

MINUTES OF THE SENATE JUDICIARY COMMITTEE.

The meeting was called to order by Chairperson Senator Vratil at 9:35 a.m. on February 18, 2002 in Room 123-S of the Capitol.

All members were present.

Committee staff present:

Gordon Self, Revisor
Mike Heim, Research
Jerry Donaldson, Research
Mary Blair, Secretary

Conferees appearing before the committee:

Senator Barbara Allen
Paul Morrison, Johnson County District Attorney
Vicki Fisher, Senior Vice President, Metcalf Bank
Sheila Walker, Director of Vehicles
John Cowles, Johnson County Assistant District Attorney
Kevin Duncan, Detective, Overland Park Police Department
Mike Smith, Immigration and Naturalization Service (INS)
Robert Visnaw, Special Agent, INS
Chuck Stones, Kansas Bankers Association (KBA)

Others attending: see attached list

The minutes of the February 14th, 2002 meeting were approved on a motion by Senator Donovan, seconded by Senator Adkins. Carried.

SB 559—driver’s licenses and other identification cards; relating to application requirements; fees

Conferee Allen testified in support of **SB 559**, a bill she is sponsoring which strengthens the requirements for obtaining a driver’s license (DL) or nondriver’s identification card (ID)) in Kansas. She discussed the bill’s provisions, referenced a chart which shows what each state requires for DL and ID card issuance and presented personal testimony as a recent victim of bank fraud.(attachment 1) She further discussed a balloon amendment which specifies certain types of identifiers.(attachment 2)

Conferee Morrison testified in support of **SB 559**. He discussed the prevalence of identity theft in Kansas and the ease with which criminals can obtain an authentic Kansas DL, stating that Kansas is one of the most “lax” states in identification requirements for issuance of a DL or state ID card. He stated that this bill will be an effective step toward fraud prevention.(attachment 3)

Conferee Fisher testified in support of **SB 559**. She discussed how the lenient issuance of Kansas ID cards negatively affects the banking industry and it’s customers because these IDs are used fraudulently by criminals to procure funds from the bank. She stated that approximately 90% of the criminals use Kansas ID cards and about 10% use Kansas DLs.(attachment 4)

Conferee Walker testified in support of **SB 559**. She presented an overview of the bill and discussed several strategies for tighter ID security recommended by the American Association of Motor Vehicle Administrators (AAMVA) including the use of Social Security verification and a thumbprint or other biometric identifier.(attachment 5)

Conferee Cowles testified in support of **SB 559**. He discussed the accelerating problem of ID theft, the consequences to victims of ID theft, why ID thieves come to Kansas, and how this bill will deter crime.(attachment 6)

Conferee Duncan testified in support of **SB 559**. He stated there is a “dramatic” increase in the number of identity theft offenses in the past 3 years in Overland Park, Kansas and that most of these crimes involved the illegal use of Kansas ID cards. He discussed how this effects the financial stability of Kansas businesses and the safety of Kansas citizens and he urged passage of the bill.(attachment 7)

Conferee Smith testified in support of **SB 559**. He stated that 1600 foreign nationals were arrested and prepared for removal from the US in 2001. Of that number 80% were illegally in this country and of that percentage, nearly half had valid Kansas ID documents. He stated that the current statutes are adequate with regard to acceptable documentation required to obtain Kansas ID cards or driving licenses but concluded there must be something wrong with the system. He cited other means available which may be used to verify ID's especially with regard to foreigners.(attachment 8)

Conferee Visnaw testified in support of **SB 559**. He discussed an investigation begun in June 2000 of illegal activities being conducted by certain foreign nationals near Salina, Kansas, the majority of whom had applied for and received Kansas DIs and stated that a current investigation found that nearly 200 undocumented aliens employed by a major restaurant chain had Kansas ID's prior to beginning employment. He stated that some further definition in the Kansas statutes might alleviate such problems.(attachment 9)

Conferee Stones testified in support of **SB 559**. He briefly discussed ID theft and check fraud and stated this bill will help reduce fraud crime.(attachment 10)

SB 486—concerning marriage; relating to the invalidity of common law marriages

Senator Umbarger reviewed the subcommittee report on **SB 486**, a bill which would "abrogate" common law marriage after June 30, 2002 declaring such marriages invalid, and also reviewed his purpose for introducing the bill.(attachment 11) Following discussion, Senator Umbarger moved to pass the bill out favorably. Senator Adkins seconded. Carried, with Senator Pugh requesting to be recorded as a nay vote.

The meeting adjourned at 10:33 a.m. The next scheduled meeting is February 19, 2002.

SENATE JUDICIARY COMMITTEE GUEST LIST

DATE: Feb 18, 2002

NAME	REPRESENTING
Steve Larrick	Attorney General
Jim McChiriz	Att. General
Paul Davis	KBA
Ron Nelson	KBA
Doug Smith	Dehert Darr & Associates
KEITH R LANDIS	CHRISTIAN SCIENCE COMMITTEE ON PUBLICATION FOR KANSAS
Julienne Masler	AG office
Kelly Jensen Fetrow	AG office
Nancy Lindberg	AG Office
State	myself
Sue Shelton	myself
Doug Reed	
Don Lindsey	UTU
Doc Wareham	KGFA / KARA
Mary Jane Stattman	KGFA / KARA
Tom Paine	PNIA

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TOPEKA

SENATE CHAMBER

February 18, 2002

COMMITTEE ASSIGNMENTS
CHAIR: ELECTIONS AND LOCAL GOVERNMENT
MEMBER: ASSESSMENT AND TAXATION
EARLY CHILDHOOD DEVELOPMENT SERVICES
FINANCIAL INSTITUTIONS AND INSURANCE
REAPPORTIONMENT

Mr. Chairman, Members of the Committee:

S.B. 559 would strengthen the security requirements for obtaining a driver's license or nondriver's i.d. card in Kansas.

