

HOUSE BILL No. 2319

By Committee on Transportation

Requested by Representative Francis on behalf of a constituent of Representative Moser

2-6

1 AN ACT concerning drivers' licenses; relating to the division of vehicles;
2 permitting the division of vehicles to establish or contract with an entity
3 to issue digital proof of driver's licenses and digital proof of
4 identification; regulating the use thereof; providing fees on such digital
5 proof of driver's license and identification cards; amending K.S.A. 8-
6 235, 8-240, 8-1325 and 8-1328 and K.S.A. 2024 Supp. 8-243 and 8-
7 1324 and repealing the existing sections.
8

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

10 New Section 1. As used in sections 1 through 8, and amendments
11 thereto:

12 (a) "Digital proof of driver's license" means a driver's license that is
13 viewable on an electronic credentialing system.

14 (b) "Digital proof of identification card" means an identification card
15 that is viewable on an electronic credentialing system.

16 (c) "Electronic credentialing system" means a computer system
17 accessed using a computer, cellular telephone or any other personal device
18 that queries the division of vehicle's driver's license and identification card
19 records, displays or transmits digital proofs of drivers' licenses and digital
20 proof of identification cards and verifies the authenticity of those
21 electronic credentials.

22 (d) "Limited profile" means access to an electronic credentialing
23 system containing some, but not all, of the information displayed on a
24 printed driver's license or identification card. The information provided
25 shall be set by the division of motor vehicles.

26 (e) "Person" means a natural person, firm, association, partnership or
27 corporation.

28 (f) "Scanning" means obtaining data from a digital proof of driver's
29 license or digital proof of identification card in an electronic format.

30 New Sec. 2. (a) (1) The division of vehicles shall establish a secure
31 and uniform system for issuing an optional digital proof of driver's license
32 or digital proof of identification card. The division may contract with one
33 or more entities that may be private or public to develop an electronic
34 credentialing system. An entity contracted with the division for this

1 purpose shall not use, share, sell or disclose any information obtained as
2 part of this contract, including, but not limited to, any information about
3 the holder of a digital proof of driver's license and digital proof of
4 identification card, except when necessary to satisfy the terms of the
5 contract. Upon termination or expiration of any contract entered into for
6 this purpose, the contracting entity shall delete within 30 days any data
7 collected or generated in the course of activities pursuant to that contract.

8 (2) The electronic credentialing system may not retain internet
9 protocol addresses, geolocation data or other information that describes the
10 location, computer, computer system or computer network from which a
11 customer accesses the system, except when such information is necessary
12 for the division to authenticate a digital proof of driver's license and digital
13 proof of identification card.

14 (b) The division may enter into contracts with one or more private or
15 public entities that authorize online data calls or offline data verification
16 through the electronic credentialing system that queries the division's
17 driver's license and identification card records, displays or transmits digital
18 proofs of drivers' licenses or digital proof of identification cards, confirms
19 identity or verifies the authenticity of such electronic credentials.

20 (c) The division may use a telephone number submitted by a licensee
21 or cardholder in connection with a digital proof of driver's license and
22 digital proof of identification card only for purposes of communication
23 regarding the digital proof of driver's license or digital proof of
24 identification card or the motor vehicle records, or as permitted by K.S.A.
25 74-2012, and amendments thereto. The division may use a valid email
26 address submitted by a licensee or cardholder in connection with the
27 issuance of a digital proof of driver's license or digital proof of
28 identification card only for purposes of communication regarding the
29 digital proof of driver's license or digital proof of identification card or the
30 motor vehicle records, or as permitted by K.S.A. 74- 2012, and
31 amendments thereto.

32 New Sec. 3. (a) The digital proof of driver's license or digital proof of
33 identification card established by the division of vehicles or by an entity
34 contracted by the division shall be in such a format as to allow verification
35 of the authenticity of the digital proof of driver's license or digital proof of
36 identification card. The secretary of revenue may adopt rules and
37 regulations in order to ensure valid authentication of digital proof of
38 driver's license and digital proof of identification card.

39 (b) Notwithstanding the provisions of K.S.A. 8-240 and 8-1324, and
40 amendments thereto, or any other law prescribing the design for, or
41 information required to be displayed on, a driver's license or a digital proof
42 of driver's license may comprise a limited profile that includes only
43 information necessary to conduct a specific transaction on the electronic

1 credentialing system.

2 (c) Notwithstanding the provisions of K.S.A. 8-240 and, 8-1324, and
3 amendments thereto, or any other law prescribing the design for, or
4 information required to be displayed on, an identification card or a digital
5 proof of identification card may comprise a limited profile that includes
6 only information necessary to conduct a specific transaction on the
7 electronic credentialing system.

8 (d) The division shall ensure that the information transmitted to the
9 digital proof of driver's license and digital proof of identification card, as
10 well as any mobile application required for the digital proof of driver's
11 license and digital proof of identification card, is encrypted and protected
12 to the highest reasonable security standards broadly available, including
13 ISO-18013-5, FIPS 140.3, NIST 800-53 Moderate, and cannot be
14 intercepted while being transmitted from the division.

