

1 [As Amended by House Committee of the Whole]

2  
3 As Amended by House Committee

4  
5 [As Amended by Senate Committee of the Whole]

6  
7 As Amended by Senate Committee

8 *Session of 2002*

9  
10 **SENATE BILL No. 559**

11 By Committee on Judiciary

12  
13  
14 2-11

15  
16 AN ACT concerning drivers licenses and other identification cards; re-  
17 lating to application requirements; *[photograph]* fees; **temporary**  
18 **driver's permit**; amending K.S.A. **8-237**, 8-240[, **8-243**] and 8-1324  
19 and repealing the existing sections.

20  
21 *Be it enacted by the Legislature of the State of Kansas:*

22 **Section 1. K.S.A. 8-237 is hereby amended to read as follows:**  
23 **8-237. The division of vehicles shall not issue any driver's license**  
24 **to any person:**

25 (a) **Who is under the age of 16 years, except that the division**  
26 **may issue a restricted class C or M license, as provided in this act,**  
27 **to any person who: (1) Is at least 15 years of age; (2) has successfully**  
28 **completed an approved course in driver training; (3) has held an**  
29 **instructional permit issued under the provisions of K.S.A. 8-239,**  
30 **and amendments thereto, for a period of at least six months and**  
31 **has completed at least 25 hours of adult supervised driving; and**  
32 **(4) upon the written application of the person's parent or guardian.**  
33 **The required adult supervised driving required in clause (3) above**  
34 **shall be conducted by an adult who is at least 21 years of age and**  
35 **is the holder of a valid commercial driver's license, class A, B or C**  
36 **driver's license. Except as hereafter provided, the application of**  
37 **the parent or guardian shall be submitted to the division. The gov-**  
38 **erning body of any city, by ordinance, may require the application**  
39 **of any person who is under 16 years of age and who resides within**  
40 **the city to be first submitted to the chief law enforcement officer**  
41 **of the city. The board of county commissioners of any county, by**  
42 **resolution, may require the application of any person who is under**  
43 **16 years of age and who resides within the county and outside the**

1 corporate limits of any city to be first submitted to the chief law  
2 enforcement officer of the county. No ordinance or resolution au-  
3 thorized by this subsection shall become effective until a copy of  
4 it is transmitted to the division of vehicles. The chief law enforce-  
5 ment officer of any city or county which has adopted the ordinance  
6 or resolution authorized by this subsection shall make a recom-  
7 mendation on the application as to the necessity for the issuance  
8 of the restricted license, and the recommendation shall be trans-  
9 mitted, with the application, to the division of vehicles. If the di-  
10 vision finds that it is necessary to issue the restricted license, it  
11 shall issue a driver's license to the person.

12 A restricted class C license issued under this subsection shall  
13 entitle the licensee, while possessing the license, to operate any  
14 motor vehicle in class C, as designated in K.S.A. 8-234b, and  
15 amendments thereto. A restricted class M license shall entitle the  
16 licensee, while possessing such license, to operate a motorcycle.  
17 The restricted license shall entitle the licensee to operate the ap-  
18 propriate vehicle at any time:

19 (1) While going to or from or in connection with any job, em-  
20 ployment or farm-related work;

21 (2) on days while school is in session, over the most direct and  
22 accessible route between the licensee's residence and school of  
23 enrollment for the purposes of school attendance;

24 (3) when the licensee is operating a passenger car, at any time  
25 when accompanied by an adult who is the holder of a valid com-  
26 mercial driver's license, class A, B or C driver's license and who is  
27 actually occupying a seat beside the driver; or

28 (4) when the licensee is operating a motorcycle, at any time  
29 when accompanied by an adult who is the holder of a valid class  
30 M driver's license and who is operating a motorcycle in the general  
31 proximity of the licensee.

32 Any licensee issued a restricted license under this subsection  
33 shall not operate any motor vehicle with nonsibling minor passen-  
34 gers and any conviction for violating this provision shall be con-  
35 strued as a moving traffic violation for the purpose of K.S.A. 8-255,  
36 and amendments thereto.

