

MINUTES OF THE HOUSE JUDICIARY COMMITTEE.

The meeting was called to order by Chairperson Michael R. O'Neal at 3:30 p.m. on April 4, 2002 in Room 313-S of the Capitol.

All members were present except:

- Representative Peggy Long - Excused
- Representative Judy Morrison - Excused

Committee staff present:

- Jerry Ann Donaldson, Department of Legislative Research
- Jill Wolters, Department of Revisor of Statutes
- Sherman Parks, Department of Revisor of Statutes
- Cindy O'Neal, Committee Secretary

**HB 2135 - Undocumented Workers & SB 559 - Application requirements for instruction permits, driver's license and identification cards**

Representative Loyd was concerned with security and wants undocumented workers to be identified and act favorably towards law enforcement. He provided the committee with a balloon amendment (Attachment 1), which had the following provisions:

- ▶ allow for two categories of licenses: a driver license for citizens for six years and a drivers permit for undocumented workers for one year at a time
- ▶ undocumented workers must still provide proof of lawful residency
- ▶ would still be able to use I-10 to use as proof of residency
- ▶ would require a thumbprint and another biometric identifier of all undocumented workers
- ▶ undocumented workers would have to go to a designated site to make application and then would receive permit when the Department of Vehicles has verified their residency
- ▶ biometric identifier would be optional for United States citizens
- ▶ increases fees by .50 to be used for six full time employees

Representative Pauls called attention to current law that states one cannot have both a drivers licenses or permit and an identification card, which was not included in the balloon.

Representative Loyd made the motion to adopt the balloon with Representative Paul's suggestion. Representative Klein seconded the motion. The motion carried.

Representative DiVita made the motion to allow the use of instructional permits as a form of identification under ( c ) (9) the temporary issued pursuant to subsection (2)(a)(b). Representative Klein seconded the motion. Representative Loyd opposed the motion due to the balloon is trying to bring consistency to each drivers license and drivers permit. The motion failed.

The committee was provided a second balloon. (Attachment 2) Following discussion, the committee determined that they would support thumbprints as long as they did not appear on the drivers licenses.

Representative Klein made the motion to adopt the proposed balloon with having mandatory thumbprint or other biometric identifier and United States citizens having the option to choose whether or not to have a thumbprint. Representative Rehorn seconded the motion. The motion carried.

Representative DiVita made the motion to require the proof of age and identity. Representative Howell seconded the motion. Representatives were concerned about having to take proof of age down to the drivers license agency every time they renew their license. The motion failed.

Representative Lloyd made the motion to report SB 559 favorably for passage, as amended. Representative Klein seconded the motion. The motion carried with Representative Howell recorded as voting no.

The committee meeting adjourned at 6:30 p.m.

[As Amended by Senate Committee of the Whole]

As Amended by Senate Committee

Session of 2002

SENATE BILL No. 559

By Committee on Judiciary

2-11

12 AN ACT concerning drivers licenses and other identification cards; re-  
13 lating to application requirements; *[photograph]* fees; amending  
14 K.S.A. ~~8-240~~, ~~8-243~~ and 8-1324 and repealing the existing sections.

8-237

15  
16 *Be it enacted by the Legislature of the State of Kansas:*

Section 1. K.S.A. 8-237. [see attached]

17 Section 1. K.S.A. 8-240 is hereby amended to read as follows: 8-240.  
18 (a) Every application for an instruction permit shall be made upon a form  
19 furnished by the division of vehicles and accompanied by a fee of ~~\$2~~ ~~\$4~~  
20 ~~[\$2]~~ for class A, B, C or M and ~~\$5~~ ~~\$10~~ ~~[\$5]~~ for all commercial classes.  
21 Every other application shall be made upon a form furnished by the  
22 division and accompanied by an examination fee of ~~\$3~~ ~~\$6~~ ~~[\$3]~~, unless a  
23 different fee is required by K.S.A. 8-241, and amendments thereto, and  
24 by the proper fee for the license for which the application is made. If the  
25 applicant is not required to take an examination the examination fee shall  
26 not be required. The examination shall consist of three tests, as follows:  
27 (1) Vision; (2) written; and (3) driving. If the applicant fails the vision test,  
28 the applicant may have correction of vision made and take the vision test  
29 again without any additional fee. If an applicant fails the written test, the  
30 applicant may take such test again upon the payment of an additional  
31 examination fee of ~~\$1.50~~ ~~\$3~~ ~~[\$1.50]~~. If an applicant fails the driving test,  
32 the applicant may take such test again upon the payment of an additional  
33 examination fee of ~~\$1.50~~ ~~\$3~~ ~~[\$1.50]~~. If an applicant fails to pass all three  
34 of the tests within a period of six months from the date of original appli-  
35 cation and desires to take additional tests, the applicant shall file an ap-  
36 plication for reexamination upon a form furnished by the division, which  
37 shall be accompanied by a reexamination fee of ~~\$3~~ ~~\$6~~ ~~[\$3]~~, except that  
38 any applicant who fails to pass the written or driving portion of an ex-  
39 amination four times within a six-month period, shall be required to wait  
40 a period of six months from the date of the last failed examination before  
41 additional examinations may be given. Upon the filing of such application  
42 and the payment of such reexamination fee, the applicant shall be entitled  
43 to reexamination in like manner and subject to the additional fees and

