

SENATE BILL No. 326

By Committee on Transportation

1-28

1 AN ACT concerning drivers' licenses; relating to online renewals of
2 licenses; authorizing individuals up to 65 years of age the ability to
3 renew online; amending K.S.A. 2019 Supp. 8-240 and repealing the
4 existing section.
5

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

7 Section 1. K.S.A. 2019 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
35 fee of \$3, except that any applicant who fails to pass the written or driving
36 portion of an examination four times within a six-month period, shall be

1 required to wait a period of six months from the date of the last failed
2 examination before additional examinations may be given. Upon the filing
3 of such application and the payment of such reexamination fee, the
4 applicant shall be entitled to reexamination in like manner and subject to
5 the additional fees and time limitation as provided for examination on an
6 original application. If the applicant passes the reexamination, the
7 applicant shall be issued the classified driver's license for which the
8 applicant originally applied, which license shall be issued to expire as if
9 the applicant had passed the original examination.

10 (2) Applicants for class M licenses who have completed prior
11 motorcycle safety training in accordance with department of defense
12 instruction 6055.04 (DoDI 6055.04) or the motorcycle safety foundation
13 are not required to complete further written and driving testing pursuant to
14 paragraph (1). An applicant seeking exemption from the written and
15 driving tests pursuant to this paragraph shall provide a copy of the
16 motorcycle safety foundation completion form to the division prior to
17 receiving a class M license.

18 (3) On and after January 1, 2017, an applicant for a class M license
19 who passes a driving examination on a three-wheeled motorcycle ~~which~~
20 *that* is not an autocycle shall have a restriction placed on such applicant's
21 license limiting the applicant to the operation of a registered three-wheeled
22 motorcycle. An applicant for a class M license who passes a driving
23 examination on a two-wheeled motorcycle may operate any registered
24 two-wheeled or three-wheeled motorcycle. The driving examination
25 required by this paragraph shall be administered by the division, by the
26 department of defense or as part of a curriculum recognized by the
27 motorcycle safety foundation.

28 (b) (1) For the purposes of obtaining any driver's license or
29 instruction permit, an applicant shall submit, with the application, proof of
30 age and proof of identity as the division may require. The applicant also
31 shall provide a photo identity document, except that a non-photo identity
32 document is acceptable if it includes both the applicant's full legal name
33 and date of birth, and documentation showing the applicant's name, the
34 applicant's address of principal residence and the applicant's social security
35 number. The applicant's social security number shall remain confidential
36 and shall not be disclosed, except as provided pursuant to K.S.A. 74-2012,
37 and amendments thereto. If the applicant does not have a social security
38 number the applicant shall provide proof of lawful presence and Kansas
39 residency. The division shall assign a distinguishing number to the license
40 or permit.

41 (2) The division shall not issue any driver's license or instruction
42 permit to any person who fails to provide proof that the person is lawfully
43 present in the United States. Before issuing a driver's license or instruction

1 permit to a person, the division shall require valid documentary evidence
2 that the applicant: (A) Is a citizen or national of the United States; (B) is an
3 alien lawfully admitted for permanent or temporary residence in the
4 United States; (C) has conditional permanent resident status in the United
5 States; (D) has an approved application for asylum in the United States or
6 has entered into the United States in refugee status; (E) has a valid,
7 unexpired nonimmigrant visa or nonimmigrant visa status for entry into
8 the United States; (F) has a pending application for asylum in the United
9 States; (G) has a pending or approved application for temporary protected
10 status in the United States; (H) has approved deferred action status; or (I)
11 has a pending application for adjustment of status to that of an alien
12 lawfully admitted for permanent residence in the United States or
13 conditional permanent resident status in the United States.

