

HOUSE BILL No. 2180

By Committee on Transportation

1-29

1 AN ACT concerning motor vehicles; relating to driver's licenses; creating
2 the temporary visitor's driver's license; amending K.S.A. 2014 Supp. 8-
3 237, 8-240 and 8-1324 and repealing the existing sections.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 New Section 1. (a) The division of vehicles shall issue a limited class
7 C driver's license, limited instruction permit or limited and restricted
8 license when the following conditions are satisfied:

9 (1) A limited class C driver's license or instruction permit shall be
10 issued to an applicant 17 years of age or older who is otherwise eligible for
11 a driver's license or instruction permit pursuant to K.S.A. 8-237, 8-239 or
12 8-240, and amendments thereto, and who satisfies the requirements set
13 forth in subsection (b). A limited driver's license issued under this
14 subsection shall be subject to all of the requirements set forth pursuant to
15 K.S.A. 8-247, and amendments thereto; or

16 (2) a limited and restricted class C driver's license shall be issued to
17 an applicant who is at least 15 years of age but less than 17 years of age
18 who is otherwise eligible for a restricted driver's license or instruction
19 permit pursuant to K.S.A. 8-2,100 or 8-2,101, and amendments thereto,
20 and who satisfies the requirements set forth in subsection (b).

21 (b) (1) The division shall issue a limited driver's license, limited and
22 restricted license, or limited instruction permit to any individual who is
23 deemed to be a resident of Kansas pursuant to K.S.A. 8-234a(a)(2), and
24 amendments thereto; and

25 (A) has not been issued a social security number; or

26 (B) does not provide satisfactory documentary evidence of citizenship
27 or lawful presence pursuant to K.S.A. 8-240(b)(2)(A), and amendments
28 thereto.

29 (2) An applicant who applies for a limited driver's license, limited and
30 restricted license or limited instruction permit shall present with the
31 application a valid passport from the applicant's country of citizenship or a
32 valid consular identification document, as defined by subsection (d) or
33 other proof of identity deemed acceptable by the department.

34 (c) (1) A limited driver's license, limited and restricted license or
35 limited instruction permit issued under this section shall contain a notice
36 on its face that the license or permit is not acceptable for any of the

1 purposes specified by the real id act of 2005 P.L. 109-13, or for the
2 purposes of voting, the purchase of a firearm or establishing the holder's
3 eligibility for public benefits.

4 (2) Any person to whom the division may issue a limited driver's
5 license, limited and restricted license or limited instruction permit,
6 pursuant to subsection (a), shall be subject to any and all provisions of the
7 motor vehicle driver's license act and the uniform act regulating traffic on
8 highways and any and all rules and regulations issued by the division to
9 the same extent as any person issued a driver's license, unless otherwise
10 provided, including, but not limited to, the mandatory insurance
11 requirements and penalties set forth in K.S.A. 40-3101 et seq., and
12 amendments thereto.

13 (3) Possession or presentation of a limited driver's license, limited and
14 restricted license or limited instruction permit issued pursuant to this
15 section, rather than a driver's license or instruction permit issued pursuant
16 to K.S.A. 8-239, 8-240, 8-2,100 or 8-2,101, and amendments thereto, shall
17 not be used to consider an individual's citizenship or immigration status
18 and shall not be used as a basis for any investigation, criminal or
19 otherwise, and shall not be used as the basis for an arrest, citation or
20 detention.

21 (4) Information provided in an application for a limited driver's
22 license, limited and restricted license or limited instruction permit is not a
23 public record and shall not be disclosed by the division, unless required by
24 court order. Pursuant to K.S.A. 45-229, and amendments thereto, the
25 exception to the Kansas open records act contained in subsection (c) shall
26 expire on June 30, 2019, unless the legislature reviews and reenacts these
27 provisions prior to June 30, 2019.

28 (d) As used in this section, "consular identification document" means
29 an official identification card issued by a foreign government that meets all
30 of the following requirements:

31 (1) The identification card is issued through the foreign government's
32 consular offices for the purpose of identifying a foreign national who is
33 living outside the foreign jurisdiction.

34 (2) The foreign government requires the foreign national to provide
35 proof of nationality that is within the foreign government's jurisdiction and
36 proof of identity to obtain the identification card.