Proposed amendment  
Rep. Loyd  
April 3, 2002

HB 2135

House Judiciary  
Attachment 1  
4-4-02

Section 1. K.S.A. 8-237 is hereby amended to read as follows: 8-237. The division of vehicles shall not issue any driver's license to any person:

(a) Who is under the age of 16 years, except that the division may issue a restricted class C or M license, as provided in this act, to any person who: (1) Is at least 15 years of age; (2) has successfully completed an approved course in driver training; (3) has held an instructional permit issued under the provisions of K.S.A. 8-239, and amendments thereto, for a period of at least six months and has completed at least 25 hours of adult supervised driving; and (4) upon the written application of the person's parent or guardian. The required adult supervised driving required in clause (3) above shall be conducted by an adult who is at least 21 years of age and is the holder of a valid commercial driver's license, class A, B or C driver's license. Except as hereafter provided, the application of the parent or guardian shall be submitted to the division. The governing body of any city, by ordinance, may require the application of any person who is under 16 years of age and who resides within the city to be first submitted to the chief law enforcement officer of the city. The board of county commissioners of any county, by resolution, may require the application of any person who is under 16 years of age and who resides within the county and outside the corporate limits of any city to be first submitted to the chief law enforcement officer of the county. No ordinance or resolution authorized by this subsection shall become effective until a copy of it is transmitted to the division of vehicles. The chief law enforcement officer of any city or county which has adopted the ordinance or resolution authorized by this subsection shall make a recommendation on the application as to the necessity for the issuance of the restricted license, and the recommendation shall be transmitted, with the application, to the division of vehicles. If the division finds that it is necessary to issue the restricted license, it shall issue a driver's license to the person.

A restricted class C license issued under this subsection shall entitle the licensee, while possessing the license, to operate any motor vehicle in class C, as designated in K.S.A. 8-234b, and amendments thereto. A restricted class M license shall entitle the licensee, while possessing such license, to operate a motorcycle. The restricted license shall entitle the licensee to operate the appropriate vehicle at any time:

- (1) While going to or from or in connection with any job, employment or farm-related work;
- (2) on days while school is in session, over the most direct and accessible route between the licensee's residence and school of enrollment for the purposes of school attendance;
- (3) when the licensee is operating a passenger car, at any time when accompanied by an adult who is the holder of a valid commercial driver's license, class A, B or C driver's license and who is actually occupying a seat beside the driver; or
- (4) when the licensee is operating a motorcycle, at any time when accompanied by an adult who is the holder of a valid class M driver's license and who is operating a motorcycle in the general proximity of the licensee.

Any licensee issued a restricted license under this subsection shall not operate any motor vehicle with nonsibling minor passengers and any conviction for violating this provision shall be construed as a moving traffic violation for the purpose of K.S.A. 8-255, and amendments thereto.

A restricted driver's license issued under this subsection is subject to suspension or revocation in the same manner as any other driver's license. In addition, the division may suspend the restricted driver's license upon receiving satisfactory evidence that: (1) The licensee has violated the restriction of the license, (2) the licensee has been involved in two or more accidents chargeable to the licensee or (3) the recommendation of the chief law enforcement officer of any city or county requiring the recommendation has been withdrawn. The suspended license shall not be reinstated for one year or until the licensee reaches the age of 16, whichever period is longer.

Any licensee issued a restricted license under this subsection who: (1) Is under the age of 16 years and is convicted of two or more moving traffic violations committed on separate occasions shall not be eligible to receive a driver's license which is not restricted in accordance with the provisions of this subsection until the person reaches 17 years of age; or (2) fails to provide the required affidavit stating that the licensee has completed at least 50 hours of adult supervised driving with 10 of those hours being at night shall not be eligible to receive a driver's license which is not restricted in accordance with the provisions of this subsection until the person provides such affidavit to the division or the person reaches 17 years of age, whichever occurs first.

Any licensee issued a restricted license under this subsection on and after July 1, 1999, shall provide prior to reaching 16 years of age, a signed affidavit of either a parent or guardian, stating that the applicant has completed the required 25 hours prior to being issued a restricted license and 25 hours of additional adult supervised driving. Of the 50 hours required by this subsection, at least 10 of those hours shall be at night. The adult supervised driving shall be conducted by an adult who is at least 21 years of age and is the holder of a valid commercial driver's license, class A, B or C driver's license.

