

Approved: 02/23/07
Date

MINUTES OF THE HOUSE COMMITTEE ON VETERANS, MILITARY AND HOMELAND
SECURITY

The meeting was called to order by Chairman Don Myers at 2:00 P.M. on February 20, 2007 in Room 241-N of the Capitol.

All members were present except:

Representative L. Candy Ruff- excused
Representative Bob Bethell- excused
Representative Dick Kelsey- excused

Committee staff present:

Art Griggs, Revisor of Statutes Office
Athena Andaya, Kansas Legislative Research
Betty Caruthers, Committee Assistant

Conferees appearing before the committee:

Ted Smith, Attorney for Dept. Of Revenue

Others attending:

See attached list.

Moved by Representative Proehl, seconded by Representative Palmer for approval of Minutes of the House Committee on Veterans, Military and Homeland Security held on February 19, 2007 be approved.

Motion carried.

Chairman Myers announced the continued working of **HB 2390 - REAL ID; drivers' licenses and identification cards.**

Chairman Myers recognized Ted Smith to explain the current changes (Attachment 1) for the present balloon given to the committee regarding **HB 2390.** (Attachment 2)

Representative Goico moved to accept HB 2390 as amended in the balloon dated 2/20/07. Seconded by Representative Palmer.

Motion carried.

Representative Goico moved to pass HB 2390 as amended favorably out of Committee. Seconded by Representative Craft.

Motion carried.

Chairman Myers adjourned meeting at 2:15.

**SUMMARY OF CHANGES TO
HOUSE BILL 2390**

Submitted by Ted Smith to the
Committee on Veterans, Military and
Homeland Security on February 20,
2007.

<u>Reason For Change:</u>	House Bill Location	House Bill Page Number
The change creates reporting requirements for the Division.	Sec. 1, subsection (f). Sec. 14, subsection (b).	Page 2. Page 23.
Technical change – changing the location of the proof of identity and age requirements, and clarifying the lawful presence requirements.	Sec. 4, subsection (b)(1) and (2). Sec. 11, subsection (b) and (c).	Pages 4, 5. Page 18.
Removes the “temporary” designation for drivers’ licenses and identification cards. The House Bill retains controls on the Division of Vehicles when issuing drivers’ licenses and identification cards to applicants who are lawfully present in the United States for a definite period of time	Sec. 4, subsection (b)(2). Sec. 11, subsection (c).	Pages 5, 6. Page 18.
Removes an existing security concern in current law.	Sec. 7, subsection (b).	Page 11.
Removing a federal law requirement.	Sec. 11, subsection (b).	Page 18.

2/20/07

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HOUSE BILL No. 2390

By Committee on Veterans, Military and Homeland Security

2-5

Gray shading indicates material to be deleted

* = Not adopted

9 AN ACT providing for improved security for drivers' licenses and iden-
 10 tification cards **in compliance with the federal REAL ID Act of 2005**;
 11 giving the secretary of revenue authority to appoint law enforcement
 12 officers to enforce certain laws; giving the secretary of revenue au-
 13 thority to issue subpoenas in the investigation of driver's or identifi-
 14 cation card fraud; amending K.S.A. 8-234a, 8-246, 8-249, 8-250, 8-
 15 1326 and 8-1332 and K.S.A. 2006 Supp. 8-240, 8-243, 8-247, 8-2,135,
 16 8-1324, 8-1325, 74-2012 and 74-5602 and repealing the existing
 17 sections.

8-260,

18
19 *Be it enacted by the Legislature of the State of Kansas:*

20 New Section 1. (a) The division of vehicles of the department of
 21 revenue shall subject all persons and examiners authorized to manufac-
 22 ture, produce or issue drivers' licenses and identification cards to appro-
 23 priate security clearance requirements, as defined by rules and regula-
 24 tions adopted by the secretary of revenue. To insure appropriate security
 25 clearance requirements, the division of vehicles may require fingerprint-
 26 ing of any person authorized to manufacture, produce or issue drivers'
 27 licenses and identification cards. The division of vehicles may submit such
 28 fingerprints to the Kansas bureau of investigation, federal bureau of in-
 29 vestigation or other law enforcement agency for the purposes of verifying
 30 identity, level of security risk and obtaining records of criminal arrests
 31 and convictions. Any person who is determined to be a security risk by
 32 the division of vehicles shall not be eligible to manufacture, produce or
 33 issue drivers' licenses or identification cards.

34 (b) The division of vehicles shall establish **fraudulent document rec-**
 35 **ognition** training programs for employees who engage in the issuance of
 36 drivers' license and identification cards.

regarding document recognition and federal rules used to determine lawful presence

37 (c) The division of vehicles shall ensure the physical security of lo-
 38 cations where drivers' licenses and identification cards are produced and
 39 the security of document materials and papers from which drivers' li-
 40 censes and identification cards are produced.

41 (d) In the event that a social security account number is already reg-
 42 istered or associated with another person to whom any state has issued a
 43 driver's license or identification card, the division of vehicles shall resolve

House Committee on Veterans, Military and Homeland Security
2/20/07
Attachment 2

1 the discrepancy and take appropriate action.

2 (e) The division of vehicles shall retain any documentation presented
3 to secure a license or identification card when the division of vehicles has
4 reasonable grounds to believe the documentation or the application is
5 fraudulent.

6 (f) The division of vehicles may disclose motor vehicle records, in-
7 cluding photographs or digital images maintained in connection with the
8 issuance of drivers' licenses, to other states and federal agencies when
9 required by the REAL ID Act of 2005, Pub. L. No. 109-13, § 201
10 through 205.

11 New Sec. 2. (a) The secretary of revenue or the secretary's designee
12 may issue subpoenas to require the attendance of any witnesses and the
13 production of any records, books, papers and documents that is consid-
14 ered necessary for the investigation of driver's license fraud and to: (1)
15 Ascertain the eligibility of an applicant for a Kansas driver's license or
16 identification for such license or identification card; (2) ascertain the el-
17 igibility of a holder of a Kansas driver's license or identification card for
18 such license or identification card; (3) determine whether a person's iden-
19 tity has been stolen by a person in Kansas; (4) facilitate the investigation
20 of suspected fraudulent activity with regard to obtaining a Kansas driver's
21 license or identification card; (5) facilitate the investigation of violations
22 of the licensure of vehicle sales and manufacturing statutes in article 24
23 of chapter 8 of the Kansas Statutes Annotated; or (6) facilitate the inves-
24 tigation of vehicle title and registration fraud. Subpoenas so issued may
25 be served by any law enforcement officer, in the same manner as similar
26 process in the district court. Any person who testifies falsely, fails to ap-
27 pear when subpoenaed or fails or refuses to produce material pursuant
28 to the subpoena shall be subject to the same orders and penalties to which
29 a person before a court is subject. Any district court of this state, upon
30 application of the secretary of revenue, may in its discretion compel the
31 attendance of witnesses, the production of material and the giving of
32 testimony before the secretary of revenue, by an attachment for contempt
33 or otherwise in the same manner as production of evidence may be com-
34 pelled before the district court. Agents designated by the secretary of
35 revenue are hereby vested with the power and authority of peace and
36 police officers, in the execution of the duties imposed upon the secretary
37 of revenue in chapters 8 and 79 of the Kansas Statutes Annotated.

38 (b) Each agent designated by the secretary under subsection (a), shall
39 have the authority to make arrests, conduct searches and seizures and
40 carry firearms while investigating violations of laws administered by the
41 secretary of revenue, director of vehicles and direction of taxation and
42 generally to enforce all the criminal laws of the state as violations of those
43 laws are encountered by such agents during the routine performance of

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any federal, state or local agency, including
any court or law enforcement agency, to
assist such agency in carrying out the
functions required of such governmental
agency. In January of each year, the division
shall report to the house committee on
veterans, military and homeland security
regarding the utilization of the provisions
of this subsection.*

1 their duties. No agent of the secretary shall be certified to carry firearms
2 under the provisions of this section without having first successfully com-
3 pleted the training course or courses prescribed for law enforcement of-
4 ficers under subsection (a) of K.S.A. 74-5604a, and amendments thereto.
5 The secretary may adopt rules and regulations prescribing other training
6 required for such agents or employees.

7 (c) Each agent designated by the secretary shall: (1) Be vested with
8 law enforcement authority; (2) be in the classified service under the Kan-
9 sas civil service act; (3) not have been convicted of a felony under the
10 laws of any state or of the United States prior to or during employment
11 as law enforcement officer under the authority of the secretary of reve-
12 nue; (4) be a certified law enforcement officer or have one year of inves-
13 tigative experience or, in lieu thereof, a bachelor's degree from an ac-
14 credited university or college.

