

HOUSE BILL No. 2417

By Representative Slattery

12-22

1 AN ACT concerning driver's licenses; amending K.S.A. 2011 Supp. 8-247
2 and **8-2,101 and** repealing the existing section sections.

3
4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. K.S.A. 2011 Supp. 8-247 is hereby amended to read as
6 follows: 8-247. (a) (1) All original licenses shall expire as follows:

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

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

13 (C) any commercial drivers license shall expire on the fourth
14 anniversary of the date of birth of the licensee which is nearest the date of
15 application;

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

20 (E) licenses issued to persons who are less than 21 years of age shall
21 expire ~~on 180 days after~~ on the licensee's ~~twenty-first~~ 21st birthday.

22 (2) All renewals under: (A) Paragraph (1) (A) shall expire on every
23 sixth anniversary of the date of birth of the licensee; (B) paragraph (1) (B)
24 and (C) shall expire on every fourth anniversary of the date of birth of the
25 licensee; (C) paragraph (1)(D) shall expire every year on the date of birth
26 of the licensee; and (D) paragraph (1) (E), if a renewal license is issued,
27 shall expire ~~on 180 days after~~ on the licensee's ~~twenty-first~~ 21st birthday.
28 No driver's license shall expire in the same calendar year in which the
29 original license or renewal license is issued, except that if the foregoing
30 provisions of this section shall require the issuance of a renewal license or
31 an original license for a period of less than six calendar months, the license
32 issued to the applicant shall expire in accordance with the provisions of
33 this subsection.

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

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

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

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

38 (2) Any licensee, whose driver's license expires on their ~~twenty-first~~
39 ~~21st~~ birthday, shall have ~~45~~ **15** days from the date of expiration of such
40 license to make application to renew such licensee's license. Such license
41 shall continue to be valid for such ~~45~~ **15** days or until such license is
42 renewed, whichever occurs sooner. A licensee who renews under the
43 provisions of this paragraph shall not be required by the division to take an

1 examination of ability to exercise ordinary and reasonable control in the
2 operation of a motor vehicle as provided in K.S.A. 8-235d, and
3 amendments thereto.

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

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

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

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

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

42 (6) Seizure disorders which are controlled shall not be considered a
43 disability. In cases where such seizure disorders are not controlled, the

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

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

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

29 (1) Information explaining the person's right to make an anatomical
30 gift in accordance with K.S.A. 8-243, and amendments thereto, and the
31 revised uniform anatomical gift act, K.S.A. 2011 Supp. 65-3220 through
32 65-3244, and amendments thereto;

33 (2) information describing the organ donation registry program
34 maintained by the Kansas federally designated organ procurement
35 organization. The information required under this paragraph shall include,
36 in a type, size and format that is conspicuous in relation to the surrounding
37 material, the address and telephone number of Kansas' federally
38 designated organ procurement organization, along with an advisory to call
39 such designated organ procurement organization with questions about the
40 organ donor registry program;

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

43 (4) inform the applicant that, if the applicant indicates under this

1 subsection a willingness to have such applicant's name placed on the organ
2 donor registry described in paragraph (2), the division will forward the
3 applicant's name, gender, date of birth and most recent address to the organ
4 donation registry maintained by the Kansas federally designated organ
5 procurement organization, as required by paragraph (6);

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

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

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

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

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

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

34 ***Sec. 2. K.S.A. 2011 Supp. 8-2,101 is hereby amended to read as***
35 ***follows: 8-2,101. The division of vehicles may issue a restricted class C***
36 ***or M driver's license in accordance with the provisions of this section. A***
37 ***restricted class C license issued under this section shall entitle the***
38 ***licensee, while possessing the license, to operate any motor vehicle in***
39 ***class C, as designated in K.S.A. 8-234b, and amendments thereto. A***
40 ***restricted class M license shall entitle the licensee, while possessing such***
41 ***license, to operate a motorcycle.***

42 ***(a) The division may issue a restricted class C or M driver's license***
43 ***to any person who:***

- 1 (1) *Is at least 15 years of age;*
2 (2) *has successfully completed an approved course in driver*
3 *training;*
4 (3) *has held an instructional permit issued under the provisions of*
5 *K.S.A. ~~8-239~~ 8-2,100, and amendments thereto, for a period of at least*
6 *one year and has completed at least 25 hours of adult supervised driving*
7 *or has obtained an instructional permit from another state or the district*
8 *of Columbia which has equivalent or greater requirements; and*
9 (4) *upon the written application of the person's parent or guardian,*
10 *which shall be submitted to the division.*

