

## HOUSE BILL No. 2136

By Representative Mast

1-28

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9 AN ACT relating to drivers' licenses; requiring certain examinations for  
10 issuance or renewal of; amending K.S.A. 2008 Supp. 8-240 and 8-247  
11 and repealing the existing sections.  
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13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 2008 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. *The written test shall include*  
25 *knowledge of safe driving practices, knowledge of the effects of alcohol*  
26 *and drugs on drivers and the dangers of driving under the influence of*  
27 *alcohol or drugs, knowledge of the laws on driving while under the influ-*  
28 *ence of an alcoholic beverage, inhalant or controlled substance and knowl-*  
29 *edge of the laws on financial responsibility and mandatory motor vehicle*  
30 *liability insurance.* If the applicant fails the vision test, the applicant may  
31 have correction of vision made and take the vision test again without any  
32 additional fee. If an applicant fails the written test, the applicant may take  
33 such test again upon the payment of an additional examination fee of  
34 \$1.50. If an applicant fails the driving test, the applicant may take such  
35 test again upon the payment of an additional examination fee of \$1.50. If  
36 an applicant fails to pass all three of the tests within a period of six months  
37 from the date of original application and desires to take additional tests,  
38 the applicant shall file an application for reexamination upon a form fur-  
39 nished by the division, which shall be accompanied by a reexamination  
40 fee of \$3, except that any applicant who fails to pass the written or driving  
41 portion of an examination four times within a six-month period, shall be  
42 required to wait a period of six months from the date of the last failed  
43 examination before additional examinations may be given. Upon the filing

1 of such application and the payment of such reexamination fee, the ap-  
2 plicant shall be entitled to reexamination in like manner and subject to  
3 the additional fees and time limitation as provided for examination on an  
4 original application. If the applicant passes the reexamination, the appli-  
5 cant shall be issued the classified driver's license for which the applicant  
6 originally applied, which license shall be issued to expire as if the applicant  
7 had passed the original examination.

8 (b) (1) For the purposes of obtaining any driver's license or instruc-  
9 tion permit, an applicant shall submit, with the application, proof of age  
10 and proof of identity as the division may require. The applicant also shall  
11 provide a photo identity document, except that a non-photo identity docu-  
12 ment is acceptable if it includes both the applicant's full legal name and  
13 date of birth, and documentation showing the applicant's name, the ap-  
14 plicant's address of principal residence and the applicant's social security  
15 number. The applicant's social security number shall remain confidential  
16 and shall not be disclosed, except as provided pursuant to K.S.A. 74-2012,  
17 and amendments thereto. If the applicant does not have a social security  
18 number the applicant shall provide proof of lawful presence and Kansas  
19 residency. The division shall assign a distinguishing number to the license  
20 or permit.

21 (2) The division shall not issue any driver's license or instruction per-  
22 mit to any person who fails to provide proof that the person is lawfully  
23 present in the United States. Before issuing a driver's license or instruc-  
24 tion permit to a person, the division shall require valid documentary evi-  
25 dence that the applicant: (A) Is a citizen or national of the United States;  
26 (B) is an alien lawfully admitted for permanent or temporary residence  
27 in the United States; (C) has conditional permanent resident status in the  
28 United States; (D) has an approved application for asylum in the United  
29 States or has entered into the United States in refugee status; (E) has a  
30 valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry  
31 into the United States; (F) has a pending application for asylum in the  
32 United States; (G) has a pending or approved application for temporary  
33 protected status in the United States; (H) has approved deferred action  
34 status; or (I) has a pending application for adjustment of status to that of  
35 an alien lawfully admitted for permanent residence in the United States  
36 or conditional permanent resident status in the United States.

37 (3) If an applicant provides evidence of lawful presence set out in  
38 subsections (b)(2)(E) through (2)(I), or is an alien lawfully admitted for  
39 temporary residence under subsection (b)(2)(B), the division may only  
40 issue a driver's license to the person under the following conditions: (A)  
41 A driver's license issued pursuant to this subparagraph shall be valid only  
42 during the period of time of the applicant's authorized stay in the United  
43 States or, if there is no definite end to the period of authorized stay, a

1 period of one year; (B) a drivers' license issued pursuant to this subpar-  
2 agraph shall clearly indicate that it is temporary and shall state the date  
3 on which it expires; (C) no driver's license issued pursuant to this sub-  
4 paragraph shall be for a longer period of time than the time period per-  
5 mitted by subsection (a) of K.S.A. 8-247, and amendments thereto; and  
6 (D) a driver's license issued pursuant to this subparagraph may be re-  
7 newed, subject at the time of renewal, to the same requirements and  
8 conditions as set out in this subsection (b) for the issuance of the original  
9 driver's license.