15 New Sec. 4. An individual may not be issued a digital proof of
16 driver's license or digital proof of identification card until the individual
17 satisfies all requirements of articles 2 and 13 of chapter 8 of the Kansas
18 Statutes Annotated, and amendments thereto, for issuance of the respective
19 driver's license or identification card and has been issued a printed driver's
20 license or identification card pursuant to K.S.A. 8-243 or 8-1324, and
21 amendments thereto. The electronic credentialing system shall, upon each
22 presentation of a digital proof of driver's license and digital proof of
23 identification card, display or transmit current records for the driver's
24 license or identification card. If a licensee's driving privilege is suspended,
25 revoked or disqualified, or the licensee's driver's license is otherwise
26 canceled or expired, a digital proof of driver's license may not be issued.

27 New Sec. 5. (a) Except as permitted by subsection (b), a person
28 scanning a digital proof of driver's license or digital proof of identification
29 card may not sell or share personal information collected from such
30 scanning of the digital proof of driver's license or digital proof of
31 identification card unless the person obtains and retains the express written
32 consent of the holder of the digital proof of driver's license or digital proof
33 of identification card.

34 (b) An individual may consent to allow a person to collect and store
35 information obtained by scanning the individual's digital proof of driver's
36 license or digital proof of identification card. Before an individual may
37 give consent, the individual shall be informed regarding what information
38 is to be collected and the purpose or purposes for which the information
39 will be used. If the individual does not want the person to scan such
40 individual's digital proof of driver's license or digital proof of
41 identification card, the person may manually collect information from the
42 digital proof of driver's license or digital proof of identification card.

43 (c) This section does not apply to a state-chartered bank, savings and

1 loan or trust company.

2 (d) If any person is found to have violated any provision of this
3 section, in addition to any other civil penalty otherwise provided by law,
4 the director of vehicles may impose an additional penalty not to exceed
5 \$5,000 for each such violation.

6 (e) Any civil penalty recovered pursuant to this section shall be
7 remitted to the state treasurer in accordance with K.S.A. 75-4215, and
8 amendments thereto. Upon receipt of each such remittance, the state
9 treasurer shall deposit the entire amount in the state treasury to the credit
10 of the state general fund.

11 New Sec. 6. (a) It shall be unlawful for any person for any purpose
12 to:

13 (1) Manufacture a false digital proof of driver's license or digital
14 proof of identification card that has not been approved and authenticated
15 by the division of vehicles or by another state's driver's license issuance
16 authority; or

17 (2) possess a false digital proof of driver's license or digital proof of
18 identification card that has not been approved and authenticated by the
19 division of vehicles, or, if the person is a nonresident, another state's
20 driver's license issuance authority.

21 (b) Violation of subsection (a)(1) is a class B, nonperson
22 misdemeanor.

23 (c) Violation of subsection (a)(2) is a severity level 9, nonperson
24 felony.

25 New Sec. 7. (a) The holder of a digital proof of driver's license and
26 digital proof of identification card shall not be required to turn over the
27 individual's electronic device to any other person or entity in order to use
28 the digital proof of driver's license and digital proof of identification card
29 for identity verification. The holder of a digital proof of driver's license
30 and digital proof of identification card showing or turning over their
31 electronic device to any other person or entity in order to provide proof of
32 digital proof of driver's license and digital proof of identification card for
33 identity verification shall not constitute consent to a search, nor shall it
34 constitute consent for access to any information other than that which is
35 immediately available on the digital proof of driver's license and digital
36 proof of identification card. Information incidentally obtained in the
37 process of viewing a digital proof of driver's license and digital proof of
38 identification card in order to verify the identity of the holder shall not be
39 used to establish probable cause for a warrant to search the electronic
40 device.

41 (b) Any request for remote access to an individual's digital proof of
42 driver's license or digital proof of identification card for identity
43 verification shall:

1 (1) Require the express consent of the holder of the digital proof of
2 driver's license and digital proof of identification card;

3 (2) be limited to the content of the digital proof of driver's license or
4 digital proof of identification card specified in the request for remote
5 access; and

6 (3) not exceed the information available on a copy of a driver's
7 license or identification card.

8 (c) Consent to remotely access a digital proof of driver's license or
9 digital proof of identification card by the holder shall not constitute
10 consent to a search, nor shall it constitute consent for access to any
11 information other than that which is immediately available on the digital
12 proof of driver's license and digital proof of identification card.
13 Information incidentally obtained in the process of remotely accessing a
14 digital proof of driver's license and digital proof of identification card shall
15 not be used to establish probable cause for a warrant to search the
16 electronic device.

17 (d) A digital proof of driver's license or digital proof of identification
18 card shall not be a valid form of identification to satisfy the requirements
19 of K.S.A. 8-244, and amendments thereto, K.S.A. 25-2908, and
20 amendments thereto, or any other substantially similar provision of law
21 requiring a physical driver's license or physical identification card for
22 purposes of operating a motor vehicle or voting.