37 (3) The foreign government includes all of the following security
38 features in the identification card:

39 (A) A unique identification number;

40 (B) an optically variable feature such as a hologram or color-shifting
41 inks;

42 (C) an ultraviolet image;

43 (D) encoded information;

- 1 (E) machine-readable technology;
- 2 (F) microprinting;
- 3 (G) secure laminate; and
- 4 (H) integrated photograph and signature.

5 (4) The identification card includes on its face the name of the
6 individual to whom it is issued, the date of issuance, the date of expiration,
7 the name of the issuing consular office or foreign government and the
8 unique identification number. The identification card must include an
9 English translation of the data fields.

10 (5) The issuing consular office or foreign government has filed with
11 the division a copy of the foreign government's standard consular
12 identification document and a certification of the procedures that are used
13 to satisfy the requirements pursuant to subsections (b) and (c).

14 (e) The secretary of revenue shall promulgate rules and regulations
15 necessary to carry out the provisions of this section.

16 (f) This section shall be a part of and supplemental to the motor
17 vehicle driver's license act.

18 Sec. 2. K.S.A. 2014 Supp. 8-237 is hereby amended to read as
19 follows: 8-237. The division of vehicles shall not issue any driver's license
20 to any person:

21 (a) Who is under the age of 17 years, except that the division may
22 issue a restricted class C or M license, as provided in K.S.A. 2014 Supp. 8-
23 2,101, and amendments thereto, or a farm permit, under K.S.A. 8-296, and
24 amendments thereto.

25 (b) Who is under the age of 18 years, except as provided in K.S.A. 8-
26 2,147, and amendments thereto, for the purpose of driving a commercial or
27 class A or B motor vehicle.

28 (c) Whose license is currently revoked, suspended or canceled in this
29 or any other state, except as provided in K.S.A. 8-256, and amendments
30 thereto.

31 (d) Who is a habitual drunkard, habitual user of narcotic drugs or
32 habitual user of any other drug to a degree which renders the user
33 incapable of safely driving a motor vehicle.

34 (e) Who has previously been adjudged to be afflicted with or
35 suffering from any mental disability or disease and who, at the time of
36 making application for a driver's license, has not been restored to capacity
37 in the manner provided by law. Application of this limitation to any person
38 known to have suffered any seizure disorder is subject to the provisions of
39 K.S.A. 8-247, and amendments thereto.

40 (f) Who is required by the motor vehicle drivers' license act to take an
41 examination, unless the person has successfully passed the examination.

42 (g) Who is at least 16 years of age and less than 17 years of age, who
43 is applying for a driver's license for the first time since reaching 16 years

1 of age and who, three times or more, has been adjudged to be a traffic
2 offender under the Kansas juvenile code or a juvenile offender under the
3 revised Kansas juvenile justice code, by reason of violation of one or more
4 statutes regulating the movement of traffic on the roads, streets or
5 highways of this state, except that, in the discretion of the director, the
6 person may be issued a driver's license which is restricted in the manner
7 the division deems to be appropriate. No person described by this
8 subsection shall be eligible to receive a driver's license which is not
9 restricted until the person has reached the age of 17 years.

10 (h) Who has not submitted proof of age or proof of identity, as
11 required by K.S.A. 8-240, and amendments thereto.

12 (i) Whose presence in the United States is in violation of federal
13 immigration laws, *unless such person is applying for a limited driver's*
14 *license, limited and restricted license or limited instruction permit*
15 *pursuant to section 1, and amendments thereto.*

16 Sec. 3. K.S.A. 2014 Supp. 8-240 is hereby amended to read as
17 follows: 8-240. (a) (1) Every application for an instruction permit shall be
18 made upon a form furnished by the division of vehicles and accompanied
19 by a fee of \$2 for class A, B, C or M and \$5 for all commercial classes.
20 Every other application shall be made upon a form furnished by the
21 division and accompanied by an examination fee of \$3, unless a different
22 fee is required by K.S.A. 8-241, and amendments thereto, and by the
23 proper fee for the license for which the application is made. If the
24 applicant is not required to take an examination the examination fee shall
25 not be required. The examination shall consist of three tests, as follows:
26 (A) Vision; (B) written; and (C) driving. If the applicant fails the vision
27 test, the applicant may have correction of vision made and take the vision
28 test again without any additional fee. If an applicant fails the written test,
29 the applicant may take such test again upon the payment of an additional
30 examination fee of \$1.50. If an applicant fails the driving test, the
31 applicant may take such test again upon the payment of an additional
32 examination fee of \$1.50. If an applicant fails to pass all three of the tests
33 within a period of six months from the date of original application and
34 desires to take additional tests, the applicant shall file an application for
35 reexamination upon a form furnished by the division, which shall be
36 accompanied by a reexamination fee of \$3, except that any applicant who
37 fails to pass the written or driving portion of an examination four times
38 within a six-month period, shall be required to wait a period of six months
39 from the date of the last failed examination before additional examinations
40 may be given. Upon the filing of such application and the payment of such
41 reexamination fee, the applicant shall be entitled to reexamination in like
42 manner and subject to the additional fees and time limitation as provided
43 for examination on an original application. If the applicant passes the

