

## HOUSE BILL No. 2020

By Committee on Elections

Requested by Representative Waggoner

1-16

---

1 AN ACT concerning driver's licenses of noncitizens; requiring the director  
2 of the division of motor vehicles to make monthly reports of names and  
3 addresses of noncitizens to the secretary of state; amending K.S.A. 8-  
4 240 and repealing the existing section.  
5

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

7 New Section 1. The director of the division of motor vehicles shall  
8 provide a list of all permanent and temporary drivers' licenses issued to  
9 noncitizens quarterly and forward this list to the secretary of state. The list  
10 shall contain the names, addresses, phone numbers, social security  
11 numbers, dates of birth, temporary drivers' license numbers and expiration  
12 dates of such licenses. The secretary of state shall compare such lists with  
13 the voter registration rolls and delete any names of noncitizens that appear  
14 on the voter rolls. The secretary of state shall notify any person removed  
15 from the voter registration rolls that the person may be reinstated on the  
16 voter registration rolls by providing proof of their citizenship.

17 Sec. 2. K.S.A. 8-240 is hereby amended to read as follows: 8-240. (a)  
18 (1) Every application for an instruction permit shall be made upon a form  
19 furnished by the division of vehicles and accompanied by a fee of \$2 for  
20 class A, B, C or M and \$5 for all commercial classes. Every other  
21 application shall be made upon a form furnished by the division and  
22 accompanied by an examination fee of \$3, unless a different fee is required  
23 by K.S.A. 8-241, and amendments thereto, and by the proper fee for the  
24 license for which the application is made. All commercial class applicants  
25 shall be charged a \$15 driving test fee for the drive test portion of the  
26 commercial driver's license application. If the applicant is not required to  
27 take an examination or the commercial license drive test, the examination  
28 or commercial drive test fee shall not be required. The examination shall  
29 consist of three tests, as follows: (A) Vision; (B) written; and (C) driving.  
30 For a commercial driver's license, the drive test shall consist of three  
31 components, as follows: (A) Pre-trip; (B) skills test; and (C) road test. If  
32 the applicant fails the vision test, the applicant may have correction of  
33 vision made and take the vision test again without any additional fee. If an  
34 applicant fails the written test, the applicant may take such test again upon  
35 the payment of an additional examination fee of \$1.50. If an applicant fails

1 the driving test, the applicant may take such test again upon the payment  
2 of an additional examination fee of \$1.50. If an applicant for a commercial  
3 driver's license fails any portion of the commercial drive test, the applicant  
4 may take such test again upon the payment of an additional drive test fee  
5 of \$10. If an applicant fails to pass all three of the tests within a period of  
6 six months from the date of original application and desires to take  
7 additional tests, the applicant shall file an application for reexamination  
8 upon a form furnished by the division, which shall be accompanied by a  
9 reexamination fee of \$3, except that any applicant who fails to pass the  
10 written or driving portion of an examination four times within a six-month  
11 period; shall be required to wait a period of six months from the date of the  
12 last failed examination before additional examinations may be given.  
13 Upon the filing of such application and the payment of such reexamination  
14 fee, the applicant shall be entitled to reexamination in like manner and  
15 subject to the additional fees and time limitation as provided for  
16 examination on an original application. If the applicant passes the  
17 reexamination, the applicant shall be issued the classified driver's license  
18 for which the applicant originally applied, which license shall be issued to  
19 expire as if the applicant had passed the original examination.

20 (2) Applicants for class M licenses who have completed prior  
21 motorcycle safety training in accordance with department of defense  
22 instruction 6055.04 (DoDI 6055.04) or the motorcycle safety foundation  
23 are not required to complete further written and driving testing pursuant to  
24 paragraph (1). An applicant seeking exemption from the written and  
25 driving tests pursuant to this paragraph shall provide a copy of the  
26 motorcycle safety foundation completion form to the division prior to  
27 receiving a class M license.

28 (3) On and after January 1, 2017, an applicant for a class M license  
29 who passes a driving examination on a three-wheeled motorcycle that is  
30 not an autocycle shall have a restriction placed on such applicant's license  
31 limiting the applicant to the operation of a registered three-wheeled  
32 motorcycle. An applicant for a class M license who passes a driving  
33 examination on a two-wheeled motorcycle may operate any registered  
34 two-wheeled or three-wheeled motorcycle. The driving examination  
35 required by this paragraph shall be administered by the division, by the  
36 department of defense or as part of a curriculum recognized by the  
37 motorcycle safety foundation.

