

As Amended by House Committee

Session of 2008

HOUSE BILL No. 2770

By Committee on Veterans, Military and Homeland Security

2-5

10 AN ACT relating to drivers' licenses and other state issued identification
11 cards; concerning the photo fee fund; amending K.S.A. 2007 Supp. 8-
12 243, 8-299 and 8-1324 and repealing the existing sections.
13

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

15 Section 1. K.S.A. 2007 Supp. 8-243 is hereby amended to read as
16 follows: 8-243. (a) Upon payment of the required fee, the division shall
17 issue to every applicant qualifying under the provisions of this act the
18 driver's license as applied for by the applicant. Such license shall bear the
19 class or classes of motor vehicles which the licensee is entitled to drive,
20 a distinguishing number assigned to the licensee, the full legal name, date
21 of birth, gender, address of principal residence and a brief description of
22 the licensee, a colored digital photograph of the licensee, a facsimile of
23 the signature of the licensee and the statement provided for in subsection
24 (b). No driver's license shall be valid until it has been signed by the
25 licensee. All drivers' licenses issued to persons under the age of 21 years
26 shall be readily distinguishable from licenses issued to persons age 21
27 years or older. In addition, all drivers' licenses issued to persons under
28 the age of 18 years shall also be readily distinguishable from licenses
29 issued to persons age 18 years or older. The secretary of revenue shall
30 implement a vertical format to make drivers' licenses issued to persons
31 under the age of 21 more readily distinguishable. Except as otherwise
32 provided, no driver's license issued by the division shall be valid until a
33 colored digital photograph of such licensee has been taken and verified
34 before being placed on the driver's license. The secretary of revenue shall
35 ~~prescribe a fee of not more than \$4 and adopt rules and regulations~~
36 ~~establishing a photo fee, except that such fee shall not exceed \$20. Upon~~
37 **prescribe a fee of \$12 and upon** the payment of such fee, the division
38 shall cause a colored digital photograph of such applicant to be placed on
39 the driver's license. Upon payment of such fee prescribed by the secretary
40 of revenue, plus payment of the fee required by K.S.A. 8-246, and amend-
41 ments thereto, for issuance of a new license, the division shall issue to
42 such licensee a new license containing a colored digital photograph of
43 such licensee. A driver's license which does not contain the principal

1 address as required may be issued to persons who are program partici-
2 pants pursuant to K.S.A. 2007 Supp. 75-455, and amendments thereto,
3 upon payment of the fee required by K.S.A. 8-246, and amendments
4 thereto. All Kansas drivers' licenses and identification cards shall have
5 physical security features designed to prevent tampering, counterfeiting
6 or duplication of the document for fraudulent purposes. The secretary of
7 revenue shall incorporate common machine-readable technology into all
8 Kansas drivers' licenses and identification cards.

9 (b) All Kansas drivers' licenses issued to any person 16 years of age
10 or older shall contain a form which provides a statement for making a gift
11 of all or any part of the body of the licensee in accordance with the revised
12 uniform anatomical gift act, K.S.A. 2007 Supp. 65-3220 through 65-3244,
13 and amendments thereto, except as otherwise provided by this subsec-
14 tion. The statement to be effective shall be signed by the licensee in the
15 presence of two witnesses who shall sign the statement in the presence
16 of the donor. The gift becomes effective upon the death of the donor.
17 Delivery of the license during the donor's lifetime is not necessary to
18 make a valid gift. Any valid gift statement executed prior to July 1, 1994,
19 shall remain effective until invalidated. The word "Donor" shall be placed
20 on the front of a licensee's driver's license, indicating that the statement
21 for making an anatomical gift under this subsection has been executed by
22 such licensee.

23 (c) Any person who is deaf or hard of hearing may request that the
24 division issue to such person a driver's license which is readily distinguish-
25 able from drivers' licenses issued to other drivers and upon such request
26 the division shall issue such license. Drivers' licenses issued to persons
27 who are deaf or hard of hearing and under the age of 21 years shall be
28 readily distinguishable from drivers' licenses issued to persons who are
29 deaf or hard of hearing and 21 years of age or older. Upon satisfaction of
30 subsection (a), the division shall issue a receipt of application permitting
31 the operation of a vehicle consistent with the requested class, if there are
32 no other restrictions or limitations, pending the division's verification of
33 the information and production of a driver's license.

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

40 Sec. 2. K.S.A. 2007 Supp. 8-299 is hereby amended to read as fol-
41 lows: 8-299. There is hereby created in the state treasury the photo fee
42 fund. All moneys credited to the photo fee fund shall be used by the
43 department of revenue only for the purpose of funding the administration

1 and operation, including equipment, associated with the issuance of driv-
2 ers' licenses ~~and~~, identification cards *and licenses to carry concealed*
3 *weapons*. All expenditures from the photo fee fund shall be made in
4 accordance with appropriation acts, upon warrants of the director of ac-
5 counts and reports issued pursuant to vouchers approved by the secretary
6 of the department of revenue.