37 A restricted driver's license issued under this subsection is sub-  
38 ject to suspension or revocation in the same manner as any other  
39 driver's license. In addition, the division may suspend the re-  
40 stricted driver's license upon receiving satisfactory evidence that:

41 (1) The licensee has violated the restriction of the license, (2) the  
42 licensee has been involved in two or more accidents chargeable to  
43 the licensee or (3) the recommendation of the chief law enforce-

1 ment officer of any city or county requiring the recommendation  
2 has been withdrawn. The suspended license shall not be reinstated  
3 for one year or until the licensee reaches the age of 16, whichever  
4 period is longer.

5 Any licensee issued a restricted license under this subsection  
6 who: (1) Is under the age of 16 years and is convicted of two or  
7 more moving traffic violations committed on separate occasions  
8 shall not be eligible to receive a driver's license which is not re-  
9 stricted in accordance with the provisions of this subsection until  
10 the person reaches 17 years of age; or (2) fails to provide the re-  
11 quired affidavit stating that the licensee has completed at least 50  
12 hours of adult supervised driving with 10 of those hours being at  
13 night shall not be eligible to receive a driver's license which is not  
14 restricted in accordance with the provisions of this subsection until  
15 the person provides such affidavit to the division or the person  
16 reaches 17 years of age, whichever occurs first.

17 Any licensee issued a restricted license under this subsection on  
18 and after July 1, 1999, shall provide prior to reaching 16 years of  
19 age, a signed affidavit of either a parent or guardian, stating that  
20 the applicant has completed the required 25 hours prior to being  
21 issued a restricted license and 25 hours of additional adult super-  
22 vised driving. Of the 50 hours required by this subsection, at least  
23 10 of those hours shall be at night. The adult supervised driving  
24 shall be conducted by an adult who is at least 21 years of age and  
25 is the holder of a valid commercial driver's license, class A, B or C  
26 driver's license.

27 Evidence of failure of any licensee who was required to com-  
28 plete the 50 hours of adult supervised driving under this subsec-  
29 tion shall not be admissible in any action for the purpose of deter-  
30 mining any aspect of comparative negligence or mitigation of  
31 damages.

32 (b) Who is under the age of 18 years, except as provided in  
33 K.S.A. 8-2,147, and amendments thereto, for the purpose of driv-  
34 ing a commercial or class A or B motor vehicle.

35 (c) Whose license is currently revoked, suspended or canceled  
36 in this or any other state, except as provided in K.S.A. 8-256, and  
37 amendments thereto.

38 (d) Who is a habitual drunkard, habitual user of narcotic drugs  
39 or habitual user of any other drug to a degree which renders the  
40 user incapable of safely driving a motor vehicle.

41 (e) Who has previously been adjudged to be afflicted with or  
42 suffering from any mental disability or disease and who, at the time  
43 of making application for a driver's license, has not been restored

1 to capacity in the manner provided by law. Application of this lim-  
 2 itation to any person known to have suffered any seizure disorder  
 3 is subject to the provisions of paragraph (7) of subsection (e) of  
 4 K.S.A. 8-247, and amendments thereto.

5 (f) Who is required by the motor vehicle drivers' license act to  
 6 take an examination, unless the person has successfully passed the  
 7 examination.

8 (g) Who is at least 16 years of age and less than 17 years of age,  
 9 who is applying for a driver's license for the first time since reach-  
 10 ing 16 years of age and who, three times or more, has been ad-  
 11 judged to be a traffic offender under the Kansas juvenile code or  
 12 a juvenile offender under the Kansas juvenile justice code, by rea-  
 13 son of violation of one or more statutes regulating the movement  
 14 of traffic on the roads, streets or highways of this state, except that,  
 15 in the discretion of the director, the person may be issued a  
 16 driver's license which is restricted in the manner the division  
 17 deems to be appropriate. No person described by this subsection  
 18 shall be eligible to receive a driver's license which is not restricted  
 19 until the person has reached the age of 17 years.

20 (h) Who has not submitted proof of age ~~or~~, proof of identity or  
 21 proof of residency, as required by K.S.A. 8-240, and amendments  
 22 thereto.

