

HOUSE BILL No. 2714

By Committee on Judiciary

2-4

AN ACT concerning motor vehicles; relating to driver's licenses, permits and identification cards; amending K.S.A. 2003 Supp. 8-240, 8-243, 8-2,135 and 8-1324 and repealing the existing sections.

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

Section 1. K.S.A. 2003 Supp. 8-240 is hereby amended to read as follows: 8-240. (a) Every application for an instruction permit shall be made upon a form furnished by the division of vehicles and accompanied by a fee of \$2 for class A, B, C or M and \$5 for all commercial classes. Every other application shall be made upon a form furnished by the division and accompanied by an examination fee of \$3, unless a different fee is required by K.S.A. 8-241, and amendments thereto, and by the proper fee for the license for which the application is made. If the applicant is not required to take an examination the examination fee shall not be required. The examination shall consist of three tests, as follows: (1) Vision; (2) written; and (3) driving. If the applicant fails the vision test, the applicant may have correction of vision made and take the vision test again without any additional fee. If an applicant fails the written test, the applicant may take such test again upon the payment of an additional examination fee of \$1.50. If an applicant fails the driving test, the applicant may take such test again upon the payment of an additional examination fee of \$1.50. If an applicant fails to pass all three of the tests within a period of six months from the date of original application and desires to take additional tests, the applicant shall file an application for reexamination upon a form furnished by the division, which shall be accompanied by a reexamination fee of \$3, except that any applicant who fails to pass the written or driving portion of an examination four times within a six-month period, shall be required to wait a period of six months from the date of the last failed examination before additional examinations may be given. Upon the filing of such application and the payment of such reexamination fee, the applicant shall be entitled to reexamination in like manner and subject to the additional fees and time limitation as provided for examination on an original application. If the applicant passes the reexamination, the applicant shall be issued the classified driver's license for which the applicant originally applied, which license shall be issued

1 to expire as if the applicant had passed the original examination.

2 (b) (1) For the purposes of obtaining any driver's license or instruc-
3 tion permit, an applicant shall submit, with the application, proof of age
4 or proof of identity, or both, as the division may require. An applicant
5 shall submit the applicant's social security number or a taxpayer identi-
6 fication number if the applicant does not have a social security number,
7 which shall remain confidential and shall not be disclosed, except as pro-
8 vided pursuant to K.S.A. 74-2012, and amendments thereto. If the ap-
9 plicant does not have a social security number or a taxpayer identification
10 number, the applicant shall submit a sworn statement, with the applica-
11 tion, stating that the applicant does not have a social security number or
12 taxpayer identification number. ~~The division shall assign a distinguishing~~
13 ~~number assigned to the license or permit may be the applicant's social~~
14 ~~security number or a taxpayer identification number if the applicant so~~
15 ~~requests in writing.~~ If the applicant is applying for an instruction permit
16 or driver's license and the applicant otherwise meets the requirements
17 for such license, the applicant shall receive a temporary license or instruc-
18 tion permit until the division verifies all facts relative to such applicant's
19 right to receive an instruction permit or driver's license, including the
20 age, identity, social security number, taxpayer identification number and
21 residency of the applicant.

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

26 (3) The division shall not issue any driver's license to any person who
27 is not lawfully present in the United States.

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

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

33 (c) Every application shall state the name, date of birth, sex and res-
34 idence address of the applicant, and briefly describe the applicant, and
35 shall state whether the applicant has been licensed as a driver prior to
36 such application, and, if so, when and by what state or country. Such
37 application shall state whether any such license has ever been suspended
38 or revoked, or whether an application has ever been refused, and, if so,
39 the date of and reason for such suspension, revocation or refusal. In ad-
40 dition, applications for commercial drivers' licenses and instruction per-
41 mits for commercial licenses must include the following: The applicant's
42 social security number; the person's signature; the person's color photo-
43 graph; certifications, including those required by 49 C.F.R. 383.71(a),

1 effective January 1, 1991; a consent to release driving record information;
2 and, any other information required by the division.

3 (d) When an application is received from a person previously licensed
4 in another jurisdiction, the division shall request a copy of the driver's
5 record from the other jurisdiction. When received, the driver's record
6 shall become a part of the driver's record in this state with the same force
7 and effect as though entered on the driver's record in this state in the
8 original instance.

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

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

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

15 (2) for a class C driver's license issued to a person less than 21 years
16 of age or 65 years of age or older, or a farm permit, \$12;

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

19 (4) for a class M driver's license issued to a person less than 21 years
20 of age or 65 years of age or older, \$9;

21 (5) for a class A or B driver's license issued to a person who is at least
22 21 years of age, but less than 65 years of age, \$24;

23 (6) for a class A or B driver's license issued to a person less than 21
24 years of age or 65 years of age or older, \$16; or

25 (7) for any class of commercial driver's license, \$18.