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

13 (5) The division shall not issue a driver's license to a person holding  
14 a driver's license issued by another state without making reasonable ef-  
15 forts to confirm that the person is terminating or has terminated the  
16 driver's license in the other state.

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

19 (c) Every application shall state the full legal name, date of birth,  
20 gender and address of principal residence of the applicant, and briefly  
21 describe the applicant, and shall state whether the applicant has been  
22 licensed as a driver prior to such application, and, if so, when and by what  
23 state or country. Such application shall state whether any such license has  
24 ever been suspended or revoked, or whether an application has ever been  
25 refused, and, if so, the date of and reason for such suspension, revocation  
26 or refusal. In addition, applications for commercial drivers' licenses and  
27 instruction permits for commercial licenses must include the following:  
28 The applicant's social security number; the person's signature; the per-  
29 son's colored digital photograph; certifications, including those required  
30 by 49 C.F.R. 383.71(a), effective January 1, 1991; a consent to release  
31 driving record information; and, any other information required by the  
32 division.

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

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

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

43 (1) For a class C driver's license issued to a person at least 21 years

- 1 of age, but less than 65 years of age, \$18;
- 2 (2) for a class C driver's license issued to a person 65 years of age or  
3 older, \$12;
- 4 (3) for a class M driver's license issued to a person at least 21 years  
5 of age, but less than 65 years of age, \$12.50;
- 6 (4) for a class M driver's license issued to a person 65 years of age or  
7 older, \$9;
- 8 (5) for a class A or B driver's license issued to a person who is at least  
9 21 years of age, but less than 65 years of age, \$24;
- 10 (6) for a class A or B driver's license issued to a person 65 years of  
11 age or older, \$16;
- 12 (7) for any class of commercial driver's license issued to a person 21  
13 years of age or older, \$18; or
- 14 (8) for class A, B, C or M, or a farm permit, or any commercial driver's  
15 license issued to a person less than 21 years of age, \$20.
- 16 A fee of \$10 shall be charged for each commercial driver's license  
17 endorsement, except air brake endorsements which shall have no charge.
- 18 A fee of \$3 per year shall be charged for any renewal of a license issued  
19 prior to the effective date of this act to a person less than 21 years of age.
- 20 If one fails to make an original application or renewal application for a  
21 driver's license within the time required by law, or fails to make appli-  
22 cation within 60 days after becoming a resident of Kansas, a penalty of  
23 \$1 shall be added to the fee charged for the driver's license.
- 24 (g) Any person who possesses an identification card as provided in  
25 K.S.A. 8-1324, and amendments thereto, shall surrender such identifi-  
26 cation card to the division upon being issued a valid Kansas driver's license  
27 or upon reinstatement and return of a valid Kansas driver's license.
- 28 (h) The division shall require that any person applying for a driver's  
29 license submit to a mandatory facial image capture.
- 30 (i) The director of vehicles may issue a temporary driver's license to  
31 an applicant who cannot provide valid documentary evidence as defined  
32 by subsection (b)(2), if the applicant provides compelling evidence prov-  
33 ing current lawful presence. Any temporary license issued pursuant to  
34 this subsection shall be valid for one year.
- 35 Sec. 2. K.S.A. 2008 Supp. 8-247 is hereby amended to read as fol-  
36 lows: 8-247. (a) (1) All original licenses shall expire as follows:
- 37 (A) Licenses issued to persons who are at least 21 years of age, but  
38 less than 65 years of age shall expire on the sixth anniversary of the date  
39 of birth of the licensee which is nearest the date of application;
- 40 (B) licenses issued to persons who are 65 years of age or older shall  
41 expire on the fourth anniversary of the date of birth of the licensee which  
42 is nearest the date of application;
- 43 (C) any commercial drivers license shall expire on the fourth anni-

1 versary of the date of birth of the licensee which is nearest the date of  
2 application;

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

7 (E) licenses issued to persons who are less than 21 years of age shall  
8 expire on the licensee's twenty-first birthday.