Evidence of failure of any licensee who was required to complete the 50 hours of adult supervised driving under this subsection shall not be admissible in any action for the purpose of determining any aspect of comparative negligence or mitigation of damages.

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

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

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

(e) Who has previously been adjudged to be afflicted with or suffering from any mental disability or disease and who, at the time of making application for a driver's license, has not been restored to capacity in the manner provided by law. Application of this limitation to any person known to have suffered any seizure disorder is subject to the provisions of paragraph (7) of subsection (e) of K.S.A. 8-247, and amendments thereto.

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

(g) Who is at least 16 years of age and less than 17 years of age, who is applying for a driver's license for the first time since reaching 16 years of age and who, three times or more, has been adjudged to be a traffic offender under the Kansas juvenile code or a juvenile offender under the Kansas juvenile justice code, by reason of violation of one or more statutes regulating the movement of traffic on the roads, streets or highways of this state, except that, in the discretion of the director, the person may be issued a driver's license which is restricted in the manner the division deems to be appropriate. No person described by this subsection shall be eligible to receive a driver's license which is not restricted until the person has reached the age of 17 years.

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

(i) ~~Whose presence in the United States is in violation of federal immigration laws~~ Who has not complied with the requirements of subsection (g) of K.S.A. 8-240, and amendments thereto.

Renumber the remaining sections accordingly.

1 time limitation as provided for examination on an original application. If  
 2 the applicant passes the reexamination, the applicant shall be issued the  
 3 classified driver's license for which the applicant originally applied, which  
 4 license shall be issued to expire as if the applicant had passed the original  
 5 examination.

6 (b) (1) For the purposes of obtaining any driver's license or *instruc-*  
 7 *tion permit*, an applicant shall submit, with the application, proof of age  
 8 or proof of identity, or both, **and, on and after July 1, 2003, a thumb-**  
 9 **print or other biometric identifier**, as the division may require. *An*  
 10 *applicant shall submit the applicant's social security number, which shall*  
 11 *remain confidential and shall not be placed on the applicant's driver's*  
 12 *license or instruction permit unless such applicant has waived confiden-*  
 13 *tiality. Licenses issued as a result of such application, at the applicant's*  
 14 *option, may contain an identification number, which shall be the appli-*  
 15 *cant's social security number. If the applicant does not have a social se-*  
 16 *curity number, the applicant shall submit a sworn statement, with the*  
 17 *application, stating that the applicant does not have a social security num-*  
 18 *ber. If the applicant is applying for an instruction permit or driver's li-*  
 19 *cence and the applicant otherwise meets the requirements for such license,*  
 20 *the applicant shall receive a temporary license or instruction permit until*  
 21 *the division verifies all facts relative to such applicant's right to receive*  
 22 *an instruction permit or driver's license, including the age, identity, social*  
 23 *security number and residency of the applicant.*

24 (2) An applicant who submits proof of age or of identity issued by an  
 25 entity other than a state or the United States shall also submit such proof  
 26 as the division may require that the applicant is lawfully present in the  
 27 United States.

28 (3) The division shall not issue any driver's license to any person who  
 29 is not ~~lawfully present in the United States.~~

30 (4) The division shall not issue any driver's license to any person who  
 31 is not a resident of the state of Kansas, except as provided in K.S.A. 8-  
 32 2,148, and amendments thereto.

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

35 (c) Every application shall state the name, date of birth, sex and res-  
 36 idence address of the applicant, and briefly describe the applicant, and  
 37 shall state whether the applicant has ~~therefore~~ been licensed as a driver  
 38 ~~prior to such application~~, and, if so, when and by what state or country;  
 39 ~~and~~ *Such application shall state whether any such license has ever been*  
 40 *suspended or revoked, or whether an application has ever been refused,*  
 41 *and, if so, the date of and reason for such suspension, revocation or re-*  
 42 *fusal. In addition to the above criteria, applications for commercial driv-*  
 43 *ers' licenses and instruction permits for commercial licenses must include*

in compliance with the requirements of subsection (g) if  
 such person is a non-citizen

1 the following: The applicant's social security number; the person's sig-  
2 nature; the person's color photograph; certifications, including those re-  
3 quired by 49 C.F.R. 383.71(a), effective January 1, 1991; a consent to  
4 release driving record information; and, any other information required  
5 by the division.

6 (d) When an application is received from a person previously licensed  
7 in another jurisdiction, the division shall request a copy of the driver's  
8 record from the other jurisdiction. When received, the driver's record  
9 shall become a part of the driver's record in this state with the same force  
10 and effect as though entered on the driver's record in this state in the  
11 original instance.