Today, Kansas requires a photograph, but no s.s. # or fingerprint, in order to obtain a driver's license or nondriver's i.d. card. The bill will amend state law so that applicants for driver's licenses and nondriver's i.d. cards will receive a temporary license or i.d. card until the Department of Revenue verifies the identity of the applicant, including that person's s.s. #.

The bill will also double the fees associated with obtaining a driver's license or i.d. card, which will cover any costs associated with upgrading the infrastructure necessary to verify s.s. #'s.

I'm working with Johnson County District Attorney Paul Morrison, the Overland Park Police Dept., and the Dept. of Revenue on this bill. You will be hearing from them shortly. Why am I so interested in this issue? As a recent victim of bank fraud, I am convinced we should strengthen our protection of privacy in Kansas by increasing the security requirements necessary to obtain a driver's license or i.d. card.

In December of 2001, personal checks were stolen out of a desk drawer in my locked office in Overland Park. The ripple effect of this crime has been many fold. The police believe there are about 40 people involved in this crime ring. The criminals forged my checks, using false

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i.d.; in addition, they executed many fraudulent electronic transactions. Closing checking accounts, opening new accounts, spending hours with the Bank's fraud department and the O.P. police dept., filling out multiple affidavits of forgery, experiencing the bouncing of my own good checks, being pursued by creditors who threaten to file criminal or civil action against me at the District Attorney's Office, being pursued by collection agencies, reporting the fraud to credit reporting bureaus, and worrying about having my name and credit ruined, are just a few things which I have experienced personally as a result of someone stealing my identity.

What can we do to make it harder for a criminal to steal one's identity? One thing we can do is make it more difficult to get a false driver's license or i.d. card in Kansas, by requiring verified s.s. #'s.

I have attached to my testimony a chart that shows what each state requires for driver's license and i.d. card issuance. As you can see, Kansas does not require verified s.s. #'s, nor does it require any kind of biometric verification such as fingerprints or facial recognition.

I have also submitted for your consideration a balloon amendment to S.B. 559, which would require a thumbprint or other biometric identifier to be included with every application for a driver's license or i.d. card. This legislation is currently being considered by the state of Virginia. You will hear more about this proposal from the Dept. of Revenue. While I recognize this would be a big step, it's clear to me that such security measures would not be an invasion of Kansans' privacy, but would secure Kansans' privacy. In the light of 9-11, isn't it obvious it's time to make it more difficult to get false driver's licenses in Kansas?

Thank you, Mr. Chairman. I will stand for questions.

STATE	Issuance Type	Digital Technology	Original Digital System Installation	Finger or Thumbprint Capture	Biometric Verification	SSN Required	Electronic SSN Verification	Electronic Legal Presence Verification	Annual DL/IDs Issued	Total DL/ID Records
Alabama	Central	Photo & signature	Jun-97	No	No	Yes	on-line	No	1,587,000	4,125,000
Alaska	Instant	N/A	N/A	No	No	Yes	No	No	180,000	450,000
Arizona	Instant	Photo & signature	Jun-95	No	No	Yes	on-line	No	1,187,000	5,255,000
Arkansas	Instant	Photo, fingerprint & signature	Oct-94	voluntary, right index, electronic	voluntary, right index, fingerprint	Yes	No	No	600,000	1,900,000
California	Central	Photo, thumbprint & signature	Mar-91	mandatory, right thumb, electronic	facial/thumbprint being considered	Yes	batch	on-line	8,500,000	24,000,000
Colorado	Instant	Photo, fingerprint & signature	1994	mandatory, right index, electronic	right index, fingerprint	Yes	Being considered	Being considered	1,336,000	4,092,000
Connecticut	Instant	Photo & signature	Jun-92	No	facial recognition being considered	Yes	No	No	840,000	2,300,000
Delaware	Instant	Photo & signature	Apr-95	No	No	Yes	No	No	200,000	750,000
Florida	Both	Photo & signature	Nov-95	No	No	Yes	No	No	4,500,000	13,500,000
Georgia	Both	Photo, fingerprint & signature	Sep-96	mandatory, left & right index, electronic	left & right index, fingerprints	Being considered	No	No	2,400,000	5,600,000
Hawaii	ID-Instant DL-Both	Photo, thumbprint(DL), fingerprint (ID) & signature	DL - 1990 ID - 1998	mandatory, right thumb (DL), left & right index (ID), electronic	No	Yes	No	No	ID-60,000 DL-300,000	ID-370,000 DL-769,000
Idaho	Instant	N/A	N/A	No	No	Yes	on-line	No	418,000	986,000
Illinois	Instant	Photo & signature	Jan-99	No	facial recognition	Yes	Being considered	No	3,100,000	11,000,000
Indiana	Instant	Photo & signature	1999	No	No	No	No	No	1,700,000	6,362,000
Iowa	Both	Photo & signature	Dec-95	No	No	Yes	Being considered	No	1,025,000	2,913,000
Kansas	Instant	Photo & signature	Jul-94	No	No	CDL only	No	No	800,000	1,900,000
Kentucky	Instant	N/A	N/A	No	No	Yes	Being considered	No	1,259,000	2,900,000
Louisiana	Instant	Photo & signature	Jun-95	thumb, electronic being considered	facial recognition being considered	Yes	No	No	1,100,000	2,807,000
Maine	Central	Photo & signature	Oct-99	No	No	Yes	on-line	No	240,000	900,000
Maryland	Both	Photo & signature	Nov-90	No	facial recognition being considered	CDL only	on-line	No	1,300,000	3,700,000
Massachusetts	Central	Photo & signature	1993	No	No	Yes	on-line	Being considered	1,200,000	4,600,000
Michigan	Central	Photo & signature	Apr-98	No	No	No	No	No	2,500,000	7,500,000
Minnesota	Central	Photo & signature	Jun-94	No	No	CDL only	No	No	1,500,000	3,750,000
Mississippi	Instant	Photo & signature	Jul-96	No	facial recognition being considered	Yes	No	No	600,000	2,100,000
Missouri	Both	Photo & signature	Sep-96	No	No	Yes	on-line	No	1,656,000	4,381,000
Montana	Central	Photo & signature	1993	No	No	Yes	No	No	170,000	692,000
Nebraska	Instant	N/A	N/A	Being considered	Being considered, unknown which type	Yes	Being considered	No	437,000	1,218,000
Nevada	Instant	N/A	N/A	No	Possibly being considered	Yes	on-line	No	860,000	1,781,000

