

As Amended by House Committee

Session of 2013

HOUSE BILL No. 2309

By Committee on Veterans, Military and Homeland Security

2-12

1 AN ACT concerning veterans; relating to driver's licenses and nondriver
2 identification cards; authorizing the director of vehicles to provide
3 information to certain requesting parties; amending K.S.A. 2012 Supp.
4 8-243, 8-1324 and 74-2012 and repealing the existing sections.

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

7 Section 1. K.S.A. 2012 Supp. 8-243 is hereby amended to read as
8 follows: 8-243. (a) Upon payment of the required fee, the division shall
9 issue to every applicant qualifying under the provisions of this act the
10 driver's license as applied for by the applicant. Such license shall bear the
11 class or classes of motor vehicles which the licensee is entitled to drive, a
12 distinguishing number assigned to the licensee, the full legal name, date of
13 birth, gender, address of principal residence and a brief description of the
14 licensee, a colored digital photograph of the licensee, a facsimile of the
15 signature of the licensee and the statement provided for in subsection (b).
16 No driver's license shall be valid until it has been signed by the licensee.
17 All drivers' licenses issued to persons under the age of 21 years shall be
18 readily distinguishable from licenses issued to persons age 21 years or
19 older. In addition, all drivers' licenses issued to persons under the age of 18
20 years shall also be readily distinguishable from licenses issued to persons
21 age 18 years or older. The secretary of revenue shall implement a vertical
22 format to make drivers' licenses issued to persons under the age of 21 more
23 readily distinguishable. Except as otherwise provided, no driver's license
24 issued by the division shall be valid until a colored digital photograph of
25 such licensee has been taken and verified before being placed on the
26 driver's license. The secretary of revenue shall prescribe a fee of not more
27 than \$8 and upon the payment of such fee, the division shall cause a
28 colored digital photograph of such applicant to be placed on the driver's
29 license. Upon payment of such fee prescribed by the secretary of revenue,
30 plus payment of the fee required by K.S.A. 8-246, and amendments
31 thereto, for issuance of a new license, the division shall issue to such
32 licensee a new license containing a colored digital photograph of such
33 licensee. A driver's license which does not contain the principal address as
34 required may be issued to persons who are program participants pursuant
35 to K.S.A. 2012 Supp. 75-455, and amendments thereto, upon payment of
36 the fee required by K.S.A. 8-246, and amendments thereto. All Kansas

1 drivers' licenses and identification cards shall have physical security
2 features 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) All Kansas drivers' licenses issued to any person 16 years of age
7 or older shall contain a form which provides a statement for making a gift
8 of all or any part of the body of the licensee in accordance with the revised
9 uniform anatomical gift act, K.S.A. 2012 Supp. 65-3220 through 65-3244,
10 and amendments thereto, except as otherwise provided by this subsection.
11 The statement to be effective shall be signed by the licensee in the
12 presence of two witnesses who shall sign the statement in the presence of
13 the donor. The gift becomes effective upon the death of the donor.
14 Delivery of the license during the donor's lifetime is not necessary to make
15 a valid gift. Any valid gift statement executed prior to July 1, 1994, shall
16 remain effective until invalidated. The word "Donor" shall be placed on
17 the front of a licensee's driver's license, indicating that the statement for
18 making an anatomical gift under this subsection has been executed by such
19 licensee.

20 (c) Any person who is deaf or hard of hearing may request that the
21 division issue to such person a driver's license which is readily
22 distinguishable from drivers' licenses issued to other drivers and upon such
23 request the division shall issue such license. Drivers' licenses issued to
24 persons who are deaf or hard of hearing and under the age of 21 years shall
25 be readily distinguishable from drivers' licenses issued to persons who are
26 deaf or hard of hearing and 21 years of age or older. Upon satisfaction of
27 subsection (a), the division shall issue a receipt of application permitting
28 the operation of a vehicle consistent with the requested class, if there are
29 no other restrictions or limitations, pending the division's verification of
30 the information and production of a driver's license.

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

37 (e) (I) *Any person who is a veteran may request that the division*
38 *issue to such person a driver's license which shall include the designation*
39 *"VETERAN" displayed on the ~~face of the~~ driver's license at a location to*
40 **be determined by the secretary of revenue.** *In order to receive a license*
41 *described in this subsection, the veteran must provide proof of the*
42 *veteran's military service and honorable discharge or general discharge*
43 **under honorable conditions, including a copy of the veteran's DD214**

1 *form or equivalent.*

2 (2) *As used in this subsection, "veteran" means a person who:*

3 (A) *Has served in: The army, navy, marine corps, air force, coast*
4 *guard, air or army national guard or any branch of the military reserves*
5 *of the United States; and*

6 (B) *has been separated from the branch of service in which the*
7 *person*~~*served with an honorable discharge*~~ **was honorably discharged or**
8 **received a general discharge 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 Sec. 2. K.S.A. 2012 Supp. 8-1324 is hereby amended to read as
12 follows: 8-1324. (a) Any resident who does not hold a current valid Kansas
13 driver's license may make application to the division of vehicles and be
14 issued one identification card.