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

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

16 (1) For a class C driver's license issued to a person at least 21 years  
17 of age, but less than 65 years of age, ~~\$12 \$24 [\$12]~~; \$12.50

18 (2) for a class C driver's license issued to a person less than 21 years  
19 of age or 65 years of age or older, or a farm permit, ~~\$8 \$16 [\$8]~~; \$8.50

20 (3) for a class M driver's license issued to a person at least 21 years  
21 of age, but less than 65 years of age, ~~\$6.50 \$13 [\$6.50]~~; \$7.00

22 (4) for a class M driver's license issued to a person less than 21 years  
23 of age or 65 years of age or older, ~~\$5 \$10 [\$5]~~; \$5.50

24 (5) for a class A or B driver's license issued to a person who is at least  
25 21 years of age, but less than 65 years of age, ~~\$18 \$36 [\$18]~~; \$18.50

26 (6) for a class A or B driver's license issued to a person less than 21  
27 years of age or 65 years of age or older, ~~\$12 \$24 [\$12]~~; or \$12.50

28 (7) for any class of commercial driver's license, ~~\$14 \$28 [\$14]~~; \$14.50

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

(8) for a temporary permit, \$9.50

32 If one fails to make an original application or renewal application for a  
33 driver's license within the time required by law, or fails to make appli-  
34 cation within 60 days after becoming a resident of Kansas, a penalty of  
35 ~~\$1 \$2 [\$1]~~ shall be added to the fee charged for the driver's license.

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

Insert subsection (g) and (h) [see attached]

41 [Sec. 2. K.S.A. 8-243 is hereby amended to read as follows: 8-  
42 243. (a) Upon payment of the required fee, the division shall issue  
43 to every applicant qualifying under the provisions of this act the

(g) (1) The division shall issue a temporary driver's permit pursuant to the provisions of this subsection.

(2) A temporary driver's permit shall be issued to:

(A) An applicant who is lawfully present in the United States, documented with a visa, but is not a citizen of the United States and has complied with all requirements of the division.

(B) An applicant who is not lawfully present in the United States, but has obtained an internal revenue service individual taxpayer identification number, has proof of Kansas residency and has complied with all requirements of the division.

(C) An applicant for an instruction permit issued pursuant to K.S.A. 8-240, and amendments thereto.

(3) A temporary driver's permit shall be readily distinguishable from all other permits issued by the division.

(4) Except as provided in K.S.A. 8-294, and amendments thereto, a temporary driver's permit shall expire one year from the date of issuance. If a person issued a temporary driver's permit has such person's visa expire, cancelled or revoked, such temporary driver's permit shall be revoked. A temporary driver's permit may be renewed annually if the driver remains qualified pursuant to paragraph (2).

(5) A person issued a temporary driver's permit may be issued a driver's license pursuant to Kansas law when the division verifies all facts relative to such applicant's privilege to receive a driver's license. If a person is issued a driver's license, the temporary driver's permit shall be surrendered to the division.

(6) An applicant for a temporary permit pursuant to paragraph (2) (A) or (B) shall apply for such permit in the driver's license examination offices as designated by the director of the division of motor vehicles. Such examination offices shall be widely distributed geographically across the state.

(7) An applicant for a temporary permit pursuant to paragraph (2) (C) may apply for such permit in any driver's license examination office of the division of motor vehicles.

(8) As used in this subsection, proof of residency includes, but shall not be limited to, paid receipts for utility bills and bank statements.

(9) The temporary permit issued pursuant to this subsection shall be considered a license to drive and shall not be considered a form of identification.

(h) There is hereby established in the state treasury the driver's permit education fund. Fifty cents from each driver's permit fee shall be credited to the driver's permit education fund. All moneys received by the division for such fund shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the driver's permit examiners education fund. Moneys in such fund shall be used only for training division of motor vehicle personnel in processing applications for non-citizens and for grants for educational programs designed to educate permit applicants regarding the laws of the United States and Kansas regarding driving rules, vehicle ownership, titling and insurance, and to promote trust and cooperation with law enforcement. Expenditures from the fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the director of the division of motor vehicles or a person designated by the director.

(i)