STATE	Issuance Type	Digital Technology	Original Digital System Installation	Finger or Thumb-print Capture	Biometric Verification	SSN Required	Electronic SSN Verification	Electronic Legal Presence Verification	Annual DL/IDs Issued	Total DL/ID Records
New Hampshire	Instant	Photo & signature	1993	No	No	Yes	No	No	265,000	955,000
New Jersey	Both	N/A	N/A	No	No	No	No	No	2,128,000	6,080,000
New Mexico	Instant	Photo & signature	1998	Being considered, unknown which digit	Being considered, unknown which type	Yes	Being considered	No	468,000	1,459,000
New York	Central	Photo & signature	Nov-92	No	Facial/fingerprint being considered	Yes	Being considered	No	4,234,000	11,850,000
North Carolina	Instant	Photo & signature	Sep-96	No	facial being considered	Yes	Being considered	No	1,248,000	7,085,000
North Dakota	Both	Photo & signature	Jan-96	No	No	Yes	No	No	180,000	480,000
Ohio	Instant	Photo	Jul-97	No	No	Yes	Being considered	No	3,079,000	8,500,000
Oklahoma	Instant	N/A	N/A	left index, electronic, being considered	facial & left index, being considered	Yes	No	No	950,000	2,620,000
Oregon	Instant	Photo	Jun-97	No	No	CDL only	No	No	900,000	2,500,000
Pennsylvania	Both	Photo & signature	1994	No	No	Yes	Being considered	No	2,639,000	8,200,000
Rhode Island	Instant	N/A	N/A	Being considered, unknown which digit	Being considered, unknown which type	No	Being considered	No	240,000	830,000
South Carolina	Instant	Photo & signature	Nov-93	Being considered, unknown which digit	No	Yes	Being considered	No	783,000	2,920,000
South Dakota	Both	Photo & signature	May-90	No	No	Yes	on-line	No	200,000	555,000
Tennessee	Both	Photo & signature	Aug-96	No	No	Yes	on-line	No	1,300,000	5,100,000
Texas	Central	Photo, signature & thumbs	Mar-95	Mandatory, both thumbs, electronic	No	DL only	No	No	6,094,000	17,275,000
Utah	Instant	N/A	N/A	No	No	Yes	No	No	500,000	1,300,000
Vermont	Instant	Photo & signature	1993	No	No	Yes	No	No	80,000	465,000
Virginia	Both	Photo & signature	1991	No	No	Yes	Being considered	No	1,000,000	5,500,000
Washington	Instant	N/A	N/A	No	No	DL only	No	No	1,700,000	2,000,000
West Virginia	Instant	Photo, fingerprint & signature	Jan-98	right index voluntary, electronic	right index voluntary & facial, mandatory	Yes	No	No	461,000	1,352,000
Wisconsin	Instant	Photo & signature	Oct-97	No	No	Yes	Being considered	No	1,237,000	4,110,000
Wyoming	Central	Photo & signature	Apr-93	No	No	Yes	on-line	on-line	135,000	365,000

Additional Information:

Idaho will be digitized by end of 2001

Indiana will collect Social Security Number beginning July, 2001

Nevada expects to be digitized by mid 2002

New Jersey expects to be digitized by January, 2003

Oklahoma authorized for voluntary finger image capture & comparison due to June, 2001 legislation.

Rhode Island is working on proposal to digitize

Utah will be digitized in summer 2001

.abbreviations: CDL - Commercial Driver License; DL - Driver License; ID - Identification Card; N/A - Not Applicable; SSN - Social Security Number

STATE	Issuance Type	Digital Technology	Original Digital System Installation	Finger or Thumb-print Capture	Biometric Verification	SSN Required	Electronic SSN Verification	Electronic Legal Presence Verification	Annual DL/IDs Issued	Total DL/ID Records
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Source of information: Survey by California Department of Motor Vehicles in mid January, 2001 with follow-ups from March through June, 2001.

For questions: Contact Steve Fong (916) 657-8715 or sfong@dmv.ca.gov, California Department of Motor Vehicles, Licensing Operations Division.

Note: This document was created for internal use by California Department of Motor Vehicles to compare DL/ID issuance information for all 50 states.

