

SESSION OF 2022

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2736

As Amended by House Committee on Judiciary

Brief*

HB 2736, as amended, would amend law regarding immunity provided to optometrists and ophthalmologists who report information regarding a person's vision to the Division of Vehicles (Division), Department of Revenue.

Current law provides that optometrists and ophthalmologists who report to the Division or to the Medical Advisory Board in good faith any information relating to the visual condition or other ability of an applicant for a driver's license to safely operate a motor vehicle shall not be subject to a civil action for damages as a result of reporting such information including any information provided in a vision report.

The bill would amend this provision to provide that optometrists and ophthalmologists who report to the Division or to the Medical Advisory Board in good faith any information relating to the vision of an applicant for a driver's license shall not be liable for damages to any person subsequent to the issuance or the renewal of a driver's license to the applicant.

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

*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>

Background

The bill was introduced by the House Committee on Federal and State Affairs at the request of Representative Proehl on behalf of the Kansas Optometric Association.

House Committee on Judiciary

In the House Committee hearing on March 15, 2022, a representative of the Kansas Optometric Association provided **proponent** testimony, stating the bill would clarify the immunity provision in light of a recent case that has made optometrists and ophthalmologists unwilling to complete the vision forms due to liability concerns. A representative of the Kansas Society of Eye Physicians and Surgeons submitted written-only proponent testimony.

On March 16, 2022, the House Committee amended the bill to restore good faith language from current law 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 the bill, as introduced, the Department of Revenue indicates enactment of the bill would have no fiscal effect on state revenues or expenditures.

Driver's licenses; vision requirements; optometrists; ophthalmologists; liability