AN ACT concerning health and healthcare; relating to the revised uniform anatomical gift act; recognizing the inherent rights of Kansas citizens and residents authorized to make anatomical gifts; amending K.S.A. 65-3233 and 65-3239 and K.S.A. 2018 Supp. 8-240, 8-243, 8-247, 8-1324, 8-1325 and 8-1328 and repealing the existing sections.

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

New Section 1. (a) The legislature of the state of Kansas finds and declares the following:

(1) The decisions whether to make an anatomical gift and thereafter to authorize an anatomical gift or to make a decision whether to become a living organ donor are deeply personal decisions of great importance and significance made after careful consideration by the living organ donor or the person authorized to make an anatomical gift;

(2) the donation of anatomical gifts serves important public health needs, including medical research and education, therapy or transplantation that improve the health and welfare of the citizens and residents of the state of Kansas; and

(3) any citizen or resident of the state of Kansas has the inherent right to make a decision about whether to be a donor and thereafter about the conditions of use of an anatomical gift for any authorized purpose under the revised uniform anatomical gift act.

(b) (1) Any citizen or resident of the state of Kansas authorized to make an anatomical gift, under the revised uniform anatomical gift act, has an inherent right to make a decision whether to make an anatomical gift and thereafter about the conditions of use of an anatomical gift of all or part of the donor's body for transplantation, therapy, research or education. Any decision by a citizen or resident of the state of Kansas authorized to make an anatomical gift under the revised uniform anatomical gift act about the use of an anatomical gift under this subsection shall not discriminate by reason of any prohibited basis for discrimination provided in article 10 or 11 of chapter 44 of the Kansas Statutes Annotated, and amendments thereto, or K.S.A. 65-3276, and amendments thereto.

(2) The department of health and environment shall adopt all necessary rules and regulations to be effective on or before July 1, 2020, defining the inherent right recognized in paragraph (1) and creating a
mechanism for a citizen or resident of the state of Kansas who is authorized to make an anatomical gift under the revised uniform anatomical gift act to exercise the right recognized in paragraph (1). The definition of the inherent right recognized in paragraph (1) may include conditions of use of an anatomical gift not recognized in other provisions of the revised uniform anatomical gift act. The department of health and environment shall seek input from experts in the field of organ procurement and organ transplantation as the secretary of health and environment, or the secretary's designee, deems appropriate at the secretary's sole discretion in developing the rules and regulations required by this paragraph. Such rules and regulations shall include:

(A) A mechanism for a Kansas citizen or resident authorized to make an anatomical gift under the revised uniform anatomical gift act to exercise the inherent right recognized in paragraph (1) when applying or reapplying for a permit, license or other identification card from the division of vehicles;

(B) a process to communicate that a Kansas citizen or resident authorized to make an anatomical gift has exercised the inherent right recognized in paragraph (1) to the statewide organ and tissue donor registry, established and operated in accordance with K.S.A. 65-3239, and amendments thereto;

(C) a process requiring the Kansas federally designated organ procurement organization to conduct outreach to individuals listed in the registry, established and operated in accordance with K.S.A. 65-3239, and amendments thereto, to provide such individuals with information about the inherent right recognized in paragraph (1) and directions on how to exercise such right; and

(D) any other provisions as necessary to implement and administer the provisions of this section.

(4) The inherent right recognized in paragraph (1) is superior to the rights of any other person with respect to the part, including the rights described in K.S.A. 65-3233(h), and amendments thereto, when it is exercised by a citizen or resident of the state of Kansas authorized to make an anatomical gift under the revised uniform anatomical gift act until the anatomical gift is used in transplantation, therapy, research or education, by the person to whom the gift passes under K.S.A. 65-3230, and amendments thereto.