1 driver's license as applied for, which license shall bear thereon the  
2 class or classes of motor vehicles which the licensee is entitled to  
3 drive, a distinguishing number assigned to the licensee, which, if  
4 the licensee so requests in writing, may be the licensee's social se-  
5 curity number, the name, date of birth, residence address, and a  
6 brief description of the licensee; a colored photograph of the li-  
7 censee, a facsimile of the signature of the licensee or a space upon  
8 which the licensee shall write such licensee's usual signature with  
9 pen and ink immediately upon receipt of the license and the state-  
10 ment provided for in subsection (b). No driver's license shall be  
11 valid until it has been signed by the licensee. All drivers' licenses  
12 issued on and after July 1, 1994, to persons under the age of 21  
13 years shall be readily distinguishable from licenses issued to per-  
14 sons age 21 years or older. In addition, all drivers' licenses issued  
15 on and after July 1, 1997, to persons under the age of 18 years shall  
16 also be readily distinguishable from licenses issued to persons age  
17 18 years or older. Except as otherwise provided, no driver's license  
18 issued by the division shall be valid until a colored photograph of  
19 such licensee has been placed on the driver's license. The secretary  
20 of revenue shall prescribe a fee of not more than ~~\$\$~~ \$3 and upon  
21 payment of such fee the division shall cause a colored photograph  
22 of such applicant to be placed on the driver's license. Upon payment  
23 of such fee prescribed by the secretary of revenue, plus payment of  
24 the fee required by K.S.A. 8-246, and amendments thereto, for is-  
25 suance of a new license, the division shall issue to such licensee a  
26 new license containing a colored photograph of such licensee. A  
27 driver's license which does not contain a colored photograph of the  
28 licensee as required may be issued to persons exempted from such  
29 requirement. Any such license shall be valid for the purposes of the  
30 motor vehicle drivers' license act and the division shall set forth  
31 upon such driver's license the words "valid without photo." Any  
32 person who is outside the state and for whom the division provides  
33 for renewal of the driver's license by mail is exempt from the re-  
34 quirement to have a colored photograph of such person placed on  
35 such person's driver's license. Any person belonging to a religious  
36 organization which has a basic objection to having their picture  
37 taken may sign a statement to that effect and such person shall then  
38 be exempt from the picture requirements of this section.

39 [(b) All Kansas drivers' licenses issued to any person 16 years  
40 of age or older shall contain a form which provides a statement for  
41 making a gift of all or any part of the body of the licensee in ac-  
42 cordance with the uniform anatomical gift act, except as otherwise  
43 provided by this subsection. The statement to be effective shall be

1 *signed by the licensee in the presence of two witnesses who shall*  
2 *sign the statement in the presence of the donor. The gift becomes*  
3 *effective upon the death of the donor. Delivery of the license during*  
4 *the donor's lifetime is not necessary to make a valid gift. Any valid*  
5 *gift statement executed prior to July 1, 1994, shall remain effective*  
6 *until invalidated. The word "Donor" shall be placed on the front of*  
7 *a licensee's driver's license, indicating that the statement for making*  
8 *an anatomical gift under this subsection has been executed by such*  
9 *licensee.*

10 *[(c) On and after July 1, 1996, any person who is deaf or hard*  
11 *of hearing may request that the division issue to such person a driv-*  
12 *ers' license which is readily distinguishable from drivers' licenses*  
13 *issued to other drivers and upon such request the division shall issue*  
14 *such license. Drivers' licenses issued to persons who are deaf or*  
15 *hard of hearing and under the age of 21 years shall be readily dis-*  
16 *tinguishable from drivers' licenses issued to persons who are deaf*  
17 *or hard of hearing and 21 years of age or older.]*

18 Sec. ~~2~~ [3.] K.S.A. 8-1324 is hereby amended to read as follows: 8-  
19 1324. (a) Any resident *who does not hold a current valid Kansas*  
20 *driver's license* may make application to the division of vehicles and be  
21 issued one identification card, certified by the registrant and attested by  
22 the division as to true name, correct age, photograph and other identifying  
23 data as the division may require. ~~Every application for an identification~~  
24 ~~card shall be signed and verified by the applicant and shall contain such~~  
25 ~~bona fide documentary evidence of the age and identity of such applicant~~  
26 ~~as the division may require.~~

27 (b) An applicant who submits documentary evidence under subsec-  
28 tion (a), issued by an entity other than a state or the United States shall  
29 also submit such proof as the division may require that the applicant is  
30 lawfully present in the United States. *For the purposes of obtaining any*  
31 *identification card, an applicant shall submit, with the application, proof*  
32 *of age or proof of identity, or both, and, on and after July 1, 2003, a*  
33 *thumbprint or other biometric identifier, as the division may require.*

34 *An applicant shall submit the applicant's social security number, which*  
35 *shall remain confidential and shall not be placed on the applicant's iden-*  
36 *tification card unless such applicant has waived confidentiality. Identifi-*  
37 *cation cards issued as a result of such application, at the applicant's option*  
38 *may contain an identification number, which shall be the applicant's so-*  
39 *cial security number. If the applicant does not have a social security num-*  
40 *ber, the applicant shall submit a sworn statement, with the application,*

41 *stating that the applicant does not have a social security number. If the*  
42 *applicant is applying for an identification card and the applicant other-*  
43 *wise meets the requirements for such card, the applicant shall receive a*

1 temporary identification card until the division verifies all facts relative  
2 to such applicant's right to receive an identification card, including the  
3 age, identity, social security number and residency of the applicant.