15 Sec. 3. K.S.A. 8-234a is hereby amended to read as follows: 8-234a.

16 (a) As used in the motor vehicle drivers' license act, the following words
17 and phrases shall have the meanings respectively ascribed to them herein:

18 (1) "Drivers' license examiner" or "examiner" means a drivers' li-
19 cense examiner of the division of vehicles or any person whom the direc-
20 tor of vehicles has authorized, pursuant to the authority granted by this
21 act, to accept applications for drivers' licenses and administer the exam-
22 inations required for the issuance or renewal of drivers' licenses;

23 (2) "nonresident" means every person who is not a resident of this
24 state. For the purposes of the motor vehicle drivers' license act any person
25 who owns, rents or leases real estate in Kansas as such person's residence
26 and engages in a trade, business or profession within Kansas or registers
27 to vote in Kansas or enrolls such person's children in a school in this state
28 or purchases Kansas registration for a motor vehicle, shall be deemed a
29 resident of the state of Kansas 90 days after the conditions stated in this
30 subsection commence, except that military personnel on active duty and
31 their military dependents who are residents of another state, shall not be
32 considered residents of the state of Kansas for the purpose of this act;

33 ~~and~~

34 (3) "patrol" means the state highway patrol; *and*

35 (4) "*address of principal residence*" means: (A) *The place where a*
36 *person makes his or her permanent principal home; (B) place where a*
37 *person resides, has an intention to remain and where they intend to return*
38 *following an absence; or (C) place of habitation to which, whenever the*
39 *person is absent, the person intends to return. If a person eats at one place*
40 *and sleeps at another, the place where the person sleeps shall be consid-*
41 *ered the person's address of principal residence.*

42 (b) As used in this act, the words and phrases defined by the sections
43 in article 14 of chapter 8 of the Kansas Statutes Annotated, *and amend-*

1 *ments thereto*, shall have the meanings respectively ascribed to them
2 therein, unless a different meaning is ascribed to any such word or phrase
3 by subsection (a) of this section.

4 Sec. 4. K.S.A. 2006 Supp. 8-240 is hereby amended to read as fol-
5 lows: 8-240. (a) Every application for an instruction permit shall be made
6 upon a form furnished by the division of vehicles and accompanied by a
7 fee of \$2 for class A, B, C or M and \$5 for all commercial classes. Every
8 other application shall be made upon a form furnished by the division
9 and accompanied by an examination fee of \$3, unless a different fee is
10 required by K.S.A. 8-241, and amendments thereto, and by the proper
11 fee for the license for which the application is made. ~~The applicant also~~
12 ~~shall be required to pay for the costs associated with the production of~~
13 ~~the license or instruction permit.~~ If the applicant is not required to take
14 an examination the examination fee shall not be required. The examina-
15 tion shall consist of three tests, as follows: (1) Vision; (2) written; and (3)
16 driving. If the applicant fails the vision test, the applicant may have cor-
17 rection of vision made and take the vision test again without any additional
18 fee. If an applicant fails the written test, the applicant may take such test
19 again upon the payment of an additional examination fee of \$1.50. If an
20 applicant fails the driving test, the applicant may take such test again upon
21 the payment of an additional examination fee of \$1.50. If an applicant
22 fails to pass all three of the tests within a period of six months from the
23 date of original application and desires to take additional tests, the appli-
24 cant shall file an application for reexamination upon a form furnished by
25 the division, which shall be accompanied by a reexamination fee of \$3,
26 except that any applicant who fails to pass the written or driving portion
27 of an examination four times within a six-month period, shall be required
28 to wait a period of six months from the date of the last failed examination
29 before additional examinations may be given. Upon the filing of such
30 application and the payment of such reexamination fee, the applicant shall
31 be entitled to reexamination in like manner and subject to the additional
32 fees and time limitation as provided for examination on an original ap-
33 plication. If the applicant passes the reexamination, the applicant shall be
34 issued the classified driver's license for which the applicant originally ap-
35 plied, which license shall be issued to expire as if the applicant had passed
36 the original examination.

37 (b) (1) For the purposes of obtaining any driver's license or instruc-
38 tion permit, an applicant shall submit, with the application, ~~proof of age~~
39 ~~or proof of identity, or both, as the division may require. An applicant~~
40 ~~shall submit the applicant's social security number, which is a photo identity~~
41 ~~document, except that a non-photo identity document is acceptable if it~~
42 ~~includes both the applicant's full legal name and date of birth, and doc-~~
43 ~~umentation showing the applicant's name, the applicant's address of prin-~~



, proof of age and proof of identity as the division may require.
The applicant also shall provide

1 ciplal residence and the applicant's social security number. The applicant's
 2 social security number shall remain confidential and shall not be dis-
 3 closed, except as provided pursuant to K.S.A. 74-2012, and amendments
 4 thereto. If the applicant does not have a social security number, the ap-
 5 plicant shall submit a sworn statement, with the application, stating that
 6 the applicant does not have a social security number the applicant shall
 7 provide proof from the social security administration that the applicant
 8 is not eligible for a social security number. The division shall assign a
 9 distinguishing number to the license or permit. If the applicant is applying
 10 for an instruction permit or driver's license and the applicant otherwise
 11 meets the requirements for such license, the applicant shall receive a
 12 temporary license or instruction permit until the division verifies all facts
 13 relative to such applicant's right to receive an instruction permit or
 14 driver's license, including the age, identity, social security number and
 15 residency of the applicant.

of lawful presence and Kansas residency

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

20 ~~(2)~~ (2) Before issuing a driver's license or instruction permit to any
 21 person, the division shall verify, with the issuing agency, the issuance,
 22 validity and completeness of each document required to be presented by
 23 the applicant to prove age, identity and lawful presence. The division shall
 24 not issue any driver's license or instruction permit to any person who is
 25 not fails to provide proof that the person is lawfully present in the United
 26 States. Before issuing a driver's license or instruction permit to a person,
 27 the division shall require valid documentary evidence that the applicant:
 28 (A) Is a citizen or national of the United States; (B) is an alien lawfully
 29 admitted for permanent or temporary residence in the United States; (C)
 30 has conditional permanent resident status in the United States; (D) has
 31 an approved application for asylum in the United States or has entered
 32 into the United States in refugee status; (E) has a valid, unexpired non-
 33 immigrant visa or nonimmigrant visa status for entry into the United
 34 States; (F) has a pending application for asylum in the United States; (G)
 35 has a pending or approved application for temporary protected status in
 36 the United States; (H) has approved deferred action status; or (I) has a
 37 pending application for adjustment of status to that of an alien lawfully
 38 admitted for permanent residence in the United States or conditional per-
 39 manent resident status in the United States.

40 (3) If an applicant provides evidence of lawful presence set out in
 41 subsections (b)(2)(E) through (2)(I), or is an alien lawfully admitted for
 42 temporary residence under subsection (b)(2)(B), the division may only
 43 issue a temporary driver's license to the person under the following con-



1 ditions: (A) a **temporary** driver's license issued pursuant to this subpar-
 2 agraph shall be valid only during the period of time of the applicant's
 3 authorized stay in the United States or, if there is no definite end to the
 4 period of authorized stay, a period of one year; (B) a **temporary** drivers'
 5 license issued pursuant to this subparagraph shall clearly indicate that it
 6 is temporary and shall state the date on which it expires; (C) no **temporary**
 7 driver's license issued pursuant to this subparagraph shall be for a longer
 8 period of time than the time period permitted by subsection (a) of K.S.A.
 9 8-247, and amendments thereto; and (D) a **temporary** driver's license
 10 issued pursuant to this subparagraph may be renewed, subject at the time
 11 of renewal, to the same requirements and conditions as set out in this
 12 subsection (b) for the issuance of the original **temporary** driver's license.

13 (4) The division shall not issue any driver's license or instruction per-
 14 mit to any person who is not a resident of the state of Kansas, except as
 15 provided in K.S.A. 8-2,148, and amendments thereto.

16 (5) The division shall not issue a driver's license to a person holding
 17 a driver's license issued by another state without **confirmation** that the
 18 person is terminating or has terminated the driver's license in the other
 19 state.

making reasonable efforts to confirm

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

22 (c) Every application shall state the full legal name, date of birth, sex
 23 gender and ~~residence address~~ address of principal residence of the ap-
 24 plicant, and briefly describe the applicant, and shall state whether the
 25 applicant has been licensed as a driver prior to such application, and, if
 26 so, when and by what state or country. Such application shall state
 27 whether any such license has ever been suspended or revoked, or whether
 28 an application has ever been refused, and, if so, the date of and reason
 29 for such suspension, revocation or refusal. In addition, applications for
 30 commercial drivers' licenses and instruction permits for commercial li-
 31 censes must include the following: The applicant's social security number;
 32 the person's signature; the person's ~~color~~ colored digital photograph; cer-
 33 tifications, including those required by 49 C.F.R. 383.71(a), effective Jan-
 34 uary 1, 1991; a consent to release driving record information; and, any
 35 other information required by the division.

36 (d) When an application is received from a person previously licensed
 37 in another jurisdiction, the division shall request a copy of the driver's
 38 record from the other jurisdiction. When received, the driver's record
 39 shall become a part of the driver's record in this state with the same force
 40 and effect as though entered on the driver's record in this state in the
 41 original instance.

42 (e) When the division receives a request for a driver's record from
 43 another licensing jurisdiction the record shall be forwarded without

1 charge.