(5) On the effective date of the rules and regulations required to be adopted under paragraph (1), the division of vehicles shall provide notice to any individual who indicates a willingness to have their name placed on the organ donor registry under K.S.A. 8-247 or 8-1325, and amendments thereto, that information regarding an authorized donor's exercise of the inherent right recognized under paragraph (1) will be provided to the organ
donation registry, maintained by the Kansas federally designated organ
procurement organization. The division of vehicles shall provide
information regarding an authorized donor's exercise of the inherent right
recognized under paragraph (1) to the organ donation registry maintained
by the Kansas designated organ procurement organization consistent with
the requirements of K.S.A. 8-247 or 8-1325, and amendments thereto.
Disclosures and notices made pursuant to this subsection shall be in
addition to the required disclosures and notices to the organ donor registry
authorized by K.S.A. 8-247 or 8-1325, and amendments thereto.
(c) This section shall be a part of and supplemental to the revised
uniform anatomical gift act.
(d) This section shall be null and void and have no force and effect if
the rules and regulations required to be adopted under subsection (b) are
not adopted to be effective prior to January 1, 2023.
Sec. 2. K.S.A. 2018 Supp. 8-240 is hereby amended to read as
follows: 8-240. (a) (1) Every application for an instruction permit shall be
made upon a form furnished by the division of vehicles and accompanied
by a fee of $2 for class A, B, C or M and $5 for all commercial classes.
Every other application shall be made upon a form furnished by the
division and accompanied by an examination fee of $3, unless a different
fee is required by K.S.A. 8-241, and amendments thereto, and by the
proper fee for the license for which the application is made. All
commercial class applicants shall be charged a $15 driving test fee for the
drive test portion of the commercial driver's license application. If the
applicant is not required to take an examination or the commercial license
drive test, the examination or commercial drive test fee shall not be
required. The examination shall consist of three tests, as follows: (A)
Vision; (B) written; and (C) driving. For a commercial driver's license, the
drive test shall consist of three components, as follows: (A) Pre-trip; (B)
skills test; and (C) road test. If the applicant fails the vision test, the
applicant may have correction of vision made and take the vision test
again without any additional fee. If an applicant fails the written test, the
applicant may take such test again upon the payment of an additional
examination fee of $1.50. If an applicant fails the driving test, the
applicant may take such test again upon the payment of an additional
examination fee of $1.50. If an applicant for a commercial driver's license
fails any portion of the commercial drive test, the applicant may take such
test again upon the payment of an additional drive test fee of $10. If an
applicant fails to pass all three of the tests within a period of six months
from the date of original application and desires to take additional tests,
the applicant shall file an application for reexamination upon a form
furnished by the division, which shall be accompanied by a reexamination
fee of $3, except that any applicant who fails to pass the written or driving
portion of an examination four times within a six-month period, shall be
required to wait a period of six months from the date of the last failed
examination before additional examinations may be given. Upon the filing
of such application and the payment of such reexamination fee, the
applicant shall be entitled to reexamination in like manner and subject to
the additional fees and time limitation as provided for examination on an
original application. If the applicant passes the reexamination, the
applicant shall be issued the classified driver's license for which the
applicant originally applied, which license shall be issued to expire as if
the applicant had passed the original examination.

(2) Applicants for class M licenses who have completed prior
motorcycle safety training in accordance with department of defense
instruction 6055.04 (DoDI 6055.04) or the motorcycle safety foundation
are not required to complete further written and driving testing pursuant to
paragraph (1). An applicant seeking exemption from the written and
driving tests pursuant to this paragraph shall provide a copy of the
motorcycle safety foundation completion form to the division prior to
receiving a class M license.

(3) On and after January 1, 2017, an applicant for a class M license
who passes a driving examination on a three-wheeled motorcycle—\textit{which
that} is not an autocycle—shall have a restriction placed on such applicant's
license limiting the applicant to the operation of a registered three-wheeled
motorcycle. An applicant for a class M license who passes a driving
examination on a two-wheeled motorcycle may operate any registered
two-wheeled or three-wheeled motorcycle. The driving examination
required by this paragraph shall be administered by the division, by the
department of defense or as part of a curriculum recognized by the
motorcycle safety foundation.

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

(2) The division shall not issue any driver's license or instruction
permit to any person who fails to provide proof that the person is lawfully
present in the United States. Before issuing a driver's license or instruction permit to a person, the division shall require valid documentary evidence that the applicant: (A) is a citizen or national of the United States; (B) is an alien lawfully admitted for permanent or temporary residence in the United States; (C) has conditional permanent resident status in the United States; (D) has an approved application for asylum in the United States or has entered into the United States in refugee status; (E) has a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States; (F) has a pending application for asylum in the United States; (G) has a pending or approved application for temporary protected status in the United States; (H) has approved deferred action status; or (I) has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States.

