

HOUSE BILL No. 2511

By Committee on Transportation

1-22

1 AN ACT concerning commercial driver's licenses, renewal period;
2 amending K.S.A. 2017 Supp. 8-247 and 8-2,135 and repealing the
3 existing sections.
4

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

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

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

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

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

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

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

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

36 (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(b), 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(b), 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 days from the date of expiration of such license
40 to make application to renew such licensee's license. Such license shall
41 continue to be valid for such 45 days or until such license is renewed,
42 whichever occurs sooner. A licensee who renews under the provisions of
43 this paragraph shall not be required by the division to take an examination

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

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

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

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

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

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

41 (6) Seizure disorders which are controlled shall not be considered a
42 disability. In cases where such seizure disorders are not controlled, the
43 director or the medical advisory board may recommend that such person

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

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

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

28 (1) Information explaining the person's right to make an anatomical
29 gift in accordance with K.S.A. 8-243, and amendments thereto, and the
30 revised uniform anatomical gift act, K.S.A. 2017 Supp. 65-3220 through
31 65-3244, and amendments thereto;

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

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

42 (4) inform the applicant that, if the applicant indicates under this
43 subsection a willingness to have such applicant's name placed on the organ

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

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

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

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

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

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

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

33 Sec. 2. K.S.A. 2017 Supp. 8-2,135 is hereby amended to read as
 34 follows: 8-2,135. (a) The commercial driver's license shall be marked
 35 "commercial driver's license" or "CDL," and must be, to the maximum
 36 extent practicable, tamper proof. It shall include, but not be limited to, the
 37 following information:

38 (1) The requirements set out in K.S.A. 8-243, and amendments
 39 thereto;

40 (2) a number or identifier deemed appropriate by the state licensing
 41 authority;

42 (3) the class or type of commercial motor vehicle or vehicles which
 43 the person is authorized to drive together with any endorsements or

1 restriction;

2 (4) the name of this state; and

3 (5) the dates between which the license is valid.

4 (b) Commercial drivers' licenses issued pursuant to K.S.A. 8-234b,
5 and amendments thereto, may be issued with the following endorsements
6 or restrictions; and the holder of a valid commercial driver's license may
7 drive all vehicles in the class for which that license is issued, and all lesser
8 classes of vehicles, except motorcycles and vehicles which require an
9 endorsement, unless the proper endorsement appears on the license;

10 (1) "H"—authorizes the driver to drive a vehicle transporting
11 hazardous materials;

12 (2) "L"—restricts the driver to vehicles not equipped with airbrakes;

13 (3) "T"—authorizes driving double and triple trailers;

14 (4) "P"—authorizes driving vehicles carrying passengers;

15 (5) "N"—authorizes driving tank vehicles;

16 (6) "X"—represents a combination of hazardous materials and tank
17 vehicle endorsements;

18 (7) "S"—authorizes driving school buses;

19 (8) "E"—no manual transmission in CMV;

20 (9) "O"—no tractor-trailer;

21 (10) "M"—no class A passenger vehicle;

22 (11) "N"—no class A or B passenger vehicle;

23 (12) "Z"—no full air brake in CMV;

24 (13) "K"—for intrastate only; *or*

25 (14) "V"—for medical variance.

26 (c) Before issuing a commercial driver's license, the division must
27 obtain driving record information through the commercial driver license
28 information system, the national driver register and from each state in
29 which the person has been licensed.

30 (d) Within 10 days after issuing a commercial driver's license, the
31 division shall notify the commercial driver license information system of
32 that fact, providing all information required to ensure identification of the
33 person.

34 (e) All original licenses issued *on and after* ~~April 1, 1992~~ *July 1,*
35 *2018*, shall expire on the ~~fourth~~ *fifth* anniversary of the date of birth of the
36 licensee which is nearest the date of application. All renewals thereof shall
37 expire on every ~~fourth~~ *fifth* anniversary of the date of birth of the licensee.
38 No driver's license shall expire in the same calendar year in which the
39 original license or renewal license is issued, except that if the foregoing
40 provisions of this section shall require the issuance of a renewal license or
41 an original license for a period of less than six calendar months, the license
42 issued to the applicant shall expire at midnight on every ~~fourth~~ *fifth*
43 anniversary of the date of birth of the applicant. At least 30 days prior to

1 the expiration of a person's license, the division shall mail a notice of
2 expiration or renewal application to such person at the address shown on
3 the license.

4 (f) When applying for renewal of a commercial driver's license, the
5 applicant must complete the test required in K.S.A. 8-247(e), and
6 amendments thereto, and the application form required by K.S.A. 8-
7 2,134(b), and amendments thereto, providing updated information and
8 required certifications and if the applicant wishes to retain a hazardous
9 materials endorsement, the applicant must take and pass the test for such
10 endorsement.

11 Sec. 3. K.S.A. 2017 Supp. 8-247 and 8-2,135 are hereby repealed.

12 Sec. 4. This act shall take effect and be in force from and after its
13 publication in the statute book.