity to be placed
4 on the organ donation registry described in ~~paragraph (2) subparagraph~~
5 ~~(B)~~; and

6 ~~(4) inform the applicant (D) information~~ that, if the applicant
7 indicates under this subsection a willingness to have such applicant's name
8 placed on the organ donor registry described in ~~paragraph (2)~~
9 ~~subparagraph (B)~~, the division will forward the applicant's name, gender,
10 date of birth and most recent address to the organ donation registry
11 maintained by the Kansas federally designated organ procurement
12 organization, as required by ~~paragraph (6)~~; (3).

13 ~~(5)(2)~~ The division may fulfill the requirements of ~~paragraph (4)~~ (1)
14 (D) by one or more of the following methods:

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

16 (B) providing printed material to an applicant who personally appears
17 at an examining station; ~~and~~.

18 ~~(6)(3)~~ If an applicant indicates a willingness under this subsection to
19 have such applicant's name placed on the organ donor registry, the division
20 shall within 10 days forward the applicant's name, gender, date of birth and
21 most recent address to the organ donor registry maintained by the Kansas
22 federally designated organ procurement organization. The division may
23 forward information under this subsection by mail or by electronic means.
24 The division shall not maintain a record of the name or address of an
25 individual who indicates a willingness to have such person's name placed
26 on the organ donor registry after forwarding that information to the organ
27 donor registry under this subsection. Information about an applicant's
28 indication of a willingness to have such applicant's name placed on the
29 organ donor registry that is obtained by the division and forwarded under
30 this paragraph shall be confidential and not disclosed.

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

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

41 Sec. 2. K.S.A. 2019 Supp. 8-247 is hereby repealed.

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