DL & ID Card Specifications

Uniquely Identify an Individual

- One driver, one license, one record, one identity.
- A person will not have both a ^{valid} license and an ID card.
- Biometrics
 - Probably more than one form needed.
 - Fingerprint, Facial Recognition, Hand Geometry, Iris Scan, etc. are being considered.

Get Virginia's model legislation



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SENATE BILL No. 559

By Committee on Judiciary

Proposed Amendments to SB No. 559

2-11

9 AN ACT concerning drivers licenses and other identification cards; re-
10 relating to application requirements; fees; amending K.S.A. 8-240 and
11 8-1324 and repealing the existing sections.

12

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

14 Section 1. K.S.A. 8-240 is hereby amended to read as follows: 8-240.

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

1 license shall be issued to expire as if the applicant had passed the original
2 examination.

3 (b) (1) For the purposes of obtaining any driver's license or *instruc-*
4 *tion permit*, an applicant shall submit, with the application, proof of age
5 or proof of identity, or both, ~~as~~ the division may require. *An applicant*
6 *shall submit the applicant's social security number, which shall remain*
7 *confidential and shall not be placed on the applicant's driver's license or*
8 *instruction permit unless such applicant has waived confidentiality. Li-*
9 *censes issued as a result of such application, at the applicant's option, may*
10 *contain an identification number, which shall be the applicant's social*
11 *security number. If the applicant does not have a social security number,*
12 *the applicant shall submit a sworn statement, with the application, stating*
13 *that the applicant does not have a social security number. If the applicant*
14 *is applying for an instruction permit or driver's license and the applicant*
15 *otherwise meets the requirements for such license, the applicant shall re-*
16 *ceive a temporary license or instruction permit until the division verifies,*
17 *all facts relative to such applicant's right to receive an instruction permit*
18 *or driver's license, including the age, identity, social security number and*
19 *residency of the applicant.*

and a thumbprint or other biometric
identifier,

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

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

26 (4) The division shall not issue any driver's license to any person who
27 is not a resident of the state of Kansas, except as provided in K.S.A. 8-
28 2,148, and amendments thereto.

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

31 (c) Every application shall state the name, date of birth, sex and res-
32 idence address of the applicant, and briefly describe the applicant, and
33 shall state whether the applicant has ~~theretofore~~ been licensed as a driver
34 *prior to such application*, and, if so, when and by what state or country;
35 ~~and~~ *Such application shall state* whether any such license has ever been
36 suspended or revoked, or whether an application has ever been refused,
37 and, if so, the date of and reason for such suspension, revocation or re-
38 fusals. In addition ~~to the above criteria~~, applications for commercial driv-
39 ers' licenses and instruction permits for commercial licenses must include
40 the following: The applicant's social security number; the person's sig-
41 nature; the person's color photograph; certifications, including those re-
42 quired by 49 C.F.R. 383.71(a), effective January 1, 1991; a consent to
43 release driving record information; and, any other information required

1 by the division.

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

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

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

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

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

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

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

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

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

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

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

27 If one fails to make an original application or renewal application for a
28 driver's license within the time required by law, or fails to make appli-
29 cation within 60 days after becoming a resident of Kansas, a penalty of
30 ~~\$1~~ \$2 shall be added to the fee charged for the driver's license.

31 Sec. 2. K.S.A. 8-1324 is hereby amended to read as follows: 8-1324.

32 (a) Any resident may make application to the division of vehicles and be
33 issued one identification card, certified by the registrant and attested by
34 the division as to true name, correct age, photograph and other identifying
35 data as the division may require. ~~Every application for an identification~~
36 ~~card shall be signed and verified by the applicant and shall contain such~~
37 ~~bona fide documentary evidence of the age and identity of such applicant~~
38 ~~as the division may require.~~

39 (b) An applicant who submits documentary evidence under subsec-
40 tion (a), issued by an entity other than a state or the United States shall
41 also submit such proof as the division may require that the applicant is
42 lawfully present in the United States. *For the purposes of obtaining any*
43 *identification card, an applicant shall submit, with the application, proof*

1 of age or proof of identity, or both, as the division may require. An ap-
2 plicant shall submit the applicant's social security number, which shall
3 remain confidential and shall not be placed on the applicant's identifica-
4 tion card unless such applicant has waived confidentiality. Identification
5 cards issued as a result of such application, at the applicant's option may
6 contain an identification number, which shall be the applicant's social
7 security number. If the applicant does not have a social security number,
8 the applicant shall submit a sworn statement, with the application, stating
9 that the applicant does not have a social security number. If the applicant
10 is applying for an identification card and the applicant otherwise meets
11 the requirements for such card, the applicant shall receive a temporary
12 identification card until the division verifies all facts relative to such ap-
13 plicant's right to receive an identification card, including the age, identity,
14 social security number and residency of the applicant.

15 (c) The division shall not issue an identification card to any person
16 who is not lawfully present in the United States.

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

19 (e) The division shall require payment of a fee of ~~\$\$~~ \$16 at the time
20 application for an identification card is made, except that persons who
21 are 65 or more years of age or who are handicapped, as defined in K.S.A.
22 8-1,124, and amendments thereto, shall be required to pay a fee of ~~only~~
23 ~~\$4~~ \$8.