(f) A fee shall be charged as follows:

2 (1) For a class C driver's license issued to a person at least 21 years
4 of age, but less than 65 years of age, \$18;

5 (2) for a class C driver's license issued to a person 65 years of age or
6 older, \$12;

7 (3) for a class M driver's license issued to a person at least 21 years
8 of age, but less than 65 years of age, \$12.50;

9 (4) for a class M driver's license issued to a person 65 years of age or
10 older, \$9;

11 (5) for a class A or B driver's license issued to a person who is at least
12 21 years of age, but less than 65 years of age, \$24;

13 (6) for a class A or B driver's license issued to a person 65 years of
14 age or older, \$16;

15 (7) for any class of commercial driver's license issued to a person 21
16 years of age or older, \$18; or

17 (8) for class A, B, C or M, or a farm permit, or any commercial driver's
18 license issued to a person less than 21 years of age, \$20.

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

21 A fee of \$3 per year shall be charged for any renewal of a license issued
22 prior to the effective date of this act to a person less than 21 years of age.

23 If one fails to make an original application or renewal application for a
24 driver's license within the time required by law, or fails to make appli-
25 cation within 60 days after becoming a resident of Kansas, a penalty of
26 \$1 shall be added to the fee charged for the driver's license. ~~The applicant~~

27 ~~also shall be responsible for the costs associated with the production of~~
28 ~~any new driver's license or instruction permit.~~

29 (g) Any person who possesses an identification card as provided in
30 K.S.A. 8-1324, and amendments thereto, shall surrender such identifi-
31 cation card to the division upon being issued a valid Kansas driver's license
32 or upon reinstatement and return of a valid Kansas driver's license.

33 (h) *The division shall require that any person applying for a driver's*
34 *license submit to a mandatory facial image capture.*

35 ~~(i) The secretary of revenue may adopt such rules and regulations as~~
36 ~~are necessary to implement the provisions of this section.~~

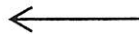
37 Sec. 5. K.S.A. 2006 Supp. 8-243 is hereby amended to read as fol-
38 lows: 8-243. (a) Upon payment of the required fee ~~and costs~~, the division
39 shall issue to every applicant qualifying under the provisions of this act
40 the driver's license as applied for by the applicant. Such license shall bear
41 the class or classes of motor vehicles which the licensee is entitled to
42 drive, a distinguishing number assigned to the licensee, the *full legal*
43 name, date of birth, ~~residence address, gender, address of principal res-~~

(i) The director of vehicles may issue a temporary driver's license to an applicant who cannot provide valid documentary evidence as defined by subsection (b)(2), if the applicant provides compelling evidence proving current lawful presence. Any temporary license issued pursuant to this subsection shall be valid for one year.

1 *idence* and a brief description of the licensee, a colored *digital* photograph
 2 of the licensee, a facsimile of the signature of the licensee ~~or a space upon~~
 3 ~~which the licensee shall write such licensee's usual signature with pen~~
 4 ~~and ink immediately upon receipt of the license and the statement provided~~
 5 ~~for in subsection (b). No driver's license shall be valid until it has~~
 6 ~~been signed by the licensee. All drivers' licenses issued to persons under~~
 7 ~~the age of 21 years shall be readily distinguishable from licenses issued~~
 8 ~~to persons age 21 years or older. In addition, all drivers' licenses issued~~
 9 ~~to persons under the age of 18 years shall also be readily distinguishable~~
 10 ~~from licenses issued to persons age 18 years or older. On and after July~~
 11 ~~1, 2004, The secretary of revenue shall implement a vertical format to~~
 12 ~~make drivers' licenses issued to persons under the age of 21 more readily~~
 13 ~~distinguishable. Except as otherwise provided, on or after July 1, 2004,~~
 14 ~~no driver's license issued by the division shall be valid until a colored~~
 15 ~~digital photograph of such licensee has been taken and verified before~~
 16 ~~being placed on the driver's license. The secretary of revenue shall pre-~~
 17 ~~scribe a fee of not more than \$4 and upon payment of such fee the division~~
 18 ~~shall cause a colored digital photograph of such applicant to be placed on~~
 19 ~~the driver's license. Upon payment of such fee prescribed by the secretary~~
 20 ~~of revenue, costs associated with production of the license or identification~~
 21 ~~card, plus payment of the fee required by K.S.A. 8-246, and amendments~~
 22 ~~thereto, for issuance of a new license, the division shall issue to such~~
 23 ~~licensee a new license containing a colored digital photograph of such~~
 24 ~~licensee. A driver's license which does not contain a colored photograph~~
 25 ~~of the licensee as required may be issued to persons exempted from such~~
 26 ~~requirement. Any such license shall be valid for the purposes of the motor~~
 27 ~~vehicle drivers' license act and the division shall set forth upon such~~
 28 ~~driver's license the words "valid without photo." Any person who is out-~~
 29 ~~side the state and for whom the division provides for renewal of the~~
 30 ~~driver's license by mail is exempt from the requirement to have a colored~~
 31 ~~photograph of such person placed on such person's driver's license. Any~~
 32 ~~person belonging to a religious organization which has a basic objection~~
 33 ~~to having their picture taken may sign a statement to that effect and such~~
 34 ~~person shall then be exempt from the picture requirements of this section.~~
 35 ~~All Kansas drivers' licenses and identification cards shall have physical~~
 36 ~~security features designed to prevent tampering, counterfeiting or dupli-~~
 37 ~~cation of the document for fraudulent purposes. The secretary of revenue~~
 38 ~~shall incorporate common machine-readable technology into all Kansas~~
 39 ~~drivers' licenses and identification cards.~~

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

A driver's license which does not contain a colored photograph of the licensee as required may be issued to persons exempted from such requirement. Any such license shall be valid for the purposes of the motor vehicle drivers' license act and the division shall set forth upon such driver's license the words "valid without photo." Any person who is outside the state and for whom the division provides for renewal of the driver's license by mail is exempt from the requirement to have a colored photograph of such person placed on such person's driver's license. Any person belonging to a religious organization which has a basic objection to having their picture taken may sign a statement to that effect and such person shall then be exempt from the picture requirements of this section. A driver's license which does not contain the principal address as required may be issued to persons who are program participants pursuant to K.S.A. 2006 Supp. 75-455, and amendments thereto.



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

10 (c) Any person who is deaf or hard of hearing may request that the
11 division issue to such person a driver's license which is readily distinguish-
12 able from drivers' licenses issued to other drivers and upon such request
13 the division shall issue such license. Drivers' licenses issued to persons
14 who are deaf or hard of hearing and under the age of 21 years shall be
15 readily distinguishable from drivers' licenses issued to persons who are
16 deaf or hard of hearing and 21 years of age or older. *Upon satisfaction of*
17 *subsection (a), the division shall issue a receipt of application permitting*
18 *the operation of a vehicle consistent with the requested class, if there are*
19 *no other restrictions or limitations, pending the division's verification of*
20 *the information and production of a driver's license.*

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

27 Sec. 6. K.S.A. 8-246 is hereby amended to read as follows: 8-246. (a)
28 If a driver's license issued under the provisions of this act is lost or de-
29 stroyed, or if a new name is acquired, the person to whom such driver's
30 license was issued may obtain a replacement upon:

31 (1) Furnishing satisfactory proof of the loss, destruction or name
32 change to the division, including an affidavit stating the circumstances of
33 the loss, destruction or name change;

34 (2) payment of a fee of \$8 *and costs associated with the production*
35 *of the license;* and

36 (3) furnishing proof of the person's identity as provided in subsection
37 (b). *The driver's license examiner also shall compare the applicant with*
38 *the division's existing information and facial image database.*

39 (b) For the purposes of obtaining a replacement driver's license,
40 proof of a person's identity shall include at least two of the following
41 documents, one of the documents shall bear the person's signature and
42 one of the documents shall bear the person's age or one of the documents
43 shall bear the person's signature and age:

