

MINUTES OF THE House COMMITTEE ON Federal and State Affairs

The meeting was called to order by Vice-Chairman Bob Vancrum at
Chairperson

1:30 ~~xxx~~ p.m. on February 15, 1983 in room 526-S of the Capitol.

All members were present except:

Rep. Whitaker, who was excused.

Committee staff present:

Russ Mills, Legislative Research
Mary Torrence, Revisor of Statute's Office
Nora Crouch, Committee Secretary

Conferees appearing before the committee:

Senator Roy Ehrlich
Rep. Keith Farrar
Linda Terrill, Administrative Assistant for Rep. Fred Weaver
Rep. Bob Vancrum
Allan Alderson, Chief Counsel, Department of Revenue
Sylvia Hoagland, Department of Aging
Hattie Norman, Senior Citizen, Topeka, Kansas
Chris Graves, Associated Students of Kansas
Tom Green, Kansas Retail Liquor Dealers Association
Don Roth, Overland Park Tavern Owner

Vice-Chairman Vancrum called the meeting to order and announced that material from the hearing on HB 2145 and 2328 that was not distributed at the hearing was at their places. He further announced that a series of bills on non-drivers ID cards were to be heard.

Rep. Keith Farrar appeared to explain the provisions of HB 2147 stating that he could not understand why there were restrictions on elderly persons wanting ID cards. The statute currently states that a person cannot have both the driver's license and the ID card. This bill would remedy that problem. The bill should not cost the state anything. The state will not make anything on it but will off-set the cost.

Senator Roy Ehrlich appeared to explain the provisions of SB 59 concerning the reduction of the application fee for elderly persons. The new language is on Lines 30, 31, and 32. The intent of the bill is to reduce the cost for those over 65 from \$6 to \$2 to make it more accessible. Older citizens who no longer drive or who have never driven need to have some form of identification in order to cash checks and participate in senior citizen discount rates. There were no dissenting votes cast in the Senate for this bill as it was felt it was a service to older Kansans.

Sylvia Hoagland, Secretary, Department of Aging, appeared on SB 59 supporting the concept of the bill. She has had older persons tell her that the Medicare card is not usually acceptable for identification purposes. An ID is necessary for them to cash their Social Security checks and to participate in various discount programs across the state. The cost and procedure involved in getting an ID card seems to be a deterrent in the elderly's getting the card. The fiscal impact would not be great and the benefits to the older citizen would be helpful.

Hattie Norman, Senior Citizen, Topeka, Kansas, appeared in support of the bill. Mrs. Norman is 73 years old and participates in a Senior Citizens Center to help other older citizens with their problems. She said that many older citizens have asked her for help in getting some form of ID so that they can cash their checks. Their Medicare card is not acceptable to most merchants. There are a lot of senior citizens that do not drive and have never driven but still do need some form of ID.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Federal and State Affairs,
room 526-S, Statehouse, at 1:30 ~~xxxx~~ a.m./p.m. on February 15, 19 83

Linda Terrill, Administrative Assistant to Rep. Fred Weaver, appeared on HB 2160. (See Attachment A) Miss Terrill advised the Committee that the House bill was exactly the same as SB 59 proposed by Senator Ehrlich.

Allan Alderson, Chief Attorney, Department of Revenue, appeared on SB 59 and HB 2160 stating that they have no problems with these bills or with the estimated \$2,100 revenue loss. He stated that the DOR does not want to be in the business of selling ID's. The Department of Revenue opposes HB 2147 because one of the principals involved has been codified by statutory language that has to be on the card stating that the card is provided for the purpose of identification of the person as a non-driver. If DOR is put in the position of issuing valid ID cards then they should be exempt from the tort liability that might arise.

Rep. Bob Vancrum appeared to explain the provisions of HB 2382 stating that one of the big problems with fake ID's is that they are so readily available. He also explained that it is quite easy to get a duplicate driver's license that is also fraudulent and listed items that are acceptable to the Division of Motor Vehicles. The bill also provides penalties for providing false information for an ID card. (See Attachment B)

Don Roth, Overland Park tavern owner, appeared stating that he had lost his license twice for 3 days because of students' coming into his establishment with borrowed ID. They contacted the city but the city said they had taken that responsibility when they got their license. The other problem is state ID cards. There are people going around in schools that will sell state ID cards for whatever state a person wants for \$10. This is a big problem that needs addressed. The owners need some help.

Chris Graves, Associated Students of Kansas, appeared stating that students are concerned about the problems of alcohol abuse and that perhaps HB 2382 would address the problem of fake ID's. She listed concerns with the documents needed to obtain a duplicate driver's license as many of her fellow students have limited numbers of acceptable ID forms. (See Attachment C)

Allan Alderson, Chief Attorney, Department of Revenue, appeared on HB 2328 stating that DOR had no problem with the bill except those already expressed by other conferees. The list of acceptable ID forms used to get a duplicate ID has grown like topsy over the years and the list probably needs some clean up. There will always be persons who cannot produce any of these ID's. There are elderly persons in this state who cannot produce a birth certificate.

