

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; *{renewal;}* facial imaging; amending K.S.A.
3 2015 Supp. 8-240, 8-243 and 8-1324 and repealing the existing
4 sections.
5

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

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

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

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

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

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

1 conditional permanent resident status in the United States.

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

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

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

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

26 (c) Every application shall state the full legal name, date of birth,
27 gender and address of principal residence of the applicant, and briefly
28 describe the applicant, and shall state whether the applicant has been
29 licensed as a driver prior to such application, and, if so, when and by what
30 state or country. Such application shall state whether any such license has
31 ever been suspended or revoked, or whether an application has ever been
32 refused, and, if so, the date of and reason for such suspension, revocation
33 or refusal. In addition, applications for commercial drivers' licenses and
34 instruction permits for commercial licenses must include the following:
35 The applicant's social security number; the person's signature; the person's
36 ~~colored:~~ *(1) Digital color image or photograph; or ~~black and white~~ (2) a*
37 *laser engraved* photograph; certifications, including those required by 49
38 C.F.R. § 383.71(a), effective January 1, 1991; a consent to release driving
39 record information; and, any other information required by the division.

40 (d) When an application is received from a person previously licensed
41 in another jurisdiction, the division shall request a copy of the driver's
42 record from the other jurisdiction. When received, the driver's record shall
43 become a part of the driver's record in this state with the same force and

1 effect as though entered on the driver's record in this state in the original
2 instance.

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

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

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

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

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

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

14 (5) for a class A or B driver's license issued to a person who is at least
15 21 years of age, but less than 65 years of age, \$24;

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

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

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

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

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

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

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

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

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

42 ***{j) For purposes of this subsection, the division may rely on the
43 division's most recent, existing color digital image and signature image***

1 *of the applicant for the class C or M driver's license if the division has*
2 *the information on file. The determination on whether an electronic*
3 *online renewal application or equivalent of a driver's license is permitted*
4 *shall be made by the director of vehicles or the director's designee. The*
5 *division shall not renew a driver's license through an electronic online*
6 *or equivalent process if the license has been previously renewed through*
7 *an electronic online application in the immediately preceding driver's*
8 *license period. No renewal under this subsection shall be granted to any*
9 *person who is: (1) Younger than 30 days from turning 21 years of age;*
10 *or (2) 65 years of age or older; (3) a registered offender pursuant to*
11 *K.S.A. 22-4901 et seq., and amendments thereto; or (4) has a temporary*
12 *driver's license issued pursuant to K.S.A. 8-240(b)(3), and amendments*
13 *thereto, provided the license is not otherwise withdrawn. The secretary*
14 *of revenue may adopt and administer rules and regulations to implement*
15 *a program to permit an electronic online renewal of a driver's license.}*

16 Sec. 2. K.S.A. 2015 Supp. 8-243 is hereby amended to read as
17 follows: 8-243. (a) Upon payment of the required fee, the division shall
18 issue to every applicant qualifying under the provisions of this act the
19 driver's license as applied for by the applicant. Such license shall bear the
20 class or classes of motor vehicles which the licensee is entitled to drive, a
21 distinguishing number assigned to the licensee, the full legal name, date of
22 birth, gender, address of principal residence and a brief description of the
23 licensee, *either: (1) A-colored digital color image or photograph; or ~~black~~*
24 *~~and white~~ (2) a laser engraved photograph of the licensee, a facsimile of*
25 *the signature of the licensee and the statement provided for in subsection*
26 *(b). No driver's license shall be valid until it has been signed by the*
27 *licensee. All drivers' licenses issued to persons under the age of 21 years*
28 *shall be readily distinguishable from licenses issued to persons age 21*
29 *years or older. In addition, all drivers' licenses issued to persons under the*
30 *age of 18 years shall also be readily distinguishable from licenses issued to*
31 *persons age 18 years or older. The secretary of revenue shall implement a*
32 *vertical format to make drivers' licenses issued to persons under the age of*
33 *21 more readily distinguishable. Except as otherwise provided, no driver's*
34 *license issued by the division shall be valid until *either: (1) A-colored**
35 *digital color image or photograph; or ~~black and white~~ (2) a laser*
36 *engraved photograph of such licensee has been taken and verified before*
37 *being placed on the driver's license. The secretary of revenue shall*
38 *prescribe a fee of not more than \$8 and upon the payment of such fee, the*
39 *division shall cause *either: (1) A-colored* digital color image or*
40 *photograph; or ~~black and white~~ (2) a laser engraved photograph of such*
41 *applicant to be placed on the driver's license. Upon payment of such fee*
42 *prescribed by the secretary of revenue, plus payment of the fee required by*
43 *K.S.A. 8-246, and amendments thereto, for issuance of a new license, the*