23 New Sec. 8. Any authority provided to the division of vehicles or
24 director of vehicles in articles 1, 2, 12 and 13 of chapter 8 of the Kansas
25 Statutes Annotated, and amendments thereto, regarding the administration
26 of drivers' licenses, identification cards or motor vehicle records shall
27 extend to the division's issuance and administration of digital proof of
28 driver's license, digital proof of identification card and electronic
29 credentialing system.

30 Sec. 9. K.S.A. 8-235 is hereby amended to read as follows: 8-235. (a)
31 No person, except those expressly exempted, shall drive any motor vehicle
32 upon a highway in this state unless such person has a valid driver's license.
33 No person shall receive a driver's license unless and until such person
34 surrenders or with the approval of the division, lists to the division all
35 valid licenses in such person's possession issued to such person by any
36 other jurisdiction. All surrendered licenses, *digital proof of drivers'*
37 *licenses* or the information listed on foreign licenses shall be returned by
38 the division to the issuing department, together with information that the
39 licensee is now licensed in a new jurisdiction. No person shall be
40 permitted to have more than one valid license at any time.

41 (b) Any person licensed under the motor vehicle drivers' license act
42 may exercise the privilege granted upon all streets and highways in this
43 state and shall not be required to obtain any other license to exercise such

1 privilege by any local authority. Nothing herein shall prevent cities from
2 requiring licenses of persons who drive taxicabs or municipally franchised
3 transit systems for hire upon city streets, to protect the public from drivers
4 whose character or habits make them unfit to transport the public. If a
5 license is denied, the applicant may appeal such decision to the district
6 court of the county in which such city is located by filing within 14 days
7 after such denial, a notice of appeal with the clerk of the district court and
8 by filing a copy of such notice with the city clerk of the involved city. The
9 city clerk shall certify a copy of such decision of the city governing body
10 to the clerk of the district court and the matter shall be docketed as any
11 other cause and the applicant shall be granted a trial of such person's
12 character and habits. The matter shall be heard by the court de novo in
13 accordance with the code of civil procedure. The cost of such appeal shall
14 be assessed in such manner as the court may direct.

15 (c) Any person operating in this state a motor vehicle shall be the
16 holder of a driver's license that is classified for the operation of such motor
17 vehicle, and any person operating in this state a motorcycle that is
18 registered in this state shall be the holder of a class M driver's license.

19 (d) No person shall drive any motorized bicycle upon a highway of
20 this state unless such person:

21 (1) Has a valid driver's license that entitles the licensee to drive a
22 motor vehicle in any class or classes;

23 (2) is at least 15 years of age and has passed the written and visual
24 examinations required for obtaining a class C driver's license, in which
25 case the division shall issue to such person a class C license, which shall
26 clearly indicate that such license is valid only for the operation of
27 motorized bicycles; or

28 (3) has had their driving privileges revoked under K.S.A. 8-286, and
29 amendments thereto, has not had a test refusal or test failure or alcohol or
30 drug-related conviction, as those terms are defined in K.S.A. 8-1013, and
31 amendments thereto, in the last five years, has not been convicted of a
32 violation of K.S.A. 8-1568(b), and amendments thereto, in the last five
33 years and has made application to the division for issuance of a class C
34 license for the operation of motorized bicycles, in accordance with
35 paragraph (2), in which case the division shall issue such person a class C
36 license, which shall clearly indicate that such license is valid only for the
37 operation of motorized bicycles. As used in this subsection, "motorized
38 bicycle" shall have the meaning ascribed to it in K.S.A. 8-126, and
39 amendments thereto.

40 (e) Violation of this section is a class B nonperson misdemeanor.

41 Sec. 10. K.S.A. 8-240 is hereby amended to read as follows: 8-240.

42 (a) (1) Every application for an instruction permit shall be made upon a
43 form furnished by the division of vehicles and accompanied by a fee of \$2

1 for class A, B, C or M and \$5 for all commercial classes. Every other
2 application shall be made upon a form furnished by the division and
3 accompanied by an examination fee of \$3, unless a different fee is required
4 by K.S.A. 8-241, and amendments thereto, and by the proper fee for the
5 license for which the application is made. All commercial class applicants
6 shall be charged a \$15 driving test fee for the drive test portion of the
7 commercial driver's license application. If the applicant is not required to
8 take an examination or the commercial license drive test, the examination
9 or commercial drive test fee shall not be required. The examination shall
10 consist of three tests, as follows: (A) Vision; (B) written; and (C) driving.
11 For a commercial driver's license, the drive test shall consist of three
12 components, as follows: (A) Pre-trip; (B) skills test; and (C) road test. If
13 the applicant fails the vision test, the applicant may have correction of
14 vision made and take the vision test again without any additional fee. If an
15 applicant fails the written test, the applicant may take such test again upon
16 the payment of an additional examination fee of \$1.50. If an applicant fails
17 the driving test, the applicant may take such test again upon the payment
18 of an additional examination fee of \$1.50. If an applicant for a commercial
19 driver's license fails any portion of the commercial drive test, the applicant
20 may take such test again upon the payment of an additional drive test fee
21 of \$10. If an applicant fails to pass all three of the tests within a period of
22 six months from the date of original application and desires to take
23 additional tests, the applicant shall file an application for reexamination
24 upon a form furnished by the division, which shall be accompanied by a
25 reexamination fee of \$3, except that any applicant who fails to pass the
26 written or driving portion of an examination four times within a six-month
27 period, shall be required to wait a period of six months from the date of the
28 last failed examination before additional examinations may be given.
29 Upon the filing of such application and the payment of such reexamination
30 fee, the applicant shall be entitled to reexamination in like manner and
31 subject to the additional fees and time limitation as provided for
32 examination on an original application. If the applicant passes the
33 reexamination, the applicant shall be issued the classified driver's license
34 for which the applicant originally applied, which license shall be issued to
35 expire as if the applicant had passed the original examination.

