

STATE OF KANSAS

HOUSE OF REPRESENTATIVES

MR. CHAIRMAN:

I move to amend **HB 2609**, on page 1, following line 7, by inserting:

"New Section 1. (a) Any person may change the gender indicated on the person's driver's license, instruction permit or nondriver's identification card and on the person's associated motor vehicle record by performing the following:

(1) Completing and submitting a form prescribed by the division of vehicles that shall include a written certification of the person's gender by a healthcare provider as defined in subsection (d). The person requesting the gender change shall sign the application under penalty of perjury pursuant to K.S.A. 8-261a and 21-5903, and amendments thereto, and shall certify that the gender classification accurately reflects such person's gender; and

(2) meeting the requirements in subsection (c).

(b) The written certification by the healthcare provider shall be signed by such provider under penalty of perjury and shall certify both of the following:

(1) The person requesting a change of gender classification is currently under the healthcare provider's care for the change of gender, unless the person is requesting a gender designation of "X" as provided in K.S.A. 8-240, and amendments thereto. For a person requesting a gender designation of "X," the healthcare provider shall not be required to indicate that the person is in the healthcare provider's care for change of gender; and

(2) in the healthcare provider's professional opinion, the person's gender is male or female, and it is reasonably likely that the person's gender will remain the same for the foreseeable future.

(c) (1) Each person applying for a change of gender designation pursuant to subsection (a) shall surrender all licenses, instruction permits or nondriver's identification cards in such person's possession. No refund shall be given for any licenses, instruction permits or nondriver's identification cards surrendered. The division shall furnish the applicant with a driver's license, instruction permit or nondriver's identification card indicating the requested gender upon payment of the replacement fees specified in K.S.A. 8-246 or 8-1326, and amendments thereto.

(2) A written test and a driving test shall not be required if there is no change in the license type requested and the applicant already has a valid state driver's license. A new photograph shall be taken for the new driver's license, instructional permit or nondriver's identification card.

(3) If the application is submitted within one year before the expiration of the person's existing state driver's license, instruction permit or nondriver's identification card, the person shall pay the renewal fee specified in K.S.A. 8-247 or 8-1325, and amendments thereto, and comply with all other requirements for issuance of the state driver's license, instruction permit or nondriver's identification card.

(d) (1) For the purposes of this section, "healthcare provider" means any of the following:

- (A) Physician;
- (B) master's level psychologist;
- (C) clinical psychotherapist;
- (D) advanced practice registered nurse;
- (E) specialist clinical social worker;
- (F) physician assistant;
- (G) clinical professional counselor; or

(H) clinical marriage and family therapist.

(2) On the date any written certification under subsection (b) is signed, the healthcare provider shall have a valid professional license for the healthcare provider's occupation and shall be currently practicing in that occupation.

Sec. 2. K.S.A. 2021 Supp. 8-240 is hereby amended to read as follows: 8-240. (a) (1) Every application for an instruction permit shall be made upon a form furnished by the division of vehicles and accompanied by a fee of \$2 for class A, B, C or M and \$5 for all commercial classes. Every other application shall be made upon a form furnished by the division and accompanied by an examination fee of \$3, unless a different fee is required by K.S.A. 8-241, and amendments thereto, and by the proper fee for the license for which the application is made. All commercial class applicants shall be charged a \$15 driving test fee for the drive test portion of the commercial driver's license application. If the applicant is not required to take an examination or the commercial license drive test, the examination or commercial drive test fee shall not be required. The examination shall ~~consist of~~ be three tests, ~~as follows: (A) consisting of vision; (B), written; and (C) driving.~~ For a commercial driver's license, the drive test shall ~~consist of~~ be three components, ~~as follows: (A) consisting of pre-trip; (B), skills test; and (C) road test.~~ If the applicant fails the vision test, the applicant may have correction of vision made and take the vision test again without any additional fee. If an applicant fails the written test, the applicant may take such test again upon the payment of an additional examination fee of \$1.50. If an applicant fails the driving test, the applicant may take such test again upon the payment of an additional examination fee of \$1.50. If an applicant for a commercial driver's license fails any portion of the commercial drive test, the applicant may take such test again upon the payment of an additional drive test fee of \$10. If an applicant fails to pass all three of the tests within a period of six months from the date of original application and desires to take additional tests, the