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

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

31 Sec. 3. K.S.A. 8-240 and 8-1324 are hereby repealed.

32 Sec. 4. This act shall take effect and be in force from and after its
33 publication in the statute book.

and a thumbprint or other biometric
identifier,

Testimony to the Senate Judiciary Committee

Regarding Senate Bill 559

Paul J. Morrison, District Attorney - Tenth Judicial District

February 18, 2001

I have been a prosecutor for 22 years. I've been the District Attorney in Johnson County for 13 years. During my career I've prosecuted just about all types of crimes and studied and watched various crime trends. One of the most disturbing trends I've noticed in the past few years is the emergence of well thought out, deliberate "white collar" type crimes that are highly destructive to individuals, businesses and our society. Most notable of these is identity theft. We have seen a literal explosion of this type of crime, both in Johnson County and across the state.

I've heard much said over the last few years about problems with fraudulently produced and altered drivers' licenses. In most state this is a big issue as driver's licenses are the most commonly used form of identification to open bank accounts, fill out credit applications, etc. In Kansas, however, our problems are a bit different. Fraudulent and altered drivers' licenses don't seem to be such a big problem here because one can easily get authentic Kansas drivers' license using phony identification. As such, I suspect many crooks think, "why should I alter a driver's license when I can get a real one so easy?" It's for this reason that we are so supportive of Senate Bill 559. This bill addresses a simple change that will make it much more difficult for criminals to obtain a Kansas driver's license or ID card using phony identification, the requirement of a social security number by the applicant. Most of you probably don't know that among states Kansas is one of the most lax in identification requirements for the issuance of a driver's license or state ID card. By simply requiring a social security number and allowing some time for the Department of Motor Vehicles to verify that number before issuance of a permanent driver's license will be one of the most effective steps we can take in fraud prevention.

As you will hear today, the cost of implementing this bill is minimal. Nonetheless, we have included an increase in application and renewal fees to help cover these costs and perhaps generate some more money for our state. This committee should also give strong consideration to the use of a biometric system to help verify identification as well.

This bill in its most basic form is extraordinarily simple and cost effective. It will go a long way in preventing future crime and victimization.

STJ
2-18-01
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Kansas State Senate Committee on Judiciary

*Testimony of Vicki L. Fisher, Senior Vice President
Metcalf Bank, Overland Park
February 18, 2002*

Senate Bill No. 559

Good morning. Thank you for the opportunity to address you today on the topic of fraudulent IDs.

As noted, I represent Metcalf Bank, which has six locations in Johnson County and one in Miami County. Throughout the 40-year history of our institution, we have prided ourselves in providing customer-friendly service.

But please consider this. When an individual approaches one of our associates, makes a request to open a new account and then hands us an *official* Kansas Identification Card, one of the first thoughts that crosses our minds is, "Crook."

And you know what? Most of the time we're right.

Certainly this is not the frame of mind we want to be in when dealing with a potential new customer . . . with any customer. Metcalf Bank strives to serve every customer in the friendly, unbiased manner of a community bank.

But we know from experience that a high percentage of Kansas Identification Cards presented to our employees are illegitimate. These IDs are used fraudulently by criminals to procure funds from counterfeit checks, to raid the account of an unsuspecting victim or to obtain cash and checks.

We respect the original intent of the Kansas ID card program, which is to provide genuine identification to those who cannot obtain a driver's license, namely elderly or disabled persons. But the truth is, rarely do users of Kansas IDs fit this mold. It's not uncommon for users of these identification cards to drive to the front door of the bank and then present an ID card showing they have no driving privileges.

Such blatant criminal behavior is made possible by what we believe is a lenient issuance process. The State of Kansas is among the most permissive when it comes to distributing identification cards.

The application process for a Kansas identification card requires no Social Security number, no electronic Social Security number verification, no finger- or thumb-print capture, no biometric verification and no digital technology of any kind. Applicants need only present a photo and signature to obtain an official identification card.

The system is literally inviting criminals to take advantage of it. And they are.

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This situation puts a great deal of pressure on the banking community. We have become part of the front lines of defense in identifying and, to some extent, capturing these criminals. Late last year, for example, our bank was involved in the arrest of two eastern European men attempting to open a bank account with a Kansas ID Card and a counterfeit passport. An arrest was made in the lobby of one of our banks.

Uncommon? Hardly. Our bank reports two or three instances per week where a Kansas ID is presented for fraudulent purposes. There have been times when these people have been arrested in our lobbies and escorted out in handcuffs.

And don't overlook the financial impact. I can tell you that Metcalf Bank's losses from fraud involving ID cards in 2001 greatly exceeded theft from outright robberies. But we consider fraudulent use of ID cards to be robbery in its own right. And we expend time, energy and funds to guard against it.

We have always been appreciative of our community's police officers who help train our employees on what to do in the case of robbery. Now, we also rely on those officers to educate our staff on what to do in the case of suspected fraud and money laundering with false identification. The scope of "suspicious activity" we are expected to be alert to has increased dramatically.

Allow me to show you something. This extensive report comes to us from the US Treasury Department. It is a list of flagged names to watch for due to recent or current illegal activity. As you can see, the list of names is overwhelming. And, it has continued to grow in size since the horrific events of September 11. As a bank, we are required to check against this list and are held accountable when opening new accounts or completing transactions.

But, quite frankly, anyone on this list could go about their illicit business undetected by simply using an alias and a false ID . . . a false *Kansas* ID.

While bank fraud losses number in the thousands of dollars because of fraudulent IDs, we acknowledge it is Kansas retailers who suffer the most damage from these ID abuses. When a retailer submits a check for payment to our bank and there are no funds in the account to cover the amount, we simply return the check to the retailer. When those checks are accepted based on a fraudulent ID, the retailer has no recourse.