36 (2) Applicants for class M licenses who have completed prior
37 motorcycle safety training in accordance with department of defense
38 instruction 6055.04 (DoDI 6055.04) or the motorcycle safety foundation
39 are not required to complete further written and driving testing pursuant to
40 paragraph (1). An applicant seeking exemption from the written and
41 driving tests pursuant to this paragraph shall provide a copy of the
42 motorcycle safety foundation completion form to the division prior to
43 receiving a class M license.

1 (3) ~~On and after January 1, 2017,~~ An applicant for a class M license
2 who passes a driving examination on a three-wheeled motorcycle that is
3 not an autocycle shall have a restriction placed on such applicant's license
4 limiting the applicant to the operation of a registered three-wheeled
5 motorcycle. An applicant for a class M license who passes a driving
6 examination on a two-wheeled motorcycle may operate any registered
7 two-wheeled or three-wheeled motorcycle. The driving examination
8 required by this paragraph shall be administered by the division, by the
9 department of defense or as part of a curriculum recognized by the
10 motorcycle safety foundation.

11 (b) (1) For the purposes of obtaining any driver's license or
12 instruction permit, an applicant shall submit, with the application, proof of
13 age and proof of identity as the division may require. The applicant also
14 shall provide a photo identity document, except that a non-photo identity
15 document is acceptable if it includes both the applicant's full legal name
16 and date of birth, and documentation showing the applicant's name, the
17 applicant's address of principal residence and the applicant's social security
18 number. The applicant's social security number shall remain confidential
19 and shall not be disclosed, except as provided pursuant to K.S.A. 74-2012,
20 and amendments thereto. If the applicant does not have a social security
21 number the applicant shall provide proof of lawful presence and Kansas
22 residency. The division shall assign a distinguishing number to the license
23 or permit.

24 (2) The division shall not issue any driver's license or instruction
25 permit to any person who fails to provide proof that the person is lawfully
26 present in the United States. Before issuing a driver's license or instruction
27 permit to a person, the division shall require valid documentary evidence
28 that the applicant: (A) Is a citizen or national of the United States; (B) is an
29 alien lawfully admitted for permanent or temporary residence in the
30 United States; (C) has conditional permanent resident status in the United
31 States; (D) has an approved application for asylum in the United States or
32 has entered into the United States in refugee status; (E) has a valid,
33 unexpired nonimmigrant visa or nonimmigrant visa status for entry into
34 the United States; (F) has a pending application for asylum in the United
35 States; (G) has a pending or approved application for temporary protected
36 status in the United States; (H) has approved deferred action status; or (I)
37 has a pending application for adjustment of status to that of an alien
38 lawfully admitted for permanent residence in the United States or
39 conditional permanent 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 driver's license to the person under the following conditions: (A) A

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

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

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

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

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

40 (d) When an application is received from a person previously licensed
41 in another jurisdiction, the division shall request a copy of the driver's
42 record from the other jurisdiction. When received, the driver's record shall
43 become a part of the driver's record in this state with the same force and

1 effect as though entered on the driver's record in this state in the original
2 instance.

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

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

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

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

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

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

14 (5) for a class A or B driver's license issued to a person who is at least
15 21 years of age, but less than 65 years of age, \$24;

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

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

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

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

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

26 *A fee of \$10 shall be charged for the issuance of a digital proof of*
27 *driver's license.*

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

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

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

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

1 (j) (1) For purposes of this subsection, the division may rely on the
2 division's most recent, existing color digital image and signature image of
3 the applicant for the class C or M driver's license or any class of
4 commercial driver's license if the division has the information on file. The
5 determination on whether an electronic online renewal application or
6 equivalent of a driver's license is permitted shall be made by the director of
7 vehicles or the director's designee. The division shall not renew a driver's
8 license through an electronic online or equivalent process if the license has
9 been previously renewed through an electronic online application in the
10 immediately preceding driver's license period. No renewal under this
11 subsection shall be granted to any person who is:

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

13 (B) 65 years of age or older;

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

16 (D) a person issued a temporary driver's license issued pursuant to
17 K.S.A. 8-240(b)(3), and amendments thereto, provided the license is not
18 otherwise withdrawn; or

