

As Amended by House Committee

Session of 2018

HOUSE BILL No. 2472

By Committee on Health and Human Services

1-16

1 AN ACT concerning health and healthcare; relating to anatomical gifts;
2 pertaining to driver's licenses; identification cards; revising the uniform
3 anatomical gift act; amending K.S.A. 2017 Supp. 8-240, 8-243, 8-247,
4 8-1324, 65-3221, 65-3228, 65-3229 and 65-3237 and repealing the
5 existing sections.
6

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

8 Section 1. K.S.A. 2017 Supp. 8-240 is hereby amended to read as
9 follows: 8-240. (a) (1) Every application for an instruction permit shall be
10 made upon a form furnished by the division of vehicles and accompanied
11 by a fee of \$2 for class A, B, C or M and \$5 for all commercial classes.
12 Every other application shall be made upon a form furnished by the
13 division and accompanied by an examination fee of \$3, unless a different
14 fee is required by K.S.A. 8-241, and amendments thereto, and by the
15 proper fee for the license for which the application is made. All
16 commercial class applicants shall be charged a \$15 driving test fee for the
17 drive test portion of the commercial driver's license application. If the
18 applicant is not required to take an examination or the commercial license
19 drive test, the examination or commercial drive test fee shall not be
20 required. The examination shall consist of three tests, as follows: (A)
21 Vision; (B) written; and (C) driving. For a commercial driver's license, the
22 drive test shall consist of three components, as follows: (A) Pre-trip; (B)
23 skills test; and (C) road test. If the applicant fails the vision test, the
24 applicant may have correction of vision made and take the vision test
25 again without any additional fee. If an applicant fails the written test, the
26 applicant may take such test again upon the payment of an additional
27 examination fee of \$1.50. If an applicant fails the driving test, the
28 applicant may take such test again upon the payment of an additional
29 examination fee of \$1.50. If an applicant for a commercial driver's license
30 fails any portion of the commercial drive test, the applicant may take such
31 test again upon the payment of an additional drive test fee of \$10. If an
32 applicant fails to pass all three of the tests within a period of six months
33 from the date of original application and desires to take additional tests,
34 the applicant shall file an application for reexamination upon a form
35 furnished by the division, which shall be accompanied by a reexamination
36 fee of \$3, except that any applicant who fails to pass the written or driving

1 portion of an examination four times within a six-month period, shall be
2 required to wait a period of six months from the date of the last failed
3 examination before additional examinations may be given. Upon the filing
4 of such application and the payment of such reexamination fee, the
5 applicant shall be entitled to reexamination in like manner and subject to
6 the additional fees and time limitation as provided for examination on an
7 original application. If the applicant passes the reexamination, the
8 applicant shall be issued the classified driver's license for which the
9 applicant originally applied, which license shall be issued to expire as if
10 the applicant had passed the original examination.

11 (2) Applicants for class M licenses who have completed prior
12 motorcycle safety training in accordance with department of defense
13 instruction 6055.04 (DoDI 6055.04) are not required to complete further
14 written and driving testing pursuant to paragraph (1) of this subsection.

15 (3) On and after January 1, 2017, an applicant for a class M license
16 who passes a driving examination administered by the division on a three-
17 wheeled motorcycle which is not an autocycle shall have a restriction
18 placed on such applicant's license limiting the applicant to the operation of
19 a registered three-wheeled motorcycle. An applicant for a class M license
20 who passes a driving examination administered by the division on a two-
21 wheeled motorcycle may operate any registered two-wheeled or three-
22 wheeled motorcycle.

23 (b) (1) For the purposes of obtaining any driver's license or
24 instruction permit, an applicant shall submit, with the application, proof of
25 age and proof of identity as the division may require. The applicant also
26 shall provide a photo identity document, except that a non-photo identity
27 document is acceptable if it includes both the applicant's full legal name
28 and date of birth, and documentation showing the applicant's name, the
29 applicant's address of principal residence and the applicant's social security
30 number. The applicant's social security number shall remain confidential
31 and shall not be disclosed, except as provided pursuant to K.S.A. 74-2012,
32 and amendments thereto. If the applicant does not have a social security
33 number the applicant shall provide proof of lawful presence and Kansas
34 residency. The division shall assign a distinguishing number to the license
35 or permit.

36 (2) The division shall not issue any driver's license or instruction
37 permit to any person who fails to provide proof that the person is lawfully
38 present in the United States. Before issuing a driver's license or instruction
39 permit to a person, the division shall require valid documentary evidence
40 that the applicant: (A) Is a citizen or national of the United States; (B) is an
41 alien lawfully admitted for permanent or temporary residence in the
42 United States; (C) has conditional permanent resident status in the United
43 States; (D) has an approved application for asylum in the United States or

1 has entered into the United States in refugee status; (E) has a valid,
2 unexpired nonimmigrant visa or nonimmigrant visa status for entry into
3 the United States; (F) has a pending application for asylum in the United
4 States; (G) has a pending or approved application for temporary protected
5 status in the United States; (H) has approved deferred action status; or (I)
6 has a pending application for adjustment of status to that of an alien
7 lawfully admitted for permanent residence in the United States or
8 conditional permanent resident status in the United States.