1 division shall issue to such licensee a new license containing ***either: (1) A***
2 ~~colored~~ *digital color image or photograph; or ~~black and white~~ (2) a laser*
3 *engraved* photograph of such licensee. A driver's license which does not
4 contain the principal address as required may be issued to persons who are
5 program participants pursuant to K.S.A. 2015 Supp. 75-455, and
6 amendments thereto, upon payment of the fee required by K.S.A. 8-246,
7 and amendments thereto. All Kansas drivers' licenses and identification
8 cards shall have physical security features designed to prevent tampering,
9 counterfeiting or duplication of the document for fraudulent purposes. The
10 secretary of revenue shall incorporate common machine-readable
11 technology into all Kansas drivers' licenses and identification cards.

12 (b) All Kansas drivers' licenses issued to any person 16 years of age
13 or older shall contain a form which provides a statement for making a gift
14 of all or any part of the body of the licensee in accordance with the revised
15 uniform anatomical gift act, K.S.A. 2015 Supp. 65-3220 through 65-3244,
16 and amendments thereto, except as otherwise provided by this subsection.
17 The statement to be effective shall be signed by the licensee in the
18 presence of two witnesses who shall sign the statement in the presence of
19 the donor. The gift becomes effective upon the death of the donor.
20 Delivery of the license during the donor's lifetime is not necessary to make
21 a valid gift. Any valid gift statement executed prior to July 1, 1994, shall
22 remain effective until invalidated. The word "Donor" shall be placed on
23 the front of a licensee's driver's license, indicating that the statement for
24 making an anatomical gift under this subsection has been executed by such
25 licensee.

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

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

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

1 issue to such person a driver's license which shall include the designation
2 "VETERAN" displayed on the front of the driver's license at a location to
3 be determined by the secretary of revenue. In order to receive a license
4 described in this subsection, the veteran must provide proof of the
5 veteran's military service and honorable discharge or general discharge
6 under honorable conditions, including a copy of the veteran's DD214 form
7 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 Sec. 3. K.S.A. 2015 Supp. 8-1324 is hereby amended to read as
18 follows: 8-1324. (a) Any resident who does not hold a current valid Kansas
19 driver's license may make application to the division of vehicles and be
20 issued one identification card.

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

37 (c) The division shall not issue an identification card to any person
38 who fails to provide proof that the person is lawfully present in the United
39 States. If an applicant provides evidence of lawful presence as set out in
40 ~~subsections (b)(2)(E) through (2)(I)~~ of K.S.A. 8-240(b)(2)(E) through (2)
41 (I), and amendments thereto, or is an alien lawfully admitted for temporary
42 residence under ~~subsection (b)(2)(B)~~ of K.S.A. 8-240(b)(2)(B), and
43 amendments thereto, the division may only issue a temporary

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

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

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

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

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

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

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

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

43 (3) The secretary of revenue shall adopt rules and regulations in order

1 to implement the provisions of paragraph (2).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

39 (m) Upon payment of the required fee, the division shall issue to
40 every applicant qualifying under the provisions of this act an identification
41 card. Such identification card shall bear a distinguishing number assigned
42 to the cardholder, the full legal name, date of birth, address of principal
43 residence, a brief description of the cardholder, *either: (1) A colored-*

1 digital *color image or photograph; or ~~black and white~~ (2) a laser*
2 *engraved* photograph of the cardholder, and a facsimile of the signature of
3 the cardholder. An identification card which does not contain the address
4 of principal residence of the cardholder as required may be issued to
5 persons who are program participants pursuant to K.S.A. 2015 Supp. 75-
6 455, and amendments thereto.

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

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