Tom Green, Kansas Retail Liquor Dealers Association, appeared on HB 2328 stating that his Association tries to educate their members to the possible abuses. They support the tightening up of penalties for violators who assist minors in obtaining false identification. He stated that perhaps it is time to tighten up the laws concerning getting duplicate ID's.

Rep. Ott moved, Rep. Eckert seconding, that the minutes of the meetings of February 9 and 10, 1983, be approved. The motion carried.

The meeting adjourned.

DB

GUEST LIST

RESE*

FEDERAL & STATE AFFAIRS COMMITTEE

DATE 2-15-83

(PLEASE PRINT)

| NAME | ADDRESS | WHO YOU REPRESENT |
|----------------|------------|-------------------------------|
| Jill Walters | Topeka | Legis. Intern for Rep. Hayden |
| Cathy Behar | Lawrence | AP |
| Zammy Johnson | Topeka | Intern - Sedg Co Deleg. |
| Jinda Terrell | Rm # 325-S | Aide to Rep. Weaver |
| Th. Neer | Topeka | KRLDA |
| Chris Seave | Topeka | Assoc. Students of Ks. |
| Lana Hawkins | Topeka | ASK |
| Mark Salina | Topeka | ASK |
| Nancy Zielke | Topeka | KDOA |
| Hattie Gorman | Topeka | KDOA |
| Denise Fulweir | Topeka | OJA |

STATE OF KANSAS

BOB VANCNUM
REPRESENTATIVE, TWENTY-NINTH DISTRICT
OVERLAND PARK
9004 W. 104TH STREET
OVERLAND PARK, KANSAS 66212



TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
VICE CHAIRMAN FEDERAL AND STATE AFFAIRS
MEMBER ASSESSMENT AND TAXATION
EDUCATION

Testimony Robert J. Vancrum

To: Federal and State Affairs Committee - House Bill 2382 - Concerning
Issuance of Duplicate Driver's Licenses and Non-Driver's
Identification Cards

As I am sure you will recall from the testimony concerning raising the drinking age yesterday, one of the principal problems we face in the State of Kansas is the purchase of alcoholic beverages and beer by those under 18. They do this by find someone over 18 or over 21 to purchase the item, or either knowingly or unknowingly obtaining false identification from someone of age. I am sure I am not the only one who knew of people during high school and college who either altered an existing driver's license or regularly obtained a license from someone older.

Towards the end of last session, I was informed by an honest young man in one of our high schools that 16 and 17 year olds at least in our area had a rather surprising ally in obtaining fraudulent identification sufficient to purchase beer or alcohol--the Kansas Department of Revenue. I really didn't believe how easy it was to obtain a duplicate driver's license bearing someone else's name until I checked into it further. Attached to this testimony you will find a page from the driver's license examining handbook which lists some 36 items which are acceptable to the division of motor vehicles of the Department of Revenue to issue a duplicate license. I would call your attention to the fact that such items as gasoline receipts, library

Atch. B

cards, and cancelled checks, deposit slips and other easily obtained items are acceptable for this purpose. Please note that this is only a partial listing and in fact the actual list is considerably greater. On checking into it even further, I found that all the student had to do is present several of these items of identification at the examining station, be photographed, sign his own signature and presto he was in business with his own personalized "drinking license".

It also appeared that although the student could be prosecuted for committing a Class C misdemeanor, for which the penalty is up to one month and up to \$500, the person who was providing the gasoline receipt, library card, or other "proof satisfactory to the motor vehicle division", even if it could be shown that he knowingly did so, could not be prosecuted since our statutes make it an offense only to loan your license or identification card, not the identification necessary to obtain a duplicate license.

In order to attempt to close some of these loopholes, I introduced HB 2382 this session. The bill takes action in three areas: 1). Sections 3 and 4 for the first time define in the statute acceptable proof of identify for receiving a duplicate license. Although additional items such as credit cards bearing signatures might be acceptable, I thought it best to keep the list confined to those items which constitute proof positive. Secondly, the bill on lines 49, 50, 81 and 82 for the first time make it a crime to lend items of identification to another person for purpose of aiding them in obtaining duplicate licenses or identification. This language may also need some refinement. Lastly, the penalty imposed upon the person fraudulently obtaining licenses is increased to a Class B misdemeanor and the penalty to the person providing the aid or assistance is increased to

to a Class A misdemeanor. I believe the latter is a serious offense and one year or a \$2500 fine is the maximum penalty does not seem excessive.