9 (3) If an applicant provides evidence of lawful presence set out in
10 subsections (b)(2)(E) through (2)(I), or is an alien lawfully admitted for
11 temporary residence under subsection (b)(2)(B), the division may only
12 issue a driver's license to the person under the following conditions: (A) A
13 driver's license issued pursuant to this subparagraph shall be valid only
14 during the period of time of the applicant's authorized stay in the United
15 States or, if there is no definite end to the period of authorized stay, a
16 period of one year; (B) a driver's license issued pursuant to this
17 subparagraph shall clearly indicate that it is temporary and shall state the
18 date on which it expires; (C) no driver's license issued pursuant to this
19 subparagraph shall be for a longer period of time than the time period
20 permitted by K.S.A. 8-247(a), and amendments thereto; and (D) a driver's
21 license issued pursuant to this subparagraph may be renewed, subject at
22 the time of renewal, to the same requirements and conditions as set out in
23 this subsection (b) for the issuance of the original driver's license.

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

27 (5) The division shall not issue a driver's license to a person holding a
28 driver's license issued by another state without making reasonable efforts
29 to confirm that the person is terminating or has terminated the driver's
30 license in the other state.

31 (6) 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 full legal name, date of birth,
34 gender and address of principal residence of the applicant, and briefly
35 describe the applicant, and shall state whether the applicant has been
36 licensed as a driver prior to such application, and, if so, when and by what
37 state or country. Such application shall state whether any such license has
38 ever been suspended or revoked, or whether an application has ever been
39 refused, and, if so, the date of and reason for such suspension, revocation
40 or refusal. In addition, applications for commercial drivers' licenses and
41 instruction permits for commercial licenses must include the following:
42 The applicant's social security number; the person's signature; the person's:
43 (1) Digital color image or photograph; or (2) a laser engraved photograph;

1 certifications, including those required by 49 C.F.R. § 383.71(a), effective
2 January 1, 1991; a consent to release driving record information; and, any
3 other information required by the division. *Each application for a driver's*
4 *license shall include a question asking if the applicant is willing to*~~*make a*~~
5 ~~*gift of all or any part of the applicant's body*~~ **give such applicant's**
6 **authorization to be listed as an organ, eye and tissue donor in the**
7 **Kansas donor registry** *in accordance with the revised uniform*
8 *anatomical gift act, K.S.A. 2017 Supp. 65-3220 through 65-3244, and*
9 *amendments thereto. The gift would become effective upon the death of the*
10 *donor.*

11 (d) When an application is received from a person previously licensed
12 in another jurisdiction, the division shall request a copy of the driver's
13 record from the other jurisdiction. When received, the driver's record shall
14 become a part of the driver's record in this state with the same force and
15 effect as though entered on the driver's record in this state in the original
16 instance.

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

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

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

22 (2) for a class C driver's license issued to a person 65 years of age or
23 older, \$12;

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

26 (4) for a class M driver's license issued to a person 65 years of age or
27 older, \$9;

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

30 (6) for a class A or B driver's license issued to a person 65 years of
31 age or older, \$16;

32 (7) for any class of commercial driver's license issued to a person 21
33 years of age or older, \$18; or

34 (8) for class A, B, C or M, or a farm permit, or any commercial
35 driver's license issued to a person less than 21 years of age, \$20.

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

38 A fee of \$3 per year shall be charged for any renewal of a license issued
39 prior to the effective date of this act to a person less than 21 years of age.

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
42 application within 60 days after becoming a resident of Kansas, a penalty
43 of \$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
3 identification card to the division upon being issued a valid Kansas driver's
4 license or upon reinstatement and return of a valid Kansas driver's license.

5 (h) The division shall require that any person applying for a driver's
6 license submit to a mandatory facial image capture. The captured facial
7 image shall be displayed on the front of the applicant's driver's license.

8 (i) The director of vehicles may issue a temporary driver's license to
9 an applicant who cannot provide valid documentary evidence as defined
10 by subsection (b)(2), if the applicant provides compelling evidence
11 proving current lawful presence. Any temporary license issued pursuant to
12 this subsection shall be valid for one year.

13 (j) For purposes of this subsection, the division may rely on the
14 division's most recent, existing color digital image and signature image of
15 the applicant for the class C or M driver's license if the division has the
16 information on file. The determination on whether an electronic online
17 renewal application or equivalent of a driver's license is permitted shall be
18 made by the director of vehicles or the director's designee. The division
19 shall not renew a driver's license through an electronic online or equivalent
20 process if the license has been previously renewed through an electronic
21 online application in the immediately preceding driver's license period. No
22 renewal under this subsection shall be granted to any person who is: (1)
23 Younger than 30 days from turning 21 years of age; (2) 65 years of age or
24 older; (3) a registered offender pursuant to K.S.A. 22-4901 et seq., and
25 amendments thereto; or (4) has a temporary driver's license issued
26 pursuant to K.S.A. 8-240(b)(3), and amendments thereto, provided the
27 license is not otherwise withdrawn. The secretary of revenue may adopt
28 and administer rules and regulations to implement a program to permit an
29 electronic online renewal of a driver's license.