1 reexamination, the applicant shall be issued the classified driver's license
2 for which the applicant originally applied, which license shall be issued to
3 expire as if the applicant had passed the original examination.

4 (2) Applicants for class M licenses who have completed prior
5 motorcycle safety training in accordance with department of defense
6 instruction 6055.04 (DoDI 6055.04) are not required to complete further
7 written and driving testing pursuant to paragraph (1) of this subsection.

8 (b) (1) For the purposes of obtaining any driver's license or
9 instruction permit, an applicant shall submit, with the application, proof of
10 age and proof of identity as the division may require. The applicant also
11 shall provide a photo identity document, except that a non-photo identity
12 document is acceptable if it includes both the applicant's full legal name
13 and date of birth, and documentation showing the applicant's name, the
14 applicant's address of principal residence and the applicant's social security
15 number. The applicant's social security number shall remain confidential
16 and shall not be disclosed, except as provided pursuant to K.S.A. 74-2012,
17 and amendments thereto. If the applicant does not have a social security
18 number the applicant shall provide proof of lawful presence and Kansas
19 residency *unless the applicant is applying for either a limited driver's*
20 *license, limited and restricted license or limited instruction permit*
21 *pursuant to section 1, and amendments thereto.* The division shall assign a
22 distinguishing number to the license or permit.

23 (2) (A) *Except as provided in subsection (B),* the division shall not
24 issue any driver's license or instruction permit to any person who fails to
25 provide proof that the person is lawfully present in the United States.
26 Before issuing a driver's license or instruction permit to a person, the
27 division shall require valid documentary evidence that the applicant: ~~(A)~~(i)
28 Is a citizen or national of the United States; ~~(B)~~(ii) is an alien lawfully
29 admitted for permanent or temporary residence in the United States; ~~(C)~~
30 (iii) has conditional permanent resident status in the United States; ~~(D)~~(iv)
31 has an approved application for asylum in the United States or has entered
32 into the United States in refugee status; ~~(E)~~(v) has a valid, unexpired
33 nonimmigrant visa or nonimmigrant visa status for entry into the United
34 States; ~~(F)~~(vi) has a pending application for asylum in the United States;
35 ~~(G)~~(vii) has a pending or approved application for temporary protected
36 status in the United States; ~~(H)~~(viii) has approved deferred action status; or
37 ~~(I)~~(ix) has a pending application for adjustment of status to that of an alien
38 lawfully admitted for permanent residence in the United States or
39 conditional permanent resident status in the United States.

40 (B) *The division shall issue a limited driver's license, limited and*
41 *restricted license or limited instruction permit to any applicant who fulfills*
42 *the requirements set forth in section 1, and amendments thereto.*

43 (3) If an applicant provides evidence of lawful presence set out in

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

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

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

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

25 (c) Every application shall state the full legal name, date of birth,
26 gender and address of principal residence of the applicant, and briefly
27 describe the applicant, and shall state whether the applicant has been
28 licensed as a driver prior to such application, and, if so, when and by what
29 state or country. Such application shall state whether any such license has
30 ever been suspended or revoked, or whether an application has ever been
31 refused, and, if so, the date of and reason for such suspension, revocation
32 or refusal. In addition, applications for commercial drivers' licenses and
33 instruction permits for commercial licenses must include the following:
34 The applicant's social security number; the person's signature; the person's
35 colored digital photograph; certifications, including those required by 49
36 C.F.R. § 383.71(a), effective January 1, 1991; a consent to release driving
37 record information; and, any other information required by the division.