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

21 (2) The vision examination requirements in K.S.A. 8-247(e), and
22 amendments thereto, are not required for electronic online renewal
23 applications, except that the electronic online renewal applicant must
24 certify under penalty of law that the applicant's vision satisfies the
25 requirements of K.S.A. 8-295, and amendments thereto, and has
26 undergone an examination of eyesight by a licensed ophthalmologist or a
27 licensed optometrist within the last year. As a condition for any electronic
28 online renewal application, the applicant must: (A) Authorize the exchange
29 of vision and medical information between the division and the applicant's
30 ophthalmologist or optometrist; and (B) is at least 21 years of age, but less
31 than 65 years of age. The ophthalmologist or optometrist shall have four
32 business days to confirm or deny the vision and medical information of the
33 applicant. If no response is received by the division, the division shall
34 accept the vision and medical information provided for processing the
35 renewal application. The waiver of vision examination for online renewal
36 applications contained within this subsection shall expire on July 1, 2022.

37 (3) The secretary of revenue shall adopt and administer rules and
38 regulations to implement a program to permit an electronic online renewal
39 of a driver's license, including, but not limited to, requirements that an
40 electronic online renewal applicant shall have previously provided
41 documentation of identity, lawful presence and residence to the division
42 for electronic scanning.

43 (4) ~~Prior to February 1, 2022, the division shall report to the house~~

1 ~~and senate committees on transportation regarding the online renewal~~
2 ~~process of this subsection and its effects to safety on the state's roads and~~
3 ~~highways.~~

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

8 Sec. 11. K.S.A. 2024 Supp. 8-243 is hereby amended to read as
9 follows: 8-243. (a) (1) Upon payment of the required fee, the division shall
10 issue to every applicant qualifying under the provisions of this act the
11 driver's license as applied for by the applicant. Such license shall bear the
12 class or classes of motor vehicles that the licensee is entitled to drive, a
13 distinguishing number assigned to the licensee, the full legal name, date of
14 birth, gender, address of principal residence and a brief description of the
15 licensee, ~~either: (1) A digital color image or photograph; or (2) a laser-~~
16 ~~engraved photograph of the licensee,~~ a facsimile of the signature of the
17 licensee and the statement provided for in subsection (b). No driver's
18 license shall be valid until it has been signed by the licensee. All drivers'
19 licenses issued to persons under the age of 21 years shall be readily
20 distinguishable from licenses issued to persons age 21 years or older. In
21 addition, all drivers' licenses issued to persons under the age of 18 years
22 shall also be readily distinguishable from licenses issued to persons age 18
23 years or older. The secretary of revenue shall implement a vertical format
24 to make drivers' licenses issued to persons under the age of 21 more
25 readily distinguishable.

26 (2) (A) Except as otherwise provided, no driver's license issued by the
27 division shall be valid until either: ~~(1)(i) A digital color image or~~
28 ~~photograph; or (2)(ii) a laser-engraved photograph of such licensee has~~
29 ~~been taken and verified before being placed on the driver's license.~~

30 (B) The secretary of revenue shall prescribe a fee of not more than \$8
31 and upon the payment of such fee, the division shall cause ~~either: (1) A~~
32 ~~digital color image or photograph; or (2) a laser-engraved~~ the photograph
33 of such applicant to be placed on the driver's license.

34 (3) Upon payment of such fee prescribed by the secretary of revenue,
35 *pursuant to this subsection*, plus payment of the fee required by K.S.A. 8-
36 246, and amendments thereto, for issuance of a new license, the division
37 shall issue to such licensee a new license ~~containing either: (1) A digital~~
38 ~~color image or photograph; or (2) a laser-engraved photograph of such~~
39 ~~licensee.~~

40 (4) A driver's license that does not contain the principal address as
41 required may be issued to persons who are program participants pursuant
42 to K.S.A. 75-455, and amendments thereto, upon payment of the fee
43 required by K.S.A. 8-246, and amendments thereto. All Kansas drivers'

1 licenses and identification cards shall have physical security features
2 designed to prevent tampering, counterfeiting or duplication of the
3 document for fraudulent purposes. The secretary of revenue shall
4 incorporate common machine-readable technology into all Kansas drivers'
5 licenses and identification cards.

6 (b) A Kansas driver's license issued to any person 16 years of age or
7 older who indicated on the person's application that the person wished to
8 make a gift of all or any part of the body of the licensee in accordance with
9 the revised uniform anatomical gift act, K.S.A. 65-3220 through 65-3244,
10 and amendments thereto, shall have the word "Donor" placed on the front
11 of the licensee's driver's license.

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

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

29 (e) (1) Any person who is a veteran may request that the division
30 issue to such person a driver's license that shall include the designation
31 "VETERAN" displayed on the front of the driver's license at a location to
32 be determined by the secretary of revenue. In order to receive a license
33 described in this subsection, the veteran shall provide a copy of the
34 veteran's DD form 214, NGB form 22 or equivalent discharge document
35 showing character of service as honorable or general under honorable
36 conditions.

