

HOUSE BILL No. 2522

By Committee on Veterans, Military and Homeland Security

1-25

1 AN ACT concerning the division of vehicles; relating to drivers' licenses
2 and identification cards; facial imaging; amending K.S.A. 2015 Supp.
3 8-240, 8-243 and 8-1324 and repealing the existing sections.
4

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

6 Section 1. K.S.A. 2015 Supp. 8-240 is hereby amended to read as
7 follows: 8-240. (a) (1) Every application for an instruction permit shall be
8 made upon a form furnished by the division of vehicles and accompanied
9 by a fee of \$2 for class A, B, C or M and \$5 for all commercial classes.
10 Every other application shall be made upon a form furnished by the
11 division and accompanied by an examination fee of \$3, unless a different
12 fee is required by K.S.A. 8-241, and amendments thereto, and by the
13 proper fee for the license for which the application is made. All
14 commercial class applicants shall be charged a \$15 driving test fee for the
15 drive test portion of the commercial driver's license application. If the
16 applicant is not required to take an examination or the commercial license
17 drive test, the examination or commercial drive test fee shall not be
18 required. The examination shall consist of three tests, as follows: (A)
19 Vision; (B) written; and (C) driving. For a commercial driver's license, the
20 drive test shall consist of three components, as follows: (A) Pre-trip; (B)
21 skills test; and (C) road test. If the applicant fails the vision test, the
22 applicant may have correction of vision made and take the vision test
23 again without any additional fee. If an applicant fails the written test, the
24 applicant may take such test again upon the payment of an additional
25 examination fee of \$1.50. If an applicant fails the driving test, the
26 applicant may take such test again upon the payment of an additional
27 examination fee of \$1.50. If an applicant for a commercial driver's license
28 fails any portion of the commercial drive test, the applicant may take such
29 test again upon the payment of an additional drive test fee of \$10. If an
30 applicant fails to pass all three of the tests within a period of six months
31 from the date of original application and desires to take additional tests,
32 the applicant shall file an application for reexamination upon a form
33 furnished by the division, which shall be accompanied by a reexamination
34 fee of \$3, except that any applicant who fails to pass the written or driving
35 portion of an examination four times within a six-month period, shall be
36 required to wait a period of six months from the date of the last failed

1 examination before additional examinations may be given. Upon the filing
2 of such application and the payment of such reexamination fee, the
3 applicant shall be entitled to reexamination in like manner and subject to
4 the additional fees and time limitation as provided for examination on an
5 original application. If the applicant passes the reexamination, the
6 applicant shall be issued the classified driver's license for which the
7 applicant originally applied, which license shall be issued to expire as if
8 the applicant had passed the original examination.

9 (2) Applicants for class M licenses who have completed prior
10 motorcycle safety training in accordance with department of defense
11 instruction 6055.04 (DoDI 6055.04) are not required to complete further
12 written and driving testing pursuant to paragraph (1) of this subsection.

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

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

42 (3) If an applicant provides evidence of lawful presence set out in
43 subsections (b)(2)(E) through (2)(I), or is an alien lawfully admitted for

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

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

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

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

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

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

43 (e) When the division receives a request for a driver's record from

1 another licensing jurisdiction the record shall be forwarded without charge.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

39 Sec. 2. K.S.A. 2015 Supp. 8-243 is hereby amended to read as
40 follows: 8-243. (a) Upon payment of the required fee, the division shall
41 issue to every applicant qualifying under the provisions of this act the
42 driver's license as applied for by the applicant. Such license shall bear the
43 class or classes of motor vehicles which the licensee is entitled to drive, a

1 distinguishing number assigned to the licensee, the full legal name, date of
2 birth, gender, address of principal residence and a brief description of the
3 licensee, a ~~colored~~ digital *color image or photograph or black and white*
4 *laser engraved* photograph of the licensee, a facsimile of the signature of
5 the licensee and the statement provided for in subsection (b). No driver's
6 license shall be valid until it has been signed by the licensee. All drivers'
7 licenses issued to persons under the age of 21 years shall be readily
8 distinguishable from licenses issued to persons age 21 years or older. In
9 addition, all drivers' licenses issued to persons under the age of 18 years
10 shall also be readily distinguishable from licenses issued to persons age 18
11 years or older. The secretary of revenue shall implement a vertical format
12 to make drivers' licenses issued to persons under the age of 21 more
13 readily distinguishable. Except as otherwise provided, no driver's license
14 issued by the division shall be valid until a ~~colored~~ digital *color image or*
15 *photograph or black and white laser engraved* photograph of such licensee
16 has been taken and verified before being placed on the driver's license. The
17 secretary of revenue shall prescribe a fee of not more than \$8 and upon the
18 payment of such fee, the division shall cause a ~~colored~~ digital *color image*
19 *or photograph or black and white laser engraved* photograph of such
20 applicant to be placed on the driver's license. Upon payment of such fee
21 prescribed by the secretary of revenue, plus payment of the fee required by
22 K.S.A. 8-246, and amendments thereto, for issuance of a new license, the
23 division shall issue to such licensee a new license containing a ~~colored~~
24 digital *color image or photograph or black and white laser engraved*
25 photograph of such licensee. A driver's license which does not contain the
26 principal address as required may be issued to persons who are program
27 participants pursuant to K.S.A. 2015 Supp. 75-455, and amendments
28 thereto, upon payment of the fee required by K.S.A. 8-246, and
29 amendments thereto. All Kansas drivers' licenses and identification cards
30 shall have physical security features designed to prevent tampering,
31 counterfeiting or duplication of the document for fraudulent purposes. The
32 secretary of revenue shall incorporate common machine-readable
33 technology into all Kansas drivers' licenses and identification cards.