30 Sec. 2. K.S.A. 2017 Supp. 8-243 is hereby amended to read as
31 follows: 8-243. (a) Upon payment of the required fee, the division shall
32 issue to every applicant qualifying under the provisions of this act the
33 driver's license as applied for by the applicant. Such license shall bear the
34 class or classes of motor vehicles which the licensee is entitled to drive, a
35 distinguishing number assigned to the licensee, the full legal name, date of
36 birth, gender, address of principal residence and a brief description of the
37 licensee, either: (1) A digital color image or photograph; or (2) a laser
38 engraved photograph of the licensee, a facsimile of the signature of the
39 licensee and the statement provided for in subsection (b). No driver's
40 license shall be valid until it has been signed by the licensee. All drivers'
41 licenses issued to persons under the age of 21 years shall be readily
42 distinguishable from licenses issued to persons age 21 years or older. In
43 addition, all drivers' licenses issued to persons under the age of 18 years

1 shall also be readily distinguishable from licenses issued to persons age 18
2 years or older. The secretary of revenue shall implement a vertical format
3 to make drivers' licenses issued to persons under the age of 21 more
4 readily distinguishable. Except as otherwise provided, no driver's license
5 issued by the division shall be valid until either: (1) A digital color image
6 or photograph; or (2) a laser engraved photograph of such licensee has
7 been taken and verified before being placed on the driver's license. The
8 secretary of revenue shall prescribe a fee of not more than \$8 and upon the
9 payment of such fee, the division shall cause either: (1) A digital color
10 image or photograph; or (2) a laser engraved photograph of such applicant
11 to be placed on the driver's license. Upon payment of such fee prescribed
12 by the secretary of revenue, plus payment of the fee required by K.S.A. 8-
13 246, and amendments thereto, for issuance of a new license, the division
14 shall issue to such licensee a new license containing either: (1) A digital
15 color image or photograph; or (2) a laser engraved photograph of such
16 licensee. A driver's license which does not contain the principal address as
17 required may be issued to persons who are program participants pursuant
18 to K.S.A. 2017 Supp. 75-455, and amendments thereto, upon payment of
19 the fee required by K.S.A. 8-246, and amendments thereto. All Kansas
20 drivers' licenses and identification cards shall have physical security
21 features designed to prevent tampering, counterfeiting or duplication of the
22 document for fraudulent purposes. The secretary of revenue shall
23 incorporate common machine-readable technology into all Kansas drivers'
24 licenses and identification cards.

25 (b) ~~All A Kansas drivers' licenses~~ *driver's license* issued to any person
26 16 years of age or older ~~shall contain a form which provides a statement~~
27 ~~for making a~~ *who indicated on the person's application that the person*
28 *wished to make a gift of all or any part of the body of the licensee in*
29 *accordance with the revised uniform anatomical gift act, K.S.A. 2017*
30 *Supp. 65-3220 through 65-3244, and amendments thereto,* ~~except as~~
31 ~~otherwise provided by this subsection. The statement to be effective shall~~
32 ~~be signed by the licensee in the presence of two witnesses who shall sign~~
33 ~~the statement in the presence of the donor. The gift becomes effective upon~~
34 ~~the death of the donor. Delivery of the license during the donor's lifetime is~~
35 ~~not necessary to make a valid gift. Any valid gift statement executed prior~~
36 ~~to July 1, 1994, shall remain effective until invalidated. the word "Donor"~~
37 ~~shall be placed on the front of a~~ *shall have the word "Donor" placed on*
38 *the front of the licensee's driver's license, indicating that the statement for*
39 ~~making an anatomical gift under this subsection has been executed by such~~
40 ~~licensee.~~

41 (c) Any person who is deaf or hard of hearing may request that the
42 division issue to such person a driver's license which is readily
43 distinguishable from drivers' licenses issued to other drivers and upon such

1 request the division shall issue such license. Drivers' licenses issued to
2 persons who are deaf or hard of hearing and under the age of 21 years shall
3 be readily distinguishable from drivers' licenses issued to persons who are
4 deaf or hard of hearing and 21 years of age or older. Upon satisfaction of
5 subsection (a), the division shall issue a receipt of application permitting
6 the operation of a vehicle consistent with the requested class, if there are
7 no other restrictions or limitations, pending the division's verification of
8 the information and production of a driver's license.

9 (d) A driver's license issued to a person required to be registered
10 under K.S.A. 22-4901 et seq., and amendments thereto, shall be assigned a
11 distinguishing number by the division which will readily indicate to law
12 enforcement officers that such person is a registered offender. The division
13 shall develop a numbering system to implement the provisions of this
14 subsection.

15 (e) (1) Any person who is a veteran may request that the division
16 issue to such person a driver's license which shall include the designation
17 "VETERAN" displayed on the front of the driver's license at a location to
18 be determined by the secretary of revenue. In order to receive a license
19 described in this subsection, the veteran must provide proof of the
20 veteran's military service and honorable discharge or general discharge
21 under honorable conditions, including a copy of the veteran's DD214 form
22 or equivalent.

23 (2) As used in this subsection, "veteran" means a person who:

24 (A) Has served in: The army, navy, marine corps, air force, coast
25 guard, air or army national guard or any branch of the military reserves of
26 the United States; and

27 (B) has been separated from the branch of service in which the person
28 was honorably discharged or received a general discharge under honorable
29 conditions.

30 (3) The director of vehicles may adopt any rules and regulations
31 necessary to carry out the provisions of this subsection.