37 (2) As used in this subsection, "veteran" means a person who served
38 in the active military, naval, air or space service and who was discharged
39 or released therefrom under an honorable discharge or a general discharge
40 under honorable conditions.

41 (3) The director of vehicles may adopt any rules and regulations
42 necessary to carry out the provisions of this subsection.

43 (f) (1) Any person who submits satisfactory proof to the director of

1 vehicles, on a form provided by the director, that such person needs
2 assistance with cognition, including, but not limited to, persons with
3 autism spectrum disorder, may request that the division issue to such
4 person a driver's license, that shall note such impairment on the driver's
5 license at a location to be determined by the secretary of revenue.

6 (2) Satisfactory proof that a person needs assistance with cognition
7 shall include a statement from a person licensed to practice the healing arts
8 in any state, an advanced practice registered nurse licensed under K.S.A.
9 65-1131, and amendments thereto, a licensed physician assistant or a
10 person clinically licensed by the Kansas behavioral sciences regulatory
11 board certifying that such person needs assistance with cognition.

12 (g) (1) *A driver's license issued pursuant to this section may include*
13 *an optional digital proof of driver's license. A digital proof of driver's*
14 *license may be issued upon request by an applicant and payment of the*
15 *required fee. A digital proof of driver's license is optional to purchase and*
16 *supplemental to a physical driver's license. Except as provided in section*
17 *7, and amendments thereto, a digital proof of driver's license shall be*
18 *accepted in lieu of a physical driver's license to a person requesting or*
19 *requiring proof of licensure or identification. No digital proof of driver's*
20 *license shall be issued unless the applicant holds the corresponding*
21 *physical driver's license or the corresponding physical driver's license is*
22 *issued simultaneously. The division may digitally cancel, suspend or*
23 *revalidate a digital proof of driver's license on the occasions that a*
24 *physical driver's license would be canceled, suspended, returned or*
25 *reinstated, as appropriate. A digital proof of driver's license shall meet the*
26 *requirements and conditions provided in sections 2 through 8, and*
27 *amendments thereto, before being issued by the division pursuant to this*
28 *subsection.*

29 (2) *As used in this subsection, "digital proof of driver's license"*
30 *means the same as defined in section 1, and amendments thereto.*

31 Sec. 12. K.S.A. 2024 Supp. 8-1324 is hereby amended to read as
32 follows: 8-1324. (a) Any resident who does not hold a current valid Kansas
33 driver's license may make application to the division of vehicles and be
34 issued one identification card.

35 (b) (1) Each application for an identification card shall include a
36 question asking if the applicant is willing to give such applicant's
37 authorization to be listed as an organ, eye and tissue donor in the Kansas
38 donor registry in accordance with the revised uniform anatomical gift act,
39 K.S.A. 65-3220 through 65-3244, and amendments thereto. The gift would
40 become effective upon the death of the donor.

41 (2) For the purpose of obtaining an identification card, an applicant
42 shall submit, with the application, proof of age, proof of identity and proof
43 of lawful presence. An applicant shall submit with the application a photo

1 identity document, except that a non-photo identity document is acceptable
2 if it includes both the applicant's full legal name and date of birth, and
3 documentation showing the applicant's name, the applicant's address of
4 principal residence and the applicant's social security account number. The
5 applicant's social security number shall remain confidential and shall not
6 be disclosed, except as provided pursuant to K.S.A. 74-2014, and
7 amendments thereto. If the applicant does not have a social security
8 number, the applicant shall provide proof of lawful presence and Kansas
9 residency. The division shall assign a distinguishing number to the
10 identification card. Before issuing an identification card to a person, the
11 division shall make reasonable efforts to verify with the issuing agency the
12 issuance, validity and completeness of each document required to be
13 presented by the applicant to prove age, identity and lawful presence.

14 (c) The division shall not issue an identification card to any person
15 who fails to provide proof that the person is lawfully present in the United
16 States. If an applicant provides evidence of lawful presence as set out in
17 K.S.A. 8-240(b)(2)(E) through (2)(I), and amendments thereto, or is an
18 alien lawfully admitted for temporary residence under K.S.A. 8-240(b)(2)
19 (B), and amendments thereto, the division may only issue a temporary
20 identification card to the person under the following conditions:

21 (1) A temporary identification card issued pursuant to this
22 subparagraph shall be valid only during the period of time of the
23 applicant's authorized stay in the United States or, if there is no definite
24 end to the period of authorized stay, a period of one year;

25 (2) a temporary identification card issued pursuant to this
26 subparagraph shall clearly indicate that it is temporary and shall state the
27 date ~~upon which~~ when it expires;

28 (3) no temporary identification card issued pursuant to this
29 subparagraph shall be for a longer period of time than the time period
30 permitted by K.S.A. 8-1325, and amendments thereto; and

31 (4) a temporary identification card issued pursuant to this
32 subparagraph may be renewed, subject at the time of renewal, to the same
33 requirements and conditions set forth in this subsection for the issuance of
34 the original temporary identification card.

