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Samuel M. Williams, Secretary  
David Harper, Director

Dr. Jeff Colyer, Governor

## WRITTEN TESTIMONY

To: Chairman Mike Petersen and Members of the Senate Transportation Committee  
From: Ted Smith, Deputy General Counsel with the Kansas Department of Revenue  
Date: March 15, 2018  
Re: Testimony in Support of HB 2606 – Online Driver’s License Renewal Issues

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Good Morning Chairman and Members of the Committee:

My name is Ted Smith and I represent the Kansas Department of Revenue and Division of Vehicles. The Kansas Department of Revenue, Division of Vehicles (division) has proposed HB 2606 and asks for Committee consideration and approval of this Bill that would expand the ways many Kansas residents renew their State driver’s licenses. In calendar year 2017, the division issued approx. 884,000 credentials. 412,697 of those credentials were driver’s license renewals.

### **Past requirements for State driver’s license renewal applications**

Prior to 2016, an applicant was required to appear in person at a Kansas exam station to secure a driver license renewal. The renewal applicant was required to submit to a vision exam at the station, or provide some other recent evidence of vision examination by a medical professional. The division had some specific exceptions that applied to active military personal that were stationed out of the State.

### **2016 amendment expanding online renewals of driver’s licenses**

In 2016, the State license renewal laws were expanded to permit electronic, online renewal of non-commercial driver’s licenses in limited circumstances. For the first time, the division was permitted to renew a driver’s license, without capturing an image if the applicant: 1) last driver license renewal was done in person (an image was captured); 2) was older than 21 and younger than 65; 3) was not a registered offender; 4) was not a commercial driver’s license holder; and/or 5) was not a temporary driver’s license holder.<sup>1</sup> The 2016 amendment was helpful in situations involving Kansas residents that were temporarily out of State and/or County as military dependents, missionaries, military contractors, or students studying overseas. In such cases, the division would still require a recent vision exam that had been completed within the last three months. The demand for such renewals were small with the division completing less than 500 a year. The 2016 amendment did not address vision exam requirements.

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<sup>1</sup> An alien lawfully admitted for temporary residence or an applicant that previously received a license after passing a SAVE check.

**2018 Amendment – HB 2606 (2018)**

The division proposes the State expand the program to also serve Kansas consumers presently within the State by providing broader options for verifying a vision exam. A study of other states’ adoption of electronic, online driver license renewal programs, indicates that ten (10) percent to thirty-five (35) percent of the States’ citizens would utilize online renewal services if the language in HB 2606 was enrolled into law. Representatives of those states indicated that Kansas needs to expand its options in enforcing vision requirements if an online driver’s license renewal process were to become popular with its customers. The division anticipates State adoption to be closer to 10 percent for such renewals for it will be limited to applicant’s that have scanned lawful presence documentation on file (REAL ID compliant) and do not have the SAVE<sup>2</sup> case check requirement.

Of the seven states surrounding Kansas, four permit online driver’s license renewals. (Colorado, Nebraska, Iowa, and Texas – Arkansas, Missouri, and Oklahoma require in person visits)

Number	In Person - Every Other Renewal Period	Number	In Person - Every Renewal
33	AK, AL, CA (every 3rd), CO, DC, DE, FL, GA, IA, IL, IN, LA, MA, MD, ME, MS, NC, NE, NH, NM, NV, OH, PA, RI, SC, SD, TN, TX, VA, VT, WA, WY, WV	17	AR, AZ (12 year renewal period), CT, HI (expansive mail in renewals permitted up to two cycles), ID, KS, KY, MN, MO, MT (expanded mail in renewal process), ND, NJ, NY (option about in person but requires vision report), OK (but no vision testing at renewal), OR, UT, WI,

**HB 2606 does not eliminate vision testing requirements**

Under HB 2606, the division shall continue to require the renewal applicant satisfy existing vision standards.<sup>3</sup> What changes is that the division will rely upon a renewal applicant’s certification that he or she has submitted to and passed an annual vision exam with a licensed optometrist or ophthalmologist within the last year. This process is derived from the State of Colorado – Colorado requires a similar vision exam within two years of applying for renewal.

The division has reached out to the Kansas Optometric Association (KOA) prior to proposing this bill. The language in HB 2606 was developed after conversations with KOA. The division and KOA have worked together to develop a proposal that would expand options for Kansas residents while also maintaining the safety of the State’s road and highways through specific

<sup>2</sup> SAVE stands for Systematic Alien Verification for Entitlements Program. The SAVE program is managed by USCIS and is relied upon by the division to determine lawful presence in circumstances involving non-U.S. Citizens.

<sup>3</sup> Each applicant testing 20/40 or better in at least one eye without corrective lens shall meet the vision requirements. K.S.A. 2017 Supp. 8-295(a); K.A.R. 92-52-1(a) the driver’s license examiner shall require each individual with a reading of 20/60 in at least one eye with or without corrective lens to submit to a drive test. K.S.A. 2017 Supp. 8-295(c); K.A.R. 92-52-1(c).

limitations. Those limitations take the form of: 1) a limited age group (18 to 50 years of age)<sup>4</sup>; 2) the vision examination must have been completed within the last year; 3) a sunset provision and division reporting requirement in 2022 to ensure study and discussion regarding this amendment's effect on overall road safety; 4) requirements for information sharing between the division and the applicant's identified vision specialist to ensure applicant certifications are reliable; and 5) design requirements in the online renewal process that would guard against fraudulent certifications of a recent vision examination.

### **Online driver's license renewals would have other benefits**

There are multiple benefits to the customer. A renewal applicant could avoid having to travel to a division exam station. Renewal applicants would only need to visit a exam station every other renewal cycle, or 12 years. A renewal applicant could complete the renewal process during non-business hours and avoid having to take time off from work to apply for a renewal in person. This amendment will incentivize the Kansas consumers to complete two positive public policy goals: 1) secure a REAL ID; and 2) schedule and participate in an annual vision exam with a license eye care professional. While the division has confidence in the vision results derived from its exam station machines, results from an annual vision exam from an optometrist or ophthalmologist are always preferable, and encouraging such annual vision exams will benefit the State's citizens on many different levels.

There will also be opportunities for the division to promote other programs associated with driver's license re-issuance. In the case of organ donation programs<sup>5</sup>, the division will have a tool to increase a renewal applicant's awareness of available programs under the Uniform Anatomical Gift Act by making the applicant complete awareness education as a condition of the online renewal. Similar tools can be used to educate the renewal applicant on voter registration rules and indicate the renewal applicant's current voter registration status.<sup>6</sup>

I hope the above information is helpful in your serious consideration of HB 2606. I ask for this Committee's favorable passage of HB 2606. I will stand for any questions.

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<sup>4</sup> This age limitation range would limit the amendment's application to 54% of the State population of regular class C license holders.

<sup>5</sup> Division is required to inform applicants of the Uniform Anatomical Gift Act. See K.S.A. 2017 Supp. 8-247(g); see also K.S.A. 8-243(b) and K.S.A. 2017 Supp. 65-3220 through 65-3244.

<sup>6</sup> Any process would need to comply with State laws and the Federal National Voter Registration Act of 1993, and amendments thereto.