7 Sec. 3. K.S.A. 2007 Supp. 8-1324 is hereby amended to read as fol-
8 lows: 8-1324. (a) Any resident who does not hold a current valid Kansas
9 driver's license may make application to the division of vehicles and be
10 issued one identification card.

11 (b) For the purpose of obtaining an identification card, an applicant
12 shall submit, with the application, proof of age, proof of identity and proof
13 of lawful presence. An applicant shall submit with the application a photo
14 identity document, except that a non-photo identity document is accept-
15 able if it includes both the applicant's full legal name and date of birth,
16 and documentation showing the applicant's name, the applicant's address
17 of principal residence and the applicant's social security account number.
18 The applicant's social security number shall remain confidential and shall
19 not be disclosed, except as provided pursuant to K.S.A. 74-2012, and
20 amendments thereto. If the applicant does not have a social security num-
21 ber, the applicant shall provide proof of lawful presence and Kansas res-
22 idency. The division shall assign a distinguishing number to the identifi-
23 cation card. Before issuing an identification card to a person, the division
24 shall make reasonable efforts to verify with the issuing agency the issu-
25 ance, validity and completeness of each document required to be pre-
26 sented by the applicant to prove age, identity and lawful presence.

27 (c) The division shall not issue an identification card to any person
28 who fails to provide proof that the person is lawfully present in the United
29 States. If an applicant provides evidence of lawful presence as set out in
30 subsections (b)(2)(E) through (2)(I) of K.S.A. 8-240, and amendments
31 thereto, or is an alien lawfully admitted for temporary residence under
32 subsection (b)(2)(B) of K.S.A. 8-240, and amendments thereto, the divi-
33 sion may only issue a temporary identification card to the person under
34 the following conditions: (A) A temporary identification card issued pur-
35 suant to this subparagraph shall be valid only during the period of time
36 of the applicant's authorized stay in the United States or, if there is no
37 definite end to the period of authorized stay, a period of one year; (B) a
38 temporary identification card issued pursuant to this subparagraph shall
39 clearly indicate that it is temporary and shall state the date upon which
40 it expires; (C) no temporary identification card issued pursuant to this
41 subparagraph shall be for a longer period of time than the time period
42 permitted by K.S.A. 8-1325, and amendments thereto; and (D) a tem-
43 porary identification card issued pursuant to this subparagraph may be

1 renewed, subject at the time of renewal, to the same requirements and
2 conditions set forth in this subsection (c) for the issuance of the original
3 temporary identification card.

4 (d) The division shall not issue an identification card to any person
5 who holds a current valid Kansas driver's license unless such driver's li-
6 cense has been physically surrendered pursuant to the provisions of sub-
7 section (e) of K.S.A. 8-1002, and amendments thereto.

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

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

14 (g) The division shall require payment of a fee of \$14 at the time
15 application for an identification card is made, except that persons who
16 are 65 or more years of age or who are handicapped, as defined in K.S.A.
17 8-1,124, and amendments thereto, shall be required to pay a fee of only
18 \$10. *In addition to the fees prescribed by this subsection, the division*
19 *shall require payment of the photo fee established pursuant to K.S.A. 8-*
20 *243, and amendments thereto, for the cost of the photograph to be placed*
21 *on the identification card.*

22 (h) All Kansas identification cards shall have physical security features
23 designed to prevent tampering, counterfeiting or duplication for fraud-
24 ulent purposes.

25 (i) For the purposes of K.S.A. 8-1324 through 8-1328, and amend-
26 ments thereto, a person shall be deemed to be a resident of the state if:

- 27 (1) The person owns, leases or rents a place of domicile in this state;
- 28 (2) the person engages in a trade, business or profession in this state;
- 29 (3) the person is registered to vote in this state;
- 30 (4) the person enrolls the person's child in a school in this state; or
- 31 (5) the person registers the person's motor vehicle in this state.

32 (j) The division shall require that any person applying for an identi-
33 fication card submit to a mandatory facial image capture.

34 (k) The director of vehicles may issue a temporary identification card
35 to an applicant who cannot provide valid documentary evidence as de-
36 fined by subsection (c), if the applicant provides compelling evidence
37 proving current lawful presence. Any temporary identification card issued
38 pursuant to this subparagraph shall be valid for one year.

39 (l) Upon payment of the required fee, the division shall issue to every
40 applicant qualifying under the provisions of this act an identification card.
41 Such identification card shall bear a distinguishing number assigned to
42 the cardholder, the full legal name, date of birth, address of principal
43 residence, a brief description of the cardholder, a colored digital photo-

1 graph of the cardholder, and a facsimile of the signature of the cardholder.
2 An identification card which does not contain the address of principal
3 residence of the cardholder as required may be issued to persons who
4 are program participants pursuant to K.S.A. 2007 Supp. 75-455, and
5 amendments thereto.

6 Sec. 4. K.S.A. 2007 Supp. 8-243, 8-299 and 8-1324 are hereby
7 repealed.

8 Sec. 5. This act shall take effect and be in force from and after **Jan-**
9 **uary 1, 2009, and** its publication in the statute book.