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

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

43 (f) The parent or guardian of an applicant under 16 years of age shall

1 sign the application for an identification card submitted by such applicant.

2 (g) (1) The division shall require payment of a fee of \$14 at the time
3 application for an identification card is made, except that persons who are
4 65 or more years of age or who are handicapped, as defined in K.S.A. 8-
5 1,124, and amendments thereto, shall be required to pay a fee of only \$10.
6 In addition to the fees prescribed by this subsection, the division shall
7 require payment of the photo fee established pursuant to K.S.A. 8-243, and
8 amendments thereto, for the cost of the photograph to be placed on the
9 identification card.

10 (2) The division shall not require or accept payment of application or
11 photo fees under this subsection for any person 17 years of age or older for
12 purposes of meeting the voter identification requirements of K.S.A. 25-
13 2908, and amendments thereto. Such person shall:

14 (A) Swear under oath that such person desires an identification card
15 in order to vote in an election in Kansas and that such person does not
16 possess any of the forms of identification acceptable under K.S.A. 25-
17 2908, and amendments thereto. The affidavit shall specifically list the
18 acceptable forms of identification under K.S.A. 25-2908, and amendments
19 thereto; and

20 (B) produce evidence that such person is registered to vote in Kansas.

21 (3) The secretary of revenue shall adopt rules and regulations in order
22 to implement the provisions of paragraph (2).

23 (h) All Kansas identification cards shall have physical security
24 features 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
27 amendments thereto, a person shall be deemed to be a resident of the state
28 if the person:

29 (1) Owns, leases or rents a place of domicile in this state;

30 (2) engages in a trade, business or profession in this state;

31 (3) is registered to vote in this state;

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

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

34 (j) The division shall require that any person applying for an
35 identification card submit to a mandatory facial image capture. The
36 captured facial image shall be displayed on the front of the applicant's
37 identification card by either:

38 (1) A digital color image or photograph; or

39 (2) a laser-engraved photograph of the licensee.

40 (k) (1) Any person who is a veteran may request that the division
41 issue to such person a nondriver identification card that shall include the
42 designation "VETERAN" displayed on the front of the nondriver
43 identification card at a location to be determined by the secretary of

1 revenue. In order to receive a nondriver identification card described in
2 this subsection, the veteran shall provide a copy of the veteran's DD form
3 214, NGB form 22 or equivalent discharge document showing character of
4 service as honorable or general under honorable conditions.

5 (2) As used in this subsection, "veteran" means a person who served
6 in the active military, naval, air or space service and who was discharged
7 or released therefrom under an honorable discharge or a general discharge
8 under honorable conditions.

9 (3) The director of vehicles may adopt any rules and regulations
10 necessary to carry out the provisions of this subsection.

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

16 (m) Upon payment of the required fee, the division shall issue to
17 every applicant qualifying under the provisions of this act an identification
18 card. Such identification card shall bear a distinguishing number assigned
19 to the cardholder, the full legal name, date of birth, address of principal
20 residence, a brief description of the cardholder, either:

21 (1) A digital color image or photograph; or

22 (2) a laser-engraved photograph of the cardholder, and a facsimile of
23 the signature of the cardholder. An identification card that does not contain
24 the address of principal residence of the cardholder as required may be
25 issued to persons who are program participants pursuant to K.S.A. 75-455,
26 and amendments thereto.

27 (n) An identification card issued to any person who indicated on the
28 application that the person wished to make an anatomical gift in
29 accordance with the revised uniform anatomical gift act, K.S.A. 65-3220
30 through 65-3244, and amendments thereto, shall have the word "Donor"
31 placed on the front of the applicant's identification card.

32 (o) (1) Any person who submits satisfactory proof to the director of
33 vehicles, on a form provided by the director, that such person needs
34 assistance with cognition, including, but not limited to, persons with
35 autism spectrum disorder, may request that the division issue to such
36 person a nondriver identification card, that shall note such impairment on
37 the nondriver identification card at a location to be determined by the
38 secretary of revenue.

39 (2) Satisfactory proof that a person needs assistance with cognition
40 shall include a statement from a person licensed to practice the healing arts
41 in any state, an advanced practice registered nurse licensed under K.S.A.
42 65-1131, and amendments thereto, a licensed physician assistant or a
43 person clinically licensed by the Kansas behavioral sciences regulatory

1 board certifying that such person needs assistance with cognition.

2 (p) The secretary of revenue shall permit an electronic online renewal
3 of an identification card if the electronic online renewal applicant
4 previously provided documentation of identity, lawful presence and
5 residence to the division for electronic scanning. For purposes of this
6 subsection, the division may rely on the division's most recent, existing
7 color digital image and signature image of the applicant for the nondriver's
8 identification card if the division has such images on file. The
9 determination on whether an electronic online renewal application or
10 equivalent of a nondriver's identification card is permitted shall be made
11 by the director of vehicles or the director's designee. The division shall not
12 renew a nondriver's identification card through an electronic online or
13 equivalent process if the identification card has been previously renewed
14 through an electronic online application in the immediately preceding
15 card's expiration period. No renewal under this subsection shall be granted
16 to any person who is a registered offender pursuant to K.S.A. 22-4901 et
17 seq., and amendments thereto.