9 (2) All renewals under: (A) Paragraph (1) (A) shall expire on every  
10 sixth anniversary of the date of birth of the licensee; (B) paragraph (1)  
11 (B) and (C) shall expire on every fourth anniversary of the date of birth  
12 of the licensee; (C) paragraph (1)(D) shall expire every year on the date  
13 of birth of the licensee; and (D) paragraph (1) (E), if a renewal license is  
14 issued, shall expire on the licensee's twenty-first birthday. No driver's  
15 license shall expire in the same calendar year in which the original license  
16 or renewal license is issued, except that if the foregoing provisions of this  
17 section shall require the issuance of a renewal license or an original license  
18 for a period of less than six calendar months, the license issued to the  
19 applicant shall expire in accordance with the provisions of this subsection.

20 (b) If the driver's license of any person expires while such person is  
21 outside of the state of Kansas and on active duty in the armed forces of  
22 the United States, the license of such person shall be renewable, without  
23 examination, at any time prior to the end of the sixth month following the  
24 discharge of such person from the armed forces, or within 90 days after  
25 reestablished residence within the state, whichever time is sooner.

26 (c) At least 30 days prior to the expiration of a person's license the  
27 division shall mail a notice of expiration or renewal application to such  
28 person at the address shown on the license. The division shall include  
29 with such notice: (1) A copy of the eyesight examination form; (2) a copy  
30 of the written examination prescribed by subsection (e); (3) a copy of the  
31 Kansas driver's manual, prepared pursuant to K.S.A. 8-266b, and amend-  
32 ments thereto; and (4) the written information required under subsection  
33 (g).

34 (d) (1) Except as provided in paragraph (2), every driver's license  
35 shall be renewable on or before its expiration upon application and pay-  
36 ment of the required fee and successful completion of the examinations  
37 required by subsection (e). Application for renewal of a valid driver's  
38 license shall be made to the division in accordance with rules and regu-  
39 lations adopted by the secretary of revenue. Such application shall contain  
40 all the requirements of subsection (b) of K.S.A. 8-240, and amendments  
41 thereto. Upon satisfying the foregoing requirements of this subsection,  
42 and if the division makes the findings required by K.S.A. 8-235b, and  
43 amendments thereto, for the issuance of an original license, the license

1 shall be renewed without examination of the applicant's driving ability. If  
2 the division finds that any of the statements relating to revocation, sus-  
3 pension or refusal of licenses required under subsection (b) of K.S.A. 8-  
4 240, and amendments thereto, are in the affirmative, or if it finds that  
5 the license held by the applicant is not a valid one, or if the applicant has  
6 failed to make application for renewal of such person's license on or be-  
7 fore the expiration date thereof, the division may require the applicant  
8 to take an examination of ability to exercise ordinary and reasonable con-  
9 trol in the operation of a motor vehicle as provided in K.S.A. 8-235d, and  
10 amendments thereto.

11 (2) Any licensee, whose driver's license expires on their twenty-first  
12 birthday, shall have 45 days from the date of expiration of such license to  
13 make application to renew such licensee's license. Such license shall con-  
14 tinue to be valid for such 45 days or until such license is renewed, which-  
15 ever occurs sooner. A licensee who renews under the provisions of this  
16 paragraph shall not be required by the division to take an examination of  
17 ability to exercise ordinary and reasonable control in the operation of a  
18 motor vehicle as provided in K.S.A. 8-235d, and amendments thereto.

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

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

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

40 (4) The division shall determine whether the results of the written  
41 examination and the eyesight reported are sufficient for renewal of the  
42 license and, if the results of either or both of the examinations are insuf-  
43 ficient, the division shall notify the applicant of such fact and return the

1 license fee. In determining the sufficiency of an applicant's eyesight, the  
2 division may request an advisory opinion of the medical advisory board,  
3 which is hereby authorized to render such opinions.

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

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

25 (7) Seizure disorders which are controlled shall not be considered a  
26 disability. In cases where such seizure disorders are not controlled, the  
27 director or the medical advisory board may recommend that such person  
28 be issued a driver's license to drive class C or M vehicles and restricted  
29 to operating such vehicles as the division determines to be appropriate  
30 to assure the safe operation of a motor vehicle by the licensee. Restricted  
31 licenses issued pursuant to this paragraph shall be subject to suspension  
32 or revocation. For the purpose of this paragraph, seizure disorders which  
33 are controlled means that the licensee has not sustained a seizure involv-  
34 ing a loss of consciousness in the waking state within six months preceding  
35 the application or renewal of a driver's license and whenever a person  
36 licensed to practice medicine and surgery makes a written report to the  
37 division stating that the licensee's seizures are controlled. The report shall  
38 be based on an examination of the applicant's medical condition not more  
39 than three months prior to the date the report is submitted. Such report  
40 shall be made on a form furnished to the applicant by the division. Any  
41 physician who makes such report shall not be liable for any damages  
42 which may be attributable to the issuance or renewal of a driver's license  
43 and subsequent operation of a motor vehicle by the licensee.