32 (f) (1) Any person who submits satisfactory proof to the director of
33 vehicles, on a form provided by the director, that such person needs
34 assistance with cognition, including, but not limited to, persons with
35 autism spectrum disorder, may request that the division issue to such
36 person a driver's license, that shall note such impairment on the driver's
37 license at a location to be determined by the secretary of revenue.

38 (2) Satisfactory proof that a person needs assistance with cognition
39 shall include a statement from a person licensed to practice the healing arts
40 in any state, an advanced practice registered nurse licensed under K.S.A.
41 65-1131, and amendments thereto, a licensed physician assistant or a
42 person clinically licensed by the Kansas behavioral sciences regulatory
43 board certifying that such person needs assistance with cognition.

1 Sec. 3. K.S.A. 2017 Supp. 8-247 is hereby amended to read as
2 follows: 8-247. (a) (1) All original licenses shall expire as follows:

3 (A) Licenses issued to persons who are at least 21 years of age, but
4 less than 65 years of age shall expire on the sixth anniversary of the date of
5 birth of the licensee which is nearest the date of application;

6 (B) licenses issued to persons who are 65 years of age or older shall
7 expire on the fourth anniversary of the date of birth of the licensee which
8 is nearest the date of application;

9 (C) any commercial drivers license shall expire on the fourth
10 anniversary of the date of birth of the licensee which is nearest the date of
11 application;

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

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

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

29 (b) If the driver's license of any person expires while such person is
30 outside of the state of Kansas and such person is on active duty in the
31 armed forces of the United States, or is the spouse or a person who is
32 residing with and is a dependent of such person on active duty, the license
33 of such person shall be renewable, without examination, at any time prior
34 to the end of the sixth month following the discharge of such person from
35 the armed forces, or within 90 days after residence within the state is
36 reestablished, whichever time is sooner. If the driver's license of any
37 person under this subsection expires while such person is outside the
38 United States, the division shall provide for renewal by mail, as long as the
39 division has a photograph or digital image of such person maintained in
40 the division's records. A driver's license renewed under the provisions of
41 this subsection shall be renewed by mail only once.

42 (c) At least 30 days prior to the expiration of a person's license the
43 division shall mail a notice of expiration or renewal application to such

1 person at the address shown on the license. The division shall include with
2 such notice a written explanation of substantial changes to traffic
3 regulations enacted by the legislature.

4 (d) (1) Except as provided in paragraph (2), every driver's license
5 shall be renewable on or before its expiration upon application and
6 payment of the required fee and successful completion of the examinations
7 required by subsection (e). Application for renewal of a valid driver's
8 license shall be made to the division in accordance with rules and
9 regulations adopted by the secretary of revenue. Such application shall
10 contain all the requirements of subsection (b) of K.S.A. 8-240, and
11 amendments thereto. *Such notice shall also include a question asking if*
12 *the applicant is willing to make a gift of all or any part of the applicant's*
13 *body* **give such applicant's authorization to be listed as an organ, eye**
14 **and tissue donor in the Kansas donor registry in accordance with the**
15 **revised uniform anatomical gift act, K.S.A. 2017 Supp. 65-3220 through**
16 **65-3244, and amendments thereto.** Upon satisfying the foregoing
17 requirements of this subsection, and if the division makes the findings
18 required by K.S.A. 8-235b, and amendments thereto, for the issuance of an
19 original license, the license shall be renewed without examination of the
20 applicant's driving ability. If the division finds that any of the statements
21 relating to revocation, suspension or refusal of licenses required under
22 ~~subsection (b) of K.S.A. 8-240(b), and amendments thereto,~~ are in the
23 affirmative, or if it finds that the license held by the applicant is not a valid
24 one, or if the applicant has failed to make application for renewal of such
25 person's license on or before the expiration date thereof, the division may
26 require the applicant to take an examination of ability to exercise ordinary
27 and reasonable control in the operation of a motor vehicle as provided in
28 K.S.A. 8-235d, and amendments thereto.

29 (2) Any licensee, whose driver's license expires on ~~their twenty-first~~
30 *the licensee's 21st* birthday, shall have 45 days from the date of expiration
31 of such license to make application to renew such licensee's license. Such
32 license shall continue to be valid for such 45 days or until such license is
33 renewed, whichever occurs sooner. A licensee who renews under the
34 provisions of this paragraph shall not be required by the division to take an
35 examination of ability to exercise ordinary and reasonable control in the
36 operation of a motor vehicle as provided in K.S.A. 8-235d, and
37 amendments thereto.

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

1 (2) In lieu of the examination of the applicant's eyesight by the
2 examiner, the applicant may submit a report on the examination of
3 eyesight by a physician licensed to practice medicine and surgery or by a
4 licensed optometrist. The report shall be based on an examination of the
5 applicant's eyesight not more than three months prior to the date the report
6 is submitted, and it shall be made on a form furnished by the division to
7 the applicant.

8 (3) The division shall determine whether the results of the eyesight
9 examination or report is sufficient for renewal of the license and, if the
10 results of the eyesight examination or report is insufficient, the division
11 shall notify the applicant of such fact and return the license fee. In
12 determining the sufficiency of an applicant's eyesight, the division may
13 request an advisory opinion of the medical advisory board, which is
14 hereby authorized to render such opinions.

