

SESSION OF 2022

**SUPPLEMENTAL NOTE ON SENATE SUBSTITUTE FOR
HOUSE BILL NO. 2458**

As Recommended by Senate Committee on
Transportation

Brief*

Senate Sub. for HB 2458 would clarify law regarding liability for optometrists and ophthalmologists who provide information required for issuance or renewal of an applicant's driver's license.

Under current law, no optometrist or ophthalmologist reporting in good faith information regarding visual condition or other ability to safely operate a motor vehicle is subject to a civil action for damages as a result of reporting such information to the Division of Vehicles (Division) of the Kansas Department of Revenue or the Medical Advisory Board. The bill would specify no optometrist or ophthalmologist reporting to the Division or the Medical Advisory Board in good faith any information relating to vision would be liable to any person subsequent to the issuance or the renewal of a driver's license to the applicant.

The bill would be effective upon publication in the *Kansas Register*.

Background

The Senate Committee on Transportation recommended a substitute bill incorporating provisions pertaining to the liability of optometrists and ophthalmologists who provide information to the Division that were originally contained in SB 559 as amended.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

HB 2458, as recommended by the House Committee on Transportation, would have designated a portion of US-56 as the PFC Shane Austin Memorial Highway. [Note: The provisions pertaining to the highway designation are included in HB 2478 as amended by the Senate Committee on Transportation.]

SB 559

The bill was introduced by the Senate Committee on Federal and State Affairs at the request of a representative of the Kansas Optometric Association.

Senate Committee on Transportation

In the Senate Committee hearing, representatives of the Kansas Optometric Association and Kansas Society of Eye Physicians and Surgeons provided **proponent** testimony. Proponents spoke to legal challenges current law may create, as well as the division of responsibility between the Department of Revenue and medical examiners in determining driving capabilities. Written-only proponent testimony was provided by a representative of the Kansas Association of Osteopathic Medicine. No other testimony was provided.

The Senate Committee amended the bill to restore the words “in good faith” and to make the bill effective upon publication in the *Kansas Register*.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on SB 559, as introduced, the bill would have no fiscal effect on state revenues or expenditures.

Driver's license; optometry; ophthalmology; vision report