

**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. *{A person*  
18 *meeting the requirements of this section may also request the director to*  
19 *issue a decal to be affixed to the license plate of a motor vehicle in*  
20 *addition to the placard and that such information be included as part of*  
21 *the vehicle registration.}*

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

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

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

36 (e) In addition to such other information contained on individual

1 identification cards, cards shall have the date of birth and the gender of the  
2 person to whom the card is issued.

3 (f) Permanent placards and individual identification cards shall be  
4 returned to the department of revenue upon the death of the person who  
5 needs assistance with cognition.

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

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

14 (i) Any person who utilizes any placard or identification card issued  
15 to another person pursuant to this section shall be guilty of an unclassified  
16 misdemeanor punishable by a fine of not less than \$100 and not more than  
17 \$300.

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

20 Sec. 2. K.S.A. 2016 Supp. 8-243 is hereby amended to read as  
21 follows: 8-243. (a) Upon payment of the required fee, the division shall  
22 issue to every applicant qualifying under the provisions of this act the  
23 driver's license as applied for by the applicant. Such license shall bear the  
24 class or classes of motor vehicles which the licensee is entitled to drive, a  
25 distinguishing number assigned to the licensee, the full legal name, date of  
26 birth, gender, address of principal residence and a brief description of the  
27 licensee, either: (1) A digital color image or photograph; or (2) a laser  
28 engraved photograph of the licensee, a facsimile of the signature of the  
29 licensee and the statement provided for in subsection (b). No driver's  
30 license shall be valid until it has been signed by the licensee. All drivers'  
31 licenses issued to persons under the age of 21 years shall be readily  
32 distinguishable from licenses issued to persons age 21 years or older. In  
33 addition, all drivers' licenses issued to persons under the age of 18 years  
34 shall also be readily distinguishable from licenses issued to persons age 18  
35 years or older. The secretary of revenue shall implement a vertical format  
36 to make drivers' licenses issued to persons under the age of 21 more  
37 readily distinguishable. Except as otherwise provided, no driver's license  
38 issued by the division shall be valid until either: (1) A digital color image  
39 or photograph; or (2) a laser engraved photograph of such licensee has  
40 been taken and verified before being placed on the driver's license. The  
41 secretary of revenue shall prescribe a fee of not more than \$8 and upon the  
42 payment of such fee, the division shall cause either: (1) A digital color  
43 image or photograph; or (2) a laser engraved photograph of such applicant

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

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

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

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

1 shall develop a numbering system to implement the provisions of this  
2 subsection.

3 (e) (1) Any person who is a veteran may request that the division  
4 issue to such person a driver's license which shall include the designation  
5 "VETERAN" displayed on the front of the driver's license at a location to  
6 be determined by the secretary of revenue. In order to receive a license  
7 described in this subsection, the veteran must provide proof of the  
8 veteran's military service and honorable discharge or general discharge  
9 under honorable conditions, including a copy of the veteran's DD214 form  
10 or equivalent.

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

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

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

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

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

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

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

36 (b) For the purpose of obtaining an identification card, an applicant  
37 shall submit, with the application, proof of age, proof of identity and proof  
38 of lawful presence. An applicant shall submit with the application a photo  
39 identity document, except that a non-photo identity document is acceptable  
40 if it includes both the applicant's full legal name and date of birth, and  
41 documentation showing the applicant's name, the applicant's address of  
42 principal residence and the applicant's social security account number. The  
43 applicant's social security number shall remain confidential and shall not

1 be disclosed, except as provided pursuant to K.S.A. 74-2014, and  
2 amendments thereto. If the applicant does not have a social security  
3 number, the applicant shall provide proof of lawful presence and Kansas  
4 residency. The division shall assign a distinguishing number to the  
5 identification card. Before issuing an identification card to a person, the  
6 division shall make reasonable efforts to verify with the issuing agency the  
7 issuance, validity and completeness of each document required to be  
8 presented by the applicant to prove age, identity and lawful presence.

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

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

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

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

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

1 amendments thereto, for the cost of the photograph to be placed on the  
2 identification card.

3 (2) The division shall not require or accept payment of application or  
4 photo fees under this subsection for any person 17 years of age or older for  
5 purposes of meeting the voter identification requirements of K.S.A. 25-  
6 2908, and amendments thereto. Such person shall:

7 (A) Swear under oath that such person desires an identification card  
8 in order to vote in an election in Kansas and that such person does not  
9 possess any of the forms of identification acceptable under K.S.A. 25-  
10 2908, and amendments thereto. The affidavit shall specifically list the  
11 acceptable forms of identification under K.S.A. 25-2908, and amendments  
12 thereto; and

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

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

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

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

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

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

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

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

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

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

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

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

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

43 (B) has been separated from the branch of service in which the person

1 was honorably discharged or received a general discharge under honorable  
2 conditions.

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

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

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

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

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

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

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