In closing, let me say that Kansas bankers are being forced to scrutinize and deal cautiously with the legitimate users of Kansas Identification Cards. It's not fair to these law-abiding citizens. It's not fair to us. It's not fair to Kansas.

Please help us protect our communities, our customers and our employees. We encourage you to change the process currently used in issuing Kansas identification cards and Kansas drivers licenses.

Thank you. I will be happy to answer any questions you may have.

Sheila J. Walker, Director
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Division of Vehicles

MEMORANDUM

TO: Chairman John Vratil
Members of the Senate Judiciary Committee

FROM: Sheila J. Walker, Director of Vehicles *Sheila J. Walker*

DATE: February 18, 2002

SUBJECT: Senate Bill 559 – Social Security Verification

Mr. Chairman, members of the Committee, I am Sheila Walker, Director of the Kansas Division of Motor Vehicles (DMV). Thank you for allowing me to appear today in support of Senate Bill 559.

Bill Overview

This bill allows the DMV to take the time necessary to verify all facts relative to a driver's license or identification card application, prior to issuance. Specifically, this bill requires each applicant to submit a Social Security number, and it requires the DMV to verify that number. If the applicant does not have a Social Security number, the applicant must submit a sworn statement indicating that he or she does not have one.

The applicant is to receive a temporary driver's license, instruction permit or ID card until the DMV is able to verify all the facts, including age, identity, residency, and Social Security number.

The Social Security number shall remain confidential and will not be placed on the driver's license, instruction permit, or ID card unless the applicant waives confidentiality – which is our current practice. Nearly 55 percent of drivers use a computer-generated "K" number (1.076 million out of 1.981 million drivers).

The National Standard

The Kansas DMV has been a long-time member of the American Association of Motor Vehicle Administrators (AAMVA), an international organization that strives to develop model, benchmarking programs in motor vehicle administration and highway safety. AAMVA's programs encourage uniformity among the United States and Canadian Provinces.

Following the catastrophic events of September 11, AAMVA established a special task force on ID security. The task force was made up of a cross section of U.S. and Canadian AAMVA

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members with unique expertise. In January, AAMVA publicized the task force's eight recommended strategies for tighter security. One of those strategies is to:

Improve and standardize initial driver's license and ID card processes.

Specifically, the recommendation is for all states to verify Social Security numbers prior to issuing a driver's license or ID card. In summary, the SSN verification improves security, reducing fraud and system abuse, and ultimately leads to improved highway safety.

Twelve states are already verifying Social Security numbers electronically (online or by batch). Another 14 are considering it – 15 if you count Kansas.

If the Kansas DMV were to conduct an online verification of Social Security information, using an application available from AAMVA, each transaction would cost \$0.03. We process about 750,000 applications each year, so the total cost for annual verification would be approximately \$22,500 – far less than the \$128,000 it would cost each year using the Social Security Administration's SAV program.

The cost to implement the program would be minimal if done in-house by our Information Systems staff. IS estimates that two months of programmer time would be required to make the necessary changes to the Kansas Drivers License System (KDLS), costing \$9,600 in programmer resources. Contract programmers would charge an estimated \$32,000. If the effective date remains July 1, 2002, we respectfully request an additional \$85,000 to cover the first year costs of additional mailings and postage that may be required.

Doubling the licensing fees, however, would offset the cost, generating an additional \$6 million in fees during Fiscal Year 2003, with \$3.84 million going to the State Highway Fund; \$2.1 million going to the State Safety Fund; and \$57,500 going to the Motorcycle Safety Fund.

Secure Identification

Another recommended strategy from AAMVA is:

Implement processes to produce a uniform, secure, and interoperable driver's license/ID card to uniquely identify an individual.

Recommended Strategies:

1. Improve and standardize initial driver's license and ID card processes.
2. Standardize the definition of residency in all states and provinces.
3. Establish uniform procedures for serving noncitizens.
4. Implement processes to produce a uniform, secure, and interoperable driver's license/ID card to uniquely identify an individual.
5. Establish methods for the prevention and detection of fraud and for auditing of the driver's license/ID processes.
6. Ensure greater enforcement priority and enhanced penalties for credential fraud.
7. Seek U.S. federal and other national requirements for legislation, rule making and funding in support of AAMVA's identification and security strategies.
8. Establish public and stakeholder awareness and support.

Specifically, that means adding a biometric to the driver's license. Four states already require it; it's voluntary in two states; and it's under consideration in 12 more states. The two most popular forms of biometrics in the U.S. are fingerprint and facial recognition. Hand geometry and iris scan are in use elsewhere.

A proposed amendment would also require a thumbprint or other biometric identifier, as determined by the Secretary. It gives us the Division the authority to explore biometric identifiers as an additional licensing requirement. Having that authority is vital as we begin negotiations on a new driver's license contract that is due to expire in a year.

Expected Results

These strategies will help secure a safer America through:

- Increased security
- Increased highway safety
- Reduced fraud and system abuse
- Increased efficiency and effectiveness
- Achieved uniformity of processes and practices

I used to say that Kansas would not be implementing biometric identifiers under "my watch" as Director of Vehicles – not because I was concerned about big brother government, but because I thought Kansas residents may not be receptive to the idea. However, 9-11 changed all that. Surveys show that the American people appreciate the need for identification security. They recognize that Social Security verification and biometric identifiers do not compromise their privacy – fact is, they improve privacy and increase security.

The Kansas Division of Vehicles would appreciate your favorable consideration of Senator Allen's amendment and bill.

