

HOUSE BILL No. 2522

By Committee on Veterans, Military and Homeland Security

1-25

1 AN ACT concerning the division of vehicles; relating to drivers' licenses
2 and identification cards; facial imaging; amending K.S.A. 2015 Supp.
3 8-240, 8-243 and 8-1324 and repealing the existing sections.
4

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

6 Section 1. K.S.A. 2015 Supp. 8-240 is hereby amended to read as
7 follows: 8-240. (a) (1) Every application for an instruction permit shall be
8 made upon a form furnished by the division of vehicles and accompanied
9 by a fee of \$2 for class A, B, C or M and \$5 for all commercial classes.
10 Every other application shall be made upon a form furnished by the
11 division and accompanied by an examination fee of \$3, unless a different
12 fee is required by K.S.A. 8-241, and amendments thereto, and by the
13 proper fee for the license for which the application is made. All
14 commercial class applicants shall be charged a \$15 driving test fee for the
15 drive test portion of the commercial driver's license application. If the
16 applicant is not required to take an examination or the commercial license
17 drive test, the examination or commercial drive test fee shall not be
18 required. The examination shall consist of three tests, as follows: (A)
19 Vision; (B) written; and (C) driving. For a commercial driver's license, the
20 drive test shall consist of three components, as follows: (A) Pre-trip; (B)
21 skills test; and (C) road test. If the applicant fails the vision test, the
22 applicant may have correction of vision made and take the vision test
23 again without any additional fee. If an applicant fails the written test, the
24 applicant may take such test again upon the payment of an additional
25 examination fee of \$1.50. If an applicant fails the driving test, the
26 applicant may take such test again upon the payment of an additional
27 examination fee of \$1.50. If an applicant for a commercial driver's license
28 fails any portion of the commercial drive test, the applicant may take such
29 test again upon the payment of an additional drive test fee of \$10. If an
30 applicant fails to pass all three of the tests within a period of six months
31 from the date of original application and desires to take additional tests,
32 the applicant shall file an application for reexamination upon a form
33 furnished by the division, which shall be accompanied by a reexamination
34 fee of \$3, except that any applicant who fails to pass the written or driving
35 portion of an examination four times within a six-month period, shall be
36 required to wait a period of six months from the date of the last failed

1 examination before additional examinations may be given. Upon the filing
2 of such application and the payment of such reexamination fee, the
3 applicant shall be entitled to reexamination in like manner and subject to
4 the additional fees and time limitation as provided for examination on an
5 original application. If the applicant passes the reexamination, the
6 applicant shall be issued the classified driver's license for which the
7 applicant originally applied, which license shall be issued to expire as if
8 the applicant had passed the original examination.

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

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

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

42 (3) If an applicant provides evidence of lawful presence set out in
43 subsections (b)(2)(E) through (2)(I), or is an alien lawfully admitted for

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

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

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

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

23 (c) Every application shall state the full legal name, date of birth,
24 gender and address of principal residence of the applicant, and briefly
25 describe the applicant, and shall state whether the applicant has been
26 licensed as a driver prior to such application, and, if so, when and by what
27 state or country. Such application shall state whether any such license has
28 ever been suspended or revoked, or whether an application has ever been
29 refused, and, if so, the date of and reason for such suspension, revocation
30 or refusal. In addition, applications for commercial drivers' licenses and
31 instruction permits for commercial licenses must include the following:
32 The applicant's social security number; the person's signature; the person's
33 ~~colored:~~ **(1) Digital color image or photograph; or ~~black and white~~ (2) a**
34 **laser engraved** photograph; certifications, including those required by 49
35 C.F.R. § 383.71(a), effective January 1, 1991; a consent to release driving
36 record information; and, any other information required by the division.

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

43 (e) When the division receives a request for a driver's record from

1 another licensing jurisdiction the record shall be forwarded without charge.

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

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

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

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

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

11 (5) for a class A or B driver's license issued to a person who is at least
12 21 years of age, but less than 65 years of age, \$24;

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

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

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

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

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

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

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

31 (h) The division shall require that any person applying for a driver's
32 license submit to a mandatory facial image capture. *The captured facial
33 image shall be displayed on the front of the applicant's driver's license.*

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

39 Sec. 2. K.S.A. 2015 Supp. 8-243 is hereby amended to read as
40 follows: 8-243. (a) Upon payment of the required fee, the division shall
41 issue to every applicant qualifying under the provisions of this act the
42 driver's license as applied for by the applicant. Such license shall bear the
43 class or classes of motor vehicles which the licensee is entitled to drive, a

