

SENATE BILL No. 529

By Committee on Federal and State Affairs

2-21

1 AN ACT concerning nondriver's identification cards; providing for the
2 electronic renewal thereof; amending K.S.A. 2021 Supp. 8-1324 and
3 repealing the existing section.
4

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

6 Section 1. K.S.A. 2021 Supp. 8-1324 is hereby amended to read as
7 follows: 8-1324. (a) Any resident who does not hold a current valid Kansas
8 driver's license may make application to the division of vehicles and be
9 issued one identification card.

10 (b) (1) Each application for an identification card shall include a
11 question asking if the applicant is willing to give such applicant's
12 authorization to be listed as an organ, eye and tissue donor in the Kansas
13 donor registry in accordance with the revised uniform anatomical gift act,
14 K.S.A. 65-3220 through 65-3244, and amendments thereto. The gift would
15 become effective upon the death of the donor.

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

32 (c) The division shall not issue an identification card to any person
33 who fails to provide proof that the person is lawfully present in the United
34 States. If an applicant provides evidence of lawful presence as set out in
35 K.S.A. 8-240(b)(2)(E) through (2)(I), and amendments thereto, or is an
36 alien lawfully admitted for temporary residence under K.S.A. 8-240(b)(2)

1 (B), and amendments thereto, the division may only issue a temporary
2 identification card to the person under the following conditions: (A) A
3 temporary identification card issued pursuant to this subparagraph shall be
4 valid only during the period of time of the applicant's authorized stay in
5 the United States or, if there is no definite end to the period of authorized
6 stay, a period of one year; (B) a temporary identification card issued
7 pursuant to this subparagraph shall clearly indicate that it is temporary and
8 shall state the date upon which it expires; (C) no temporary identification
9 card issued pursuant to this subparagraph shall be for a longer period of
10 time than the time period permitted by K.S.A. 8-1325, and amendments
11 thereto; and (D) a temporary identification card issued pursuant to this
12 subparagraph may be renewed, subject at the time of renewal, to the same
13 requirements and conditions set forth in this subsection~~(e)~~ for the issuance
14 of the original temporary identification card.

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

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

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

25 (g) (1) The division shall require payment of a fee of \$14 at the time
26 application for an identification card is made, except that persons who are
27 65 or more years of age or who are handicapped, as defined in K.S.A. 8-
28 1,124, and amendments thereto, shall be required to pay a fee of only \$10.
29 In addition to the fees prescribed by this subsection, the division shall
30 require payment of the photo fee established pursuant to K.S.A. 8-243, and
31 amendments thereto, for the cost of the photograph to be placed on the
32 identification card.

33 (2) The division shall not require or accept payment of application or
34 photo fees under this subsection for any person 17 years of age or older for
35 purposes of meeting the voter identification requirements of K.S.A. 25-
36 2908, and amendments thereto. Such person shall:

37 (A) Swear under oath that such person desires an identification card
38 in order to vote in an election in Kansas and that such person does not
39 possess any of the forms of identification acceptable under K.S.A. 25-
40 2908, and amendments thereto. The affidavit shall specifically list the
41 acceptable forms of identification under K.S.A. 25-2908, and amendments
42 thereto; and

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

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

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

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

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

14 (j) The division shall require that any person applying for an
15 identification card submit to a mandatory facial image capture. The
16 captured facial image shall be displayed on the front of the applicant's
17 identification card *by either:*

- 18 (1) *A digital color image or photograph; or*
19 (2) *a laser engraved photograph of the licensee.*

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

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

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

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

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

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

42 (m) Upon payment of the required fee, the division shall issue to
43 every applicant qualifying under the provisions of this act an identification

1 card. Such identification card shall bear a distinguishing number assigned
2 to the cardholder, the full legal name, date of birth, address of principal
3 residence, a brief description of the cardholder, either: (1) A digital color
4 image or photograph; or (2) a laser engraved photograph of the cardholder,
5 and a facsimile of the signature of the cardholder. An identification card
6 which does not contain the address of principal residence of the cardholder
7 as required may be issued to persons who are program participants
8 pursuant to K.S.A. 75-455, and amendments thereto.

9 (n) An identification card issued to any person who indicated on the
10 application that the person wished to make an anatomical gift in
11 accordance with the revised uniform anatomical gift act, K.S.A. 65-3220
12 through 65-3244, and amendments thereto, shall have the word "Donor"
13 placed on the front of the applicant's identification card.

14 (o) (1) Any person who submits satisfactory proof to the director of
15 vehicles, on a form provided by the director, that such person needs
16 assistance with cognition, including, but not limited to, persons with
17 autism spectrum disorder, may request that the division issue to such
18 person a nondriver identification card, that shall note such impairment on
19 the nondriver identification card at a location to be determined by the
20 secretary of revenue.

21 (2) Satisfactory proof that a person needs assistance with cognition
22 shall include a statement from a person licensed to practice the healing arts
23 in any state, an advanced practice registered nurse licensed under K.S.A.
24 65-1131, and amendments thereto, a licensed physician assistant or a
25 person clinically licensed by the Kansas behavioral sciences regulatory
26 board certifying that such person needs assistance with cognition.

27 (p) (1) *The secretary of revenue shall adopt and administer rules and*
28 *regulations to implement a program to permit an electronic online renewal*
29 *of an identification card, including, but not limited to, requirements that*
30 *an electronic online renewal applicant shall have previously provided*
31 *documentation of identity, lawful presence and residence to the division*
32 *for electronic scanning. For purposes of this subsection, the division may*
33 *rely on the division's most recent, existing color digital image and*
34 *signature image of the applicant for the nondriver's identification card if*
35 *the division has such images on file. The determination on whether an*
36 *electronic online renewal application or equivalent of a nondriver's*
37 *identification card is permitted shall be made by the director of vehicles or*
38 *the director's designee. The division shall not renew a nondriver's*
39 *identification card through an electronic online or equivalent process if*
40 *the identification card has been previously renewed through an electronic*
41 *online application in the immediately preceding card's expiration period.*
42 *No renewal under this subsection shall be granted to any person who is a*
43 *registered offender pursuant to K.S.A. 22-4901 et seq., and amendments*

1 *thereto.*

2 *(2) Prior to February 1, 2023, the division shall report to the house*
3 *of representatives and the senate committees on transportation regarding*
4 *the online renewal process of this subsection and the effects of*
5 *implementing such process.*

6 Sec. 2. K.S.A. 2021 Supp. 8-1324 is hereby repealed.

7 Sec. 3. This act shall take effect and be in force from and after its
8 publication in the statute book.