11 *Any licensee issued a restricted license under this subsection, shall*
12 *provide prior to reaching 16 years of age, a signed affidavit of either a*
13 *parent or guardian, stating that the applicant has completed the required*
14 *25 hours prior to being issued a restricted license and 25 hours of*
15 *additional adult supervised driving. Of the 50 hours required by this*
16 *subsection, at least 10 of those hours shall be at night. The adult*
17 *supervised driving shall be conducted by an adult who is at least 21*
18 *years of age and is the holder of a valid commercial driver's license,*
19 *class A, B or C driver's license.*

20 **(b) (1)** *A restricted license issued under subsection (a) shall entitle a*
21 *licensee who is at least 15 years of age but less than 16 years of age, to*
22 *operate the appropriate motor vehicles at any time:*

23 **(A)** *While going to or from or in connection with any job,*
24 *employment or farm-related work;*

25 **(B)** *on days while school is in session, over the most direct and*
26 *accessible route between the licensee's residence and school of*
27 *enrollment for the purposes of school attendance;*

28 **(C)** *when the licensee is operating a passenger car, at any time*
29 *when accompanied by an adult, who is the holder of a valid commercial*
30 *driver's license, class A, B or C driver's license and who is actually*
31 *occupying a seat beside the driver; or*

32 **(D)** *when the licensee is operating a motorcycle, at any time when*
33 *accompanied by an adult, who is the holder of a valid class M driver's*
34 *license and who is either operating a motorcycle in the general*
35 *proximity of the licensee or is riding as a passenger on the motorcycle*
36 *being operated by the licensee.*

37 **(2)** *For a period of six months, a restricted license issued under*
38 *subsection (a) shall entitle a licensee who is at least 16 years of age to*
39 *operate the appropriate motor vehicles at any time:*

40 **(A)** *From ~~5:00~~ a.m. to ~~9:00~~ p.m.;*

41 **(B)** *while going to or from or in connection with any job,*
42 *employment or farm-related work;*

43 **(C)** *while going to or from authorized school activities;*

1 (D) while going directly to or from any religious worship service
2 held by a religious organization;

3 (E) when the licensee is operating a passenger car, at any time
4 when accompanied by an adult, who is the holder of a valid commercial
5 driver's license, class A, B or C driver's license and who is actually
6 occupying a seat beside the driver; or

7 (F) when the licensee is operating a motorcycle, at any time when
8 accompanied by an adult, who is the holder of a valid class M driver's
9 license and who is either operating a motorcycle in the general
10 proximity of the licensee or is riding as a passenger on the motorcycle
11 being operated by the licensee.

12 After such six-month period, if the licensee has complied with the
13 provisions of this section, such restricted license shall entitle the licensee
14 to operate the appropriate motor vehicles at any time without any of the
15 restrictions required by this section.

16 (c) (1) The division may issue a restricted class C or M driver's
17 license to any person who is under 17 years of age but at least 16 years
18 of age, who:

19 (A) Has held an instructional permit issued under the provisions of
20 K.S.A. ~~8-239~~ 8-2,100, and amendments thereto, for a period of at least
21 one year; and

22 (B) has submitted a signed affidavit of either a parent or guardian,
23 stating that the applicant has completed at least 50 hours of adult
24 supervised driving with at least 10 of those hours being at night. The
25 required adult supervised driving shall be conducted by an adult who is
26 at least 21 years of age and is the holder of a valid commercial driver's
27 license, class A, B or C driver's license.