Testimony to the Senate Judiciary Committee

Regarding Senate Bill 559

John E. Cowles,
Assistant District Attorney, Johnson County, Kansas

THE ACCELERATING PROBLEM OF IDENTITY THEFT

In 2001, there were 998 victims of Identity Theft in Kansas who reported their cases to the Federal Trade Commission. The Johnson County District Attorney's Office filed cases against 32 defendants alleging Identity Theft in 2001, up from 13 cases the year before, and the pace so far in 2002 is more than one new case of Identity Theft filed every week in Johnson County.

THE CONSEQUENCES TO VICTIMS OF IDENTITY THEFT

The Kansas Legislature recognized the severe consequences to victims of Identity Theft when the criminal statute (K.S.A. 21-4018) was amended in 2000 to increase the severity level of the crime to a level 7 person felony. It is not uncommon for victims of Identity Theft to work at repairing their credit ratings and other financial identity for more than a year after falling victim to an identity thief. In the meantime, they suffer the frustrations of having their checks and credit cards declined by merchants. Sometimes the consequences are much more severe, such as subjecting the innocent victim to arrest by law enforcement for crimes committed by the identity thief using the victim's identification, and denial of medical treatment because the identity thief has abused narcotic prescriptions in the name of the victim. The Kansas Identity Theft statute was an effective first step in combating Identity Theft. However, much more can and should be done to deter the perpetrators and improve detection of their crimes.

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WHY IDENTITY THIEVES COME TO KANSAS

In addition to experiencing the rapid increase of cases involving Identity Theft, law enforcement has recognized a trend in which Identity Theft is being perpetrated in Kansas by persons from other States using stolen victim information from other States. Through interviews of perpetrators, a common explanation for traveling to Kansas is the ease of immediately obtaining fraudulent State-issued identification. Obtaining fraudulent State-issued identification is essential to the identity thief because the identification is necessary in opening bank accounts, applying for credit cards and obtaining instant credit. Investigating and prosecuting Identity Theft rings from distant States is extremely burdensome for both law enforcement and prosecutors, as the perpetrators often flee to their home states before the crimes are detected, and the individual victims are located in a distant State. However, Kansas banks and retailers frequently bear the financial losses from the Identity Theft schemes, which often reach \$100,000 or more after a well-organized ring has left the area. This results in much higher investigation costs, extradition costs, and expenses associated with bringing witnesses to Kansas to convict the perpetrators.

SECURE DRIVER'S LICENSES AND ID CARDS WILL DETER CRIME

Kansas is one of only a few remaining States that will provide any applicant an immediately issued driver's license or identification card, with no requirement of a social security number, no fingerprint, and no other biometric information. The absence of these safeguards is an open invitation to identity thieves to come to Kansas, cause enormous economic damage, and create difficult and expensive police investigations and prosecutions.

Senate Bill 559
Written Testimony

My name is Detective Kevin Duncan and I am a Financial Crimes detective with the Overland Park, Kansas, Police Department with 12 years law enforcement experience. In the past three years the Overland Park Police department has recorded a dramatic increase in the number of Identity theft offenses reported. In 1999, 38 reports of identity theft were filed in Overland Park. In only one year, that number increased over 75% to 67 offenses reported. In 2001 the increase in the number of reports was over 100% and the estimated increase for 2002 is again over 100%. These statistics do not even consider the number of reports filed for Criminal use of Credit Cards and Forgery.

While investigating these offenses, I have found that most of these crimes involve the illegal use of Kansas Identification Cards. The current procedure in place allows immediate receipt of state issued photo identification without any type of verification procedure. Criminals take advantage of this system because it allows them to cash checks, apply for credit accounts, and open bank accounts under someone else's identity. This makes it very difficult for banks, retail stores and law enforcement to determine the validity of identification cards. It also puts innocent people, such as the sick or elderly, that need identification cards under unnecessary suspicion when they use their identification card for legitimate purposes. Some people have even been turned away at banks or retail stores when they are simply attempting to cash their paychecks or open a checking account. This directly effects the financial stability of the businesses in our state.

In the most severe instances, fugitives use state issued identification cards to conceal their identities and stay on the run from law enforcement. For example, in

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December of 2001, an Overland Park Police Sergeant was shot and critically wounded by a suspect on the run from authorities for homicide. This suspect, from Seattle, Washington, had used numerous state issued identification cards to conceal his identity as well as commit profitable financial crimes. This allowed the suspect to rent apartments, hotel rooms, purchase expensive clothing and cars, all while he was on the run and unemployed. This suspect targeted states in which he could easily obtain identification. The suspect avoided states with stricter procedures on issuing identification, making these crimes, like most, crimes of opportunity.

The FBI's investigation into the September 11th tragedies has revealed that numerous terrorists live within our borders and even in the state of Kansas under hidden identities for the sole purpose of engaging or assisting in terrorist activities. I ask that you pass Senate Bill 559 and make Kansas a safer place to live and work for all of us.

Detective Kevin Duncan
Overland Park Police Department

Testimony of Robert M. Smith

During calendar year 2001, Special Agents of the Kansas City office of the Immigration and Naturalization Service (INS) arrested and prepared for removal from the United States over 1600 foreign nationals. Of that number, more than 80% were illegally in the United States; and of that percentage, nearly half were found in possession of Kansas identification documents. Every day, agents investigating aliens unlawfully employed in the state of Kansas find that those aliens have presented valid Kansas identification documents.