- 1 (f) If the driver's license of any person expires while such person is  
2 outside the state of Kansas, the license of such person shall be extended  
3 for a period not to exceed six months and shall be renewable, without a  
4 driving examination, at any time prior to the end of the sixth month fol-  
5 lowing the original expiration date of such license or within 10 days after  
6 such person returns to the state, whichever time is sooner. This subsection  
7 (f) shall not apply to temporary drivers' licenses issued pursuant to sub-  
8 section (b)(3) of K.S.A. 8-240, and amendments thereto.
- 9 (g) The division shall provide the following information in a person's  
10 notice of expiration or renewal under subsection (c):
- 11 (1) Written information explaining the person's right to make an an-  
12 atomical gift in accordance with K.S.A. 8-243, and amendments thereto,  
13 and the revised uniform anatomical gift act, K.S.A. 2008 Supp. 65-3220  
14 through 65-3244, and amendments thereto;
- 15 (2) written information describing the organ donation registry pro-  
16 gram maintained by the Kansas federally designated organ procurement  
17 organization. The written information required under this paragraph shall  
18 include, in a type, size and format that is conspicuous in relation to the  
19 surrounding material, the address and telephone number of Kansas' fed-  
20 erally designated organ procurement organization, along with an advisory  
21 to call such designated organ procurement organization with questions  
22 about the organ donor registry program;
- 23 (3) written information giving the applicant the opportunity to be  
24 placed on the organ donation registry described in paragraph (2);
- 25 (4) inform the applicant in writing that, if the applicant indicates un-  
26 der this subsection a willingness to have such applicant's name placed on  
27 the organ donor registry described in paragraph (2), the division will for-  
28 ward the applicant's name, gender, date of birth and most recent address  
29 to the organ donation registry maintained by the Kansas federally desig-  
30 nated organ procurement organization, as required by paragraph (6);
- 31 (5) the division may fulfill the requirements of paragraph (4) by one  
32 or more of the following methods:
- 33 (A) Providing printed material enclosed with a mailed notice for  
34 driver's license renewal; or
- 35 (B) providing printed material to an applicant who personally appears  
36 at an examining station;
- 37 (6) if an applicant indicates a willingness under this subsection to have  
38 such applicant's name placed on the organ donor registry, the division  
39 shall within 10 days forward the applicant's name, gender, date of birth  
40 and most recent address to the organ donor registry maintained by the  
41 Kansas federally designated organ procurement organization. The divi-  
42 sion may forward information under this subsection by mail or by elec-  
43 tronic means. The division shall not maintain a record of the name or

1 address of an individual who indicates a willingness to have such person's  
2 name placed on the organ donor registry after forwarding that informa-  
3 tion to the organ donor registry under this subsection. Information about  
4 an applicant's indication of a willingness to have such applicant's name  
5 placed on the organ donor registry that is obtained by the division and  
6 forwarded under this paragraph shall be confidential and not disclosed.

7 (h) Notwithstanding any other provisions of law, any offender under  
8 subsection (a)(1)(D) who held a valid driver's license on the effective date  
9 of this act may continue to operate motor vehicles until the next anni-  
10 versary of the date of birth of such offender. Upon such date such driver's  
11 license shall expire and the offender shall be subject to the provisions of  
12 this section.

13 (i) *In addition to any other requirements, a person applying for a*  
14 *license after the expiration of the person's license on reaching 21 years of*  
15 *age, shall pass a test developed and administered by the division regarding*  
16 *alcohol and drug awareness and safety and the laws relating to alcohol,*  
17 *drugs and driving before the license may be issued or renewed.*

18 Sec. 3. K.S.A. 2008 Supp. 8-240 and 8-247 are hereby repealed.

19 Sec. 4. This act shall take effect and be in force from and after Jan-  
20 uary 1, 2010, and its publication in the statute book.