I had asked several of the students that have talked to me about the matter to be available to testify this afternoon. Unfortunately, most of them are high school students and did not wish to take a day off from school to testify. I am assured, however, that this is a rather common practice at this time. I have also heard from some local tavern owners who indicate that their licenses have been suspended when students with fraudulently obtained duplicate licenses have been found in their establishment. They are, understandably, very upset that they are expected to enforce our age laws even though the student has obtained the most official of all means of identification, a license issued by the state itself. I urge the committee to act this year to close this unintended loophole. I will of course be happy to answer any questions of the committee at this time.

DUPLICATE APPLICATIONS

An applicant who receives a printout from Topeka must also present other documentary proof of identity (two documents) before applying for a duplicate driver's license.

Please note: If you have lost your Kansas Drivers License, or had it stolen, you will be required to furnish 2 pieces of identification before a duplicate license will be issued. One of these must bear your signature.

This policy is not to work a hardship on you. Instead, it is designed to help protect you from someone possibly getting a fraudulent license (in your name) and either running up a number of traffic violations or using it as false identity for cashing checks, etc. It also helps protect your Driver License Examiner from innocently issuing a license to someone not entitled to same.

A partial listing of items we accept as identity are as follows:

- | | |
|--------------------------------|------------------------------|
| 1. Social Security Card | 19. Divorce Papers |
| 2. Club Membership Cards | 20. Income Tax Papers |
| 3. Blue Cross/Blue Shield Card | 21. Legal Contracts |
| 4. Credit Cards | 22. Checkbooks |
| 5. Library Card | 23. Cancelled Checks |
| 6. Bank Cards | 24. Payment Books |
| 7. Company I.D. Cards | 25. Insurance Papers |
| 8. School I.D. Cards | 26. Baptismal Certificate |
| 9. Military I.D. Cards | 27. Gasoline Receipts |
| 10. Military Discharge | 28. Traffic Tickets |
| 11. Military DD214 | 29. Hunting License |
| 12. Military Orders | 30. Fishing License |
| 13. Military Drivers License | 31. Loan Papers |
| 14. School Records | 32. Pawn Shop Tickets |
| 15. School Grade Cards | 33. Utility Bills |
| 16. Car Registration | 34. Savings Withdrawal Slips |
| 17. Birth Certificate | 35. Deposit Slips |
| 18. Marriage License | 36. School Diplomas |

(See example 9) -17-

Stricter laws are urged to curb use of fake IDs

By John Petterson
Topeka Correspondent

TOPEKA — Rep. Bob Vancrum thinks it is so easy to obtain a duplicate Kansas driver's license that high school students are picking them up and using them like "drinking licenses."

"I didn't believe it at first," the Overland Park Republican said.

But he became convinced of the problem after one of his young constituents told him it was a common practice for underage high school students in Johnson County to borrow identification papers from 18-year-old friends and apply for phony duplicate driver's licenses showing them to be 18.

"Apparently an awful lot of kids in the Kansas City area . . . are obtaining two pieces of identification,

going to an examination station, saying, 'I'm John Jones,' smiling for the camera and obtaining a duplicate driver's license," Mr. Vancrum said.

The faked licenses, which show the name and identification number of the original holder and the picture of the new applicant, are used to gain admittance to taverns and private clubs. The license must show the holder to be at least 18 years old to buy or drink 3.2 percent beer and at least 21 to buy or drink other alcoholic beverages.

The practice has drawn interest as states keep looking for ways to cut down on drunken driving. And although local law enforcement officers and state officials who administer the driver's license program are aware there is a problem, its extent escapes them.

"I obviously have to perceive it as a problem," said Ron Desch, administrative aide to the director of the state Division of Vehicles. "I just don't know how big a problem it is."

The Division of Vehicles now requires a person claiming that his license was lost or stolen to present two pieces of identification, one with a signature, and it offers a sample list of 36 acceptable documents. But Mr. Vancrum said the actual list probably is closer to 100.

The sample list includes canceled checks, library cards, pawn shop tickets, gasoline credit card receipts, birth certificates and school ID cards.

Missouri had a similar problem, but tighter procedures were implemented last July 1 to correct it.

Jerry Griffith, who was director of the Division of Motor Vehicle and Drivers Licensing until last November, said duplicate licenses now are withheld until clerks in Jefferson City compare new pictures and physical information with the pictures and information from the original license.

"You never knew how many, but apparently there were quite a few fraudulent licenses," Mr. Griffith said.

In Kansas, a hearing before the House Federal and State Affairs Committee has been scheduled for Tuesday to consider legislation introduced by Mr. Vancrum.

He came up with a bill designed to curb the abuse after Jordan Gershon, now a freshman at Johnson County Community College, told him that the phony driver's license scheme was popular when he was a student at Shawnee Mission South High School.

