

HOUSE BILL No. 2211

By Committee on Veterans, Military and Homeland Security

2-5

1 AN ACT concerning driver's licenses and nondriver identification cards;
2 relating to criminal penalties; amending K.S.A. 8-260 and 8-1327 and
3 repealing the existing sections.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 8-260 is hereby amended to read as follows: 8-260.

7 (a) It shall be unlawful for any person, for any purpose, to:

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

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

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

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

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

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

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

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

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

29 (b) Violation of ~~paragraphs (1) or~~ *paragraph* (9) of subsection (a) is
30 a class B nonperson misdemeanor. Violation of paragraphs (2), (3), (4),
31 (6), (7) or (8) of subsection (a) is a class A nonperson misdemeanor.
32 *Violation of paragraph (1) of subsection (a) is a class A nonperson*
33 *misdemeanor, for which the minimum fine is \$350.* Violation of paragraph
34 (5) of subsection (a) is a severity level 9, nonperson felony.

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

36 (1) Lend any driver's license to or knowingly permit the use of any

1 driver's license by any person under 21 years of age for use in the purchase
2 of any alcoholic liquor.

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

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

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

13 (d) (1) *(A)* Upon a first conviction of a violation of ~~any provision~~
14 *paragraphs (1), (2) or (3)* of subsection (c), a person shall be guilty of a
15 class B nonperson misdemeanor and shall be sentenced to not less than
16 100 hours of public service and fined not less than \$200 nor more than
17 \$500.

18 *(B)* Upon a first conviction of a violation of *paragraph (4) of*
19 *subsection (c), a person shall be guilty of a class A nonperson*
20 *misdemeanor and fined not less than \$350.*

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

24 (e) The provisions of this section shall apply to any driver's license,
25 nondriver's identification card or other form of identification whether
26 issued under the laws of this state or issued under the laws of another state
27 or jurisdiction.

28 Sec. 2. K.S.A. 8-1327 is hereby amended to read as follows: 8-1327.

29 (a) It shall be unlawful for any person, for any purpose, to:

30 (1) Display, cause or permit to be displayed, or have in possession,
31 any fictitious, fraudulently altered or fraudulently obtained identification
32 card.

33 (2) Lend any identification card to any other person or knowingly
34 permit the use thereof by another.

35 (3) Display or represent any identification card not issued to the
36 person as being the person's card.

37 (4) Permit any unlawful use of an identification card issued to the
38 person.

39 (5) Use a false or fictitious name in any application for an
40 identification card, or any renewal or replacement thereof, or knowingly
41 conceal a material fact or otherwise commit a fraud in any such
42 application.

43 (6) Display or possess any photograph, photostat, duplicate,

1 reproduction or facsimile of an identification card unless authorized by the
2 provisions of this act.

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

8 (8) Fail or refuse to surrender to the division upon its lawful demand
9 any identification card which has been canceled.

10 (9) Display or cause or permit to be displayed any canceled
11 identification card.

12 (b) Violation of ~~paragraphs (1) or~~ *paragraph (9)* of subsection (a) is
13 a class B nonperson misdemeanor. Violation of paragraphs (2), (3), (4),
14 (6), (7) or (8) of subsection (a) is a class A nonperson misdemeanor.
15 *Violation of paragraph (1) of subsection (a) is a class A nonperson*
16 *misdemeanor; for which the minimum fine is \$350.* Violation of paragraph
17 (5) of subsection (a) is a severity level 9, nonperson felony.

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

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

22 (2) Lend any identification card to or knowingly permit the use of any
23 identification card by any person under the legal age for consumption of
24 cereal malt beverage for use in the purchase of any cereal malt beverage.

25 (3) Lend any identification card, driver's license or other form of
26 identification to aid another person in obtaining an identification card or
27 replacement identification card.

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

32 (d) (1) (A) Upon a first conviction of a violation of ~~any provision~~
33 *paragraphs (1), (2) or (3)* of subsection (c), a person shall be guilty of a
34 class B nonperson misdemeanor and shall be sentenced to not less than
35 100 hours of public service and fined not less than \$200 nor more than
36 \$500.

37 (B) *Upon a first conviction of a violation of paragraph (4) of*
38 *subsection (c), a person shall be guilty of a class A nonperson*
39 *misdemeanor and fined not less than \$350.*

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

43 (e) The provisions of this section shall apply to any identification

1 card, driver's license or other form of identification whether issued under
2 the laws of this state or issued under the laws of another state or
3 jurisdiction.

4 Sec. 3. K.S.A. 8-260 and 8-1327 are hereby repealed.

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