28 (2) For a period of six months, a restricted license issued under
29 subsection (c)(1) shall entitle a licensee to operate the appropriate motor
30 vehicles at any time:

31 (A) From ~~5:00~~ a.m. to ~~9:00~~ p.m.;

32 (B) while going to or from or in connection with any job,
33 employment or farm-related work;

34 (C) while going to or from authorized school activities;

35 (D) while going directly to or from any religious worship service
36 held by a religious organization;

37 (E) when the licensee is operating a passenger car, at any time
38 when accompanied by an adult, who is the holder of a valid commercial
39 driver's license, class A, B or C driver's license and who is actually
40 occupying a seat beside the driver; or

41 (F) when the licensee is operating a motorcycle, at any time when
42 accompanied by an adult, who is the holder of a valid class M driver's
43 license and who is either operating a motorcycle in the general

1 *proximity of the licensee or is riding as a passenger on the motorcycle*
2 *being operated by the licensee.*

3 *After such six-month period, if the licensee has complied with the*
4 *provisions of this section, such restricted license shall entitle the licensee*
5 *to operate the appropriate motor vehicles at any time without any of the*
6 *restrictions required by this section.*

7 *(d) (1) Any licensee issued a restricted license under subsection (a):*

8 *(A) Who is less than 16 years of age shall not operate any motor*
9 *vehicle with nonsibling minor passengers; or*

10 *(B) who is at least 16 years of age, for a period of six months after*
11 *reaching 16 years of age, shall not operate any motor vehicle with more*
12 *than one passenger who is less than 18 years of age and who is not a*
13 *member of the licensee's immediate family.*

14 *(2) Any licensee issued a restricted license under subsection (c), for*
15 *a period of six months after such restricted license is issued, shall not*
16 *operate any motor vehicle with more than one passenger who is less*
17 *than 18 years of age and who is not a member of the licensee's*
18 *immediate family.*

19 *(3) Any conviction for violating this subsection shall be construed*
20 *as a moving traffic violation for the purpose of K.S.A. 8-255, and*
21 *amendments thereto.*

22 *(e) Any licensee issued a restricted license under this section shall*
23 *not operate a wireless communication device while driving a motor*
24 *vehicle, except that a licensee may operate a wireless communication*
25 *device while driving a motor vehicle to report illegal activity or to*
26 *summons medical or other emergency help.*

27 *(f) (1) A restricted driver's license issued under this section is*
28 *subject to suspension or revocation in the same manner as any other*
29 *driver's license.*

30 *(2) A restricted driver's license shall be suspended in accordance*
31 *with K.S.A. 8-291, and amendments thereto, for any violation of*
32 *restrictions under this section.*

33 *(3) The division shall suspend the restricted driver's license upon*
34 *receiving satisfactory evidence that the licensee has been involved in two*
35 *or more accidents chargeable to the licensee and such suspended license*
36 *shall not be reinstated for one year.*

37 *(g) Evidence of failure of any licensee who was required to*
38 *complete the 50 hours of adult supervised driving under this section*
39 *shall not be admissible in any action for the purpose of determining any*
40 *aspect of comparative negligence or mitigation of damages.*

41 *(h) Any licensee issued a restricted license under:*

42 *(1) Subsection (a) who:*

43 *(A) Is under the age of 16 years and is convicted of two or more*

1 *moving traffic violations committed on separate occasions shall not be*
2 *eligible to receive a driver's license which is not restricted in accordance*
3 *with the provisions of subsection (b)(1) until the person reaches 17 years*
4 *of age;*

5 *(B) is under 17 years of age but at least 16 years of age and is*
6 *convicted of two or more moving traffic violations committed on*
7 *separate occasions shall not be eligible to receive a driver's license*
8 *which is not restricted in accordance with the provisions of subsection*
9 *(b)(2) until the person reaches 18 years of age; or*

10 *(C) fails to provide the affidavit required under subsection (a) shall*
11 *not be eligible to receive a driver's license which is not restricted in*
12 *accordance with the provisions of subsection (b)(1) until the person*
13 *provides such affidavit to the division or the person reaches 17 years of*
14 *age, whichever occurs first.*

15 *(2) Subsection (c) who is under the age of 17 years and is convicted*
16 *of two or more moving traffic violations committed on separate*
17 *occasions shall not be eligible to receive a driver's license which is not*
18 *restricted in accordance with the provisions of subsection (c) until the*
19 *person reaches 18 years of age.*

20 *(i) This section shall be a part of and supplemental to the motor*
21 *vehicle driver's license act.*

22 ~~Sec. 2.~~ 3. K.S.A. 2011 Supp. 8-247 ~~is~~ *and 8-2,101 are* hereby
23 repealed.

24 ~~Sec. 3.~~ 4. This act shall take effect and be in force from and after its
25 publication in the statute book.
26