15 (b) For the purpose of obtaining an identification card, an applicant
16 shall submit, with the application, proof of age, proof of identity and proof
17 of lawful presence. An applicant shall submit with the application a photo
18 identity document, except that a non-photo identity document is acceptable
19 if it includes both the applicant's full legal name and date of birth, and
20 documentation showing the applicant's name, the applicant's address of
21 principal residence and the applicant's social security account number. The
22 applicant's social security number shall remain confidential and shall not
23 be disclosed, except as provided pursuant to K.S.A. 74-2012, and
24 amendments thereto. If the applicant does not have a social security
25 number, the applicant shall provide proof of lawful presence and Kansas
26 residency. The division shall assign a distinguishing number to the
27 identification card. Before issuing an identification card to a person, the
28 division shall make reasonable efforts to verify with the issuing agency the
29 issuance, validity and completeness of each document required to be
30 presented by the applicant to prove age, identity and lawful presence.

31 (c) The division shall not issue an identification card to any person
32 who fails to provide proof that the person is lawfully present in the United
33 States. If an applicant provides evidence of lawful presence as set out in
34 subsections (b)(2)(E) through (2)(I) of K.S.A. 8-240, and amendments
35 thereto, or is an alien lawfully admitted for temporary residence under
36 subsection (b)(2)(B) of K.S.A. 8-240, and amendments thereto, the
37 division may only issue a temporary identification card to the person under
38 the following conditions: (A) A temporary identification card issued
39 pursuant to this subparagraph shall be valid only during the period of time
40 of the applicant's authorized stay in the United States or, if there is no
41 definite end to the period of authorized stay, a period of one year; (B) a
42 temporary identification card issued pursuant to this subparagraph shall
43 clearly indicate that it is temporary and shall state the date upon which it

1 expires; (C) no temporary identification card issued pursuant to this
2 subparagraph shall be for a longer period of time than the time period
3 permitted by K.S.A. 8-1325, and amendments thereto; and (D) a
4 temporary identification card issued pursuant to this subparagraph may be
5 renewed, subject at the time of renewal, to the same requirements and
6 conditions set forth in this subsection (c) for the issuance of the original
7 temporary identification card.

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

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

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

18 (g) (1) The division shall require payment of a fee of \$14 at the time
19 application for an identification card is made, except that persons who are
20 65 or more years of age or who are handicapped, as defined in K.S.A. 8-
21 1,124, and amendments thereto, shall be required to pay a fee of only \$10.
22 In addition to the fees prescribed by this subsection, the division shall
23 require payment of the photo fee established pursuant to K.S.A. 8-243, and
24 amendments thereto, for the cost of the photograph to be placed on the
25 identification card.

26 (2) The division shall not require or accept payment of application or
27 photo fees under this subsection for any person 17 years of age or older for
28 purposes of meeting the voter identification requirements of K.S.A. 25-
29 2908, and amendments thereto. Such person shall:

30 (A) Swear under oath that such person desires an identification card
31 in order to vote in an election in Kansas and that such person does not
32 possess any of the forms of identification acceptable under K.S.A. 25-
33 2908, and amendments thereto. The affidavit shall specifically list the
34 acceptable forms of identification under K.S.A. 25-2908, and amendments
35 thereto; and

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

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

40 (h) All Kansas identification cards shall have physical security
41 features designed to prevent tampering, counterfeiting or duplication for
42 fraudulent purposes.

43 (i) For the purposes of K.S.A. 8-1324 through 8-1328, and

1 amendments thereto, a person shall be deemed to be a resident of the state
2 if:

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

8 (j) The division shall require that any person applying for an
9 identification card submit to a mandatory facial image capture.

10 (k) (1) *Any person who is a veteran may request that the division*
11 *issue to such person a nondriver identification card which shall include*
12 *the designation "VETERAN" **displayed on—the face—of the nondriver***
13 *identification card **at a location to be determined by the secretary of***
14 *revenue. In order to receive a nondriver identification card described in*
15 *this subsection, the veteran must provide proof of the veteran's military*
16 *service and honorable discharge **or general discharge under honorable***
17 ***conditions including a copy of the veteran's DD214 form or equivalent.***

18 (2) *As used in this subsection, "veteran" means a person who:*

19 (A) *Has served in: The army, navy, marine corps, air force, coast*
20 *guard, air or army national guard or any branch of the military reserves*
21 *of the United States; and*

22 (B) *has been separated from the branch of service in which the*
23 *person served ~~with an under honorable discharge~~ **conditions or received***
24 ***a general discharge under honorable conditions.***

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

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

32 ~~(m)~~ (m) *Upon payment of the required fee, the division shall issue to*
33 *every applicant qualifying under the provisions of this act an identification*
34 *card. Such identification card shall bear a distinguishing number assigned*
35 *to the cardholder, the full legal name, date of birth, address of principal*
36 *residence, a brief description of the cardholder, a colored digital*
37 *photograph of the cardholder, and a facsimile of the signature of the*
38 *cardholder. An identification card which does not contain the address of*
39 *principal residence of the cardholder as required may be issued to persons*
40 *who are program participants pursuant to K.S.A. 2012 Supp. 75-455, and*
41 *amendments thereto.*

42 Sec. 3. K.S.A. 2012 Supp. 74-2012 is hereby amended to read as
43 follows: 74-2012. (a) (1) All motor vehicle records shall be subject to the

1 provisions of the open records act, except as otherwise provided under the
2 provisions of this section and by K.S.A. 74-2022, and amendments thereto.