- 1 (1) Military identification card;
- 2 (2) military dependent identification card;
- 3 (3) military discharge papers;
- 4 (4) military D.D. 214;
- 5 (5) an original or certified copy of a state issued birth certificate;
- 6 (6) marriage license;
- 7 (7) medicare identification card;
- 8 (8) certified copy of court order specifying a change of name of the
- 9 person;
- 10 (9) commercially produced school yearbook with photograph of the
- 11 person, and the book is less than five years old;
- 12 (10) ~~a~~ *an official* passport issued by any country;
- 13 (11) alien registration documents *issued by the United States*;
- 14 (12) expired or current driver's license or identification card issued
- 15 by the Kansas division of vehicles or an expired or current driver's license
- 16 or identification card of another state issued by similar authority, and for
- 17 any document in this item (12) the document must bear a photograph of
- 18 the person;
- 19 (13) student identification card bearing the photograph of the person;
- 20 (14) employee identification card bearing the photograph of the
- 21 person;
- 22 (15) ~~a birth certificate issued by any country~~;
- 23 ~~(16)~~ a copy of any federal or state income tax return bearing the
- 24 signature of the person; or
- 25 ~~(17)~~ (16) an identification certificate issued by the department of cor-
- 26 rections to an offender under the supervision of the secretary of
- 27 corrections.
- 28 (c) The division may waive the furnishing of one of the documents
- 29 required by subsection (b) in the case of: (1) A person who is 65 or more
- 30 years of age; or (2) an inmate who has been released on parole, conditional
- 31 release or expiration of the inmate's maximum sentence. When additional
- 32 clarification is needed to adequately describe any of the above items, the
- 33 division shall specify such clarification in making the requirement for such
- 34 item.
- 35 (d) In lieu of providing one of the documents required by subsection
- 36 (b), a person may recite to the satisfaction of the driver's license examiner
- 37 the recent motor vehicle operating record of the person.
- 38 (e) Any person who loses a driver's license and who, after obtaining
- 39 a replacement, finds the original license shall immediately surrender the
- 40 original license to the division.
- 41 Sec. 7. K.S.A. 2006 Supp. 8-247 is hereby amended to read as fol-
- 42 lows: 8-247. (a) (1) All original licenses shall expire as follows:
- 43 (A) Licenses issued to persons who are at least 21 years of age, but

1 less than 65 years of age shall expire on the sixth anniversary of the date
2 of birth of the licensee which is nearest the date of application;

3 (B) licenses issued to persons who are 65 years of age or older shall
4 expire on the fourth anniversary of the date of birth of the licensee which
5 is nearest the date of application;

6 (C) any commercial drivers license shall expire on the fourth anni-
7 versary of the date of birth of the licensee which is nearest the date of
8 application;

9 (D) licenses issued to an offender, as defined in K.S.A. 22-4902, and
10 amendments thereto, who is required to register pursuant to the Kansas
11 offender registration act, K.S.A. 22-4901 et seq., and amendments
12 thereto, shall expire every year on the date of birth of the licensee; or

13 (E) licenses issued to persons who are less than 21 years of age shall
14 expire on the licensee's twenty-first birthday.

15 (2) All renewals under: (A) Paragraph (1) (A) shall expire on every
16 sixth anniversary of the date of birth of the licensee; (B) paragraph (1)
17 (B) and (C) shall expire on every fourth anniversary of the date of birth
18 of the licensee; (C) paragraph (1)(D) shall expire every year on the date
19 of birth of the licensee; and (D) paragraph (1) (E), if a renewal license is
20 issued, shall expire on the licensee's twenty-first birthday. No driver's
21 license shall expire in the same calendar year in which the original license
22 or renewal license is issued, except that if the foregoing provisions of this
23 section shall require the issuance of a renewal license or an original license
24 for a period of less than six calendar months, the license issued to the
25 applicant shall expire in accordance with the provisions of this subsection.

26 (b) If the driver's license of any person expires while such person is
27 outside of the state of Kansas and on active duty in the armed forces of
28 the United States, the license of such person shall be renewable, without
29 examination, at any time prior to the end of the sixth month following the
30 discharge of such person from the armed forces, or within 90 days after
31 reestablished residence within the state, whichever time is sooner. **If the
32 driver's license of any person expires while such person is outside the
33 United States, the division shall provide for renewal by mail.**

34 (c) At least 30 days prior to the expiration of a person's license the
35 division shall mail a notice of expiration or renewal application to such
36 person at the address shown on the license. The division shall include
37 with such notice: (1) A copy of the eyesight examination form; (2) a copy
38 of the written examination prescribed by subsection (e); (3) a copy of the
39 Kansas driver's manual, prepared pursuant to K.S.A. 8-266b, and amend-
40 ments thereto; and (4) the written information required under subsection
41 (g).

42 (d) Every driver's license shall be renewable on or before its expira-
43 tion upon application and payment of the required fee and successful



1 completion of the examinations required by subsection (e). Application
2 for renewal of a valid driver's license shall be made to the division in
3 accordance with rules and regulations adopted by the secretary of reve-
4 nue. Such application shall contain all the requirements of subsection (b)
5 of K.S.A. 8-240, and amendments thereto. Upon satisfying the foregoing
6 requirements of this subsection, and if the division makes the findings
7 required by K.S.A. 8-235b, and amendments thereto, for the issuance of
8 an original license, the license shall be renewed without examination of
9 the applicant's driving ability. If the division finds that any of the state-
10 ments relating to revocation, suspension or refusal of licenses required
11 under subsection (b) of K.S.A. 8-240, and amendments thereto, are in
12 the affirmative, or if it finds that the license held by the applicant is not
13 a valid one, or if the applicant has failed to make application for renewal
14 of such person's license on or before the expiration date thereof, the
15 division may require the applicant to take an examination of ability to
16 exercise ordinary and reasonable control in the operation of a motor ve-
17 hicle as provided in K.S.A. 8-235d, and amendments thereto.

18 (e) (1) Prior to renewal of a driver's license, the applicant shall pass
19 an examination of eyesight and a written examination of ability to read
20 and understand highway signs regulating, warning and directing traffic
21 and knowledge of the traffic laws of this state. Such examination shall be
22 equivalent to the tests required for an original driver's license under
23 K.S.A. 8-235d, and amendments thereto. A driver's license examiner shall
24 administer the examinations without charge and shall report the results
25 of the examinations on a form provided by the division, which shall be
26 submitted by the applicant to the division at the time such applicant
27 applies for license renewal.

28 (2) In lieu of the examination of the applicant's eyesight by the ex-
29 aminer, the applicant may submit a report on the examination of eyesight
30 by a physician licensed to practice medicine and surgery or by a licensed
31 optometrist. The report shall be based on an examination of the appli-
32 cant's eyesight not more than three months prior to the date the report
33 is submitted, and it shall be made on a form furnished the applicant with
34 the notice of the expiration of license under subsection (c).

35 (3) In lieu of the driver's license examiner administering the written
36 examination, the applicant may complete the examination furnished with
37 the notice of the expiration of license under subsection (c) and submit
38 the completed examination to the division.

39 (4) The division shall determine whether the results of the written
40 examination and the eyesight reported are sufficient for renewal of the
41 license and, if the results of either or both of the examinations are insuf-
42 ficient, the division shall notify the applicant of such fact and return the
43 license fee. In determining the sufficiency of an applicant's eyesight, the

1 division may request an advisory opinion of the medical advisory board,
2 which is hereby authorized to render such opinions.

3 (5) An applicant who is denied a license under this subsection (e)
4 may reapply for renewal of such person's driver's license, except that if
5 such application is not made within 90 days of the date the division sent
6 notice to the applicant that the license would not be renewed, the appli-
7 cant shall proceed as if applying for an original driver's license. If the
8 applicant has been denied renewal of such person's driver's license be-
9 cause such applicant failed to pass the written examination, the applicant
10 shall pay an examination fee of \$1.50 to take the test again.

11 (6) When the division has good cause to believe that an applicant for
12 renewal of a driver's license is incompetent or otherwise not qualified to
13 operate a motor vehicle in accord with the public safety and welfare, the
14 division may require such applicant to submit to such additional exami-
15 nations as are necessary to determine that the applicant is qualified to
16 receive the license applied for. Subject to paragraph (7) of this subsection,
17 in so evaluating such qualifications, the division may request an advisory
18 opinion of the medical advisory board which is hereby authorized to ren-
19 der such opinions in addition to its duties prescribed by subsection (b) of
20 K.S.A. 8-255b, and amendments thereto. Any such applicant who is de-
21 nied the renewal of such a driver's license because of a mental or physical
22 disability shall be afforded a hearing in the manner prescribed by sub-
23 section (c) of K.S.A. 8-255, and amendments thereto.

24 (7) Seizure disorders which are controlled shall not be considered a
25 disability. In cases where such seizure disorders are not controlled, the
26 director or the medical advisory board may recommend that such person
27 be issued a driver's license to drive class C or M vehicles and restricted
28 to operating such vehicles as the division determines to be appropriate
29 to assure the safe operation of a motor vehicle by the licensee. Restricted
30 licenses issued pursuant to this paragraph shall be subject to suspension
31 or revocation. For the purpose of this paragraph, seizure disorders which
32 are controlled means that the licensee has not sustained a seizure involv-
33 ing a loss of consciousness in the waking state within six months preceding
34 the application or renewal of a driver's license and whenever a person
35 licensed to practice medicine and surgery makes a written report to the
36 division stating that the licensee's seizures are controlled. The report shall
37 be based on an examination of the applicant's medical condition not more
38 than three months prior to the date the report is submitted. Such report
39 shall be made on a form furnished to the applicant by the division. Any
40 physician who makes such report shall not be liable for any damages
41 which may be attributable to the issuance or renewal of a driver's license
42 and subsequent operation of a motor vehicle by the licensee.

