

## HOUSE BILL No. 2016

By Representatives Finney, Ballard, Carlin, Curtis, Henderson, Lusk, Lusker, Miller, Neighbor, Ohaebosim, Pittman, Sawyer, Trimmer, Victors, Whipple, Wilson and Winn

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1 AN ACT concerning people with certain disabilities; relating to vehicle  
2 registration, information included therein; state-issued identification  
3 cards, information included therein; amending K.S.A. 2016 Supp. 8-  
4 243 and 8-1324 and repealing the existing sections.

5  
6 WHEREAS, The provisions of section 1 and the provisions of K.S.A.  
7 2016 Supp. 8-243(f) and K.S.A. 2016 Supp. 8-1324(n), as amended by this  
8 act, shall be known and may be cited as Joey's Law.

9 Now, therefore:

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

11 New Section 1. (a) Any Kansas resident who submits satisfactory  
12 proof to the director of vehicles, on a form provided by the director, that  
13 such person needs assistance with cognition, including, but not limited to,  
14 persons with autism spectrum disorder, or is responsible for the  
15 transportation of such a person, may request that such information be  
16 included as part of the vehicle registration.

17 (b) Satisfactory proof that a person needs assistance with cognition  
18 shall include a statement from a person licensed to practice the healing arts  
19 in any state, an advanced practice registered nurse licensed under K.S.A.  
20 65-1131, and amendments thereto, a licensed physician assistant or a  
21 Christian science practitioner listed in the Christian science journal  
22 certifying that such person needs assistance with cognition.

23 Sec. 2. K.S.A. 2016 Supp. 8-243 is hereby amended to read as  
24 follows: 8-243. (a) Upon payment of the required fee, the division shall  
25 issue to every applicant qualifying under the provisions of this act the  
26 driver's license as applied for by the applicant. Such license shall bear the  
27 class or classes of motor vehicles which the licensee is entitled to drive, a  
28 distinguishing number assigned to the licensee, the full legal name, date of  
29 birth, gender, address of principal residence and a brief description of the  
30 licensee, either: (1) A digital color image or photograph; or (2) a laser  
31 engraved photograph of the licensee, a facsimile of the signature of the  
32 licensee and the statement provided for in subsection (b). No driver's  
33 license shall be valid until it has been signed by the licensee. All drivers'  
34 licenses issued to persons under the age of 21 years shall be readily

1 distinguishable from licenses issued to persons age 21 years or older. In  
2 addition, all drivers' licenses issued to persons under the age of 18 years  
3 shall also be readily distinguishable from licenses issued to persons age 18  
4 years or older. The secretary of revenue shall implement a vertical format  
5 to make drivers' licenses issued to persons under the age of 21 more  
6 readily distinguishable. Except as otherwise provided, no driver's license  
7 issued by the division shall be valid until either: (1) A digital color image  
8 or photograph; or (2) a laser engraved photograph of such licensee has  
9 been taken and verified before being placed on the driver's license. The  
10 secretary of revenue shall prescribe a fee of not more than \$8 and upon the  
11 payment of such fee, the division shall cause either: (1) A digital color  
12 image or photograph; or (2) a laser engraved photograph of such applicant  
13 to be placed on the driver's license. Upon payment of such fee prescribed  
14 by the secretary of revenue, plus payment of the fee required by K.S.A. 8-  
15 246, and amendments thereto, for issuance of a new license, the division  
16 shall issue to such licensee a new license containing either: (1) A digital  
17 color image or photograph; or (2) a laser engraved photograph of such  
18 licensee. A driver's license which does not contain the principal address as  
19 required may be issued to persons who are program participants pursuant  
20 to K.S.A. 2016 Supp. 75-455, and amendments thereto, upon payment of  
21 the fee required by K.S.A. 8-246, and amendments thereto. All Kansas  
22 drivers' licenses and identification cards shall have physical security  
23 features designed to prevent tampering, counterfeiting or duplication of  
24 the document for fraudulent purposes. The secretary of revenue shall  
25 incorporate common machine-readable technology into all Kansas drivers'  
26 licenses and identification cards.