18 (q) (1) *An identification card issued pursuant to this section may*
19 *include an optional digital proof of identification card. A digital proof of*
20 *identification card may be issued upon request by an applicant and*
21 *payment of the required fee. A digital proof of identification card is*
22 *optional to purchase and supplemental to a physical identification card.*
23 *Except as provided in section 7, and amendments thereto, a digital proof*
24 *of identification card shall be accepted in lieu of a physical identification*
25 *card to a person requesting or requiring proof of identification. No digital*
26 *proof of identification card shall be issued unless the applicant holds the*
27 *corresponding physical identification card or the corresponding physical*
28 *identification card is issued simultaneously. The division may digitally*
29 *cancel, suspend or revalidate a digital proof of identification card on the*
30 *occasions that a physical identification card would be canceled,*
31 *suspended, returned or reinstated, as appropriate. A digital proof of*
32 *identification card shall meet the requirements and conditions provided in*
33 *sections 2 through 8, and amendments thereto, before being issued by the*
34 *division pursuant to this subsection.*

35 (2) *As used in this subsection, "digital proof of identification card"*
36 *means the same as defined in section 1, and amendments thereto.*

37 Sec. 13. K.S.A. 8-1325 is hereby amended to read as follows: 8-1325.

38 (a) Every identification card shall expire, unless earlier canceled or
39 subsection (c) of K.S.A. 8-1324, and amendments thereto, applies, on the
40 sixth birthday of the applicant following the date of original issue, except
41 as otherwise provided by K.S.A. 8-1329, and amendments thereto.
42 Renewal of any identification card shall be made for a term of six years
43 and shall expire in a like manner as the originally issued identification

1 card, unless surrendered earlier or subsection (c) of K.S.A. 8-1324, and
2 amendments thereto, applies. For any person who has been issued an
3 identification card, the division shall mail a notice of expiration or renewal
4 at least 30 days prior to the expiration of such person's identification card
5 at the address shown on such identification card. The division shall include
6 with such notice, written information required under subsection (b). Any
7 application for renewal received later than 90 days after expiration of the
8 identification card shall be considered to be an application for an original
9 identification card. The division shall require payment of a fee of \$14 for
10 each identification card renewal, except that persons who are 65 or more
11 years of age or who are persons with a disability, as defined in K.S.A. 8-
12 1,124, and amendments thereto, shall be required to pay a fee of \$10. Any
13 identification card holder, whose identification card has expired after
14 March 12, 2020, and before March 31, 2021, shall have until June 30,
15 2021, to renew such identification card.

16 (b) The division shall reference the website of the agency in a
17 person's notice of expiration or renewal under subsection (a). The division
18 shall provide the following information on the website of the agency:

19 (1) Information explaining the person's right to make an anatomical
20 gift in accordance with K.S.A. 8-1328, and amendments thereto, and the
21 revised uniform anatomical gift act, K.S.A. 65-3220 through 65-3244, and
22 amendments thereto;

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

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

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

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

41 (A) Providing such information on the website of the agency; or

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

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

14 (c) *A fee of \$10 shall be charged for the issuance of a digital proof of*
15 *identification card.*

16 Sec. 14. K.S.A. 8-1328 is hereby amended to read as follows: 8-1328.

17 (a) The identification card shall resemble in appearance, so far as is
18 practicable, a driver's license issued in accordance with K.S.A. 8-243, and
19 amendments thereto, and shall adequately describe the registrant. The
20 identification card shall be sealed in transparent plastic or similar
21 substance, *except that this requirement shall not apply to digital proof of*
22 *identification cards, as defined in section 1, and amendments thereto.*

23 (b) All Kansas identification cards issued to any person 16 years of
24 age or older shall contain a form ~~which~~ *that* provides a statement for
25 making a gift of all or any part of the body in accordance with the revised
26 uniform anatomical gift act, K.S.A. 65-3220 through 65-3244, and
27 amendments thereto, except as otherwise provided by this subsection. The
28 statement to be effective shall be signed by the applicant in the presence of
29 two witnesses who shall sign the statement in the presence of the donor.
30 The gift becomes effective upon the death of the donor. Delivery of the
31 identification card during the donor's lifetime is not necessary to make a
32 valid gift. Any valid gift statement executed prior to July 1, 2007, shall
33 remain effective until invalidated. The word "Donor" shall be placed on
34 the front of an applicant's identification card, indicating that the statement
35 for making an anatomical gift under this subsection has been executed by
36 such applicant.

37 Sec. 15. K.S.A. 8-235, 8-240, 8-1325 and 8-1328 and K.S.A. 2024
38 Supp. 8-243 and 8-1324 are hereby repealed.

39 Sec. 16. This act shall take effect and be in force from and after its
40 publication in the statute book.