1 distinguishing number assigned to the licensee, the full legal name, date of
2 birth, gender, address of principal residence and a brief description of the
3 licensee, ***either: (1) A-colored digital color image or photograph; or ~~black~~***
4 ***~~and white~~ (2) a laser engraved*** photograph of the licensee, a facsimile of
5 the signature of the licensee and the statement provided for in subsection
6 (b). No driver's license shall be valid until it has been signed by the
7 licensee. All drivers' licenses issued to persons under the age of 21 years
8 shall be readily distinguishable from licenses issued to persons age 21
9 years or older. In addition, all drivers' licenses issued to persons under the
10 age of 18 years shall also be readily distinguishable from licenses issued to
11 persons age 18 years or older. The secretary of revenue shall implement a
12 vertical format to make drivers' licenses issued to persons under the age of
13 21 more readily distinguishable. Except as otherwise provided, no driver's
14 license issued by the division shall be valid until ***either: (1) A-colored***
15 ***digital color image or photograph; or ~~black and white~~ (2) a laser***
16 ***engraved*** photograph of such licensee has been taken and verified before
17 being placed on the driver's license. The secretary of revenue shall
18 prescribe a fee of not more than \$8 and upon the payment of such fee, the
19 division shall cause ***either: (1) A-colored digital color image or***
20 ***photograph; or ~~black and white~~ (2) a laser engraved*** photograph of such
21 applicant to be placed on the driver's license. Upon payment of such fee
22 prescribed by the secretary of revenue, plus payment of the fee required by
23 K.S.A. 8-246, and amendments thereto, for issuance of a new license, the
24 division shall issue to such licensee a new license containing ***either: (1) A***
25 ***colored digital color image or photograph; or ~~black and white~~ (2) a laser***
26 ***engraved*** photograph of such licensee. A driver's license which does not
27 contain the principal address as required may be issued to persons who are
28 program participants pursuant to K.S.A. 2015 Supp. 75-455, and
29 amendments thereto, upon payment of the fee required by K.S.A. 8-246,
30 and amendments thereto. All Kansas drivers' licenses and identification
31 cards shall have physical security features designed to prevent tampering,
32 counterfeiting or duplication of the document for fraudulent purposes. The
33 secretary of revenue shall incorporate common machine-readable
34 technology into all Kansas drivers' licenses and identification cards.

35 (b) All Kansas drivers' licenses issued to any person 16 years of age
36 or older shall contain a form which provides a statement for making a gift
37 of all or any part of the body of the licensee in accordance with the revised
38 uniform anatomical gift act, K.S.A. 2015 Supp. 65-3220 through 65-3244,
39 and amendments thereto, except as otherwise provided by this subsection.
40 The statement to be effective shall be signed by the licensee in the
41 presence of two witnesses who shall sign the statement in the presence of
42 the donor. The gift becomes effective upon the death of the donor.
43 Delivery of the license during the donor's lifetime is not necessary to make

1 a valid gift. Any valid gift statement executed prior to July 1, 1994, shall
2 remain effective until invalidated. The word "Donor" shall be placed on
3 the front of a licensee's driver's license, indicating that the statement for
4 making an anatomical gift under this subsection has been executed by such
5 licensee.

6 (c) Any person who is deaf or hard of hearing may request that the
7 division issue to such person a driver's license which is readily
8 distinguishable from drivers' licenses issued to other drivers and upon such
9 request the division shall issue such license. Drivers' licenses issued to
10 persons who are deaf or hard of hearing and under the age of 21 years shall
11 be readily distinguishable from drivers' licenses issued to persons who are
12 deaf or hard of hearing and 21 years of age or older. Upon satisfaction of
13 subsection (a), the division shall issue a receipt of application permitting
14 the operation of a vehicle consistent with the requested class, if there are
15 no other restrictions or limitations, pending the division's verification of
16 the information and production of a driver's license.

17 (d) A driver's license issued to a person required to be registered
18 under K.S.A. 22-4901 et seq., and amendments thereto, shall be assigned a
19 distinguishing number by the division which will readily indicate to law
20 enforcement officers that such person is a registered offender. The division
21 shall develop a numbering system to implement the provisions of this
22 subsection.

23 (e) (1) Any person who is a veteran may request that the division
24 issue to such person a driver's license which shall include the designation
25 "VETERAN" displayed on the front of the driver's license at a location to
26 be determined by the secretary of revenue. In order to receive a license
27 described in this subsection, the veteran must provide proof of the
28 veteran's military service and honorable discharge or general discharge
29 under honorable conditions, including a copy of the veteran's DD214 form
30 or equivalent.

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

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

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

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

40 Sec. 3. K.S.A. 2015 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)(E) through (2)
21 (I), and amendments thereto, or is an alien lawfully admitted for temporary
22 residence under ~~subsection (b)(2)(B)~~ of K.S.A. 8-240(b)(2)(B), and
23 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. *The*
38 *captured facial image shall be displayed on the front of the applicant's*
39 *identification card.*

40 (k) (1) Any person who is a veteran may request that the division
41 issue to such person a nondriver identification card which shall include the
42 designation "VETERAN" displayed on the front of the nondriver
43 identification card at a location to be determined by the secretary of

1 revenue. In order to receive a nondriver identification card described in
2 this subsection, the veteran must provide proof of the veteran's military
3 service and honorable discharge or general discharge under honorable
4 conditions, including a copy of the veteran's DD214 form or equivalent.

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

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

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

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

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

19 (m) Upon payment of the required fee, the division shall issue to
20 every applicant qualifying under the provisions of this act an identification
21 card. Such identification card shall bear a distinguishing number assigned
22 to the cardholder, the full legal name, date of birth, address of principal
23 residence, a brief description of the cardholder, ***either: (1) A ~~colored~~***
24 ***digital color image or photograph; or ~~black and white~~ (2) a laser***
25 ***engraved*** photograph of the cardholder, and a facsimile of the signature of
26 the cardholder. An identification card which does not contain the address
27 of principal residence of the cardholder as required may be issued to
28 persons who are program participants pursuant to K.S.A. 2015 Supp. 75-
29 455, and amendments thereto.

30 Sec. 4. K.S.A. 2015 Supp. 8-240, 8-243 and 8-1324 are hereby
31 repealed.

32 Sec. 5. This act shall take effect and be in force from and after its
33 publication in the statute book.