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

28 If one fails to make an original application or renewal application for a
29 driver's license within the time required by law, or fails to make appli-
30 cation within 60 days after becoming a resident of Kansas, a penalty of
31 \$1 shall be added to the fee charged for the driver's license.

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

36 Sec. 2. K.S.A. 2003 Supp. 8-243 is hereby amended to read as fol-
37 lows: 8-243. (a) Upon payment of the required fee, the division shall issue
38 to every applicant qualifying under the provisions of this act the driver's
39 license as applied for by the applicant. Such license shall bear the class
40 or classes of motor vehicles which the licensee is entitled to drive, a
41 distinguishing number assigned to the licensee, ~~which, if the licensee so~~
42 ~~requests in writing, may be the licensee's social security number,~~ the
43 name, date of birth, residence address, and a brief description of the

1 licensee, a colored photograph of the licensee, a facsimile of the signature
2 of the licensee or a space upon which the licensee shall write such li-
3 censee's usual signature with pen and ink immediately upon receipt of
4 the license and the statement provided for in subsection (b). No driver's
5 license shall be valid until it has been signed by the licensee. All drivers'
6 licenses issued to persons under the age of 21 years shall be readily dis-
7 tinguishable from licenses issued to persons age 21 years or older. In
8 addition, all drivers' licenses issued to persons under the age of 18 years
9 shall also be readily distinguishable from licenses issued to persons age
10 18 years or older. On and after July 1, 2004, the secretary of revenue shall
11 implement a vertical format to make drivers' licenses issued to persons
12 under the age of 21 more readily distinguishable. Except as otherwise
13 provided, on or after July 1, 2004, no driver's license issued by the division
14 shall be valid until a colored photograph of such licensee has been taken
15 and verified before being placed on the driver's license. The secretary of
16 revenue shall prescribe a fee of not more than \$4 and upon payment of
17 such fee the division shall cause a colored photograph of such applicant
18 to be placed on the driver's license. Upon payment of such fee prescribed
19 by the secretary of revenue, plus payment of the fee required by K.S.A.
20 8-246, and amendments thereto, for issuance of a new license, the division
21 shall issue to such licensee a new license containing a colored photograph
22 of such licensee. A driver's license which does not contain a colored pho-
23 tograph of the licensee as required may be issued to persons exempted
24 from such requirement. Any such license shall be valid for the purposes
25 of the motor vehicle drivers' license act and the division shall set forth
26 upon such driver's license the words "valid without photo." Any person
27 who is outside the state and for whom the division provides for renewal
28 of the driver's license by mail is exempt from the requirement to have a
29 colored photograph of such person placed on such person's driver's li-
30 cense. Any person belonging to a religious organization which has a basic
31 objection to having their picture taken may sign a statement to that effect
32 and such person shall then be exempt from the picture requirements of
33 this section.

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

1 on the front of a licensee's driver's license, indicating that the statement
2 for making an anatomical gift under this subsection has been executed by
3 such licensee.

4 (c) Any person who is deaf or hard of hearing may request that the
5 division issue to such person a driver's license which is readily distinguish-
6 able from drivers' licenses issued to other drivers and upon such request
7 the division shall issue such license. Drivers' licenses issued to persons
8 who are deaf or hard of hearing and under the age of 21 years shall be
9 readily distinguishable from drivers' licenses issued to persons who are
10 deaf or hard of hearing and 21 years of age or older.

11 Sec. 3. K.S.A. 2003 Supp. 8-2,135 is hereby amended to read as fol-
12 lows: 8-2,135. (a) The commercial driver's license shall be marked "com-
13 mercial driver's license" or "CDL," and must be, to the maximum extent
14 practicable, tamper proof. It shall include, but not be limited to, the
15 following information:

16 (1) The requirements set out in K.S.A. 8-243, and amendments
17 thereto;

18 (2) ~~the person's social security number or any~~ a number or identifier
19 deemed appropriate by the state licensing authority;

20 (3) the class or type of commercial motor vehicle or vehicles which
21 the person is authorized to drive together with any endorsements or
22 restriction;

23 (4) the name of this state; and

24 (5) the dates between which the license is valid.