23 (i) ~~Whose presence in the United States is in violation of federal~~  
 24 ~~immigration laws. Who has not complied with the requirements of sub-~~  
 25 ~~section (g) of K.S.A. 8-240, and amendments thereto.~~

26 Section ~~1~~ **2**. K.S.A. 8-240 is hereby amended to read as follows: 8-  
 27 240. (a) Every application for an instruction permit shall be made upon  
 28 a form furnished by the division of vehicles and accompanied by a fee of  
 29 ~~\$2 \$4~~ **[\$2]** for class A, B, C or M and ~~\$5 \$10~~ **[\$5]** for all commercial  
 30 classes. Every other application shall be made upon a form furnished by  
 31 the division and accompanied by an examination fee of ~~\$3 \$6~~ **[\$3]**, unless  
 32 a different fee is required by K.S.A. 8-241, and amendments thereto, and  
 33 by the proper fee for the license for which the application is made. If the  
 34 applicant is not required to take an examination the examination fee shall  
 35 not be required. The examination shall consist of three tests, as follows:  
 36 (1) Vision; (2) written; and (3) driving. If the applicant fails the vision test,  
 37 the applicant may have correction of vision made and take the vision test  
 38 again without any additional fee. If an applicant fails the written test, the  
 39 applicant may take such test again upon the payment of an additional  
 40 examination fee of ~~\$1.50 \$3~~ **[\$1.50]**. If an applicant fails the driving test,  
 41 the applicant may take such test again upon the payment of an additional  
 42 examination fee of ~~\$1.50 \$3~~ **[\$1.50]**. If an applicant fails to pass all three  
 43 of the tests within a period of six months from the date of original appli-

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

15 (b) (1) For the purposes of obtaining any driver's license or *instruc-*  
16 *tion permit*, an applicant shall submit, with the application, proof of age  
17 or proof of identity, or both, **and, on and after July 1, 2003, a ~~thumb-~~**  
18 **~~print or other biometric~~ facial recognition identifier**, as the division  
19 may require. **In addition, on and after July 1, 2003, an applicant**  
20 **may submit a thumbprint or other identifier as the division makes**  
21 **available.** *An applicant shall submit the applicant's social security num-*  
22 *ber, which shall remain confidential and shall not be placed on the ap-*  
23 *applicant's driver's license or instruction permit unless such applicant has*  
24 *waived confidentiality. Licenses issued as a result of such application, at*  
25 *the applicant's option, may contain an identification number, which shall*  
26 *be the applicant's social security number. If the applicant does not have*  
27 *a social security number, the applicant shall submit a sworn statement,*  
28 *with the application, stating that the applicant does not have a social*  
29 *security number. If the applicant is applying for an instruction permit or*  
30 *driver's license and the applicant otherwise meets the requirements for*  
31 *such license, the applicant shall receive a temporary license or instruction*  
32 *permit until the division verifies all facts relative to such applicant's right*  
33 *to receive an instruction permit or driver's license, including the age,*  
34 *identity, social security number and residency of the applicant.*

35 (2) An applicant who submits proof of age or of identity issued by an  
36 entity other than a state or the United States shall also submit such proof  
37 as the division may require that the applicant is lawfully present in the  
38 United States.

39 (3) The division shall not issue any driver's license to any person who  
40 is not ~~lawfully present in the United States~~ **in compliance with the**  
41 **requirements of subsection (g) if such person is a noncitizen.**

42 (4) The division shall not issue any driver's license to any person who  
43 is not a resident of the state of Kansas, except as provided in K.S.A. 8-

1 2,148, and amendments thereto.

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

4 (c) Every application shall state the name, date of birth, sex and res-  
5 idence address of the applicant, and briefly describe the applicant, and  
6 shall state whether the applicant has ~~heretofore~~ been licensed as a driver  
7 *prior to such application*, and, if so, when and by what state or country;  
8 ~~and. Such application shall state~~ whether any such license has ever been  
9 suspended or revoked, or whether an application has ever been refused,  
10 and, if so, the date of and reason for such suspension, revocation or re-  
11 fusal. In addition ~~to the above criteria~~, applications for commercial driv-  
12 ers' licenses and instruction permits for commercial licenses must include  
13 the following: The applicant's social security number; the person's sig-  
14 nature; the person's color photograph; certifications, including those re-  
15 quired by 49 C.F.R. 383.71(a), effective January 1, 1991; a consent to  
16 release driving record information; and, any other information required  
17 by the division.