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

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

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

1 to practice medicine and surgery makes a written report to the division
2 stating that the licensee's seizures are controlled. The report shall be based
3 on an examination of the applicant's medical condition not more than three
4 months prior to the date the report is submitted. Such report shall be made
5 on a form furnished to the applicant by the division. Any physician who
6 makes such report shall not be liable for any damages which may be
7 attributable to the issuance or renewal of a driver's license and subsequent
8 operation of a motor vehicle by the licensee.

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

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

20 (1) Information explaining the person's right to make an anatomical
21 gift in accordance with K.S.A. 8-243, and amendments thereto, and the
22 revised uniform anatomical gift act, K.S.A. 2017 Supp. 65-3220 through
23 65-3244, and amendments thereto;

24 (2) information describing the organ donation registry program
25 maintained by the Kansas federally designated organ procurement
26 organization. The information required under this paragraph shall include,
27 in a type, size and format that is conspicuous in relation to the surrounding
28 material, the address and telephone number of Kansas' federally
29 designated organ procurement organization, along with an advisory to call
30 such designated organ procurement organization with questions about the
31 organ donor registry program;

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

34 (4) inform the applicant that, if the applicant indicates under this
35 subsection a willingness to have such applicant's name placed on the organ
36 donor registry described in paragraph (2), the division will forward the
37 applicant's name, gender, date of birth and most recent address to the organ
38 donation registry maintained by the Kansas federally designated organ
39 procurement organization, as required by paragraph (6);

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

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

43 (B) providing printed material to an applicant who personally appears

1 at an examining station;

2 (6) if an applicant indicates a willingness under this subsection to
3 have such applicant's name placed on the organ donor registry, the division
4 shall within 10 days forward the applicant's name, gender, date of birth and
5 most recent address to the organ donor registry maintained by the Kansas
6 federally designated organ procurement organization. The division may
7 forward information under this subsection by mail or by electronic means.
8 The division shall not maintain a record of the name or address of an
9 individual who indicates a willingness to have such person's name placed
10 on the organ donor registry after forwarding that information to the organ
11 donor registry under this subsection. Information about an applicant's
12 indication of a willingness to have such applicant's name placed on the
13 organ donor registry that is obtained by the division and forwarded under
14 this paragraph shall be confidential and not disclosed.

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

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

25 Sec. 4. K.S.A. 2017 Supp. 8-1324 is hereby amended to read as
26 follows: 8-1324. (a) Any resident who does not hold a current valid
27 Kansas driver's license may make application to the division of vehicles
28 and be issued one identification card.

29 (b) (1) *Each application for an identification card shall include a*
30 *question asking if the applicant is willing to*~~*make a gift of all or any part*~~
31 ~~*of the applicant's body*~~ **give such applicant's authorization to be listed**
32 **as an organ, eye and tissue donor in the Kansas donor registry in**
33 *accordance with the revised uniform anatomical gift act, K.S.A. 2017*
34 *Supp. 65-3220 through 65-3244, and amendments thereto. The gift would*
35 *become effective upon the death of the donor.*

36 (2) For the purpose of obtaining an identification card, an applicant
37 shall submit, with the application, proof of age, proof of identity and proof
38 of lawful presence. An applicant shall submit with the application a photo
39 identity document, except that a non-photo identity document is acceptable
40 if it includes both the applicant's full legal name and date of birth, and
41 documentation showing the applicant's name, the applicant's address of
42 principal residence and the applicant's social security account number. The
43 applicant's social security number shall remain confidential and shall not

1 be disclosed, except as provided pursuant to K.S.A. 74-2014, and
2 amendments thereto. If the applicant does not have a social security
3 number, the applicant shall provide proof of lawful presence and Kansas
4 residency. The division shall assign a distinguishing number to the
5 identification card. Before issuing an identification card to a person, the
6 division shall make reasonable efforts to verify with the issuing agency the
7 issuance, validity and completeness of each document required to be
8 presented by the applicant to prove age, identity and lawful presence.

9 (c) The division shall not issue an identification card to any person
10 who fails to provide proof that the person is lawfully present in the United
11 States. If an applicant provides evidence of lawful presence as set out in
12 K.S.A. 8-240(b)(2)(E) through (2)(I), and amendments thereto, or is an
13 alien lawfully admitted for temporary residence under K.S.A. 8-240(b)(2)
14 (B), and amendments thereto, the division may only issue a temporary
15 identification card to the person under the following conditions: (A) A
16 temporary identification card issued pursuant to this subparagraph shall be
17 valid only during the period of time of the applicant's authorized stay in
18 the United States or, if there is no definite end to the period of authorized
19 stay, a period of one year; (B) a temporary identification card issued
20 pursuant to this subparagraph shall clearly indicate that it is temporary and
21 shall state the date upon which it expires; (C) no temporary identification
22 card issued pursuant to this subparagraph shall be for a longer period of
23 time than the time period permitted by K.S.A. 8-1325, and amendments
24 thereto; and (D) a temporary identification card issued pursuant to this
25 subparagraph may be renewed, subject at the time of renewal, to the same
26 requirements and conditions set forth in this subsection (c) for the issuance
27 of the original temporary identification card.

28 (d) The division shall not issue an identification card to any person
29 who holds a current valid Kansas driver's license unless such driver's
30 license has been physically surrendered pursuant to the provisions of
31 K.S.A. 8-1002(e), and amendments thereto.