applicant shall file an application for reexamination upon a form furnished by the division, which shall be accompanied by a reexamination fee of \$3, except that any applicant who fails to pass the written or driving portion of an examination four times within a six-month period, shall be required to wait a period of six months from the date of the last failed examination before additional examinations may be given. Upon the filing of such application and the payment of such reexamination fee, the applicant shall be entitled to reexamination in like manner and subject to the additional fees and time limitation as provided for examination on an original application. If the applicant passes the reexamination, the applicant shall be issued the classified driver's license for which the applicant originally applied, which license shall be issued to expire as if the applicant had passed the original examination.

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

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

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

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

(3) If an applicant provides evidence of lawful presence set out in subsections (b)(2)(E)

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

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

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

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

(c)(1) Every application shall state the full legal name, date of birth, gender and address of principal residence of the applicant, and briefly describe the applicant, and shall state whether the applicant has been licensed as a driver prior to such application, and, if so, when and by what state or country. Such application shall state whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and

reason for such suspension, revocation or refusal. In addition, applications for commercial drivers' licenses and instruction permits for commercial licenses must include the following: The applicant's social security number; the person's signature; the person's: ~~(1) (A)~~ Digital color image or photograph; or ~~(2) (B)~~ a laser engraved photograph; certifications, including those required by 49 C.F.R. § 383.71(a), effective January 1, 1991; a consent to release driving record information; and, any other information required by the division. Each application for a driver's license shall include a question asking if the applicant is willing to give such applicant's authorization to be listed as an organ, eye or tissue donor in the Kansas donor registry in accordance with the revised uniform anatomical gift act, K.S.A. 65-3220 through 65-3244, and amendments thereto. The gift would become effective upon the death of the donor.

(2) An applicant may designate their gender as "X" on any application for a driver's license or instruction permit completed pursuant to this section.

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

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

(f) A fee shall be charged as follows:

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

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

(3) for a class M driver's license issued to a person at least 21 years of age, but less than

65 years of age, \$12.50;

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

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

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

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

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

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

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

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

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

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

(i) The director of vehicles may issue a temporary driver's license to an applicant who cannot provide valid documentary evidence as defined by subsection (b)(2), if the applicant

provides compelling evidence proving current lawful presence. Any temporary license issued pursuant to this subsection shall be valid for one year.

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

- (A) Younger than 30 days from turning 21 years of age;
- (B) 65 years of age or older;
- (C) a registered offender pursuant to K.S.A. 22-4901 et seq., and amendments thereto;
- (D) a person issued a temporary driver's license issued pursuant to K.S.A. 8-240(b)(3),

and amendments thereto, provided the license is not otherwise withdrawn; or

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

(2) The vision examination requirements in K.S.A. 8-247(e), and amendments thereto, are not required for electronic online renewal applications, except that the electronic online renewal applicant must certify under penalty of law that the applicant's vision satisfies the requirements of K.S.A. 8-295, and amendments thereto, and has undergone an examination of eyesight by a licensed ophthalmologist or a licensed optometrist within the last year. As a condition for any electronic online renewal application, the applicant must: (A) Authorize the

exchange of vision and medical information between the division and the applicant's ophthalmologist or optometrist; and (B) is at least 21 years of age, but less than 65 years of age. The ophthalmologist or optometrist shall have four business days to confirm or deny the vision and medical information of the applicant. If no response is received by the division, the division shall accept the vision and medical information provided for processing the renewal application. The waiver of vision examination for online renewal applications contained within this subsection shall expire on July 1, 2022.

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

~~(4) Prior to February 1, 2022, the division shall report to the house and senate committees on transportation regarding the online renewal process of this subsection and its effects to safety on the state's roads and highways.~~

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

On page 5, in line 11, after "Supp." by inserting "8-240 and"; also in line 11, by striking "is" and inserting "are";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after the semicolon by inserting "allowing an individual to have a gender designation of "X" on a license and for an individual to change the gender designation on a driver's license, instruction permit or nondriver's identification card;"; in line 4,

after "Supp." by inserting "8-240 and"; in line 5, by striking "section" and inserting "sections"

_____ District.