43 (f) If the driver's license of any person expires while such person is

1 outside the state of Kansas, the license of such person shall be extended
2 for a period not to exceed six months and shall be renewable, without a
3 driving examination, at any time prior to the end of the sixth month fol-
4 lowing the original expiration date of such license or within 10 days after
5 such person returns to the state, whichever time is sooner. *This subsection*
6 *(f) shall not apply to temporary drivers' licenses issued pursuant to sub-*
7 *section (b)(3) of K.S.A. 8-240, and amendments thereto.*

8 (g) The division shall provide the following information in a person's
9 notice of expiration or renewal under subsection (c):

10 (1) Written information explaining the person's right to make an an-
11 atomical gift in accordance with K.S.A. 8-243, and amendments thereto,
12 and the uniform anatomical gift act;

13 (2) written information describing the organ donation registry pro-
14 gram maintained by the Kansas federally designated organ procurement
15 organization. The written information required under this paragraph shall
16 include, in a type, size and format that is conspicuous in relation to the
17 surrounding material, the address and telephone number of Kansas' fed-
18 erally designated organ procurement organization, along with an advisory
19 to call such designated organ procurement organization with questions
20 about the organ donor registry program;

21 (3) written information giving the applicant the opportunity to be
22 placed on the organ donation registry described in paragraph (2);

23 (4) inform the applicant in writing that, if the applicant indicates un-
24 der this subsection a willingness to have such applicant's name placed on
25 the organ donor registry described in paragraph (2), the division will for-
26 ward the applicant's name, gender, date of birth and most recent address
27 to the organ donation registry maintained by the Kansas federally desig-
28 nated organ procurement organization, as required by paragraph (6);

29 (5) the division may fulfill the requirements of paragraph (4) by one
30 or more of the following methods:

31 (A) Providing printed material enclosed with a mailed notice for
32 driver's license renewal; or

33 (B) providing printed material to an applicant who personally appears
34 at an examining station;

35 (6) if an applicant indicates a willingness under this subsection to have
36 such applicant's name placed on the organ donor registry, the division
37 shall within 10 days forward the applicant's name, gender, date of birth
38 and most recent address to the organ donor registry maintained by the
39 Kansas federally designated organ procurement organization. The divi-
40 sion may forward information under this subsection by mail or by elec-
41 tronic means. The division shall not maintain a record of the name or
42 address of an individual who indicates a willingness to have such person's
43 name placed on the organ donor registry after forwarding that informa-

tion to the organ donor registry under this subsection. Information about an applicant's indication of a willingness to have such applicant's name placed on the organ donor registry that is obtained by the division and forwarded under this paragraph shall be confidential and not disclosed.

(h) Notwithstanding any other provisions of law, any offender under subsection (a)(1)(D) who held a valid driver's license on the effective date of this act may continue to operate motor vehicles until the next anniversary of the date of birth of such offender. Upon such date such driver's license shall expire and the offender shall be subject to the provisions of this section.

(1) Beginning May 1, 2008, renewal applicants who do not have a driver's license that conforms with the REAL ID Act of 2005, Pub. L. No. 109-13, §§ 201 through 205, shall be required to secure a new driver's license, pay required fees and costs, and verify age, identity and lawful presence as required by K.S.A. 8-240, and amendments thereto.

(2) The secretary of revenue may adopt such rules and regulations as are necessary to establish an effective procedure to confirm or verify a renewing applicant's information.

Sec. 8. K.S.A. 8-249 is hereby amended to read as follows: 8-249. (a) The division shall file every application for a driver's license received by it and shall maintain suitable records from which information showing the following may be obtained:

- (1) All applications denied and the reason for such denial;
- (2) all applications granted;
- (3) the name of every licensee whose driver's license has been suspended or revoked by the division and after each such name note the reasons for such action; and
- (4) all data fields printed on drivers' licenses and identification cards issued by the state.

(b) The division also shall file all accident reports and abstracts of court records of convictions received by it under the laws of the state and, in connection therewith, maintain convenient records or make suitable notations in order that an individual record of each licensee showing the convictions of moving violations, as defined by rules and regulations adopted by the secretary of revenue, of such licensee and the traffic accidents in which such licensee has been involved shall be readily ascertainable and available for the consideration of the division upon any application for renewal of a driver's license and at other suitable times.

(c) The division shall retain images of source documents presented for a minimum of ten years with regard to the application for and issuance of drivers' licenses and identification cards.

Sec. 9. K.S.A. 8-250 is hereby amended to read as follows: 8-250. (a) The division is hereby authorized to cancel any driver's license upon de-

or identification card

1 terminating that the licensee was not entitled to the issuance thereof or
 2 that said licensee failed to give the required or correct information in his
 3 or her application or committed any fraud in making such application. If
 4 the division determines that a licensee is not lawfully present in the United
 5 States, the division shall have the authority to cancel the licensee's driver's
 6 license.

7 (b) Upon cancellation of a driver's license or loss of lawful presence
 8 in the United States, the licensee must surrender the driver's license to
 9 the division.

10 Sec. 10. K.S.A. 2006 Supp. 8-2,135 is hereby amended to read as
 11 follows: 8-2,135. (a) The commercial driver's license shall be marked
 12 "commercial driver's license" or "CDL," and must be, to the maximum
 13 extent practicable, tamper proof. It shall include, but not be limited to,
 14 the following information:

15 (1) The requirements set out in K.S.A. 8-243, and amendments
 16 thereto;

17 (2) a number or identifier deemed appropriate by the state licensing
 18 authority;

19 (3) the class or type of commercial motor vehicle or vehicles which
 20 the person is authorized to drive together with any endorsements or
 21 restriction;

22 (4) the name of this state; and

23 (5) the dates between which the license is valid.

24 (b) Commercial drivers' licenses issued pursuant to K.S.A. 8-234b,
 25 and amendments thereto, may be issued with the following endorsements
 26 or restrictions; and the holder of a valid commercial driver's license may
 27 drive all vehicles in the class for which that license is issued, and all lesser
 28 classes of vehicles, except motorcycles and vehicles which require an en-
 29 dorsement, unless the proper endorsement appears on the license;

30 (1) "H"—authorizes the driver to drive a vehicle transporting haz-
 31 ardous materials;

32 (2) "L"—restricts the driver to vehicles not equipped with airbrakes;

33 (3) "T"—authorizes driving double and triple trailers;

34 (4) "P"—authorizes driving vehicles carrying passengers;

35 (5) "N"—authorizes driving tank vehicles;

36 (6) "X"—represents a combination of hazardous materials and tank
 37 vehicle endorsements;

38 (7) "S"—authorizes driving school buses.

39 (c) Before issuing a commercial driver's license, the division must
 40 obtain driving record information through the commercial driver license
 41 information system, the national driver register and from each state in
 42 which the person has been licensed.

43 (d) Within 10 days after issuing a commercial driver's license, the

person

person

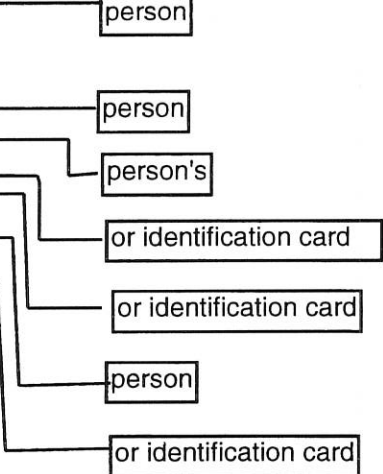
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1 division shall notify the commercial driver license information system of
2 that fact, providing all information required to ensure identification of
3 the person.

4 (e) All original licenses issued after April 1, 1992, shall expire on the
5 fourth anniversary of the date of birth of the licensee which is nearest the
6 date of application. All renewals thereof shall expire on every fourth an-
7 niversary of the date of birth of the licensee. No driver's license shall
8 expire in the same calendar year in which the original license or renewal
9 license is issued, except that if the foregoing provisions of this section
10 shall require the issuance of a renewal license or an original license for a
11 period of less than six calendar months, the license issued to the applicant
12 shall expire at midnight on every fourth anniversary of the date of birth
13 of the applicant. At least 30 days prior to the expiration of a person's
14 license, the division shall mail a notice of expiration or renewal application
15 to such person at the address shown on the license.