4 (c) The division shall not issue an identification card to any person  
5 who is not lawfully present in the United States **nor to any person who**  
6 **holds a current valid Kansas driver's license unless such driver's**  
7 **license has been physically surrendered pursuant to the provisions**  
8 **of subsection (e) of K.S.A. 8-1002, and amendments thereto.**

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

11 (e) The division shall require payment of a fee of ~~88~~ ~~16~~ ~~8~~ ~~8~~ **[\$8]** at the  
12 time application for an identification card is made, except that persons  
13 who are 65 or more years of age or who are handicapped, as defined in  
14 K.S.A. 8-1,124, and amendments thereto, shall be required to pay a fee  
15 of ~~only 4 88~~ ~~4~~ ~~88~~ **[\$4]**.

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

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

23 Sec. ~~3~~ ~~[4.]~~ K.S.A. ~~8-240~~ ~~[ 8-243]~~ and 8-1324 are hereby repealed. 8-237

24 Sec. ~~4~~ ~~[5.]~~ This act shall take effect and be in force from and after  
25 its publication in the statute book.

SENATE BILL No. 559

By Committee on Judiciary

2-11

Proposed Amendments to SB No. 559

House Judiciary  
Attachment 2  
4-4-02

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23 different fee is required by K.S.A. 8-241, and amendments thereto, and  
24 by the proper fee for the license for which the application is made. If the  
25 applicant is not required to take an examination the examination fee shall  
26 not be required. The examination shall consist of three tests, as follows:  
27 (1) Vision; (2) written; and (3) driving. If the applicant fails the vision test,  
28 the applicant may have correction of vision made and take the vision test  
29 again without any additional fee. If an applicant fails the written test, the  
30 applicant may take such test again upon the payment of an additional  
31 examination fee of ~~\$1.50~~ ~~\$3~~ *[\$1.50]*. If an applicant fails the driving test,  
32 the applicant may take such test again upon the payment of an additional  
33 examination fee of ~~\$1.50~~ ~~\$3~~ *[\$1.50]*. If an applicant fails to pass all three  
34 of the tests within a period of six months from the date of original appli-  
35 cation and desires to take additional tests, the applicant shall file an ap-  
36 plication for reexamination upon a form furnished by the division, which  
37 shall be accompanied by a reexamination fee of ~~\$3~~ ~~\$6~~ *[\$3]*, except that  
38 any applicant who fails to pass the written or driving portion of an ex-  
39 amination four times within a six-month period, shall be required to wait  
40 a period of six months from the date of the last failed examination before  
41 additional examinations may be given. Upon the filing of such application  
42 and the payment of such reexamination fee, the applicant shall be entitled  
43 to reexamination in like manner and subject to the additional fees and

2-2

1 time limitation as provided for examination on an original application. If  
2 the applicant passes the reexamination, the applicant shall be issued the  
3 classified driver's license for which the applicant originally applied, which  
4 license shall be issued to expire as if the applicant had passed the original  
5 examination.

6 (b) (1) For the purposes of obtaining any driver's license or *instruc-*  
7 *tion permit*, an applicant shall submit, with the application, proof of age  
8 or proof of identity, or both, ~~and, on and after July 1, 2003, a thumb-~~  
9 ~~print or other biometric identifier~~, as the division may require. *An*  
10 *applicant shall submit the applicant's social security number, which shall*  
11 *remain confidential and shall not be placed on the applicant's driver's*  
12 *license or instruction permit unless such applicant has waived confiden-*  
13 *tiality. Licenses issued as a result of such application, at the applicant's*  
14 *option, may contain an identification number, which shall be the appli-*  
15 *cant's social security number. If the applicant does not have a social se-*  
16 *curity number, the applicant shall submit a sworn statement, with the*  
17 *application, stating that the applicant does not have a social security num-*  
18 *ber. If the applicant is applying for an instruction permit or driver's li-*  
19 *cence and the applicant otherwise meets the requirements for such license,*  
20 *the applicant shall receive a temporary license or instruction permit until*  
21 *the division verifies all facts relative to such applicant's right to receive*  
22 *an instruction permit or driver's license, including the age, identity, social*  
23 *security number and residency of the applicant.*

facial recognition

In addition, on or after July 1, 2003, an applicant may submit a thumbprint.

24 (2) An applicant who submits proof of age or of identity issued by an  
25 entity other than a state or the United States shall also submit such proof  
26 as the division may require that the applicant is lawfully present in the  
27 United States.

28 (3) The division shall not issue any driver's license to any person who  
29 is not lawfully present in the United States.

30 (4) The division shall not issue any driver's license to any person who  
31 is not a resident of the state of Kansas, except as provided in K.S.A. 8-  
32 2,148, and amendments thereto.