32 (e) The division shall refuse to issue an identification card to a person
33 holding a driver's license or identification card issued by another state
34 without confirmation that the person is terminating or has terminated the
35 license or identification card.

36 (f) The parent or guardian of an applicant under 16 years of age shall
37 sign the application for an identification card submitted by such applicant.

38 (g) (1) The division shall require payment of a fee of \$14 at the time
39 application for an identification card is made, except that persons who are
40 65 or more years of age or who are handicapped, as defined in K.S.A. 8-
41 1,124, and amendments thereto, shall be required to pay a fee of only \$10.
42 In addition to the fees prescribed by this subsection, the division shall
43 require payment of the photo fee established pursuant to K.S.A. 8-243, and

1 amendments thereto, for the cost of the photograph to be placed on the
2 identification card.

3 (2) The division shall not require or accept payment of application or
4 photo fees under this subsection for any person 17 years of age or older for
5 purposes of meeting the voter identification requirements of K.S.A. 25-
6 2908, and amendments thereto. Such person shall:

7 (A) Swear under oath that such person desires an identification card
8 in order to vote in an election in Kansas and that such person does not
9 possess any of the forms of identification acceptable under K.S.A. 25-
10 2908, and amendments thereto. The affidavit shall specifically list the
11 acceptable forms of identification under K.S.A. 25-2908, and amendments
12 thereto; and

13 (B) produce evidence that such person is registered to vote in Kansas.

14 (3) The secretary of revenue shall adopt rules and regulations in order
15 to implement the provisions of paragraph (2).

16 (h) All Kansas identification cards shall have physical security
17 features designed to prevent tampering, counterfeiting or duplication for
18 fraudulent purposes.

19 (i) For the purposes of K.S.A. 8-1324 through 8-1328, and
20 amendments thereto, a person shall be deemed to be a resident of the state
21 if:

22 (1) The person owns, leases or rents a place of domicile in this state;

23 (2) the person engages in a trade, business or profession in this state;

24 (3) the person is registered to vote in this state;

25 (4) the person enrolls the person's child in a school in this state; or

26 (5) the person registers the person's motor vehicle in this state.

27 (j) The division shall require that any person applying for an
28 identification card submit to a mandatory facial image capture. The
29 captured facial image shall be displayed on the front of the applicant's
30 identification card.

31 (k) (1) Any person who is a veteran may request that the division
32 issue to such person a nondriver identification card which shall include the
33 designation "VETERAN" displayed on the front of the nondriver
34 identification card at a location to be determined by the secretary of
35 revenue. In order to receive a nondriver identification card described in
36 this subsection, the veteran must provide proof of the veteran's military
37 service and honorable discharge or general discharge under honorable
38 conditions, including a copy of the veteran's DD214 form or equivalent.

39 (2) As used in this subsection, "veteran" means a person who:

40 (A) Has served in: The army, navy, marine corps, air force, coast
41 guard, air or army national guard or any branch of the military reserves of
42 the United States; and

43 (B) has been separated from the branch of service in which the person

1 was honorably discharged or received a general discharge under honorable
2 conditions.

3 (3) The director of vehicles may adopt any rules and regulations
4 necessary to carry out the provisions of this subsection.

5 (l) The director of vehicles may issue a temporary identification card
6 to an applicant who cannot provide valid documentary evidence as defined
7 by subsection (c), if the applicant provides compelling evidence proving
8 current lawful presence. Any temporary identification card issued pursuant
9 to this subparagraph shall be valid for one year.

10 (m) Upon payment of the required fee, the division shall issue to
11 every applicant qualifying under the provisions of this act an identification
12 card. Such identification card shall bear a distinguishing number assigned
13 to the cardholder, the full legal name, date of birth, address of principal
14 residence, a brief description of the cardholder, either: (1) A digital color
15 image or photograph; or (2) a laser engraved photograph of the cardholder,
16 and a facsimile of the signature of the cardholder. An identification card
17 which does not contain the address of principal residence of the cardholder
18 as required may be issued to persons who are program participants
19 pursuant to K.S.A. 2017 Supp. 75-455, and amendments thereto.

20 (n) *An identification card issued to any person who indicated on the*
21 *application that the person wished to make an anatomical gift in*
22 *accordance with the revised uniform anatomical gift act, K.S.A. 2017*
23 *Supp. 65-3220 through 65-3244, and amendments thereto, shall have the*
24 *word "Donor" placed on the front of the applicant's identification card.*

25 ~~(n)~~ (o) (1) Any person who submits satisfactory proof to the director
26 of vehicles, on a form provided by the director, that such person needs
27 assistance with cognition, including, but not limited to, persons with
28 autism spectrum disorder, may request that the division issue to such
29 person a nondriver identification card, that shall note such impairment on
30 the nondriver identification card at a location to be determined by the
31 secretary of revenue.

32 (2) Satisfactory proof that a person needs assistance with cognition
33 shall include a statement from a person licensed to practice the healing arts
34 in any state, an advanced practice registered nurse licensed under K.S.A.
35 65-1131, and amendments thereto, a licensed physician assistant or a
36 person clinically licensed by the Kansas behavioral sciences regulatory
37 board certifying that such person needs assistance with cognition.