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

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

4 (f) A fee shall be charged as follows:

5 (1) For a class C driver's license issued to a person at least 21 years of
6 age, but less than 65 years of age, \$18;

7 (2) for a class C driver's license issued to a person 65 years of age or
8 older, \$12;

9 (3) for a class M driver's license issued to a person at least 21 years of
10 age, but less than 65 years of age, \$12.50;

11 (4) for a class M driver's license issued to a person 65 years of age or
12 older, \$9;

13 (5) for a class A or B driver's license issued to a person who is at least
14 21 years of age, but less than 65 years of age, \$24;

15 (6) for a class A or B driver's license issued to a person 65 years of
16 age or older, \$16;

17 (7) for any class of commercial driver's license issued to a person 21
18 years of age or older, \$18; or

19 (8) for class A, B, C or M, or a farm permit, or any commercial
20 driver's license issued to a person less than 21 years of age, \$20.

21 A fee of \$10 shall be charged for each commercial driver's license
22 endorsement, except air brake endorsements which shall have no charge.

23 A fee of \$3 per year shall be charged for any renewal of a license issued
24 prior to the effective date of this act to a person less than 21 years of age.

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

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

33 (h) The division shall require that any person applying for a driver's
34 license submit to a mandatory facial image capture.

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

40 Sec. 4. K.S.A. 2014 Supp. 8-1324 is hereby amended to read as
41 follows: 8-1324. (a) Any resident who does not hold a current valid Kansas
42 driver's license may make application to the division of vehicles and be
43 issued one identification card.

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

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

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

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

1 license or identification card.

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

4 (g) (1) The division shall require payment of a fee of \$14 at the time
5 application for an identification card is made, except that persons who are
6 65 or more years of age or who are handicapped, as defined in K.S.A. 8-
7 1,124, and amendments thereto, shall be required to pay a fee of only \$10.
8 In addition to the fees prescribed by this subsection, the division shall
9 require payment of the photo fee established pursuant to K.S.A. 8-243, and
10 amendments thereto, for the cost of the photograph to be placed on the
11 identification card.

12 (2) The division shall not require or accept payment of application or
13 photo fees under this subsection for any person 17 years of age or older for
14 purposes of meeting the voter identification requirements of K.S.A. 25-
15 2908, and amendments thereto. Such person shall:

16 (A) Swear under oath that such person desires an identification card
17 in order to vote in an election in Kansas and that such person does not
18 possess any of the forms of identification acceptable under K.S.A. 25-
19 2908, and amendments thereto. The affidavit shall specifically list the
20 acceptable forms of identification under K.S.A. 25-2908, and amendments
21 thereto; and

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

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

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

28 (i) For the purposes of K.S.A. 8-1324 through 8-1328, and
29 amendments thereto, a person shall be deemed to be a resident of the state
30 if:

31 (1) The person owns, leases or rents a place of domicile in this state;

32 (2) the person engages in a trade, business or profession in this state;

33 (3) the person is registered to vote in this state;

34 (4) the person enrolls the person's child in a school in this state; or

35 (5) the person registers the person's motor vehicle in this state.

36 (j) The division shall require that any person applying for an
37 identification card submit to a mandatory facial image capture.

38 (k) (1) Any person who is a veteran may request that the division
39 issue to such person a nondriver identification card which shall include the
40 designation "VETERAN" displayed on the front of the nondriver
41 identification card at a location to be determined by the secretary of
42 revenue. In order to receive a nondriver identification card described in
43 this subsection, the veteran must provide proof of the veteran's military

1 service and honorable discharge or general discharge under honorable
2 conditions, including a copy of the veteran's DD214 form or equivalent.

3 (2) As used in this subsection, "veteran" means a person who:

4 (A) Has served in: The army, navy, marine corps, air force, coast
5 guard, air or army national guard or any branch of the military reserves of
6 the United States; and

7 (B) has been separated from the branch of service in which the person
8 was honorably discharged or received a general discharge under honorable
9 conditions.

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

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

17 (m) Upon payment of the required fee, the division shall issue to
18 every applicant qualifying under the provisions of this act an identification
19 card. Such identification card shall bear a distinguishing number assigned
20 to the cardholder, the full legal name, date of birth, address of principal
21 residence, a brief description of the cardholder, a colored digital
22 photograph of the cardholder, and a facsimile of the signature of the
23 cardholder. An identification card which does not contain the address of
24 principal residence of the cardholder as required may be issued to persons
25 who are program participants pursuant to K.S.A. 2014 Supp. 75-455, and
26 amendments thereto.

27 Sec. 5. K.S.A. 2014 Supp. 8-237, 8-240 and 8-1324 are hereby
28 repealed.

29 Sec. 6. This act shall take effect and be in force from and after its
30 publication in the statute book.