27 (b) All Kansas drivers' licenses issued to any person 16 years of age  
28 or older shall contain a form which provides a statement for making a gift  
29 of all or any part of the body of the licensee in accordance with the revised  
30 uniform anatomical gift act, K.S.A. 2016 Supp. 65-3220 through 65-3244,  
31 and amendments thereto, except as otherwise provided by this subsection.  
32 The statement to be effective shall be signed by the licensee in the  
33 presence of two witnesses who shall sign the statement in the presence of  
34 the donor. The gift becomes effective upon the death of the donor.  
35 Delivery of the license during the donor's lifetime is not necessary to make  
36 a valid gift. Any valid gift statement executed prior to July 1, 1994, shall  
37 remain effective until invalidated. The word "Donor" shall be placed on  
38 the front of a licensee's driver's license, indicating that the statement for  
39 making an anatomical gift under this subsection has been executed by such  
40 licensee.

41 (c) Any person who is deaf or hard of hearing may request that the  
42 division issue to such person a driver's license which is readily  
43 distinguishable from drivers' licenses issued to other drivers and upon such

1 request the division shall issue such license. Drivers' licenses issued to  
2 persons who are deaf or hard of hearing and under the age of 21 years shall  
3 be readily distinguishable from drivers' licenses issued to persons who are  
4 deaf or hard of hearing and 21 years of age or older. Upon satisfaction of  
5 subsection (a), the division shall issue a receipt of application permitting  
6 the operation of a vehicle consistent with the requested class, if there are  
7 no other restrictions or limitations, pending the division's verification of  
8 the information and production of a driver's license.

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

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

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

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

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

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

32 (f) (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 driver's license, which shall note such impairment on the driver's*  
37 *license at a location to be determined by the secretary of revenue.*

38 (2) *Satisfactory proof that a person needs assistance with cognition*  
39 *shall include a statement from a person licensed to practice the healing*  
40 *arts in any state, an advanced practice registered nurse licensed under*  
41 *K.S.A. 65-1131, and amendments thereto, a licensed physician assistant or*  
42 *a Christian science practitioner listed in the Christian science journal*  
43 *certifying that such person needs assistance with cognition.*

1       Sec. 3. K.S.A. 2016 Supp. 8-1324 is hereby amended to read as  
2 follows: 8-1324. (a) Any resident who does not hold a current valid Kansas  
3 driver's license may make application to the division of vehicles and be  
4 issued one identification card.

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

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

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

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

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

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

15 (2) The division shall not require or accept payment of application or  
16 photo fees under this subsection for any person 17 years of age or older for  
17 purposes of meeting the voter identification requirements of K.S.A. 25-  
18 2908, and amendments thereto. Such person shall:

19 (A) Swear under oath that such person desires an identification card  
20 in order to vote in an election in Kansas and that such person does not  
21 possess any of the forms of identification acceptable under K.S.A. 25-  
22 2908, and amendments thereto. The affidavit shall specifically list the  
23 acceptable forms of identification under K.S.A. 25-2908, and amendments  
24 thereto; and

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

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

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

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

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

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

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

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

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

39 (j) The division shall require that any person applying for an  
40 identification card submit to a mandatory facial image capture. The  
41 captured facial image shall be displayed on the front of the applicant's  
42 identification card.

43 (k) (1) Any person who is a veteran may request that the division

1 issue to such person a nondriver identification card which shall include the  
2 designation "VETERAN" displayed on the front of the nondriver  
3 identification card at a location to be determined by the secretary of  
4 revenue. In order to receive a nondriver identification card described in  
5 this subsection, the veteran must provide proof of the veteran's military  
6 service and honorable discharge or general discharge under honorable  
7 conditions, including a copy of the veteran's DD214 form or equivalent.

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

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

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

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

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

22 (m) Upon payment of the required fee, the division shall issue to  
23 every applicant qualifying under the provisions of this act an identification  
24 card. Such identification card shall bear a distinguishing number assigned  
25 to the cardholder, the full legal name, date of birth, address of principal  
26 residence, a brief description of the cardholder, either: (1) A digital color  
27 image or photograph; or (2) a laser engraved photograph of the cardholder,  
28 and a facsimile of the signature of the cardholder. An identification card  
29 which does not contain the address of principal residence of the cardholder  
30 as required may be issued to persons who are program participants  
31 pursuant to K.S.A. 2016 Supp. 75-455, and amendments thereto.

32 (n) (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, which shall note such impairment*  
37 *on 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*  
41 *arts in any state, an advanced practice registered nurse licensed under*  
42 *K.S.A. 65-1131, and amendments thereto, a licensed physician assistant or*  
43 *a Christian science practitioner listed in the Christian science journal*

1 *certifying that such person needs assistance with cognition.*

2 Sec. 4. K.S.A. 2016 Supp. 8-243 and 8-1324 are hereby repealed.

3 Sec. 5. This act shall take effect and be in force from and after its

4 publication in the statute book.