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

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

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

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

(c) Every application shall state the full legal name, date of birth, gender and address of principal residence of the applicant, and briefly describe the applicant, and shall state whether the applicant has been licensed as a driver prior to such application, and, if so, when and by what state or country. Such application shall state whether any such license has
ever been suspended or revoked, or whether an application has ever been
refused, and, if so, the date of and reason for such suspension, revocation
or refusal. In addition, applications for commercial drivers' licenses and
instruction permits for commercial licenses must include the following:
The applicant's social security number; the person's signature; the person's:
(1) Digital color image or photograph; or (2) a laser engraved photograph;
certifications, including those required by 49 C.F.R. § 383.71(a), effective
January 1, 1991; a consent to release driving record information; and, any
other information required by the division. Each application for a driver's
license shall include a question asking if the applicant is willing to give
such applicant's authorization to be listed as an organ, eye or tissue donor
in the Kansas donor registry in accordance with the revised uniform
anatomical gift act, K.S.A. 65-3220 through 65-3244, and amendments or
rules and regulations adopted thereunder. The gift would become effective
upon the death of the donor.

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

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

(f) A fee shall be charged as follows:

(1) For a class C driver's license issued to a person at least 21 years of
age, but less than 65 years of age, $18;
(2) for a class C driver's license issued to a person 65 years of age or
older, $12;
(3) for a class M driver's license issued to a person at least 21 years of
age, but less than 65 years of age, $12.50;
(4) for a class M driver's license issued to a person 65 years of age or
older, $9;
(5) for a class A or B driver's license issued to a person who is at least
21 years of age, but less than 65 years of age, $24;
(6) for a class A or B driver's license issued to a person 65 years of
age or older, $16;
(7) for any class of commercial driver's license issued to a person 21
years of age or older, $18; or
(8) for class A, B, C or M, or a farm permit, or any commercial
driver's license issued to a person less than 21 years of age, $20.
A fee of $10 shall be charged for each commercial driver's license
endorsement, except air brake endorsements—which that shall have no
charge.
A fee of $3 per year shall be charged for any renewal of a license issued prior to the effective date of this act to a person less than 21 years of age.

If one fails to make an original application or renewal application for a driver's license within the time required by law, or fails to make application within 60 days after becoming a resident of Kansas, a penalty of $1 shall be added to the fee charged for the driver's license.

(g) Any person who possesses an identification card as provided in K.S.A. 8-1324, and amendments thereto, shall surrender such identification card to the division upon being issued a valid Kansas driver's license or upon reinstatement and return of a valid Kansas driver's license.

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

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

(j) (1) For purposes of this subsection, the division may rely on the division's most recent, existing color digital image and signature image of the applicant for the class C or M driver's license if the division has the information on file. The determination on whether an electronic online renewal application or equivalent of a driver's license is permitted shall be made by the director of vehicles or the director's designee. The division shall not renew a driver's license through an electronic online or equivalent process if the license has been previously renewed through an electronic online renewal application in the immediately preceding driver's license period. No renewal under this subsection shall be granted to any person who is: (A) Younger than 30 days from turning 21 years of age; (B) 65 years of age or older; (C) a registered offender pursuant to K.S.A. 22-4901 et seq., and amendments thereto; or (D) has a temporary driver's license issued pursuant to K.S.A. 8-240(b)(3), and amendments thereto, provided the license is not otherwise withdrawn.

(2) The vision examination requirements in K.S.A. 8-247(e), and amendments thereto, are not required for electronic online renewal applications, except that the electronic online renewal applicant must certify under penalty of law that the applicant's vision satisfies the requirements of K.S.A. 8-295, and amendments thereto, and has undergone an examination of eyesight by a licensed ophthalmologist or a licensed optometrist within the last year. As a condition for any electronic online renewal application, the applicant must: (A) Authorize the exchange of vision and medical information between the division and the applicant's ophthalmologist or optometrist; and (B) is at least 21 years of age, but less
than 50 years of age. The ophthalmologist or optometrist shall have four
business days to confirm or deny the vision and medical information of the
applicant. If no response is received by the division, the division shall
accept the vision and medical information provided for processing the
renewal application. The waiver of vision examination for online renewal
applications contained within this subsection shall expire on July 1, 2022.

(3) The secretary of revenue shall adopt and administer rules and
regulations to implement a program to permit an electronic online renewal
of a driver's license, including, but not limited to, requirements that an
electronic online renewal applicant shall have previously provided
documentation of identity, lawful presence and residence to the division
for electronic scanning.

