

SESSION OF 2021

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2245

As Amended by Senate Committee on
Transportation

Brief*

HB 2245, as amended, would add law authorizing the Division of Vehicles (Division), Department of Revenue, to collect emergency contact information and would provide for the use of such information by law enforcement agencies.

The bill would require the Division to maintain emergency contact information for holders of valid Kansas driver's licenses, instruction permits, or non-driver's identification cards beginning no later than July 1, 2022.

The bill would require the Division to maintain in its files a record of the name, address, and telephone number of each individual the holder authorizes to be contacted if the holder is injured or dies in a vehicular accident or another emergency situation.

The bill would require the contact information to be kept confidential. The bill would exempt these records from provisions of the Kansas Open Records Act and state the provisions providing for confidentiality of records would expire on July 1, 2026, unless the Legislature reviews and reenacts the provisions, pursuant to the Kansas Open Records Act, prior to July 1, 2026. The bill would authorize disclosure only to law enforcement officers (as defined in continuing law) in Kansas or another state for the purpose of making contact with a named individual to report the injury or death of the holder.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

The bill would require the Division to include a place on an application for a driver's license, instruction permit, or non-driver's identification card for an applicant to list not more than two emergency contacts. Applicants would not be required to provide the emergency contact information. The bill also would require the application to have a statement describing the confidential nature of the information and state that, by providing the information, the applicant consents to the limited disclosure and use of the information.

The bill would require the Division to establish forms and procedures posted on its website and to include a method for adding, amending, or deleting emergency contact information electronically or delivering or mailing a paper form to the Division.

The bill would state its provisions would not prohibit the Division from disclosing information to the holder of the driver's license, instruction permit, or non-driver's identification card, or such holder's authorized agent, or as permitted in continuing law regarding disclosure to specified entities for specified purposes.

Background

The bill was introduced by the House Committee on Transportation at the request of Representative Eric Smith.

House Committee on Transportation

In the House Committee hearing, Representative Eric Smith provided **proponent** testimony, stating there are circumstances in which first responders would benefit from enactment of the bill, such as being able to provide expedient next-of-kin notification after a tragedy and helping families make timely health care decisions in emergency situations. He indicated similar provisions have been enacted in several states.

A representative of the Kansas Association of Chiefs of Police, the Kansas Peace Officers Association, and the Kansas Sheriffs Association provided written-only **proponent** testimony, indicating notification of family members in cases of severe injury or death is a common task of law enforcement, and identifying an emergency contact can often be difficult.

No other testimony was provided.

Senate Committee on Transportation

In the Senate Committee hearing, written-only **proponent** testimony was received from a representative of the Kansas Association of Chiefs of Police, the Kansas Peace Officers Association, and the Kansas Sheriffs' Association. He noted providing emergency contact information would be voluntary and six other states have similar provisions. No other testimony was provided.

The Senate Committee amended the bill to exclude the collected information from disclosure under the Kansas Open Records Act and to add provisions regarding submitting information on a paper form.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill as introduced, the Department of Revenue estimates enactment of the bill would increase expenditures by \$52,000 for FY 2022 for 1,040 work hours to test and modify the licensing system. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2022 Governor's Budget Report*.

Emergency contact information; driver's license; law enforcement; Division of Vehicles