

As Amended by House Committee

Session of 2006

HOUSE BILL No. 2707

By Committee on Transportation

1-25

10 AN ACT relating to drivers' licenses; concerning medical requirements;
11 amending K.S.A. 2005 Supp. 8-247 and repealing the existing section.
12

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

14 Section 1. K.S.A. 2005 Supp. 8-247 is hereby amended to read as
15 follows: 8-247. (a) 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 anniversary of the date
21 of birth of the licensee which is nearest the date of application; or

22 (3) any commercial drivers license shall expire on the fourth anni-
23 versary of the date of birth of the licensee which is nearest the date of
24 application. All renewals under paragraph (1) shall expire on every sixth
25 anniversary of the date of birth of the licensee and all renewals under
26 paragraphs (2) and (3) shall expire on every fourth anniversary of the date
27 of birth of the licensee. No driver's license shall expire in the same cal-
28 endar year in which the original license or renewal license is issued, except
29 that if the foregoing provisions of this section shall require the issuance
30 of a renewal license or an original license for a period of less than six
31 calendar months, the license issued to the applicant shall expire in ac-
32 cordance 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. If the division finds that any of the state-
17 ments relating to revocation, suspension or refusal of licenses required
18 under subsection (b) of K.S.A. 8-240, and amendments thereto, are in
19 the affirmative, or if it finds that the license held by the applicant is not
20 a valid one, or if the applicant has failed to make application for renewal
21 of such person's license on or before the expiration date thereof, the
22 division may require the applicant to take an examination of ability to
23 exercise ordinary and reasonable control in the operation of a motor ve-
24 hicle as provided in K.S.A. 8-235d, and amendments thereto.

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

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

42 (3) In lieu of the driver's license examiner administering the written
43 examination, the applicant may complete the examination furnished with

1 the notice of the expiration of license under subsection (c) and submit
2 the completed examination to the division.

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

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

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

31 (7) Seizure disorders which are controlled shall not be considered a
32 disability. In cases where such seizure disorders are not controlled, the
33 director or the medical advisory board may recommend that such person
34 be issued a driver's license to drive class C or M vehicles and restricted
35 to operating such vehicles as the division determines to be appropriate
36 to assure the safe operation of a motor vehicle by the licensee. Restricted
37 licenses issued pursuant to this paragraph shall be subject to suspension
38 or revocation. For the purpose of this paragraph, seizure disorders which
39 are controlled means that the licensee has not sustained a seizure involv-
40 ing a loss of consciousness in the waking state within ~~six~~ **12** months
41 preceding the application or renewal of a driver's license and whenever
42 a person licensed to practice medicine and surgery makes a written report
43 to the division stating that the licensee's seizures are controlled. The re-

1 port shall be based on an examination of the applicant's medical condition
2 not more than ~~three months~~ ~~30 days~~ **three months** prior to the date the
3 report is submitted. Such report shall be made on a form furnished to
4 the applicant by the division. Any physician who makes such report shall
5 not be liable for any damages which may be attributable to the issuance
6 or renewal of a driver's license and subsequent operation of a motor
7 vehicle by the licensee.

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

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

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

19 (2) written information describing the organ donation registry pro-
20 gram maintained by the Kansas federally designated organ procurement
21 organization. The written information required under this paragraph shall
22 include, in a type, size and format that is conspicuous in relation to the
23 surrounding material, the address and telephone number of Kansas' fed-
24 erally designated organ procurement organization, along with an advisory
25 to call such designated organ procurement organization with questions
26 about the organ donor registry program;

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

29 (4) inform the applicant in writing that, if the applicant indicates un-
30 der this subsection a willingness to have such applicant's name placed on
31 the organ donor registry described in paragraph (2), the division will for-
32 ward the applicant's name, gender, date of birth and most recent address
33 to the organ donation registry maintained by the Kansas federally desig-
34 nated organ procurement organization, as required by paragraph (6);

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

37 (A) Providing printed material enclosed with a mailed notice for
38 driver's license renewal; or

39 (B) providing printed material to an applicant who personally appears
40 at an examining station;

41 (6) if an applicant indicates a willingness under this subsection to have
42 such applicant's name placed on the organ donor registry, the division
43 shall within 10 days forward the applicant's name, gender, date of birth

1 and most recent address to the organ donor registry maintained by the
2 Kansas federally designated organ procurement organization. The divi-
3 sion may forward information under this subsection by mail or by elec-
4 tronic means. The division shall not maintain a record of the name or
5 address of an individual who indicates a willingness to have such person's
6 name placed on the organ donor registry after forwarding that informa-
7 tion to the organ donor registry under this subsection. Information about
8 an applicant's indication of a willingness to have such applicant's name
9 placed on the organ donor registry that is obtained by the division and
10 forwarded under this paragraph shall be confidential and not disclosed.

11 Sec. 2. K.S.A. 2005 Supp. 8-247 is hereby repealed.

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