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

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

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

28 (1) For a class C driver's license issued to a person at least 21 years  
29 of age, but less than 65 years of age, ~~\$12 \$24 [~~\$12~~]~~ **\$12.50;**

30 (2) for a class C driver's license issued to a person less than 21 years  
31 of age or 65 years of age or older, or a farm permit, ~~\$8 \$16 [~~\$8~~]~~ **\$8.50;**

32 (3) for a class M driver's license issued to a person at least 21 years  
33 of age, but less than 65 years of age, ~~\$6.50 \$13 [~~\$6.50~~]~~ **\$7;**

34 (4) for a class M driver's license issued to a person less than 21 years  
35 of age or 65 years of age or older, ~~\$5 \$10 [~~\$5~~]~~ **\$5.50;**

36 (5) for a class A or B driver's license issued to a person who is at least  
37 21 years of age, but less than 65 years of age, ~~\$18 \$36 [~~\$18~~]~~ **\$18.50;**

38 (6) for a class A or B driver's license issued to a person less than 21  
39 years of age or 65 years of age or older, ~~\$12 \$24 [~~\$12~~]; or~~ **\$12.50;**

40 (7) for any class of commercial driver's license, ~~\$14 \$28 [~~\$14~~]~~  
41 **\$14.50; or.**

42 **(8) for a temporary driver's permit, \$9.50.**

43 A fee of ~~\$10 \$20 [~~\$10~~]~~ shall be charged for each commercial driver's

1 license endorsement, except air brake endorsements which shall have no  
2 charge.

3 If one fails to make an original application or renewal application for a  
4 driver's license within the time required by law, or fails to make appli-  
5 cation within 60 days after becoming a resident of Kansas, a penalty of  
6 ~~\$1~~ ~~\$2~~ [**\$1**] shall be added to the fee charged for the driver's license.

7 **(g) (1) The division shall issue a temporary driver's permit pur-**  
8 **suant to the provisions of this subsection.**

9 **(2) A temporary driver's permit shall be issued to:**

10 **(A) An applicant who is lawfully present in the United States,**  
11 **documented with a visa, but is not a citizen of the United States**  
12 **and has complied with all requirements of the division.**

13 **(B) An applicant who is not lawfully present in the United**  
14 **States, but has obtained an internal revenue service individual tax-**  
15 **payer identification number, has proof of Kansas residency and**  
16 **has complied with all requirements of the division.**

17 **(C) An applicant for an instruction permit issued pursuant to**  
18 **K.S.A. 8-240, and amendments thereto.**

19 **(3) A temporary driver's permit shall be readily distinguishable**  
20 **from all other permits issued by the division.**

21 **(4) Except as provided in K.S.A. 8-294, and amendments**  
22 **thereto, a temporary driver's permit shall expire one year from the**  
23 **date of issuance. If a person issued a temporary driver's permit**  
24 **has such person's visa expire, canceled or revoked, such temporary**  
25 **driver's permit shall be revoked. A temporary driver's permit may**  
26 **be renewed annually if the driver remains qualified pursuant to**  
27 **paragraph (2).**

28 **(5) A person issued a temporary driver's permit may be issued**  
29 **a driver's license pursuant to Kansas law when the division verifies**  
30 **all facts relative to such applicant's privilege to receive a driver's**  
31 **license. If a person is issued a driver's license, the temporary**  
32 **driver's permit shall be surrendered to the division.**

33 **(6) An applicant for a temporary driver's permit pursuant to**  
34 **paragraph (2)(A) or (B) shall apply for such permit in the driver's**  
35 **license examination offices as designated by the director of the**  
36 **division of motor vehicles. Such examination offices shall be widely**  
37 **distributed geographically across the state.**

38 **(7) An applicant for a temporary driver's permit pursuant to**  
39 **paragraph (2)(C) may apply for such permit in any driver's license**  
40 **examination office of the division of motor vehicles.**

41 **(8) As used in this subsection, proof of residency includes, but**  
42 **shall not be limited to, paid receipts for utility bills and bank**  
43 **statements.**

1 (9) The temporary driver's permit issued pursuant to subsection  
2 (2)(A) or (B) shall be considered a license to drive and shall  
3 not be considered a form of identification.

4 (10) An applicant for a temporary driver's permit pursuant to  
5 paragraphs (2)(A) or (B) shall submit a thumbprint or other identifier,  
6 as the division may require.