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

35 (c) Every application shall state the name, date of birth, sex and res-  
36 idence address of the applicant, and briefly describe the applicant, and  
37 shall state whether the applicant has ~~therefore~~ been licensed as a driver  
38 *prior to such application*, and, if so, when and by what state or country;  
39 ~~and~~ *Such application shall state* whether any such license has ever been  
40 suspended or revoked, or whether an application has ever been refused,  
41 and, if so, the date of and reason for such suspension, revocation or re-  
42 fusals. In addition to the above criteria, applications for commercial driv-  
43 ers' licenses and instruction permits for commercial licenses must include

1 the following: The applicant's social security number; the person's sig-  
 2 nature; the person's color photograph; certifications, including those re-  
 3 quired by 49 C.F.R. 383.71(a), effective January 1, 1991; a consent to  
 4 release driving record information; and, any other information required  
 5 by the division.

6 (d) When an application is received from a person previously licensed  
 7 in another jurisdiction, the division shall request a copy of the driver's  
 8 record from the other jurisdiction. When received, the driver's record  
 9 shall become a part of the driver's record in this state with the same force  
 10 and effect as though entered on the driver's record in this state in the  
 11 original instance.

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

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

16 (1) For a class C driver's license issued to a person at least 21 years  
 17 of age, but less than 65 years of age, ~~\$12 \$24~~ [\$12];

18 (2) for a class C driver's license issued to a person less than 21 years  
 19 of age or 65 years of age or older, or a farm permit, ~~\$8 \$16~~ [\$8];

20 (3) for a class M driver's license issued to a person at least 21 years  
 21 of age, but less than 65 years of age, ~~\$6.50 \$13~~ [\$6.50];

22 (4) for a class M driver's license issued to a person less than 21 years  
 23 of age or 65 years of age or older, ~~\$5 \$10~~ [\$5];

24 (5) for a class A or B driver's license issued to a person who is at least  
 25 21 years of age, but less than 65 years of age, ~~\$18 \$36~~ [\$18];

26 (6) for a class A or B driver's license issued to a person less than 21  
 27 years of age or 65 years of age or older, ~~\$12 \$24~~ [\$12]; or

28 (7) for any class of commercial driver's license, ~~\$14 \$28~~ [\$14].

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

32 If one fails to make an original application or renewal application for a  
 33 driver's license within the time required by law, or fails to make appli-  
 34 cation within 60 days after becoming a resident of Kansas, a penalty of  
 35 ~~\$1 \$2~~ [\$1] shall be added to the fee charged for the driver's license.

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

1 [Sec. 2. K.S.A. 8-243 is hereby amended to read as follows: 8-  
 2 243. (a) Upon payment of the required fee, the division shall issue  
 43 to every applicant qualifying under the provisions of this act the

1 driver's license as applied for, which license shall bear thereon the  
2 class or classes of motor vehicles which the licensee is entitled to  
3 drive, a distinguishing number assigned to the licensee, which, if  
4 the licensee so requests in writing, may be the licensee's social se-  
5 curity number, the name, date of birth, residence address, and a  
6 brief description of the licensee, a colored photograph of the li-  
7 censee, a facsimile of the signature of the licensee or a space upon  
8 which the licensee shall write such licensee's usual signature with  
9 pen and ink immediately upon receipt of the license and the state-  
10 ment provided for in subsection (b). No driver's license shall be  
11 valid until it has been signed by the licensee. All drivers' licenses  
12 issued on and after July 1, 1994, to persons under the age of 21  
13 years shall be readily distinguishable from licenses issued to per-  
14 sons age 21 years or older. In addition, all drivers' licenses issued  
15 on and after July 1, 1997, to persons under the age of 18 years shall  
16 also be readily distinguishable from licenses issued to persons age  
17 18 years or older. Except as otherwise provided, no driver's license  
18 issued by the division shall be valid until a colored photograph of  
19 such licensee has been placed on the driver's license. The secretary  
20 of revenue shall prescribe a fee of not more than \$2 \$3 and upon  
21 payment of such fee the division shall cause a colored photograph  
22 of such applicant to be placed on the driver's license. Upon payment  
23 of such fee prescribed by the secretary of revenue, plus payment of  
24 the fee required by K.S.A. 8-246, and amendments thereto, for is-  
25 suance of a new license, the division shall issue to such licensee a  
26 new license containing a colored photograph of such licensee. A  
27 driver's license which does not contain a colored photograph of the  
28 licensee as required may be issued to persons exempted from such  
29 requirement. Any such license shall be valid for the purposes of the  
30 motor vehicle drivers' license act and the division shall set forth  
31 upon such driver's license the words "valid without photo." Any  
32 person who is outside the state and for whom the division provides  
33 for renewal of the driver's license by mail is exempt from the re-  
34 quirement to have a colored photograph of such person placed on  
35 such person's driver's license. Any person belonging to a religious  
36 organization which has a basic objection to having their picture  
37 taken may sign a statement to that effect and such person shall then  
38 be exempt from the picture requirements of this section.