"That was a big thing going on in the high school," Mr. Gershon said. "I knew at least 40 people who did it."

Mr. Vancrum's bill would increase the penalties to a maximum of a year in jail and a \$2,500 fine for lending a driver's license to aid another person in obtaining a fake duplicate. It also would increase the maximum penalty to six months in jail and a \$1,000 fine for trying to use a fraudulently obtained driver's license.

In addition, his bill would restrict severely the types of identification that could be used to obtain a replacement driver's license.

Now in Kansas, licenses are issued at the examination stations across the state and there is no central picture file, making it difficult for officials to spot illegal applicants.

"We have some precautions we take," said Rick Scheibe, assistant director of the state Driver Licensing Bureau. "If a person applies, we require two forms of identification — one of which has to have a signature. This is about the only handle we have on it as of now."

The Division of Vehicles keeps no records on the number of duplicate driver's licenses it issues each year.

At the state Alcoholic Beverage Control Division, Bill Strukel, the agency's enforcement officer, said 96 retail liquor dealers were cited last year for selling liquor to minors.

"An educated guess would be that half of them resulted from faking out the retailer by use of some fraudulent ID by the minors," Mr. Strukel said.

He said that increasing the penalty for use of fraudulently obtained driver's licenses and allowing a valid license to be used for illegal purposes would be a major deterrent.

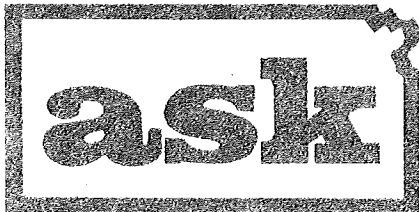
At the University of Kansas, Scott Swenson, a 19-year-old sophomore from Topeka, said use of faked identification is widespread, although at the university level there is less interest in obtaining duplicate driver's licenses.

Mr. Swenson, the campus representative for Associated Students of Kansas, said "there is a fairly good-sized underground network of fake IDs."

He warned that if the Legislature decides to raise the age for drinking beer from 18 to 21, traffic in black-market IDs will skyrocket.

At Columbia, Mo., police Maj. William McNear said he is not aware of any major problem with the sale of homemade IDs around the University of Missouri campus, although there were major difficulties in the mid-1970s.

"We may have a problem now and not know about it," the police officer said.



ASSOCIATED STUDENTS OF KANSAS

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STATEMENT BY

CHRIS GRAVES
ASSOCIATED STUDENTS OF KANSAS
(ASK)

BEFORE THE
HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

IN SUPPORT OF
HB 2382

Drivers' licenses and nondrivers' identification cards

February 15, 1983

Ask. C

Representing the Students of:

Emporia State • Fort Hays State • Kansas State • Pittsburg State • University of Kansas • Washburn University • Wichita State

Mr. Chairman and members of the House Federal and State Affairs Committee, my name is Chris Graves, I am the Legislative Director of the Associated Students of Kansas. The Associated Students of Kansas is the state student association which represents the 85,000 students at the state universities and Washburn. I am here today to express our support for HB 2382.

I would first just like to say that it is a pleasure to be able to come before you to discuss something other than beer or more money for higher education. The subject --- and how it affects students --- and what you can do for students --- will not cost anything.

As Mark Tallman, Executive Director of the Association testified yesterday, ASK can not ignore the alarming problems of alcohol abuse and we seek to deal with them and correct them as sincerely as any group in the state. HB 2382 would be yet another piece of legislation which could deter and curb the use and abuse of false IDs for obtaining other false IDs or for purchasing beer and alcohol by underage persons.

Several statements have been made in the press recently about the ease --- and thus the problem --- with which persons can get phony driver's licenses. In conversations with Jim Clark, Legislative Director of the Associated Students of the University of Missouri at Columbia and managers of such drinking establishments as Harpo's, Deja Vus and Bullwinkles in Columbia, false IDs are definitely a problem --- they are readily available.

We do have one concern with HB 2382 --- that being the required documents to obtain a duplicate or substitute driver's license or nondriver's identification card. As listed, a person must furnish 2 of an extremely limited number of acceptable identification forms. Our concern is that the majority of our constituents are not or have not been involved in the military, are not married and are not of age to qualify for medicare, thus leaving only a motor vehicle registration (and many students themselves do not have title to a car)

and birth certificate as acceptable identification. We would like to suggest the inclusion of one of the following: a student identification card as issued by the university -- provided it had a picture and possibly other data such as birthdate, social security number etc. , a detailed letter from the university's registrar's office, a parent or guardian who would vouch for the person.

In conclusion, we recognize the problem of underage persons obtaining false identification. We support HB 2382 as a means of dealing with the problem; however, urge consideration of our suggestions as well. Thank you for your time and consideration. I will be happy to answer any questions you may have.