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

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

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

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

38 (c) Every application shall state the full legal name, date of birth,
39 gender and address of principal residence of the applicant, and briefly
40 describe the applicant, and shall state whether the applicant has been
41 licensed as a driver prior to such application, and, if so, when and by what
42 state or country. Such application shall state whether any such license has
43 ever been suspended or revoked, or whether an application has ever been

1 refused, and, if so, the date of and reason for such suspension, revocation
2 or refusal. In addition, applications for commercial drivers' licenses and
3 instruction permits for commercial licenses must include the following:
4 The applicant's social security number; the person's signature; the person's:
5 (1) Digital color image or photograph; or (2) a laser engraved photograph;
6 certifications, including those required by 49 C.F.R. § 383.71(a), effective
7 January 1, 1991; a consent to release driving record information; and, any
8 other information required by the division. Each application for a driver's
9 license shall include a question asking if the applicant is willing to give
10 such applicant's authorization to be listed as an organ, eye or tissue donor
11 in the Kansas donor registry in accordance with the revised uniform
12 anatomical gift act, K.S.A. 65-3220 through 65-3244, and amendments
13 *thereto*. The gift would become effective upon the death of the donor.

14 (d) When an application is received from a person previously licensed
15 in another jurisdiction, the division shall request a copy of the driver's
16 record from the other jurisdiction. When received, the driver's record shall
17 become a part of the driver's record in this state with the same force and
18 effect as though entered on the driver's record in this state in the original
19 instance.

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

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

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

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

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

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

31 (5) for a class A or B driver's license issued to a person who is at least
32 21 years of age, but less than 65 years of age, \$24;

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

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

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

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

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

43 If one fails to make an original application or renewal application for a

1 driver's license within the time required by law, or fails to make
2 application within 60 days after becoming a resident of Kansas, a penalty
3 of \$1 shall be added to the fee charged for the driver's license.

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

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

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

16 (j) (1) For purposes of this subsection, the division may rely on the
17 division's most recent, existing color digital image and signature image of
18 the applicant for the class C or M driver's license if the division has the
19 information on file. The determination on whether an electronic online
20 renewal application or equivalent of a driver's license is permitted shall be
21 made by the director of vehicles or the director's designee. The division
22 shall not renew a driver's license through an electronic online or equivalent
23 process if the license has been previously renewed through an electronic
24 online application in the immediately preceding driver's license period. No
25 renewal under this subsection shall be granted to any person who is: (A)
26 Younger than 30 days from turning 21 years of age; (B) 65 years of age or
27 older; (C) a registered offender pursuant to K.S.A. 22-4901 et seq., and
28 amendments thereto; or (D) has a temporary driver's license issued
29 pursuant to K.S.A. 8-240(b)(3), and amendments thereto, provided the
30 license is not otherwise withdrawn.

31 (2) The vision examination requirements in K.S.A. 8-247(e), and
32 amendments thereto, are not required for electronic online renewal
33 applications, except that the electronic online renewal applicant must
34 certify under penalty of law that the applicant's vision satisfies the
35 requirements of K.S.A. 8-295, and amendments thereto, and has
36 undergone an examination of eyesight by a licensed ophthalmologist or a
37 licensed optometrist within the last year. As a condition for any electronic
38 online renewal application, the applicant must: (A) Authorize the exchange
39 of vision and medical information between the division and the applicant's
40 ophthalmologist or optometrist; and (B) is at least 21 years of age, but less
41 than ~~50~~ 65 years of age. The ophthalmologist or optometrist shall have
42 four business days to confirm or deny the vision and medical information
43 of the applicant. If no response is received by the division, the division

1 shall accept the vision and medical information provided for processing
2 the renewal application. The waiver of vision examination for online
3 renewal applications contained within this subsection shall expire on July
4 1, 2022.

5 (3) The secretary of revenue shall adopt and administer rules and
6 regulations to implement a program to permit an electronic online renewal
7 of a driver's license, including, but not limited to, requirements that an
8 electronic online renewal applicant shall have previously provided
9 documentation of identity, lawful presence and residence to the division
10 for electronic scanning.

11 (4) Prior to February 1, 2022, the division shall report to the house
12 and senate committees on transportation regarding the online renewal
13 process of this subsection and its effects to safety on the state's roads and
14 highways.

15 Sec. 2. K.S.A. 2019 Supp. 8-240 is hereby repealed.

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