7 (h) There is hereby established in the state treasury the  
8 driver's permit education fund. Fifty cents from each driver's permit  
9 fee shall be credited to the driver's permit education fund. All  
10 moneys received by the division for such fund shall be remitted to  
11 the state treasurer in accordance with the provisions of K.S.A. 75-  
12 4215, and amendments thereto. Upon receipt of each such remittance,  
13 the state treasurer shall deposit the entire amount in the  
14 state treasury to the credit of the driver's permit examiners education  
15 fund. Moneys in such fund shall be used ~~only for~~ [to implement  
16 the provisions of subsection (g) including, but not limited to,]  
17 training division of motor vehicle personnel in processing applications  
18 for noncitizens and for grants for educational programs designed to  
19 educate permit applicants regarding the laws of the  
20 United States and Kansas regarding driving rules, vehicle ownership,  
21 titling and insurance, and to promote trust and cooperation with law  
22 enforcement. Expenditures from the fund shall be made  
23 in accordance with appropriation acts upon warrants of the director  
24 of accounts and reports issued pursuant to vouchers approved  
25 by the director of the division of motor vehicles or a person designated  
26 by the director.

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

32 [~~Sec. 2~~ 3. K.S.A. 8-243 is hereby amended to read as follows:  
33 8-243. (a) Upon payment of the required fee, the division shall issue  
34 to every applicant qualifying under the provisions of this act the  
35 driver's license as applied for, which license shall bear thereon the  
36 class or classes of motor vehicles which the licensee is entitled to  
37 drive, a distinguishing number assigned to the licensee, which, if  
38 the licensee so requests in writing, may be the licensee's social security  
39 number, the name, date of birth, residence address, and a  
40 brief description of the licensee, a colored photograph of the licensee,  
41 a facsimile of the signature of the licensee or a space upon  
42 which the licensee shall write such licensee's usual signature with  
43 pen and ink immediately upon receipt of the license and the state-



1 *ment provided for in subsection (b). No driver's license shall be*  
2 *valid until it has been signed by the licensee. All drivers' licenses*  
3 *issued on and after July 1, 1994, to persons under the age of 21*  
4 *years shall be readily distinguishable from licenses issued to per-*  
5 *sons age 21 years or older. In addition, all drivers' licenses issued*  
6 *on and after July 1, 1997, to persons under the age of 18 years shall*  
7 *also be readily distinguishable from licenses issued to persons age*  
8 *18 years or older. Except as otherwise provided, no driver's license*  
9 *issued by the division shall be valid until a colored photograph of*  
10 *such licensee has been placed on the driver's license. The secretary*  
11 *of revenue shall prescribe a fee of not more than ~~2~~ \$3 and upon*  
12 *payment of such fee the division shall cause a colored photograph*  
13 *of such applicant to be placed on the driver's license. Upon payment*  
14 *of such fee prescribed by the secretary of revenue, plus payment of*  
15 *the fee required by K.S.A. 8-246, and amendments thereto, for is-*  
16 *suance of a new license, the division shall issue to such licensee a*  
17 *new license containing a colored photograph of such licensee. A*  
18 *driver's license which does not contain a colored photograph of the*  
19 *licensee as required may be issued to persons exempted from such*  
20 *requirement. Any such license shall be valid for the purposes of the*  
21 *motor vehicle drivers' license act and the division shall set forth*  
22 *upon such driver's license the words "valid without photo." Any*  
23 *person who is outside the state and for whom the division provides*  
24 *for renewal of the driver's license by mail is exempt from the re-*  
25 *quirement to have a colored photograph of such person placed on*  
26 *such person's driver's license. Any person belonging to a religious*  
27 *organization which has a basic objection to having their picture*  
28 *taken may sign a statement to that effect and such person shall then*  
29 *be exempt from the picture requirements of this section.*

30 *[(b) All Kansas drivers' licenses issued to any person 16 years*  
31 *of age or older shall contain a form which provides a statement for*  
32 *making a gift of all or any part of the body of the licensee in ac-*  
33 *cordance with the uniform anatomical gift act, except as otherwise*  
34 *provided by this subsection. The statement to be effective shall be*  
35 *signed by the licensee in the presence of two witnesses who shall*  
36 *sign the statement in the presence of the donor. The gift becomes*  
37 *effective upon the death of the donor. Delivery of the license during*  
38 *the donor's lifetime is not necessary to make a valid gift. Any valid*  
39 *gift statement executed prior to July 1, 1994, shall remain effective*  
40 *until invalidated. The word "Donor" shall be placed on the front of*  
41 *a licensee's driver's license, indicating that the statement for making*  
42 *an anatomical gift under this subsection has been executed by such*  
43 *licensee.*