38 (b) (1) For the purposes of obtaining any driver's license or  
39 instruction permit, an applicant shall submit, with the application, proof of  
40 age and proof of identity as the division may require. The applicant also  
41 shall provide a photo identity document, except that a non-photo identity  
42 document is acceptable if it includes both the applicant's full legal name  
43 and date of birth, and documentation showing the applicant's name, the

1 applicant's address of principal residence and the applicant's social security  
2 number. The applicant's social security number shall remain confidential  
3 and shall not be disclosed, except as provided pursuant to K.S.A. 74-2012,  
4 and amendments thereto. If the applicant does not have a social security  
5 number, the applicant shall provide proof of lawful presence and Kansas  
6 residency. The division shall assign a distinguishing number to the license  
7 or permit.

8 (2) The division shall not issue any driver's license or instruction  
9 permit to any person who fails to provide proof that the person is lawfully  
10 present in the United States. Before issuing a driver's license or instruction  
11 permit to a person, the division shall require valid documentary evidence  
12 that the applicant: (A) Is a citizen or national of the United States; (B) is an  
13 alien lawfully admitted for permanent or temporary residence in the  
14 United States; (C) has conditional permanent resident status in the United  
15 States; (D) has an approved application for asylum in the United States or  
16 has entered into the United States in refugee status; (E) has a valid,  
17 unexpired nonimmigrant visa or nonimmigrant visa status for entry into  
18 the United States; (F) has a pending application for asylum in the United  
19 States; (G) has a pending or approved application for temporary protected  
20 status in the United States; (H) has approved deferred action status; or (I)  
21 has a pending application for adjustment of status to that of an alien  
22 lawfully admitted for permanent residence in the United States or  
23 conditional permanent resident status in the United States.

24 (3) If an applicant provides evidence of lawful presence set out in  
25 subsections (b)(2)(E) through (2)(I), or is an alien lawfully admitted for  
26 temporary residence under subsection (b)(2)(B), the division may only  
27 issue a driver's license to the person under the following conditions: (A) A  
28 driver's license issued pursuant to this subparagraph shall be valid only  
29 during the period of time of the applicant's authorized stay in the United  
30 States or, if there is no definite end to the period of authorized stay, a  
31 period of one year; (B) a driver's license issued pursuant to this  
32 subparagraph shall clearly indicate that it is temporary and shall state the  
33 date on which it expires; (C) no driver's license issued pursuant to this  
34 subparagraph shall be for a longer period of time than the time period  
35 permitted by K.S.A. 8-247(a), and amendments thereto; and (D) a driver's  
36 license issued pursuant to this subparagraph may be renewed, subject at  
37 the time of renewal, to the same requirements and conditions as set out in  
38 this subsection (b) for the issuance of the original driver's license.

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

42 (5) The division shall not issue a driver's license to a person holding a  
43 driver's license issued by another state without making reasonable efforts

1 to confirm that the person is terminating or has terminated the driver's  
2 license in the other state.

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

5 (c) Every application shall state the full legal name, date of birth,  
6 gender and address of principal residence of the applicant, and briefly  
7 describe the applicant, and shall state whether the applicant has been  
8 licensed as a driver prior to such application, and, if so, when and by what  
9 state or country. Such application shall state whether any such license has  
10 ever been suspended or revoked, or whether an application has ever been  
11 refused, and, if so, the date of and reason for such suspension, revocation  
12 or refusal. In addition, applications for commercial drivers' licenses and  
13 instruction permits for commercial licenses—~~must~~ shall include the  
14 following: The applicant's social security number; the person's signature;  
15 and the person's: (1) Digital color image or photograph; or (2) a laser  
16 engraved photograph; certifications, including those required by 49 C.F.R.  
17 § 383.71(a), effective January 1, 1991; a consent to release driving record  
18 information; and; any other information required by the division. Each  
19 application for a driver's license shall include a question asking if the  
20 applicant is willing to give such applicant's authorization to be listed as an  
21 organ, eye or tissue donor in the Kansas donor registry in accordance with  
22 the revised uniform anatomical gift act, K.S.A. 65-3220 through 65-3244,  
23 and amendments thereto. The gift would become effective upon the death  
24 of the donor.