39 [(b) All Kansas drivers' licenses issued to any person 16 years  
40 of age or older shall contain a form which provides a statement for  
41 making a gift of all or any part of the body of the licensee in ac-  
42 cordance with the uniform anatomical gift act, except as otherwise  
43 provided by this subsection. The statement to be effective shall be

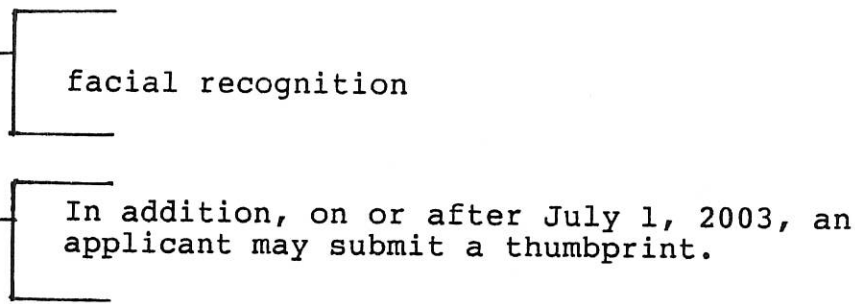
5-8

1 signed by the licensee in the presence of two witnesses who shall  
 2 sign the statement in the presence of the donor. The gift becomes  
 3 effective upon the death of the donor. Delivery of the license during  
 4 the donor's lifetime is not necessary to make a valid gift. Any valid  
 5 gift statement executed prior to July 1, 1994, shall remain effective  
 6 until invalidated. The word "Donor" shall be placed on the front of  
 7 a licensee's driver's license, indicating that the statement for making  
 8 an anatomical gift under this subsection has been executed by such  
 9 licensee.

10 [(c) On and after July 1, 1996, any person who is deaf or hard  
 11 of hearing may request that the division issue to such person a driv-  
 12 ers' license which is readily distinguishable from drivers' licenses  
 13 issued to other drivers and upon such request the division shall issue  
 14 such license. Drivers' licenses issued to persons who are deaf or  
 15 hard of hearing and under the age of 21 years shall be readily dis-  
 16 tinguishable from drivers' licenses issued to persons who are deaf  
 17 or hard of hearing and 21 years of age or older.]

18 Sec. ~~2~~ [3.] K.S.A. 8-1324 is hereby amended to read as follows: 8-  
 19 1324. (a) Any resident *who does not hold a current valid Kansas*  
 20 *driver's license* may make application to the division of vehicles and be  
 21 issued one identification card, certified by the registrant and attested by  
 22 the division as to true name, correct age, photograph and other identifying  
 23 data as the division may require. ~~Every application for an identification~~  
 24 ~~card shall be signed and verified by the applicant and shall contain such~~  
 25 ~~bona fide documentary evidence of the age and identity of such applicant~~  
 26 ~~as the division may require.~~

27 (b) An applicant who submits documentary evidence under subsec-  
 28 tion (a), issued by an entity other than a state or the United States shall  
 29 also submit such proof as the division may require that the applicant is  
 30 lawfully present in the United States. *For the purposes of obtaining any*  
 31 *identification card, an applicant shall submit, with the application, proof*  
 32 *of age or proof of identity, or both, and, on and after July 1, 2003, a*  
 33 *~~thumbprint or other biometric~~ identifier, as the division may require.*  
 34 *An applicant shall submit the applicant's social security number, which*  
 35 *shall remain confidential and shall not be placed on the applicant's iden-*  
 36 *tification card unless such applicant has waived confidentiality. Identifi-*  
 37 *cation cards issued as a result of such application, at the applicant's option*  
 38 *may contain an identification number, which shall be the applicant's so-*  
 39 *cial security number. If the applicant does not have a social security num-*  
 40 *ber, the applicant shall submit a sworn statement, with the application,*  
 41 *stating that the applicant does not have a social security number. If the*  
 42 *applicant is applying for an identification card and the applicant other-*  
 43 *wise meets the requirements for such card, the applicant shall receive a*





1 temporary identification card until the division verifies all facts relative  
2 to such applicant's right to receive an identification card, including the  
3 age, identity, social security number and residency of the applicant.

4 (c) The division shall not issue an identification card to any person  
5 who is not lawfully present in the United States *nor to any person who*  
6 *holds a current valid Kansas driver's license unless such driver's*  
7 *license has been physically surrendered pursuant to the provisions*  
8 *of subsection (e) of K.S.A. 8-1002, and amendments thereto.*

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

11 (e) The division shall require payment of a fee of ~~\$\$ \$16~~ [\$8] at the  
12 time application for an identification card is made, except that persons  
13 who are 65 or more years of age or who are handicapped, as defined in  
14 K.S.A. 8-1,124, and amendments thereto, shall be required to pay a fee  
15 of ~~only \$4 \$\$~~ [\$4].

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

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

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

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

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

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

23 Sec. ~~3~~ [4.] K.S.A. 8-240[, 8-243] and 8-1324 are hereby repealed.

24 Sec. ~~4~~ [5.] This act shall take effect and be in force from and after  
25 its publication in the statute book.