1     [(c) *On and after July 1, 1996, any person who is deaf or hard*  
2 *of hearing may request that the division issue to such person a driv-*  
3 *ers' license which is readily distinguishable from drivers' licenses*  
4 *issued to other drivers and upon such request the division shall issue*  
5 *such license. Drivers' licenses issued to persons who are deaf or*  
6 *hard of hearing and under the age of 21 years shall be readily dis-*  
7 *tinguishable from drivers' licenses issued to persons who are deaf*  
8 *or hard of hearing and 21 years of age or older.*]

9     Sec. ~~2.~~ ~~[3.]~~ 4. K.S.A. 8-1324 is hereby amended to read as follows:  
10 8-1324. (a) Any resident **who does not hold a current valid Kansas**  
11 **driver's license or temporary driver's permit** may make application  
12 to the division of vehicles and be issued one identification card, certified  
13 by the registrant and attested by the division as to true name, correct age,  
14 photograph and other identifying data as the division may require. Every  
15 application for an identification card shall be signed and verified by the  
16 applicant and shall contain such bona fide documentary evidence of the  
17 age and identity of such applicant as the division may require.

18     (b) An applicant who submits documentary evidence under subsec-  
19 tion (a), issued by an entity other than a state or the United States shall  
20 also submit such proof as the division may require that the applicant is  
21 lawfully present in the United States. *For the purposes of obtaining any*  
22 *identification card, an applicant shall submit, with the application, proof*  
23 *of age or proof of identity, or both, and, on and after July 1, 2003, a*  
24 **thumbprint or other biometric facial recognition identifier**, *as the*  
25 *division may require. In addition, on and after July 1, 2003, an ap-*  
26 **applicant may submit a thumbprint or other identifier as the division**  
27 **makes available.** *An applicant shall submit the applicant's social security*  
28 *number, which shall remain confidential and shall not be placed on the*  
29 *applicant's identification card unless such applicant has waived confiden-*  
30 *tiality. Identification cards issued as a result of such application, at the*  
31 *applicant's option may contain an identification number, which shall be*  
32 *the applicant's social security number. If the applicant does not have a*  
33 *social security number, the applicant shall submit a sworn statement, with*  
34 *the application, stating that the applicant does not have a social security*  
35 *number. If the applicant is applying for an identification card and the*  
36 *applicant otherwise meets the requirements for such card, the applicant*  
37 *shall receive a temporary identification card until the division verifies all*  
38 *facts relative to such applicant's right to receive an identification card,*  
39 *including the age, identity, social security number and residency of the*  
40 *applicant.*

41     (c) The division shall not issue an identification card to any person  
42 who is not lawfully present in the United States **nor to any person who**  
43 **holds a current valid Kansas temporary driver's permit or driver's**

1 ***license unless such driver's license has been physically surrendered***  
2 ***pursuant to the provisions of subsection (e) of K.S.A. 8-1002, and***  
3 ***amendments thereto.***

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

6 (e) The division shall require payment of a fee of ~~\$\$ \$16~~ **[\$8]** at the  
7 time application for an identification card is made, except that persons  
8 who are 65 or more years of age or who are handicapped, as defined in  
9 K.S.A. 8-1,124, and amendments thereto, shall be required to pay a fee  
10 of ~~only \$4~~ ~~\$\$~~ **[\$4]**.

11 (f) For the purposes of K.S.A. 8-1324 through 8-1328, and amend-  
12 ments thereto, a person shall be deemed to be a resident of the state if:

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

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

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

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

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

18 Sec. ~~3~~ ~~[4]~~ **5**. K.S.A. ~~8-237~~, 8-240[, ~~8-243~~] and 8-1324 are hereby  
19 repealed.

20 Sec. ~~4~~ ~~[5]~~ **6**. This act shall take effect and be in force from and  
21 after its publication in the statute book.

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