25 (d) When an application is received from a person previously licensed  
26 in another jurisdiction, the division shall request a copy of the driver's  
27 record from the other jurisdiction. When received, the driver's record shall  
28 become a part of the driver's record in this state with the same force and  
29 effect as though entered on the driver's record in this state in the original  
30 instance.

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

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

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

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

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

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

42 (5) for a class A or B driver's license issued to a person who is at least  
43 21 years of age, but less than 65 years of age, \$24;

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

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

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

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

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

11 If one fails to make an original application or renewal application for a  
12 driver's license within the time required by law, or fails to make  
13 application within 60 days after becoming a resident of Kansas, a penalty  
14 of \$1 shall be added to the fee charged for the driver's license.

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

19 (h) The division shall require that any person applying for a driver's  
20 license submit to a mandatory facial image capture. The captured facial  
21 image shall be displayed on the front of the applicant's driver's license.

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

27 (j) (1) For purposes of this subsection, the division may rely on the  
28 division's most recent, existing color digital image and signature image of  
29 the applicant for the class C or M driver's license or any class of  
30 commercial driver's license if the division has the information on file. The  
31 determination on whether an electronic online renewal application or  
32 equivalent of a driver's license is permitted shall be made by the director of  
33 vehicles or the director's designee. The division shall not renew a driver's  
34 license through an electronic online or equivalent process if the license has  
35 been previously renewed through an electronic online application in the  
36 immediately preceding driver's license period. No renewal under this  
37 subsection shall be granted to any person who is:

38 (A) Younger than 30 days from turning 21 years of age;

39 (B) 65 years of age or older;

40 (C) a registered offender pursuant to K.S.A. 22-4901 et seq., and  
41 amendments thereto;

42 (D) a person issued a temporary driver's license issued pursuant to  
43 K.S.A. 8-240(b)(3), and amendments thereto, provided the license is not

1 otherwise withdrawn; or

2 (E) a person issued a commercial driver's license that has a hazardous  
3 materials endorsement.

4 (2) The vision examination requirements in K.S.A. 8-247(e), and  
5 amendments thereto, are not required for electronic online renewal  
6 applications, except that the electronic online renewal applicant must  
7 certify under penalty of law that the applicant's vision satisfies the  
8 requirements of K.S.A. 8-295, and amendments thereto, and has  
9 undergone an examination of eyesight by a licensed ophthalmologist or a  
10 licensed optometrist within the last year. As a condition for any electronic  
11 online renewal application, the applicant must: (A) Authorize the exchange  
12 of vision and medical information between the division and the applicant's  
13 ophthalmologist or optometrist; and (B) is at least 21 years of age; but less  
14 than 65 years of age. The ophthalmologist or optometrist shall have four  
15 business days to confirm or deny the vision and medical information of the  
16 applicant. If no response is received by the division, the division shall  
17 accept the vision and medical information provided for processing the  
18 renewal application. The waiver of vision examination for online renewal  
19 applications contained within this subsection shall expire on July 1, 2022.

20 (3) The secretary of revenue shall adopt and administer rules and  
21 regulations to implement a program to permit an electronic online renewal  
22 of a driver's license, including, but not limited to, requirements that an  
23 electronic online renewal applicant shall have previously provided  
24 documentation of identity, lawful presence and residence to the division  
25 for electronic scanning.

26 (4) Prior to February 1, 2022, the division shall report to the house  
27 and *the* senate committees on transportation regarding the online renewal  
28 process of this subsection and its effects to safety on the state's roads and  
29 highways.

30 (5) Any person seeking to renew a commercial driver's license  
31 pursuant to this subsection shall be required to provide the division with a  
32 valid medical examiner's certificate and proof of completion of the  
33 truckers against trafficking training.

34 *(k) The director of the division of motor vehicles shall submit a*  
35 *quarterly report to the secretary of state for all persons for whom a*  
36 *driver's license has been issued as required by section 1, and amendments*  
37 *thereto.*

38 Sec. 3. K.S.A. 8-240 is hereby repealed.

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