

Substitute for SENATE BILL No. 74

By Committee on Transportation

2-20

1 AN ACT concerning persons needing assistance with cognition; relating to
2 motor vehicles, placards, identification cards; state-issued identification
3 cards and driver's licenses; amending K.S.A. 2016 Supp. 8-243 and 8-
4 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 person who submits satisfactory proof to the
12 director of vehicles, on a form provided by the director, that such person
13 needs assistance with cognition, including, but not limited to, persons with
14 autism spectrum disorder, shall be issued a placard of a design to be
15 determined by the director for use in any motor vehicle operated or
16 occupied by such person. The placard shall be suitable for attachment to
17 the visor of the vehicle or placing on the dash of the vehicle.

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

24 (c) In addition to the placard, the director of vehicles shall issue to the
25 person who needs assistance with cognition an individual identification
26 card that must be carried by the person who needs assistance with
27 cognition when the motor vehicle is being operated or occupied by such
28 person.

29 (d) Placards and individual identification cards issued pursuant to this
30 section shall be valid as long as the person who needs assistance with
31 cognition is eligible for a placard.

32 (e) In addition to such other information contained on individual
33 identification cards, cards shall have the date of birth and the gender of the
34 person to whom the card is issued.

35 (f) Permanent placards and individual identification cards shall be
36 returned to the department of revenue upon the death of the person who

1 needs assistance with cognition.

2 (g) Any person who willfully and falsely represents that such person
3 has the qualifications to obtain a placard pursuant to this section shall be
4 guilty of a class C misdemeanor.

5 (h) Any person authorized to certify that a person who needs
6 assistance with cognition under subsection (a) who willfully and falsely
7 certifies that a person has the qualifications to obtain a placard and an
8 individual identification card pursuant to this section shall be guilty of a
9 class C misdemeanor.

10 (i) Any person who utilizes any placard or identification card issued
11 to another person pursuant to this section shall be guilty of an unclassified
12 misdemeanor punishable by a fine of not less than \$100 and not more than
13 \$300.

14 (j) The secretary of revenue may adopt such rules and regulations
15 necessary to carry out the provisions of this act.

16 Sec. 2. K.S.A. 2016 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 digital color image or photograph; or (2) a laser
24 engraved photograph of the licensee, a facsimile of the signature of the
25 licensee and the statement provided for in subsection (b). No driver's
26 license shall be valid until it has been signed by the licensee. All drivers'
27 licenses issued to persons under the age of 21 years shall be readily
28 distinguishable from licenses issued to persons age 21 years or older. In
29 addition, all drivers' licenses issued to persons under the age of 18 years
30 shall also be readily distinguishable from licenses issued to persons age 18
31 years or older. The secretary of revenue shall implement a vertical format
32 to make drivers' licenses issued to persons under the age of 21 more
33 readily distinguishable. Except as otherwise provided, no driver's license
34 issued by the division shall be valid until either: (1) A digital color image
35 or photograph; or (2) a laser engraved photograph of such licensee has
36 been taken and verified before being placed on the driver's license. The
37 secretary of revenue shall prescribe a fee of not more than \$8 and upon the
38 payment of such fee, the division shall cause either: (1) A digital color
39 image or photograph; or (2) a laser engraved photograph of such applicant
40 to be placed on the driver's license. Upon payment of such fee prescribed
41 by the secretary of revenue, plus payment of the fee required by K.S.A. 8-
42 246, and amendments thereto, for issuance of a new license, the division
43 shall issue to such licensee a new license containing either: (1) A digital

1 color image or photograph; or (2) a laser engraved photograph of such
2 licensee. A driver's license which does not contain the principal address as
3 required may be issued to persons who are program participants pursuant
4 to K.S.A. 2016 Supp. 75-455, and amendments thereto, upon payment of
5 the fee required by K.S.A. 8-246, and amendments thereto. All Kansas
6 drivers' licenses and identification cards shall have physical security
7 features designed to prevent tampering, counterfeiting or duplication of the
8 document for fraudulent purposes. The secretary of revenue shall
9 incorporate common machine-readable technology into all Kansas drivers'
10 licenses and identification cards.

