

# Kansas Administrative Regulations Economic Impact Statement (EIS)

Kansas Department of Revenue  
Agency

Taylor Murray  
Agency Contact

785-296-6093  
Contact Phone Number

92-52-1 and 92-52-12  
K.A.R. Number(s)

☒ Permanent    ☐ Temporary

Is/Are the proposed rule(s) and regulation(s) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program?

☐ Yes    If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.

☒ No    If no, do the total annual implementation and compliance costs for the proposed rule(s) and regulation(s), calculated from the effective date of the rule(s) and regulation(s), exceed \$1.0 million or more in implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governmental units and individuals as a result of the proposed rule and regulation over the initial five-year period following adoption of such rule(s) and regulation(s) (as calculated in Section III, F)?

☐ Yes    If “Yes,” then the agency shall not adopt the rule(s) and regulation(s) until the rule(s) and regulation(s) has been ratified by the Legislature with a bill, unless the proposed rule(s) and regulation(s) are: 1) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program, as described in K.S.A. 77-416(b)(1)(B), and amendments thereto; 2) temporary rule(s) and regulation(s) adopted pursuant to K.S.A. 77-722, and amendments thereto; or 3) rules and regulations adopted pursuant to K.S.A. 2-3710 (Kansas Agricultural Remediation Board). Continue to fill out the remaining EIS form to be included with the regulation packet in the review process to the Department of Administration and the Attorney General. The submitted EIS will be independently analyzed by the Division of the Budget for approval.

☒ No    If no, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. The submitted EIS will be analyzed by the Division of the Budget for approval.

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## Section I

Analysis, brief description, and cost and benefit quantification of the proposed rule(s) and regulation(s). If the approach chosen by the Kansas agency to address the policy issue is different from that utilized by agencies of contiguous states or of the federal government, the economic impact statement shall include an explanation of why the Kansas agency's rule and regulation differs.

The Department of Revenue proposes revoking K.A.R. 92-52-1 and amending K.A.R. 92-52-12.

K.S.A. 8-295 provides vision standards for driver's license applicants. Pursuant to K.S.A. 8-295(d), any applicant who does not meet the minimum vision requirements in K.S.A. 8-295(a) through (c) may still be issued a license if the applicant can demonstrate to the Department's Division of Vehicles that the applicant can safely operate a vehicle and has a good driving record for the past three years.

### **K.A.R. 92-52-1: Vision Standards for Drivers**

K.A.R. 92-52-1 largely duplicates K.S.A. 8-295 and should be revoked to remove an unnecessary regulation. Clear and concise regulations benefit Kansas citizens.

### **K.A.R. 92-52-12: Standards for Vision Examinations**

The Department proposes amending K.A.R. 92-52-12 to adjust the process by which the Division of Vehicles determines an applicant can safely operate a vehicle. Under the regulation currently in effect, any applicant who does not pass the basic vision screening may demonstrate they can safely operate a motor vehicle using three criteria:

- (1) A vision form from the person's optometrist or ophthalmologist. The optometrist or ophthalmologist must state on the form that "there is no reason to believe that the person's eyesight would preclude that person from operating a vehicle."
- (2) A review by the Kansas Medical Advisory Board.
- (3) A driving test performed by an examiner who has training and experience in testing a visually impaired driver.

The proposed amendment includes changes to the first and second of these criteria. All other changes are minor changes for style or added clarity and are not intended to change the regulation's substance.

Regarding the first criteria, optometrists and ophthalmologists have expressed concern they are not trained to make an overall judgment of a person's ability to operate a vehicle, as it relates to that person's eyesight, based only on measurements taken in an exam room. Similar concerns were raised in relation to 2022 Senate Substitute for House Bill 2458, which amended K.S.A. 8-295 to help address this issue. The Department proposes removing the regulatory requirement that optometrists and ophthalmologists render an overall judgment as it relates to a person's ability to operate a vehicle. Under the amended regulation, optometrists and ophthalmologists will continue to provide a report of the person's vision on a form prescribed by the Division of Vehicles. The Division of Vehicles, often working in conjunction with the Kansas Medical Advisory Board, will use that report as part of the criteria to determine if an applicant can safely operate a vehicle. Regulators and providers have worked together to determine what information is necessary.

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The proposed approach is largely consistent with the approach adopted by contiguous states (Missouri, Nebraska, Oklahoma). The Colorado Department of Revenue asks an applicant who cannot pass the standard vision screening to obtain a statement from a medical provider as to whether the applicant is fit to operate a motor vehicle safely. Colorado does not have a medical review board.

This change will not impose any significant additional costs on any parties.

Regarding the second criteria, there are sometimes applicants that narrowly miss the basic vision standards in K.S.A. 8-295 but can be comfortably determined as safe to drive based on the Division's review of vision reports and a driving examination. The Division proposes certifying these applicants without requiring review by the Medical Advisory Board.

This change will promote faster processing of these applicants and avoid subjecting them to unnecessary delays without imposing any significant additional cost on any parties.