(4) Prior to February 1, 2022, the division shall report to the house
and senate committees on transportation regarding the online renewal
process of this subsection and its effects to safety on the state's roads and
highways.

Sec. 3. K.S.A. 2018 Supp. 8-243 is hereby amended to read as
follows: 8-243. (a) Upon payment of the required fee, the division shall
issue to every applicant qualifying under the provisions of this act the
driver's license as applied for by the applicant. Such license shall bear the
class or classes of motor vehicles which the licensee is entitled to
drive, a distinguishing number assigned to the licensee, the full legal
name, date of birth, gender, address of principal residence and a brief
description of the licensee, either: (1) A digital color image or photograph;
or (2) a laser engraved photograph of the licensee, a facsimile of the
signature of the licensee and the statement provided for in subsection (b).
No driver's license shall be valid until it has been signed by the licensee.
All drivers' licenses issued to persons under the age of 21 years shall be
readily distinguishable from licenses issued to persons age 21 years or
older. In addition, all drivers' licenses issued to persons under the age of 18
years shall also be readily distinguishable from licenses issued to persons
age 18 years or older. The secretary of revenue shall implement a vertical
format to make drivers' licenses issued to persons under the age of 21 more
readily distinguishable. Except as otherwise provided, no driver's license
issued by the division shall be valid until either: (1) A digital color image
or photograph; or (2) a laser engraved photograph of such licensee has
been taken and verified before being placed on the driver's license. The
secretary of revenue shall prescribe a fee of not more than $8 and upon the
payment of such fee, the division shall cause either: (1) A digital color
image or photograph; or (2) a laser engraved photograph of such applicant
to be placed on the driver's license. Upon payment of such fee prescribed
by the secretary of revenue, plus payment of the fee required by K.S.A. 8-
246, and amendments thereto, for issuance of a new license, the division
shall issue to such licensee a new license containing either: (1) A digital
color image or photograph; or (2) a laser engraved photograph of such
licensee. A driver's license—which that does not contain the principal
address as required may be issued to persons who are program participants
pursuant to K.S.A. 75-455, and amendments thereto, upon payment of the
fee required by K.S.A. 8-246, and amendments thereto. All Kansas drivers'
licenses and identification cards shall have physical security features
designed to prevent tampering, counterfeiting or duplication of the
document for fraudulent purposes. The secretary of revenue shall
incorporate common machine-readable technology into all Kansas drivers'
licenses and identification cards.

(b) A Kansas driver's license issued to any person 16 years of age or
older who indicated on the person's application that the person wished to
make a gift of all or any part of the body of the licensee in accordance with
the revised uniform anatomical gift act, K.S.A. 65-3220 through 65-3244,
and amendments thereto or rules and regulations adopted thereunder, shall
have the word "Donor" placed on the front of the licensee's driver's
license.

(c) Any person who is deaf or hard of hearing may request that the
division issue to such person a driver's license—which that is readily
distinguishable from drivers' licenses issued to other drivers and upon such
request the division shall issue such license. Drivers' licenses issued to
persons who are deaf or hard of hearing and under the age of 21 years shall
be readily distinguishable from drivers' licenses issued to persons who are
defaf or hard of hearing and 21 years of age or older. Upon satisfaction of
subsection (a), the division shall issue a receipt of application permitting
the operation of a vehicle consistent with the requested class, if there are
no other restrictions or limitations, pending the division's verification of
the information and production of a driver's license.