25 (b) Commercial drivers' licenses issued pursuant to K.S.A. 8-234b,
26 and amendments thereto, may be issued with the following endorsements
27 or restrictions; and the holder of a valid commercial driver's license may
28 drive all vehicles in the class for which that license is issued, and all lesser
29 classes of vehicles, except motorcycles and vehicles which require an en-
30 dorsement, unless the proper endorsement appears on the license;

31 (1) "H"—authorizes the driver to drive a vehicle transporting haz-
32 ardous materials;

33 (2) "L"—restricts the driver to vehicles not equipped with airbrakes;

34 (3) "T"—authorizes driving double and triple trailers;

35 (4) "P"—authorizes driving vehicles carrying passengers;

36 (5) "N"—authorizes driving tank vehicles;

37 (6) "X"—represents a combination of hazardous materials and tank
38 vehicle endorsements;

39 (7) "S"—authorizes driving school buses.

40 (c) Before issuing a commercial driver's license, the division must
41 obtain driving record information through the commercial driver license
42 information system, the national driver register and from each state in
43 which the person has been licensed.

1 (d) Within 10 days after issuing a commercial driver's license, the
2 division shall notify the commercial driver license information system of
3 that fact, providing all information required to ensure identification of
4 the person.

5 (e) All original licenses issued after April 1, 1992, shall expire on the
6 fourth anniversary of the date of birth of the licensee which is nearest the
7 date of application. All renewals thereof shall expire on every fourth an-
8 niversary of the date of birth of the licensee. No driver's license shall
9 expire in the same calendar year in which the original license or renewal
10 license is issued, except that if the foregoing provisions of this section
11 shall require the issuance of a renewal license or an original license for a
12 period of less than six calendar months, the license issued to the applicant
13 shall expire at midnight on every fourth anniversary of the date of birth
14 of the applicant. At least 30 days prior to the expiration of a person's
15 license, the division shall mail a notice of expiration or renewal application
16 to such person at the address shown on the license.

17 (f) When applying for renewal of a commercial driver's license, the
18 applicant must complete the test required in subsection (e) of K.S.A. 8-
19 247, and amendments thereto, and the application form required by sub-
20 section (b) of K.S.A. 8-2,134, and amendments thereto, providing up-
21 dated information and required certifications and if the applicant wishes
22 to retain a hazardous materials endorsement, the applicant must take and
23 pass the test for such endorsement.

24 Sec. 4. K.S.A. 2003 Supp. 8-1324 is hereby amended to read as fol-
25 lows: 8-1324. (a) Any resident who does not hold a current valid Kansas
26 driver's license may make application to the division of vehicles and be
27 issued one identification card, certified by the registrant and attested by
28 the division as to true name, correct age, photograph and other identifying
29 data as the division may require.

30 (b) An applicant who submits documentary evidence under subsec-
31 tion (a), issued by an entity other than a state or the United States shall
32 also submit such proof as the division may require that the applicant is
33 lawfully present in the United States. For the purposes of obtaining any
34 identification card, an applicant shall submit, with the application, proof
35 of age or proof of identity, or both, as the division may require. An ap-
36 plicant shall submit the applicant's social security number or a taxpayer
37 identification number if the applicant does not have a social security num-
38 ber, which shall remain confidential and shall not be disclosed, except as
39 provided pursuant to K.S.A. 74-2012, and amendments thereto. If the
40 applicant does not have a social security number or a taxpayer identifi-
41 cation number, the applicant shall submit a sworn statement, with the
42 application, stating that the applicant does not have a social security num-
43 ber or taxpayer identification number. The *division shall assign a distin-*

1 guishing number assigned to the identification card may be the applicant's
2 social security number or a taxpayer identification number if the applicant
3 so requests in writing. If the applicant is applying for an identification
4 card and the applicant otherwise meets the requirements for such card,
5 the applicant shall receive a temporary identification card until the divi-
6 sion verifies all facts relative to such applicant's right to receive an iden-
7 tification card, including the age, identity, social security number, tax-
8 payer identification number and residency of the applicant.

9 (c) The division shall not issue an identification card to any person
10 who is not lawfully present in the United States nor to any person who
11 holds a current valid Kansas driver's license unless such driver's license
12 has been physically surrendered pursuant to the provisions of subsection
13 (e) of K.S.A. 8-1002, and amendments thereto.

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

16 (e) The division shall require payment of a fee of \$14 at the time
17 application for an identification card is made, except that persons who
18 are 65 or more years of age or who are handicapped, as defined in K.S.A.
19 8-1,124, and amendments thereto, shall be required to pay a fee of only
20 \$10.

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

- 23 (1) The person owns, leases or rents a place of domicile in this state;
- 24 (2) the person engages in a trade, business or profession in this state;
- 25 (3) the person is registered to vote in this state;
- 26 (4) the person enrolls the person's child in a school in this state; or
- 27 (5) the person registers the person's motor vehicle in this state.

28 Sec. 5. K.S.A. 2003 Supp. 8-240, 8-243, 8-2,135 and 8-1324 are
29 hereby repealed.

30 Sec. 6. This act shall take effect and be in force from and after its
31 publication in the statute book.

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