16 (f) When applying for renewal of a commercial driver's license, the
17 applicant must complete the test required in subsection (e) of K.S.A. 8-
18 247, and amendments thereto, and the application form required by sub-
19 section (b) of K.S.A. 8-2,134, and amendments thereto, providing up-
20 dated information and required certifications and if the applicant wishes
21 to retain a hazardous materials endorsement, the applicant must take and
22 pass the test for such endorsement. ~~The applicant for renewal of a com-
23 mercial driver's license also must comply with subsection (t) of K.S.A. 8-
24 247, and amendments thereto, if applicable.~~

25 Sec. 11. K.S.A. 2006 Supp. 8-1324 is hereby amended to read as
26 follows: 8-1324. (a) Any resident who does not hold a current valid Kansas
27 driver's license may make application to the division of vehicles and be
28 issued one identification card, ~~certified by the registrant and attested by
29 the division as to true name, correct age, photograph and other identifying
30 data as the division may require.~~

31 (b) ~~An applicant who submits documentary evidence under subsec-
32 tion (a), issued by an entity other than a state or the United States shall
33 also submit such proof as the division may require that the applicant is
34 lawfully present in the United States. For the purposes purpose of ob-
35 taining any an identification card, an applicant shall submit, with the ap-
36 plication, proof of age or, proof of identity, or both, as the division may
37 require and proof of lawful presence. An applicant shall submit the ap-
38 plicant's social security number, which shall remain confidential and shall
39 not be disclosed, except as provided pursuant to K.S.A. 74-2012, and
40 amendments thereto. If the applicant does not have a social security num-
41 ber, the applicant shall submit a sworn statement, with the application,
42 stating that the applicant does not have a social security number. The
43 division shall assign a distinguishing number to the identification card. If~~

1 the applicant is applying for an identification card and the applicant oth-
 2 erwise meets the requirements for such card, the applicant shall receive
 3 a temporary identification card until the division verifies all facts relative
 4 to such applicant's right to receive an identification card, including the
 5 age, identity, social security number and residency of the applicant. An
 6 applicant shall submit with the application a photo identity document,
 7 except that a non-photo identity document is acceptable if it includes both
 8 the applicant's full legal name and date of birth, and documentation show-
 9 ing the applicant's name, the applicant's address of principal residence
 10 and the applicant's social security account number. The applicant's social
 11 security number shall remain confidential and shall not be disclosed, ex-
 12 cept as provided pursuant to K.S.A. 74-2012, and amendments thereto.
 13 If the applicant does not have a social security number, the applicant shall
 14 provide proof from the social security administration that the applicant
 15 is not eligible for a social security number. The division shall assign a
 16 distinguishing number to the identification card. Before issuing a driver's
 17 license or instruction permit to a person, the division shall verify with the
 18 issuing agency the issuance, validity and completeness of each document
 19 required to be presented by the applicant to prove age, identity and lawful
 20 presence. The only document the division shall consider from an entity
 21 other than a state or the United States shall be an official passport.

of lawful presence and Kansas residency

an identification card

make reasonable efforts to



.

22 (c) The division shall not issue an identification card to any person
 23 who is not fails to provide proof that the person is lawfully present in the
 24 United States nor to any person who holds a current valid Kansas driver's
 25 license unless such driver's license has been physically surrendered pur-
 26 suant to the provisions of subsection (c) of K.S.A. 8-1002, and amend-
 27 ments thereto. Before issuing an identification card to a person, the di-
 28 vision shall verify, with the issuing agency, the issuance, validity and
 29 completeness of each document required to be presented by the applicant
 30 to prove age, identity and lawful presence. If an applicant provides evi-
 31 dence of lawful presence as set out in subsections (b)(2)(E) through (2)(I)
 32 of K.S.A. 8-240, and amendments thereto, or is an alien lawfully admitted
 33 for temporary residence under subsection (b)(2)(B) of K.S.A. 8-240, and
 34 amendments thereto, the division may only issue a temporary identifica-
 35 tion card to the person under the following conditions: (A) A temporary
 36 identification card issued pursuant to this subparagraph shall be valid
 37 only during the period of time of the applicant's authorized stay in the
 38 United States or, if there is no definite end to the period of authorized
 39 stay, a period of one year; (B) a temporary identification card issued
 40 pursuant to this subparagraph shall clearly indicate that it is temporary
 41 and shall state the date upon which it expires; (C) no temporary identi-
 42 fication card issued pursuant to this subparagraph shall be for a longer
 43 period of time than the time period permitted by K.S.A. 8-1325, and

1 amendments thereto; and (D) a temporary identification card issued pur-
2 suant to this subparagraph may be renewed, subject at the time of re-
3 newal, to the same requirements and conditions set forth in this subsection
4 (c) for the issuance of the original temporary identification card.

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

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

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

16 (g) The division shall require payment of a fee of \$14 at the time
17 application for an identification card is made, except that persons who
18 are 65 or more years of age or who are handicapped, as defined in K.S.A.
19 8-1,124, and amendments thereto, shall be required to pay a fee of only
20 \$10.

21 ~~The division also shall require the applicant to pay costs associated with~~
22 ~~production of the identification card.~~

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

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

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

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

35 (k) ~~The secretary of revenue may adopt such rules and regulations as~~
36 ~~are necessary to implement the provisions of this section.~~

37 Sec. 12. K.S.A. 2006 Supp. 8-1325 is hereby amended to read as
38 follows: 8-1325. (a) Every identification card shall expire, unless earlier
39 canceled or subsection (c) applies, on the sixth birthday of the applicant
40 following the date of original issue, except as otherwise provided by K.S.A.
41 8-1329, and amendments thereto. Renewal of any identification card shall
42 be made for a term of six years and shall expire in a like manner as the
43 originally issued identification card, unless surrendered earlier or subsec-

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

(l) Upon payment of the required fee, the division shall issue to every applicant qualifying under the provisions of this act an identification card. Such identification card shall bear a distinguishing number assigned to the cardholder, the full legal name, date of birth, address of principal residence, a brief description of the cardholder, a colored digital photograph of the cardholder, and a facsimile of the signature of the cardholder. An identification card which does not contain the address of principal residence of the cardholder as required may be issued to persons who are program participants pursuant to K.S.A. 2006 Supp. 75-455, and amendments thereto.

of K.S.A. 2006 Supp. 8-1324, and amendments thereto,

2-20

tion (c) applies. For any person who has only been issued an identification card, the division shall mail a notice of expiration or renewal at least 30 days prior to the expiration of such person's identification card at the address shown on such identification card. The division shall include with such notice, written information required under subsection (b). Any application for renewal received later than 90 days after expiration of the identification card shall be considered to be an application for an original identification card. The division, at the end of six years and six months after the issuance or renewal of an identification card, shall destroy any record of the card if it has expired and has not been renewed. The division shall require payment of ~~the costs associated with production of the identification card and~~ a fee of \$14 for each identification card renewal, except that persons who are 65 or more years of age or who are persons with a disability, as defined in K.S.A. 8-1,124, and amendments thereto, shall be required to pay a fee of only \$10.

(b) The division shall provide the following information under subsection (a):

(1) Written information explaining the person's right to make an anatomical gift in accordance with K.S.A. 8-1328, and amendments thereto, and the uniform anatomical gift act;

(2) written information describing the organ donation registry program maintained by the Kansas federally designated organ procurement organization. The written information required under this paragraph shall include, in a type, size and format that is conspicuous in relation to the surrounding material, the address and telephone number of Kansas' federally designated organ procurement organization, along with an advisory to call such designated organ procurement organization with questions about the organ donor registry program;

(3) written information giving the applicant the opportunity to be placed on the organ donation registry described in paragraph (2);

(4) inform the applicant in writing that, if the applicant indicates under this subsection a willingness to have such applicant's name placed on the organ donor registry described in paragraph (2), the division will forward the applicant's name, gender, date of birth and most recent address to the organ donation registry maintained by the Kansas federally designated organ procurement organization, as required by paragraph (6);

(5) the division may fulfill the requirements of paragraph (4) by one or more of the following methods:

(A) Providing printed material enclosed with a mailed notice for an identification card renewal; or

(B) providing printed material to an applicant who personally applies for an identification card;

(6) if an applicant indicates a willingness under this subsection to have

1 such applicant's name placed on the organ donor registry described, the
 2 division shall within 10 days forward the applicant's name, gender, date
 3 of birth and address to the organ donor registry maintained by the Kansas
 4 federally designated organ procurement organization. The division may
 5 forward information under this subsection by mail or by electronic means.
 6 The division shall not maintain a record of the name or address of an
 7 individual who indicates a willingness to have such person's name placed
 8 on the organ donor registry after forwarding that information to the organ
 9 donor registry under this subsection. Information about an applicant's
 10 indication of a willingness to have such applicant's name placed on the
 11 organ donor registry that is obtained by the division and forwarded under
 12 this paragraph shall be confidential and not disclosed.