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

(e) (1) Any person who is a veteran may request that the division
issue to such person a driver's license—which that shall include the
designation "VETERAN" displayed on the front of the driver's license at a
location to be determined by the secretary of revenue. In order to receive a
license described in this subsection, the veteran must provide proof of the
veteran's military service and honorable discharge or general discharge
under honorable conditions, including a copy of the veteran's DD214 form
or equivalent.
(2) As used in this subsection, "veteran" means a person who:
   (A) Has served in: The army, navy, marine corps, air force, coast
guard, air or army national guard or any branch of the military reserves of
the United States; and
   (B) has been separated from the branch of service in which the person
was honorably discharged or received a general discharge under honorable
conditions.
(3) The director of vehicles may adopt any rules and regulations
necessary to carry out the provisions of this subsection.
(f) (1) Any person who submits satisfactory proof to the director of
vehicles, on a form provided by the director, that such person needs
assistance with cognition, including, but not limited to, persons with
autism spectrum disorder, may request that the division issue to such
person a driver's license, that shall note such impairment on the driver's
license at a location to be determined by the secretary of revenue.
(2) Satisfactory proof that a person needs assistance with cognition
shall include a statement from a person licensed to practice the healing arts
in any state, an advanced practice registered nurse licensed under K.S.A.
65-1131, and amendments thereto, a licensed physician assistant or a
person clinically licensed by the Kansas behavioral sciences regulatory
board certifying that such person needs assistance with cognition.
Sec. 4. K.S.A. 2018 Supp. 8-247 is hereby amended to read as
follows: 8-247. (a) (1) All original licenses issued on and after July 1,
2018, shall expire as follows:
   (A) Licenses issued to persons who are at least 21 years of age, but
less than 65 years of age shall expire on the sixth anniversary of the date of
birth of the licensee which that is nearest the date of application;
   (B) licenses issued to persons who are 65 years of age or older shall
expire on the fourth anniversary of the date of birth of the licensee which
that is nearest the date of application;
   (C) any commercial drivers license shall expire on the fifth
anniversary of the date of birth of the licensee which that is nearest the
date of application;
   (D) licenses issued to an offender, as defined in K.S.A. 22-4902, and
amendments thereto, who is required to register pursuant to the Kansas
offender registration act, K.S.A. 22-4901 et seq., and amendments thereto,
shall expire every year on the date of birth of the licensee; or
   (E) licenses issued to persons who are less than 21 years of age shall
expire on the licensee's 21st birthday.
(2) All renewals under: (A) Paragraph (1)(A) shall expire on every
sixth anniversary of the date of birth of the licensee; (B) paragraph (1)(B)
shall expire on every fourth anniversary of the date of birth of the licensee;
(C) paragraph (1)(C) shall expire on every fifth anniversary of the date of
paragraph (1)(D) shall expire every year on the date of birth of the licensee; and (E) paragraph (1)(E), if a renewal license is issued, shall expire on the licensee's 21st birthday. No driver's license shall expire in the same calendar year in which the original license or renewal license is issued, except that if the foregoing provisions of this section shall require the issuance of a renewal license or an original license for a period of less than six calendar months, the license issued to the applicant shall expire in accordance with the provisions of this subsection.

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

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

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

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

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

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

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

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

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

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

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

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

(1) Information explaining the person's right to make an anatomical
gift in accordance with K.S.A. 8-243, and amendments thereto, and the
revised uniform anatomical gift act, K.S.A. 65-3220 through 65-3244, and amendments thereto or rules and regulations adopted thereunder;

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

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

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

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

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

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

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

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

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

Sec. 5. K.S.A. 2018 Supp. 8-1324 is hereby amended to read as
follows: 8-1324. (a) Any resident who does not hold a current valid Kansas
driver's license may make application to the division of vehicles and be
issued one identification card.

(b) (1) Each application for an identification card shall include a
question asking if the applicant is willing to give such applicant's
authorization to be listed as an organ, eye and tissue donor in the Kansas
donor registry in accordance with the revised uniform anatomical gift act,
K.S.A. 65-3220 through 65-3244, and amendments thereto or rules and
regulations adopted thereunder. The gift would become effective upon the
death of the donor.

(2) For the purpose of obtaining an identification card, an applicant
shall submit, with the application, proof of age, proof of identity and proof
of lawful presence. An applicant shall submit with the application a photo
identity document, except that a non-photo identity document is acceptable
if it includes both the applicant's full legal name and date of birth, and
documentation showing the applicant's name, the applicant's address of
principal residence and the applicant's social security account number. The
applicant's social security number shall remain confidential and shall not
be disclosed, except as provided pursuant to K.S.A. 74-2014, and
amendments thereto. If the applicant does not have a social security
number, the applicant shall provide proof of lawful presence and Kansas
residency. The division shall assign a distinguishing number to the
identification card. Before issuing an identification card to a person, the
division shall make reasonable efforts to verify with the issuing agency the
issuance, validity and completeness of each document required to be
presented by the applicant to prove age, identity and lawful presence.