The Kansas Statutes are quite clear in regard to acceptable documentation required in order to obtain Kansas identification cards or driving licenses. Yet, the fact that a large segment of the population is able to obtain valid state identification documents indicates that there may be problems with the system. Those statutes contain reference to several documents formerly issued by the INS which have not been valid for several years. The statutes also indicate that a foreign national may present a valid foreign passport with I-94. As immigration officers know, I-94s may be obtained merely by picking them up at an airport. There is no standardization of either the format or the content of the I-94. Also, there are no fewer than 22 visa categories (with many sub-categories) for non-immigrants, and nearly as many for immigrants.

There are commercial booklets available which describe INS-issued documents, as well as identification documents issued by other states. The INS also has available a program whereby the validity of INS-issued documents may be verified, usually within several days. In short, there are means by which the validity of other documents acceptable under Kansas Statute to be used to apply for Kansas identification documents may be verified.

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Testimony of Robert Visnaw

In June, 2000 I began an investigation dealing with certain illegal practices being conducted by, and on behalf of, South African nationals near Salina, Kansas. This investigation revealed certain distressing facts.

The Kansas Annotated Statutes describe those documents that are to be accepted in order to receive Kansas identification cards or drivers licenses. The South Africans whom I encountered entered the United States as non-immigrants, that is, as temporary visitors for a certain period of time. Most of these South African entered as visitors for pleasure for a period of 6 months. Visitors for pleasure are expected to leave the United States at the end of their term of admission. Therefore, visitors would not seem to be candidates for driver's licenses in the United States. And yet, the majority of the South Africans applied for and received Kansas Driver's Licenses. An investigation currently underway found that nearly 200 undocumented aliens employed by one major restaurant chain had obtained Kansas identification documents prior to beginning employment.

I believe that some further definition within the Kansas statutes might alleviate problems such as this. Currently, the statutes indicate as acceptable a valid foreign passport with an I-94. However, there are over 20 different visa categories for non-immigrants, each divided into several sub-categories, and almost half again as many immigrant categories, for foreigners expecting to live and work in the United States. As non-immigrants are expected to leave the United States, and immigrants to remain, it makes sense that immigrants should be able to receive driver's licenses or ID cards, while non-immigrants should not. Instituting such limitations within the statutes would seem to be a first step toward ensuring that only persons lawfully residing in the United States may receive Kansas identification documents.

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The Kansas Bankers Association

TO: Senate Judiciary Committee
FROM: Chuck Stones, Senior Vice President

RE: SB 559

Mr. Chairman and Members of the Committee,

Thank you for the opportunity to appear before you in strong support of SB 559. SB 559 would help assure that the person represented by a State issued drivers license or ID card is the actual person.

Identity theft has been called the fastest growing and largest monetary crime in the US today. The complementary crime of check fraud is a huge problem. Even beyond ID theft is the whole issue of positive identification verification. People try to conceal or change their ID for a wide variety of reasons. There should be a more stringent process to get an official state issued identification card. There are two basic criteria for cashing a check: 1) does the check represent good funds and, 2) Is the person cashing the check the payee on the check. The cashing entity needs to be able to rely on the ID card to make a sound decision.

As you will remember the discussion of last years HB 2296, the bill that increased the penalties for check forgery and fraud, the crime of check forgery and fraud is a huge problem for every citizen, either directly or indirectly.

~ According to the Wichita Business Journal, there were **\$8 million worth of check forgeries** written in Wichita in 1999; and detectives in the Topeka Police Department's Financial Fraud Unit tell us they are aware of \$2 million worth of check forgeries written in Topeka in 2000.

~ Forgeries involve **multiple victims**: the person whose checks were stolen, the business that cashed the check and the bank where the account is drawn on. All parties potentially face huge losses when checks are forged.

We believe that SB 559 would go a long way in helping reduce this crime and we urge your support.

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Senate Judiciary Subcommittee
Senator David Adkins, Chair
February 13, 2002

1. **SB 486** would abrogate common law marriage after June 30, 2002, declaring such marriages invalid.

Conferees in Favor: Senator Dwayne Umbarger; Sarah Sheldon, rape victim; James Watts, Butler County Assistant District Attorney

Subcommittee Action: Recommend favorable action by full committee.

2. **SB 487** would make the sentence for the fourth and subsequent burglary of an unoccupied dwelling or a vehicle presumptive imprisonment.

Conferees in Favor: Chris Biggs, Geary County Attorney representing the Kansas County and District Attorneys Association; Tom Weilert, Assistant District Attorney Sedgwick County who suggested amendment to court out of state and juvenile prior convictions.

Other Conferees: Barb Tombs, Kansas Sentencing Commission who estimates the bill would increase prison admissions annually by 13 to 43 impacting 13 to 51 prison beds.

Subcommittee Action: The Subcommittee recommends the bill be amended to court out of state and juvenile prior burglary convictions and favorable passage by the full committee.

3. **SB 493** would prohibit testing of train crews for drugs and/or alcohol in collision situations when probable cause exists.

Conferees: Pedro Irigonegaray, Kansas Trial Lawyers Association, opposed the bill and suggested a substitute bill to cover train crew DUI testing under KSA 8-1001 in the same manner as for motor vehicle operation.

Subcommittee Action: The Subcommittee recommends that the bill be amended to cover train crews under KSA 8-1001 and the bill receive favorable consideration by the full committee.

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The Subcommittee recommended no further action be taken by the full committee on the following bills:

1. SB 136—wage garnishment and assignment of accounts
2. SB 174—juvenile detention payment of expenses (suggest referral to Joint Committee on Corrections and Juvenile Justice)
3. SB 335—parole board member qualifications