34 (b) All Kansas drivers' licenses issued to any person 16 years of age
35 or older shall contain a form which provides a statement for making a gift
36 of all or any part of the body of the licensee in accordance with the revised
37 uniform anatomical gift act, K.S.A. 2015 Supp. 65-3220 through 65-3244,
38 and amendments thereto, except as otherwise provided by this subsection.
39 The statement to be effective shall be signed by the licensee in the
40 presence of two witnesses who shall sign the statement in the presence of
41 the donor. The gift becomes effective upon the death of the donor.
42 Delivery of the license during the donor's lifetime is not necessary to make
43 a valid gift. Any valid gift statement executed prior to July 1, 1994, shall

1 remain effective until invalidated. The word "Donor" shall be placed on
2 the front of a licensee's driver's license, indicating that the statement for
3 making an anatomical gift under this subsection has been executed by such
4 licensee.

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

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

22 (e) (1) Any person who is a veteran may request that the division
23 issue to such person a driver's license which shall include the designation
24 "VETERAN" displayed on the front of the driver's license at a location to
25 be determined by the secretary of revenue. In order to receive a license
26 described in this subsection, the veteran must provide proof of the
27 veteran's military service and honorable discharge or general discharge
28 under honorable conditions, including a copy of the veteran's DD214 form
29 or equivalent.

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

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

34 (B) has been separated from the branch of service in which the person
35 was honorably discharged or received a general discharge under honorable
36 conditions.

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

39 Sec. 3. K.S.A. 2015 Supp. 8-1324 is hereby amended to read as
40 follows: 8-1324. (a) Any resident who does not hold a current valid Kansas
41 driver's license may make application to the division of vehicles and be
42 issued one identification card.

43 (b) For the purpose of obtaining an identification card, an applicant

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

16 (c) The division shall not issue an identification card to any person
17 who fails to provide proof that the person is lawfully present in the United
18 States. If an applicant provides evidence of lawful presence as set out in
19 ~~subsections (b)(2)(E) through (2)(I)~~ of K.S.A. 8-240(b)(2)(E) through (2)
20 (I), and amendments thereto, or is an alien lawfully admitted for temporary
21 residence under ~~subsection (b)(2)(B)~~ of K.S.A. 8-240(b)(2)(B), and
22 amendments thereto, the division may only issue a temporary
23 identification card to the person under the following conditions: (A) A
24 temporary identification card issued pursuant to this subparagraph shall be
25 valid only during the period of time of the applicant's authorized stay in
26 the United States or, if there is no definite end to the period of authorized
27 stay, a period of one year; (B) a temporary identification card issued
28 pursuant to this subparagraph shall clearly indicate that it is temporary and
29 shall state the date upon which it expires; (C) no temporary identification
30 card issued pursuant to this subparagraph shall be for a longer period of
31 time than the time period permitted by K.S.A. 8-1325, and amendments
32 thereto; and (D) a temporary identification card issued pursuant to this
33 subparagraph may be renewed, subject at the time of renewal, to the same
34 requirements and conditions set forth in this subsection (c) for the issuance
35 of the original temporary identification card.

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

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

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

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

11 (2) The division shall not require or accept payment of application or
12 photo fees under this subsection for any person 17 years of age or older for
13 purposes of meeting the voter identification requirements of K.S.A. 25-
14 2908, and amendments thereto. Such person shall:

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

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

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

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

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

30 (1) The person owns, leases or rents a place of domicile in this state;

31 (2) the person engages in a trade, business or profession in this state;

32 (3) the person is registered to vote in this state;

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

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

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

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

1 this subsection, the veteran must provide proof of the veteran's military
2 service and honorable discharge or general discharge under honorable
3 conditions, including a copy of the veteran's DD214 form or equivalent.

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

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

8 (B) has been separated from the branch of service in which the person
9 was honorably discharged or received a general discharge under honorable
10 conditions.

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

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

18 (m) Upon payment of the required fee, the division shall issue to
19 every applicant qualifying under the provisions of this act an identification
20 card. Such identification card shall bear a distinguishing number assigned
21 to the cardholder, the full legal name, date of birth, address of principal
22 residence, a brief description of the cardholder, a ~~colored~~ digital *color*
23 *image or photograph or black and white laser engraved* photograph of the
24 cardholder, and a facsimile of the signature of the cardholder. An
25 identification card which does not contain the address of principal
26 residence of the cardholder as required may be issued to persons who are
27 program participants pursuant to K.S.A. 2015 Supp. 75-455, and
28 amendments thereto.

29 Sec. 4. K.S.A. 2015 Supp. 8-240, 8-243 and 8-1324 are hereby
30 repealed.

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