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

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

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

42 (e) (1) Any person who is a veteran may request that the division
43 issue to such person a driver's license which shall include the designation

1 "VETERAN" displayed on the front of the driver's license at a location to
2 be determined by the secretary of revenue. In order to receive a license
3 described in this subsection, the veteran must provide proof of the
4 veteran's military service and honorable discharge or general discharge
5 under honorable conditions, including a copy of the veteran's DD214 form
6 or equivalent.

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

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

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

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

16 *(f) (1) Any person who submits satisfactory proof to the director of*
17 *vehicles, on a form provided by the director; that such person needs*
18 *assistance with cognition, including, but not limited to, persons with*
19 *autism spectrum disorder; may request that the division issue to such*
20 *person a driver's license, that shall note such impairment on the driver's*
21 *license at a location to be determined by the secretary of revenue.*

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

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

32 (b) For the purpose of obtaining an identification card, an applicant
33 shall submit, with the application, proof of age, proof of identity and proof
34 of lawful presence. An applicant shall submit with the application a photo
35 identity document, except that a non-photo identity document is acceptable
36 if it includes both the applicant's full legal name and date of birth, and
37 documentation showing the applicant's name, the applicant's address of
38 principal residence and the applicant's social security account number. The
39 applicant's social security number shall remain confidential and shall not
40 be disclosed, except as provided pursuant to K.S.A. 74-2014, and
41 amendments thereto. If the applicant does not have a social security
42 number, the applicant shall provide proof of lawful presence and Kansas
43 residency. The division shall assign a distinguishing number to the

1 identification card. Before issuing an identification card to a person, the
2 division shall make reasonable efforts to verify with the issuing agency the
3 issuance, validity and completeness of each document required to be
4 presented by the applicant to prove age, identity and lawful presence.

5 (c) The division shall not issue an identification card to any person
6 who fails to provide proof that the person is lawfully present in the United
7 States. If an applicant provides evidence of lawful presence as set out in
8 K.S.A. 8-240(b)(2)(E) through (2)(I), and amendments thereto, or is an
9 alien lawfully admitted for temporary residence under K.S.A. 8-240(b)(2)
10 (B), and amendments thereto, the division may only issue a temporary
11 identification card to the person under the following conditions: (A) A
12 temporary identification card issued pursuant to this subparagraph shall be
13 valid only during the period of time of the applicant's authorized stay in
14 the United States or, if there is no definite end to the period of authorized
15 stay, a period of one year; (B) a temporary identification card issued
16 pursuant to this subparagraph shall clearly indicate that it is temporary and
17 shall state the date upon which it expires; (C) no temporary identification
18 card issued pursuant to this subparagraph shall be for a longer period of
19 time than the time period permitted by K.S.A. 8-1325, and amendments
20 thereto; and (D) a temporary identification card issued pursuant to this
21 subparagraph may be renewed, subject at the time of renewal, to the same
22 requirements and conditions set forth in this subsection (c) for the issuance
23 of the original temporary identification card.

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

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

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

34 (g) (1) The division shall require payment of a fee of \$14 at the time
35 application for an identification card is made, except that persons who are
36 65 or more years of age or who are handicapped, as defined in K.S.A. 8-
37 1,124, and amendments thereto, shall be required to pay a fee of only \$10.
38 In addition to the fees prescribed by this subsection, the division shall
39 require payment of the photo fee established pursuant to K.S.A. 8-243, and
40 amendments thereto, for the cost of the photograph to be placed on the
41 identification card.

42 (2) The division shall not require or accept payment of application or
43 photo fees under this subsection for any person 17 years of age or older for

1 purposes of meeting the voter identification requirements of K.S.A. 25-
2 2908, and amendments thereto. Such person shall:

3 (A) Swear under oath that such person desires an identification card
4 in order to vote in an election in Kansas and that such person does not
5 possess any of the forms of identification acceptable under K.S.A. 25-
6 2908, and amendments thereto. The affidavit shall specifically list the
7 acceptable forms of identification under K.S.A. 25-2908, and amendments
8 thereto; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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