38 Sec. 5. K.S.A. 2017 Supp. 65-3221 is hereby amended to read as
39 follows: 65-3221. In this act:

40 (1) "Adult" means an individual who is at least 18 years of age.

41 (2) "Agent" means an individual:

42 (A) Authorized to make health-care decisions on the principal's
43 behalf by a power of attorney for health care; or

1 (B) expressly authorized to make an anatomical gift on the principal's
2 behalf by any other record signed by the principal.

3 (3) "Anatomical gift" means a donation of all or part of a human body
4 to take effect after the donor's death for the purpose of transplantation,
5 therapy, research, or education.

6 (4) "Decedent" means a deceased individual whose body or part is or
7 may be the source of an anatomical gift. The term includes a stillborn
8 infant and, subject to restrictions imposed by law other than this act, a
9 fetus.

10 (5) "Disinterested witness" means a witness other than the spouse,
11 child, parent, sibling, grandchild, grandparent, or guardian of the
12 individual who makes, amends, revokes, or refuses to make an anatomical
13 gift, or another adult who exhibited special care and concern for the
14 individual. The term does not include a person to which an anatomical gift
15 could pass under K.S.A. 2017 Supp. 65-3230, and amendments thereto.

16 (6) "Document of gift" means a donor card or other record used to
17 make an anatomical gift. The term includes a statement or symbol on a
18 driver's license, identification card, or donor registry.

19 (7) "Donor" means an individual whose body or part is the subject of
20 an anatomical gift.

21 (8) "Donor registry" means a database that contains records of
22 anatomical gifts and amendments to or revocations of anatomical gifts.

23 (9) "Driver's license" means a license or permit issued by the division
24 of motor vehicles of the department of revenue to operate a vehicle,
25 whether or not conditions are attached to the license or permit.

26 (10) "Eye bank" means a person that is licensed, accredited, or
27 regulated under federal or state law to engage in the recovery, screening,
28 testing, processing, storage, or distribution of human eyes or portions of
29 human eyes.

30 (11) "Guardian" means a person appointed by a court to make
31 decisions regarding the support, care, education, health, or welfare of an
32 individual. The term does not include a guardian ad litem.

33 (12) *"Healthcare provider" means the same as such term is defined in*
34 *K.S.A. 40-3401, and amendments thereto.*

35 ~~(12)~~ (13) "Hospital" means a facility licensed as a hospital under the
36 law of any state or a facility operated as a hospital by the United States, a
37 state, or a subdivision of a state. The term includes an ambulatory surgical
38 center and recuperation center.

39 ~~(13)~~ (14) "Identification card" means an identification card issued by
40 the division of motor vehicles of the department of revenue.

41 ~~(14)~~ (15) "Know" means to have actual knowledge.

42 ~~(15)~~ (16) "Minor" means an individual who is under 18 years of age.

43 ~~(16)~~ (17) "Organ procurement organization" means a person

1 designated by the secretary of the United States department of health and
2 human services as an organ procurement organization.

3 ~~(17)~~ (18) "Parent" means a parent whose parental rights have not
4 been terminated.

5 ~~(18)~~ (19) "Part" means an organ, an eye, or tissue of a human being.
6 The term does not include the whole body.

7 ~~(19)~~ (20) "Person" means an individual, corporation, business trust,
8 estate, trust, partnership, limited liability company, association, joint
9 venture, public corporation, government or governmental subdivision,
10 agency, or instrumentality, or any other legal or commercial entity.

11 ~~(20)~~ (21) "Physician" means an individual authorized to practice
12 medicine or osteopathy under the law of any state.

13 ~~(21)~~ (22) "Procurement organization" means an eye bank, organ
14 procurement organization, or tissue bank.

15 ~~(22)~~ (23) "Prospective donor" means an individual who is dead or
16 near death and has been determined by a procurement organization to have
17 a part that could be medically suitable for transplantation, therapy,
18 research, or education. The term does not include an individual who has
19 made a refusal.

20 ~~(23)~~ (24) "Reasonably available" means able to be contacted by a
21 procurement organization without undue effort and willing and able to act
22 in a timely manner consistent with existing medical criteria necessary for
23 the making of an anatomical gift.

24 ~~(24)~~ (25) "Recipient" means an individual into whose body a
25 decedent's part has been or is intended to be transplanted.

26 ~~(25)~~ (26) "Record" means information that is inscribed on a tangible
27 medium or that is stored in an electronic or other medium and is
28 retrievable in perceivable form.

29 ~~(26)~~ (27) "Refusal" means a record created under K.S.A. 2017 Supp.
30 65-3226, and amendments thereto, that expressly states an intent to bar
31 other persons from making an anatomical gift of an individual's body or
32 part.

33 ~~(27)~~ (28) "Sign" means with the present intent to authenticate or
34 adopt a record:

35 (A) To execute or adopt a tangible symbol; or

36 (B) to attach to or logically associate with the record an electronic
37 symbol, sound, or process.

38 ~~(28)~~ (29) "State" means a state of the United States, the District of
39 Columbia, Puerto Rico, the United States Virgin Islands, or any territory or
40 insular possession subject to the jurisdiction of the United States.

41 ~~(29)~~ (30) "Technician" means an individual determined to be
42 qualified to remove or process parts by an appropriate organization that is
43 licensed, accredited, or regulated under federal or state law. The term

1 includes an enucleator.