## **Section II**

Explain whether the proposed rule and regulation is mandated by federal law as a requirement for participating in or implementing a federally subsidized or assisted program and whether the proposed rules and regulations exceed the requirements of applicable federal law.

These regulations are not mandated by federal law.

## **Section III**

Agency analysis specifically addressing the following:

- A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;

There is no significant effect anticipated on business activities and growth based on these proposed changes. Amending K.A.R. 92-52-12 will clarify optometrists and ophthalmologists' roles in the testing process.

- B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that will be affected by the proposed rule(s) and regulation(s) and on the state economy as a whole;

There is no significant economic effect anticipated based on these proposed changes.

- C. Businesses that would be directly affected by the proposed rule(s) and regulation(s);

Optometrists and ophthalmologists will be affected in how they test for driver's license matters, but there is no anticipated negative financial impact. The Department proposes removing the regulatory requirement that optometrists and ophthalmologists render an overall judgment as it relates to a person's ability to operate a vehicle. Under the amended regulation, optometrists and ophthalmologists will continue to provide a report of the person's vision on a form prescribed by the Division of Vehicles.

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D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;

Revoking K.A.R. 92-52-1 will benefit citizens by making the Division of Vehicle's regulations clearer and more concise at no cost. Amending K.A.R. 92-52-12 will clarify optometrists and ophthalmologists' roles in the testing process and speed the Division's review of applicants with marginal vision at no cost and without compromising safety.

E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;

Because the proposed changes are estimated to have no annual cost, no specific measures were taken to minimize the cost and impact on businesses and economic development, local government, and individuals.

F. An estimate of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governments, or individuals. *Note: Do not account for any actual or estimated cost savings that may be realized. Implementation and compliance costs determined shall be those additional costs reasonably expected to be incurred and shall be separately identified for the affected businesses, local governmental units, and individuals.*

Costs to Affected Businesses – \$0.00

Costs to Local Governmental Units – \$0.00

Costs to Individuals – \$0.00

**Total Annual Costs – \$0.00**

(sum of above amounts)

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

The proposed changes have no anticipated economic effect. K.A.R. 92-52-1 duplicates existing statute; revoking it has no actual effect. The proposed changes to K.A.R. 92-52-12 will clarify optometrists and ophthalmologists' roles in the testing process and speed the Division's review of applicants with marginal vision at no cost and without compromising safety.

- ☐ Yes     If the total implementation and compliance costs exceed \$1.0 million or more in implementation and compliance costs over the initial five-year period following adoption of such rule(s) and regulation(s) that are reasonably expected to be incurred
- ☐ No     by or passed along to businesses, local governmental units and individuals as a result
- ☒ Not     of the proposed rule and regulation, did the agency hold a public hearing to find that
- Applicable     the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.

N/A

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Provide an estimate to any changes in aggregate state revenues and expenditures for the implementation of the proposed rule(s) and regulation(s), for both the current fiscal year and next fiscal year.

The proposed changes are estimated to result in no changes to aggregate state revenues or expenditures for both the current fiscal year and next fiscal year.

Provide an estimate of any immediate or long-range economic impact of the proposed rule(s) and regulation(s) on any individual(s), small employers, and the general public. If no dollar estimate can be given for any individual(s), small employers, and the general public, give specific reasons why no estimate is possible.

The proposed changes have no anticipated economic effect on any individuals, small employers, or the public. K.A.R. 92-52-1 duplicates existing statute; revoking it has no actual effect. The proposed changes to K.A.R. 92-52-12 will clarify optometrists and ophthalmologists' roles in the testing process and speed the Division's review of applicants with marginal vision at no cost and without compromising safety.

- G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

Because the proposed changes will result in no changes to revenues of cities, counties or school districts and impose no additional functions or responsibilities on cities, counties or school districts, the Department of Revenue did not consult with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

- H. Describe how the agency consulted and solicited information from businesses, business associations, local governmental units, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s) or may provide relevant information.

The Division of Vehicles sought and received input from stakeholders, including the Kansas Optometric Association, the Kansas Department of Transportation, and the American Association of Motor Vehicle Administrators. This process included multiple meetings with stakeholder representatives. The Kansas Optometric Association has expressed its support for the proposed amendments to K.A.R. 92-52-12. The Division of Vehicles also sought and received input from representatives of state and local law enforcement.

## Section IV

Does the Economic Impact Statement involve any environmental rule(s) and regulation(s)?

- ☐ Yes If yes, complete the remainder of Section IV.  
☒ No If no, skip the remainder of Section IV.

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- A. Describe the capital and annual costs of compliance with the proposed rule(s) and regulation(s), and the individuals or entities who would bear the costs.

N/A

- B. Describe the initial and annual costs of implementing and enforcing the proposed rule(s) and regulation(s), including the estimated amount of paperwork, and the state agencies, other governmental agencies, or other individuals who will bear the costs.

N/A

- C. Describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, the individuals or entities who will bear the costs and who will be affected by the failure to adopt the rule(s) and regulation(s).

N/A

- D. Provide a detailed statement of the data and methodology used in estimating the costs used.

N/A

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