13 *(c) Beginning May 1, 2008, renewal applicants who do not have a*
 14 *identification card that conforms with the REAL ID Act of 2005, Pub. L.*
 15 *No. 109-13, §§ 201 through 205, shall be required to secure a new iden-*
 16 *tification card, pay required fees and costs, and verify age, identity and*
 17 *lawful presence as required by K.S.A. 8-1324, and amendments thereto.*

18 *(d) The secretary of revenue may adopt such rules and regulations as*
 19 *are necessary to establish an effective procedure to confirm or verify a*
 20 *renewing applicant's information.*

21 Sec. 13. K.S.A. 8-1326 is hereby amended to read as follows: 8-1326.

22 (a) If an identification card issued pursuant to this act is lost or destroyed,
 23 or if a new name is acquired, the person to whom the card was issued
 24 may obtain a duplicate card upon:

25 (1) Furnishing satisfactory proof of the loss, destruction or name
 26 change to the division, including an affidavit stating the circumstances of
 27 the loss, destruction or name change;

28 (2) payment of a fee of \$4 *and costs associated with the production*
 29 *of the duplicate identification card;* and

30 (3) furnishing proof of the person's identity as provided in subsection

31 (b). *The drivers' license examiner also shall compare the applicant with*
 32 *the division's existing information and facial database.*

33 (b) For the purposes of obtaining a duplicate identification card,
 34 proof of a person's identity shall include at least two of the following
 35 documents, one of which shall bear the person's signature:

36 (1) Military identification card;

37 (2) military dependent identification card;

38 (3) military discharge papers;

39 (4) military D.D. 214;

40 (5) an original or certified copy of a state-issued birth certificate;

41 (6) marriage license;

42 (7) medicare identification card;

43 (8) certified copy of court order specifying a change of name of the

- 1 person;
- 2 (9) commercially produced school yearbook with photograph of the
- 3 person, and the book is less than five years old;
- 4 (10) a United States passport;
- 5 (11) alien registration documents *generated by the United States*;
- 6 (12) expired or current driver's license or identification card issued
- 7 by the Kansas division of vehicles or an expired or current driver's license
- 8 or identification card of another state issued by similar authority, and for
- 9 any document in this item 12 the document must bear a photograph of
- 10 the person; or
- 11 (13) student identification card bearing the photograph and date of
- 12 birth of the person; or
- 13 (14) a birth certificate issued by any country; or
- 14 ~~(15)~~ a copy of any federal or state income tax return bearing the
- 15 signature of the person.

16 The division may waive the furnishing of one of the documents re-

17 quired by this subsection in the case of a person who is 65 or more years

18 of age. When additional clarification is needed to adequately describe any

19 of the above items, the division shall specify such clarification in making

20 the requirement for such item.

21 (c) Any person who loses an identification card and who, after ob-

22 taining a duplicate, finds the original card shall immediately surrender

23 the original card to the division.

24 Sec. 14. K.S.A. 8-1332 is hereby amended to read as follows: 8-1332.

25 (a) When used in reference to an identification card, "cancellation" means

26 that an identification card is terminated without prejudice and must be

27 surrendered. Cancellation of a card may be made when such card has

28 been issued through error, because the person is not entitled to a card

29 or when voluntarily surrendered to the division.

30 (b) The division is hereby authorized to cancel any identification card

31 upon determining that the cardholder was not entitled to the issuance of

32 such card or that the cardholder failed to give the required or correct

33 information in such person's application or committed any fraud in mak-

34 ing such application. *The division shall have authority to cancel any iden-*

35 *tification card if the division determines the cardholder is not lawfully*

36 *present in the United States.*

37 (c) Upon cancellation of an identification card *or loss of lawful pres-*

38 *ence in the United States* the cardholder must surrender the identification

39 card ~~so canceled~~ to the division.

40 Sec. 15. K.S.A. 2006 Supp. 74-2012 is hereby amended to read as

41 follows: 74-2012. (a) (1) All motor vehicle records shall be subject to the

42 provisions of the open records act, except as otherwise provided under

43 the provisions of this section and by K.S.A. 74-2022, and amendments

1 thereto.

2 (2) For the purpose of this section, "motor vehicle records" means
3 any record that pertains to a motor vehicle drivers license, motor vehicle
4 certificate of title, motor vehicle registration or identification card issued
5 by the division of vehicles.

6 (b) All motor vehicle records which: (1) Relate to the physical or
7 mental condition of any person; (2) have been expunged; or (3) are pho-
8 tographs or digital images maintained in connection with the issuance of
9 drivers' licenses shall be confidential and shall not be disclosed except in
10 accordance with a proper judicial order or as otherwise more specifically
11 provided in this section or by other law. Photographs or digital images
12 maintained by the division of vehicles in connection with the issuance of
13 drivers' licenses shall be available to criminal justice agencies, as defined
14 in K.S.A. 22-4701, and amendments thereto, for use in criminal investi-
15 gations or criminal proceedings and to the secretary of social and reha-
16 bilitation services for the purposes of providing child support enforce-
17 ment services pursuant to K.S.A. 39-753, and amendments thereto.
18 *Photographs or digital images maintained by the division in connection*
19 *with the application and issuance of drivers' licenses and identification*
20 *cards shall be available to other states and federal agencies as required*
21 *in subsection (f) of section 1.* Motor vehicle records relating to diversion
22 agreements for the purposes of K.S.A. 8-1567, 12-4415 and 22-2908, and
23 amendments thereto, shall be confidential and shall not be disclosed ex-
24 cept in accordance with a proper judicial order or by direct computer
25 access to:

26 (1) A city, county or district attorney, for the purpose of determining
27 a person's eligibility for diversion or to determine the proper charge for
28 a violation of K.S.A. 8-1567, and amendments thereto, or any ordinance
29 of a city or resolution of a county in this state which prohibits any acts
30 prohibited by K.S.A. 8-1567, and amendments thereto;

31 (2) a municipal or district court, for the purpose of using the record
32 in connection with any matter before the court;

33 (3) a law enforcement agency, for the purpose of supplying the record
34 to a person authorized to obtain it under paragraph (1) or (2) of this
35 subsection; or

36 (4) an employer when a person is required to retain a commercial
37 driver's license due to the nature of such person's employment.

38 (c) Lists of persons' names and addresses contained in or derived
39 from motor vehicle records shall not be sold, given or received for the
40 purposes prohibited by K.S.A. 2006 Supp. 45-230, and amendments
41 thereto, except that:

42 (1) The director of vehicles may provide to a requesting party, and a
43 requesting party may receive, such a list and accompanying information

may be disclosed to any federal, state or
local agency, including any court or law
enforcement agency, to assist such agency in
carrying out the functions required of such
governmental agency. In January of each year
the division shall report to the house
committee on veterans, military and homeland
security regarding the utilization of the
provisions of this subsection.

1 from motor vehicle records upon written certification that the requesting
2 party shall use the list solely for the purpose of:

3 (A) Assisting manufacturers of motor vehicles in compiling statistical
4 reports or in notifying owners of vehicles believed to:

5 (i) Have safety-related defects,

6 (ii) fail to comply with emission standards; or

7 (iii) have any defect to be remedied at the expense of the
8 manufacturer;

9 (B) assisting an insurer authorized to do business in this state, or the
10 insurer's authorized agent:

11 (i) In processing an application for, or renewal or cancellation of, a
12 motor vehicle liability insurance policy; or

13 (ii) in conducting antifraud activities by identifying potential undis-
14 closed drivers of a motor vehicle currently insured by an insurer licensed
15 to do business in this state by providing only the following information:
16 drivers license number, license type, date of birth, name, address, issue
17 date and expiration date;

18 (C) assisting the selective service system in the maintenance of a list
19 of persons 18 to 26 years of age in this state as required under the pro-
20 visions of section 3 of the federal military selective service act;

21 (D) assisting any federal, state or local agency, including any court or
22 law enforcement agency, or any private person acting on behalf of such
23 agencies in carrying out the functions required of such governmental
24 agency, except that such records shall not be redisclosed;

25 (E) assisting businesses with the verification or reporting of infor-
26 mation derived from the title and registration records of the division to
27 prepare and assemble vehicle history reports, except that such vehicle
28 history reports shall not include the names or addresses of any current or
29 previous owners; or

30 (F) assisting businesses in producing motor vehicle title or motor ve-
31 hicle registration, or both, statistical reports, so long as personal infor-
32 mation is not published, redisclosed or used to contact individuals.

33 (2) Any law enforcement agency of this state which has access to
34 motor vehicle records may furnish to a requesting party, and a requesting
35 party may receive, such a list and accompanying information from such
36 records upon written certification that the requesting party shall use the
37 list solely for the purpose of assisting an insurer authorized to do business
38 in this state, or the insurer's authorized agent, in processing an application
39 for, or renewal or cancellation of, a motor vehicle liability insurance
40 policy.

41 (d) If a law enforcement agency of this state furnishes information to
42 a requesting party pursuant to paragraph (2) of subsection (c), the law
43 enforcement agency shall charge the fee prescribed by the secretary of

1 revenue pursuant to K.S.A. 74-2022, and amendments thereto, for any
2 copies furnished and may charge an additional fee to be retained by the
3 law enforcement agency to cover its cost of providing such copies. The
4 fee prescribed pursuant to K.S.A. 74-2022, and amendments thereto,
5 shall be paid monthly to the secretary of revenue and upon receipt thereof
6 shall be deposited in the state treasury to the credit of the electronic
7 databases fee fund, except for the \$1 of the fee for each record required
8 to be credited to the highway patrol training center fund under subsection
9 (f).

10 (e) The secretary of revenue, the secretary's agents or employees, the
11 director of vehicles or the director's agents or employees shall not be
12 liable for damages caused by any negligent or wrongful act or omission
13 of a law enforcement agency in furnishing any information obtained from
14 motor vehicle records.

