

[As Amended by Senate Committee of the Whole]

As Amended by Senate Committee

Session of 2008

SENATE BILL No. 677

By Committee on Federal and State Affairs

3-12

12 AN ACT relating to drivers' licenses and other state issued identification
13 cards; concerning the photo fee fund; amending K.S.A. 2007 Supp. 8-
14 243, 8-299 and 8-1324 and repealing the existing sections.
15

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

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

1 which does not contain the principal address as required may be issued
2 to persons who are program participants pursuant to K.S.A. 2007 Supp.
3 75-455, and amendments thereto, upon payment of the fee required by
4 K.S.A. 8-246, and amendments thereto. All Kansas drivers' licenses and
5 identification cards shall have physical security features designed to pre-
6 vent tampering, counterfeiting or duplication of the document for fraud-
7 ulent purposes. The secretary of revenue shall incorporate common ma-
8 chine-readable technology into all Kansas drivers' licenses and
9 identification cards.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 residence, a brief description of the cardholder, a colored digital photo-
2 graph of the cardholder, and a facsimile of the signature of the cardholder.
3 An identification card which does not contain the address of principal
4 residence of the cardholder as required may be issued to persons who
5 are program participants pursuant to K.S.A. 2007 Supp. 75-455, and
6 amendments thereto.
7 Sec. 4. K.S.A. 2007 Supp. 8-243, 8-299 and 8-1324 are hereby
8 repealed.
9 Sec. 5. This act shall take effect and be in force from and after Jan-
10 uary 1, 2009, and its publication in the statute book.