2 ~~(30)~~ (31) "Tissue" means a portion of the human body other than an
3 organ or an eye. The term does not include blood unless the blood is
4 donated for the purpose of research or education.

5 ~~(31)~~ (32) "Tissue bank" means a person that is licensed, accredited, or
6 regulated under federal or state law to engage in the recovery, screening,
7 testing, processing, storage, or distribution of tissue.

8 ~~(32)~~ (33) "Transplant hospital" means a hospital that furnishes organ
9 transplants and other medical and surgical specialty services required for
10 the care of transplant patients.

11 Sec. 6. K.S.A. 2017 Supp. 65-3228 is hereby amended to read as
12 follows: 65-3228. (a) Subject to subsections (b) and (c) and unless barred
13 by K.S.A. 2017 Supp. 65-3226 or 65-3227, and amendments thereto, an
14 anatomical gift of a decedent's body or part for purpose of transplantation,
15 therapy, research or education may be made by any member of the
16 following classes of persons who is reasonably available, in the order of
17 priority listed:

18 (1) An agent of the decedent at the time of death who could have
19 made an anatomical gift under K.S.A. 2017 Supp. 65-3223(2), and
20 amendments thereto, immediately before the decedent's death;

21 (2) the spouse of the decedent;

22 (3) adult children of the decedent;

23 (4) parents of the decedent;

24 (5) adult siblings of the decedent;

25 (6) adult grandchildren of the decedent;

26 (7) grandparents of the decedent;

27 (8) the persons who were acting as the guardians of the person of the
28 decedent at the time of death;

29 (9) an adult who exhibited special care and concern for the decedent
30 and who was familiar with the decedent's personal values; and

31 (10) any other person having the authority to dispose of the
32 decedent's body.

33 (b) If there is more than one member of a class listed in subsection (a)
34 (1), (3), (4), ~~(5)~~, (6), (7), or (9) entitled to make an anatomical gift, an
35 anatomical gift may be made by a member of the class unless that member
36 or a person to which the gift may pass under K.S.A. 2017 Supp. 65-3230,
37 and amendments thereto, knows of an objection by another member of the
38 class. If an objection is known, the gift may be made only by a majority of
39 the members of the class who are reasonably available. *If both parents are*
40 *living and available to decide, an anatomical gift may be made only if*
41 *both parents agree.*

42 (c) A person may not make an anatomical gift if, at the time of the
43 decedent's death, a person in a prior class under subsection (a) is

1 reasonably available to make or to object to the making of an anatomical
2 gift.

3 Sec. 7. K.S.A. 2017 Supp. 65-3229 is hereby amended to read as
4 follows: 65-3229. (a) A person authorized to make an anatomical gift
5 under K.S.A. 2017 Supp. 65-3228, and amendments thereto, may make an
6 anatomical gift by a document of gift signed by the person making the gift
7 or by that person's oral communication that is electronically recorded or is
8 contemporaneously reduced to a record and signed by the individual
9 receiving the oral communication.

10 (b) Subject to subsection ~~(e)~~ (d), an anatomical gift by a person
11 authorized under K.S.A. 2017 Supp. 65-3228, and amendments thereto,
12 may be amended or revoked orally or in a record by any member of a prior
13 class who is reasonably available. If more than one member of the prior
14 class is reasonably available, the gift made by a person authorized under
15 K.S.A. 2017 Supp. 65-3228, and amendments thereto, may be:

16 (1) Amended only if a majority of the reasonably available members
17 agree to the amending of the gift; or

18 (2) revoked only if a majority of the reasonably available members
19 agree to the revoking of the gift or if they are equally divided as to whether
20 to revoke the gift.

21 ~~(e) A parent or guardian shall not revoke a decedent minor's-~~
22 ~~anatomical gift if a document of gift is present or available.~~

23 ~~(d)~~ (c) A revocation under subsection (b) is effective only if, before
24 an incision has been made to remove a part from the donor's body or
25 before invasive procedures have begun to prepare the recipient, the
26 procurement organization, transplant hospital, or physician or technician
27 knows of the revocation.

28 Sec. 8. K.S.A. 2017 Supp. 65-3237 is hereby amended to read as
29 follows: 65-3237. (a) A person *or healthcare provider* that acts in
30 accordance with this act or with the applicable anatomical gift law of
31 another state, or in good faith attempts to do so, is not liable for the act in a
32 civil action, criminal prosecution, or administrative proceeding.

33 (b) Neither the person making an anatomical gift nor the donor's
34 estate is liable for any injury or damage that results from the making or use
35 of the gift.

36 (c) In determining whether an anatomical gift has been made,
37 amended, or revoked under this act, a person may rely upon
38 representations of an individual listed in K.S.A. 2017 Supp. 65-3228 (a)
39 (2), (3), (4), (5), (6), (7), or (8), and amendments thereto, relating to the
40 individual's relationship to the donor or prospective donor unless the
41 person knows that the representation is untrue.

42 Sec. 9. K.S.A. 2017 Supp. 8-240, 8-243, 8-247, 8-1324, 65-3221, 65-
43 3228, 65-3229 and 65-3237 are hereby repealed.

1 Sec. 10. This act shall take effect and be in force from and after its
2 publication in the statute book.