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

7 (b) All motor vehicle records which relate to the physical or mental
8 condition of any person, have been expunged or are photographs or digital
9 images maintained in connection with the issuance of drivers' licenses
10 shall be confidential and shall not be disclosed except in accordance with a
11 proper judicial order or as otherwise more specifically provided in this
12 section or by other law. Photographs or digital images maintained by the
13 division of vehicles in connection with the issuance of drivers' licenses
14 may be disclosed to any federal, state or local agency, including any court
15 or law enforcement agency, to assist such agency in carrying out the
16 functions required of such governmental agency. In January of each year
17 the division shall report to the house committee on veterans, military and
18 homeland security regarding the utilization of the provisions of this
19 subsection. Motor vehicle records relating to diversion agreements for the
20 purposes of K.S.A. 8-1567, 12-4415 and 22-2908 and K.S.A. 2012 Supp.
21 8-1025, and amendments thereto, shall be confidential and shall not be
22 disclosed except in accordance with a proper judicial order or by direct
23 computer access to:

24 (1) A city, county or district attorney, for the purpose of determining a
25 person's eligibility for diversion or to determine the proper charge for a
26 violation of K.S.A. 8-2,144 or 8-1567 or K.S.A. 2012 Supp. 8-1025, and
27 amendments thereto, or any ordinance of a city or resolution of a county in
28 this state which prohibits any acts prohibited by those statutes;

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

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

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

36 (c) Lists of persons' names and addresses contained in or derived
37 from motor vehicle records shall not be sold, given or received for the
38 purposes prohibited by K.S.A. 2012 Supp. 45-230, and amendments
39 thereto, except that:

40 (1) The director of vehicles may provide to a requesting party, and a
41 requesting party may receive, such a list and accompanying information
42 from motor vehicle records upon written certification that the requesting
43 party shall use the list solely for the purpose of:

- 1 (A) Assisting manufacturers of motor vehicles in compiling statistical
2 reports or in notifying owners of vehicles believed to:
- 3 (i) Have safety-related defects;
- 4 (ii) fail to comply with emission standards; or
- 5 (iii) have any defect to be remedied at the expense of the
6 manufacturer;
- 7 (B) assisting an insurer authorized to do business in this state, or the
8 insurer's authorized agent:
- 9 (i) In processing an application for, or renewal or cancellation of, a
10 motor vehicle liability insurance policy; or
- 11 (ii) in conducting antifraud activities by identifying potential
12 undisclosed drivers of a motor vehicle currently insured by an insurer
13 licensed to do business in this state by providing only the following
14 information: drivers license number, license type, date of birth, name,
15 address, issue date and expiration date;
- 16 (C) assisting the selective service system in the maintenance of a list
17 of persons 18 to 26 years of age in this state as required under the
18 provisions of section 3 of the federal military selective service act;
- 19 (D) assisting any federal, state or local agency, including any court or
20 law enforcement agency, or any private person acting on behalf of such
21 agencies in carrying out the functions required of such governmental
22 agency, except that such records shall not be redisclosed;
- 23 (E) assisting businesses with the verification or reporting of
24 information derived from the title and registration records of the division
25 to prepare and assemble vehicle history reports, except that such vehicle
26 history reports shall not include the names or addresses of any current or
27 previous owners;
- 28 (F) assisting businesses in producing motor vehicle title or motor
29 vehicle registration, or both, statistical reports, so long as personal
30 information is not published, redisclosed or used to contact individuals; ~~or~~
- 31 (G) assisting an employer or an employer's authorized agent in
32 monitoring the driving record of the employees required to drive in the
33 course of employment to ensure driver behavior, performance or safety; *or*
- 34 (H) *assisting the Kansas commission on veterans affairs in notifying*
35 *veterans of the facilities, benefits and services available to veterans.*
- 36 (2) Any law enforcement agency of this state which has access to
37 motor vehicle records may furnish to a requesting party, and a requesting
38 party may receive, such a list and accompanying information from such
39 records upon written certification that the requesting party shall use the list
40 solely for the purpose of assisting an insurer authorized to do business in
41 this state, or the insurer's authorized agent, in processing an application
42 for, or renewal or cancellation of, a motor vehicle liability insurance
43 policy.

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

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

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

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

32 Sec. 4. K.S.A. 2012 Supp. 8-243, 8-1324 and 74-2012 are hereby
33 repealed.

34 Sec. 5. This act shall take effect and be in force from and after **July 1,**
35 **2014, and** its publication in the statute book.