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

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

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

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

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

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

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

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

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

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

(i) For the purposes of K.S.A. 8-1324 through 8-1328, and
amendments thereto, a person shall be deemed to be a resident of the state
if:
(1) The person owns, leases or rents a place of domicile in this state;
(2) the person engages in a trade, business or profession in this state;
(3) the person is registered to vote in this state;
(4) the person enrolls the person's child in a school in this state; or
(5) the person registers the person's motor vehicle in this state.

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

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

(2) As used in this subsection, "veteran" means a person who:
(A) Has served in: The army, navy, marine corps, air force, coast guard, air or army national guard or any branch of the military reserves of the United States; and
(B) has been separated from the branch of service in which the person was honorably discharged or received a general discharge under honorable conditions.

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

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

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

(n) An identification card issued to any person who indicated on the
application that the person wished to make an anatomical gift in accordance with the revised uniform anatomical gift act, K.S.A. 65-3220 through 65-3244, and amendments thereto or rules and regulations adopted thereunder, shall have the word "Donor" placed on the front of the applicant's identification card.

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

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

Sec. 6. K.S.A. 2018 Supp. 8-1325 is hereby amended to read as follows: 8-1325. (a) Every identification card shall expire, unless earlier canceled or subsection (c) of K.S.A. 8-1324(c), and amendments thereto, applies, on the sixth birthday of the applicant following the date of original issue, except as otherwise provided by K.S.A. 8-1329, and amendments thereto. Renewal of any identification card shall be made for a term of six years and shall expire in a like manner as the originally issued identification card, unless surrendered earlier or subsection (c) of K.S.A. 8-1324(c), and amendments thereto, applies. For any person who has been issued an identification card, the division shall mail a notice of expiration or renewal at least 30 days prior to the expiration of such person's identification card at the address shown on such identification card. The division shall include with such notice, written information required under subsection (b). Any application for renewal received later than 90 days after expiration of the identification card shall be considered to be an application for an original identification card. The division shall require payment of a fee of $14 for each identification card renewal, except that persons who are 65 or more years of age or who are persons with a disability, as defined in K.S.A. 8-1,124, and amendments thereto, shall be required to pay a fee of only $10.

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

(1) Information explaining the person's right to make an anatomical gift in accordance with K.S.A. 8-1328, and amendments thereto, and the
revised uniform anatomical gift act, K.S.A. 65-3220 through 65-3244, and
amendments thereto or rules and regulations adopted thereunder;

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

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

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

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

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

(B) providing printed material to an applicant who personally applies
for an identification card;

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

Sec. 7. K.S.A. 2018 Supp. 8-1328 is hereby amended to read as
follows: 8-1328. (a) The identification card shall resemble in appearance,
so far as is practicable, a driver's license issued in accordance with K.S.A.
8-243, and amendments thereto, and shall adequately describe the
registrant. The identification card shall be sealed in transparent plastic or
similar substance.

(b) All Kansas identification cards issued to any person 16 years of
age or older shall contain a form which provides a statement for making a gift of all or any part of the body in accordance with the revised uniform anatomical gift act, K.S.A. 65-3220 through 65-3244, and amendments thereto or rules and regulations adopted thereunder, except as otherwise provided by this subsection. The statement to be effective shall be signed by the applicant in the presence of two witnesses who shall sign the statement in the presence of the donor. The gift becomes effective upon the death of the donor. Delivery of the identification card during the donor's lifetime is not necessary to make a valid gift. Any valid gift statement executed prior to July 1, 2007, shall remain effective until invalidated. The word "Donor" shall be placed on the front of an applicant's identification card, indicating that the statement for making an anatomical gift under this subsection has been executed by such applicant.

Sec. 8. K.S.A. 65-3233 is hereby amended to read as follows: 65-3233. (a) When a hospital refers an individual at or near death to a procurement organization, the organization shall make a reasonable search of the records of the division of motor vehicles of the department of revenue and any donor registry that it knows exists for the geographical area in which the individual resides to ascertain whether the individual has made an anatomical gift.

(b) A procurement organization must be allowed reasonable access to information in the records of the division of motor vehicles of the department of revenue to ascertain whether an individual at or near death is a donor.

(c) When a hospital refers an individual at or near death to a procurement organization, the organization may conduct any reasonable examination necessary to ensure the medical suitability of a part that is or could be the subject of an anatomical gift for transplantation, therapy, research or education from a donor or a prospective donor. During the examination period, measures necessary to ensure the medical suitability of the part may not be withdrawn unless the hospital or procurement organization knows that the individual expressed a contrary intent.