15 (f) A fee in an amount fixed by the secretary of revenue pursuant to
16 K.S.A. 74-2022, and amendments thereto, of not less than \$2 for each
17 full or partial motor vehicle record shall be charged by the division, except
18 that the director may charge a lesser fee pursuant to a contract between
19 the secretary of revenue and any person to whom the director is author-
20 ized to furnish information under paragraph (1) of subsection (c), and
21 such fee shall not be less than the cost of production or reproduction of
22 any full or partial motor vehicle record requested. Except for the fees
23 charged pursuant to a contract for motor vehicle records authorized by
24 this subsection pertaining to motor vehicle titles or motor vehicle regis-
25 trations or pursuant to subsection (c)(1)(B)(ii) or (c)(1)(D), \$1 shall be
26 credited to the highway patrol training center fund for each motor vehicle
27 record provided by the division of vehicles.

28 (g) The secretary of revenue may adopt such rules and regulations as
29 are necessary to implement the provisions of this section.

30 Sec. 16. K.S.A. 2006 Supp. 74-5602 is hereby amended to read as
31 follows: 74-5602. As used in the Kansas law enforcement training act:

32 (a) "Training center" means the law enforcement training center
33 within the division of continuing education of the university of Kansas,
34 created by K.S.A. 74-5603 and amendments thereto.

35 (b) "Commission" means the Kansas commission on peace officers'
36 standards and training, created by K.S.A. 74-5606 and amendments
37 thereto.

38 (c) "Dean" means the dean of continuing education of the university
39 of Kansas.

40 (d) "Director of police training" means the director of police training
41 at the law enforcement training center.

42 (e) "Director" means the executive director of the Kansas commis-
43 sion on peace officers' standards and training.

1 (f) "Law enforcement" means the prevention or detection of crime
2 and the enforcement of the criminal or traffic laws of this state or of any
3 municipality thereof.

4 (g) "Police officer" or "law enforcement officer" means a full-time or
5 part-time salaried officer or employee of the state, a county or a city,
6 whose duties include the prevention or detection of crime and the en-
7 forcement of the criminal or traffic laws of this state or of any municipality
8 thereof. Such terms shall include, but not be limited to, the sheriff, un-
9 dersheriff and full-time or part-time salaried deputies in the sheriff's of-
10 fice in each county; deputy sheriffs deputized pursuant to K.S.A. 19-2858
11 and amendments thereto; conservation officers of the Kansas department
12 of wildlife and parks; university police officers, as defined in K.S.A. 22-
13 2401a, and amendments thereto; campus police officers, as defined in
14 K.S.A. 22-2401a, and amendments thereto; law enforcement agents of
15 the director of alcoholic beverage control; *law enforcement agents des-*
16 *ignated by the secretary of revenue pursuant to section 2 and amendments*
17 *thereto*; law enforcement agents of the Kansas lottery; law enforcement
18 agents of the Kansas racing commission; deputies and assistants of the
19 state fire marshal having law enforcement authority; capitol police, exist-
20 ing under the authority of K.S.A. 75-4503 and amendments thereto. Such
21 terms shall also include railroad policemen appointed pursuant to K.S.A.
22 66-524 and amendments thereto; school security officers designated as
23 school law enforcement officers pursuant to K.S.A. 72-8222 and amend-
24 ments thereto; and the director of the Kansas commission on peace of-
25 ficers' standards and training and any other employee of such commission
26 designated by the director pursuant to K.S.A. 74-5603, and amendments
27 thereto, as a law enforcement officer. Such terms shall not include any
28 elected official, other than a sheriff, serving in the capacity of a law en-
29 forcement or police officer solely by virtue of such official's elected po-
30 sition; any attorney-at-law having responsibility for law enforcement and
31 discharging such responsibility solely in the capacity of an attorney; any
32 employee of the commissioner of juvenile justice, the secretary of cor-
33 rections or the secretary of social and rehabilitation services; any deputy
34 conservation officer of the Kansas department of wildlife and parks; or
35 any employee of a city or county who is employed solely to perform
36 correctional duties related to jail inmates and the administration and op-
37 eration of a jail; or any full-time or part-time salaried officer or employee
38 whose duties include the issuance of a citation or notice to appear pro-
39 vided such officer or employee is not vested by law with the authority to
40 make an arrest for violation of the laws of this state or any municipality
41 thereof, and is not authorized to carry firearms when discharging the
42 duties of such person's office or employment. Such term shall include
43 any officer appointed or elected on a provisional basis.

1 (h) "Full-time" means employment requiring at least 1,000 hours of
2 law enforcement related work per year.

3 (i) "Part-time" means employment on a regular schedule or employ-
4 ment which requires a minimum number of hours each payroll period,
5 but in any case requiring less than 1,000 hours of law enforcement related
6 work per year.

7 (j) "Misdemeanor crime of domestic violence" means a violation of
8 domestic battery as provided by K.S.A. 2006 Supp. 21-3412a and amend-
9 ments thereto, or any other misdemeanor under federal, municipal or
10 state law that has as an element the use or attempted use of physical
11 force, or the threatened use of a deadly weapon, committed by a current
12 or former spouse, parent, or guardian of the victim, by a person with
13 whom the victim shares a child in common, by a person who is cohabiting
14 with or has cohabited with the victim as a spouse, parent or guardian, or
15 by a person similarly situated to a spouse, parent or guardian of the victim.

16 (k) "Auxiliary personnel" means members of organized nonsalaried
17 groups which operate as an adjunct to a police or sheriff's department,
18 including reserve officers, posses and search and rescue groups.

19 (l) "Active law enforcement certificate" means a certificate which at-
20 tests to the qualification of a person to perform the duties of a law en-
21 forcement officer and which has not been suspended or revoked by action
22 of the Kansas commission on peace officers' standards and training and
23 has not lapsed by operation of law as provided in K.S.A. 74-5622, and
24 amendments thereto.

25 Sec. 17. K.S.A. 8-234a, 8-246, 8-249, 8-250, 8-1326 and 8-1332 and
26 K.S.A. 2006 Supp. 8-240, 8-243, 8-247, 8-2,135, 8-1324, 8-1325, 74-2012
27 and 74-5602 are hereby repealed.

28 Sec. 18. This act shall take effect and be in force from and after
29 March 1, 2008, and its publication in the statute book, except that if the
30 federal secretary of transportation grants Kansas an extension of time
31 beyond March 1, 2008, to meet requirements of the federal REAL ID
32 ACT of 2005 and notice of such extension is published in the Kansas
33 register, then this act shall take effect and be in force upon the expiration
34 of the secretary's extension.

See attached

18

8-260,

19

Sec. 17. K.S.A. 8-260 is hereby amended to read as follows: 8-260. (a) It shall be unlawful for any person, for any purpose, to:

(1) Display or cause or permit to be displayed or have in possession any fictitious or fraudulently altered driver's license or identification card.

(2) Lend any driver's license or identification card to any other person or knowingly permit the use thereof by another.

(3) Display or represent as the person's own, any driver's license or identification card not issued to the person.

(4) Fail or refuse to surrender to the division upon its lawful demand any driver's license or identification card which has been suspended, revoked, or canceled.

(5) Use a false or fictitious name in any application for a driver's license or identification card, or any renewal or replacement thereof, or knowingly conceal a material fact, or otherwise commit a fraud in any such application.

(6) Permit any unlawful use of a driver's license or identification card issued to the person.

(7) Photograph, photostat, duplicate or in any way reproduce any driver's license or identification card or facsimile thereof in such a manner that it could be mistaken for a valid driver's license or identification card or display or have in possession any such photograph, photostat, duplicate, reproduction or facsimile unless authorized by law.

(8) Display or possess any photograph, photostat, duplicate or facsimile of a driver's license or identification card unless authorized by law.

(9) Display or cause or permit to be displayed any ~~canceled~~, revoked or suspended driver's license or canceled driver's license

or identification card.

(b) Violation of paragraphs (1) or (9) of subsection (a) is a class B nonperson misdemeanor. Violation of paragraphs (2), (3), (4), (6), (7) or (8) of subsection (a) is a class A nonperson misdemeanor. Violation of paragraph (5) of subsection (a) is a severity level 9, nonperson felony.

(c) It shall be unlawful for any person to:

(1) Lend any driver's license or identification card to or knowingly permit the use of any driver's license by any person under 21 years of age for use in the purchase of any alcoholic liquor.

(2) Lend any driver's license or identification card to or knowingly permit the use of any driver's license by a person under the legal age for consumption of cereal malt beverage for use in the purchase of any cereal malt beverage.

(3) Lend any driver's license, nondriver's identification card or other form of identification to aid another person in wrongfully obtaining a driver's license or replacement driver's license.

(4) Display or cause to be displayed or have in possession any fictitious or fraudulently altered driver's license or identification card by any person under 21 years of age for use in the purchase of any alcoholic liquor or cereal malt beverage.

(d) (1) Upon a first conviction of a violation of any provision of subsection (c) a person shall be guilty of a class B nonperson misdemeanor and shall be sentenced to not less than 100 hours of public service and fined not less than \$200 nor more than \$500.

(2) On a second or subsequent conviction of a violation of any provision of subsection (c), a person shall be guilty of a class A nonperson misdemeanor.

(e) The provisions of this section shall apply to any driver's license, nondriver's

identification card or other form of
identification whether issued under the laws
of this state or issued under the laws of
another state or jurisdiction.