(d) Unless prohibited by law other than this act, at any time after a donor's death, the person to which a part passes under K.S.A. 65-3230, and amendments thereto, may conduct any reasonable examination necessary to ensure the medical suitability of the body or part for its intended purpose.

(e) Unless prohibited by law other than this act, an examination under subsection (c) or (d) may include an examination of all medical and dental records of the donor or prospective donor.

(f) Upon the death of a minor who was a donor or had signed a refusal, unless a procurement organization knows the minor is emancipated, the procurement organization shall conduct a reasonable
search for the parents of the minor and provide the parents with an
opportunity to revoke or amend the anatomical gift or revoke the refusal.

(g) Upon referral by a hospital under subsection (a), a procurement
organization shall make a reasonable search for any person listed in K.S.A.
65-3228, and amendments thereto, having priority to make an anatomical
gift on behalf of a prospective donor. If a procurement organization
receives information that an anatomical gift to any other person was made,
amended, or revoked, it shall promptly advise the other person of all
relevant information.

(h) Subject to K.S.A. 65-3230(i) and K.S.A. 65-3242, and
amendments thereto, and section 1(b), and amendments thereto, the rights
of the person to which a part passes under K.S.A. 65-3230, and
amendments thereto, are superior to the rights of all others with respect to
the part. The person may accept or reject an anatomical gift in whole or in
part. Subject to the terms of the document of gift and this act, a person that
accepts an anatomical gift of an entire body may allow embalming, burial
or cremation, and use of remains in a funeral service. If the gift is of a part,
the person to which the part passes under K.S.A. 65-3230, and
amendments thereto, upon the death of the donor and before embalming,
burial, or cremation, shall cause the part to be removed without
unnecessary mutilation.

(i) Neither the physician who attends the decedent at death nor the
physician who determines the time of the decedent's death may participate
in the procedures for removing or transplanting a part from the decedent.

(j) A physician or technician may remove a donated part from the
body of a donor that the physician or technician is qualified to remove.

Sec. 9. K.S.A. 65-3239 is hereby amended to read as follows: 65-
3239. (a) Information obtained under K.S.A. 8-247 and 8-1325, and
amendments thereto, from the division of vehicles by the Kansas federally
designated organ procurement organization shall be used for the purpose
of establishing a statewide organ and tissue donor registry accessible to in-
state recognized cadaveric organ and cadaveric tissue agencies for the
recovery or placement of organs and tissue and to procurement agencies in
another state when a Kansas resident is a donor of an anatomical gift and
is not located in Kansas at the time of death or immediately before the
death of the donor. No organ or tissue donation organization may obtain
information from the organ and tissue donor registry for the purposes of
fund-raising. Organ and tissue donor registry information shall not be
further disseminated unless authorized in this section or by federal law.
Dissemination of organ and tissue donor registry information may be made
by the Kansas federally designated organ procurement organization to a
recognized in-state procurement agency for other tissue recovery, or an
out-of-state federally designated organ procurement agency. An individual
who agrees to have such individual's name in the first person consent organ and tissue donor registry has given full legal consent consistent with the exercise of the inherent right described in section 1(b), and amendments thereto, to the donation of any of such individual's organs or tissues upon such individual's death as recorded in the registry.

(b) The Kansas federally designated organ procurement organization may acquire donor information from sources other than the division of vehicles.

(c) All costs associated with the creation and maintenance of the organ and tissue donor registry shall be paid by the Kansas federally designated organ procurement organization. Such organization shall also pay the costs of providing and maintaining the written information and educational materials required to be distributed under subsection (g) of K.S.A. 8-247(g), and amendments thereto, and under subsection (b) of K.S.A. 8-1325(b), and amendments thereto.

(d) An individual does not need to participate in the organ and tissue donor registry to be a donor of organs or tissue. The registry is to facilitate organ and tissue donations and not inhibit Kansans from being donors upon death.

(e) This section shall be a part of and supplemental to the revised uniform anatomical gift act.

Sec. 10. K.S.A. 65-3233 and 65-3239 and K.S.A. 2018 Supp. 8-240, 8-243, 8-247, 8-1324, 8-1325 and 8-1328 are hereby repealed.

Sec. 11. This act shall take effect and be in force from and after its publication in the statute book.