

As Amended by House Committee

Session of 2004

SENATE BILL No. 460

By Committee on Judiciary

2-5

10 AN ACT concerning drivers' licenses ~~and other identification cards~~; re-
11 lating to taxpayer identification numbers; amending K.S.A. 2003 Supp.
12 8-240 ~~and 8-1324~~ and repealing the existing ~~sections~~ **section**.

13
14 *Be it enacted by the Legislature of the State of Kansas:*

15 Section 1. K.S.A. 2003 Supp. 8-240 is hereby amended to read as
16 follows: 8-240. (a) Every application for an instruction permit shall be
17 made upon a form furnished by the division of vehicles and accompanied
18 by a fee of \$2 for class A, B, C or M and \$5 for all commercial classes.
19 Every other application shall be made upon a form furnished by the
20 division and accompanied by an examination fee of \$3, unless a different
21 fee is required by K.S.A. 8-241, and amendments thereto, and by the
22 proper fee for the license for which the application is made. If the ap-
23 plicant is not required to take an examination the examination fee shall
24 not be required. The examination shall consist of three tests, as follows:
25 (1) Vision; (2) written; and (3) driving. If the applicant fails the vision test,
26 the applicant may have correction of vision made and take the vision test
27 again without any additional fee. If an applicant fails the written test, the
28 applicant may take such test again upon the payment of an additional
29 examination fee of \$1.50. If an applicant fails the driving test, the ap-
30 plicant may take such test again upon the payment of an additional exami-
31 nation fee of \$1.50. If an applicant fails to pass all three of the tests within
32 a period of six months from the date of original application and desires
33 to take additional tests, the applicant shall file an application for reex-
34 amination upon a form furnished by the division, which shall be accom-
35 panied by a reexamination fee of \$3, except that any applicant who fails
36 to pass the written or driving portion of an examination four times within
37 a six-month period, shall be required to wait a period of six months from
38 the date of the last failed examination before additional examinations may
39 be given. Upon the filing of such application and the payment of such
40 reexamination fee, the applicant shall be entitled to reexamination in like
41 manner and subject to the additional fees and time limitation as provided
42 for examination on an original application. If the applicant passes the
43 reexamination, the applicant shall be issued the classified driver's license

1 for which the applicant originally applied, which license shall be issued
2 to expire as if the applicant had passed the original examination.

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

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

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

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

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

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

1 graph; certifications, including those required by 49 C.F.R. 383.71(a),
2 effective January 1, 1991; a consent to release driving record information;
3 and, any other information required by the division.

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

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

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

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

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

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

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

22 (5) for a class A or B driver's license issued to a person who is at least
23 21 years of age, but less than 65 years of age, \$24;

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

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

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

29 If one fails to make an original application or renewal application for a
30 driver's license within the time required by law, or fails to make appli-
31 cation within 60 days after becoming a resident of Kansas, a penalty of
32 \$1 shall be added to the fee charged for the driver's license.

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

37 ~~Sec. 2. K.S.A. 2003 Supp. 8-1324 is hereby amended to read as fol-~~
38 ~~lows: 8-1324. (a) Any resident who does not hold a current valid Kansas~~
39 ~~driver's license may make application to the division of vehicles and be~~
40 ~~issued one identification card, certified by the registrant and attested by~~
41 ~~the division as to true name, correct age, photograph and other identifying~~
42 ~~data as the division may require.~~

43 ~~(b) An applicant who submits documentary evidence under subsec-~~

1 ~~tion (a), issued by an entity other than a state or the United States shall~~
2 ~~also submit such proof as the division may require that the applicant is~~
3 ~~lawfully present in the United States. For the purposes of obtaining any~~
4 ~~identification card, an applicant shall submit, with the application, proof~~
5 ~~of age or proof of identity, or both, as the division may require. An ap-~~
6 ~~plicant shall submit the applicant's social security number or a taxpayer~~
7 ~~identification number if the applicant does not have a social security num-~~
8 ~~ber, which shall remain confidential and shall not be disclosed, except as~~
9 ~~provided pursuant to K.S.A. 74-2012, and amendments thereto. If the~~
10 ~~applicant does not have a social security number or a taxpayer identifi-~~
11 ~~cation number, the applicant shall submit a sworn statement, with the~~
12 ~~application, stating that the applicant does not have a social security num-~~
13 ~~ber or taxpayer identification number. The distinguishing number as-~~
14 ~~signed to the identification card may be the applicant's social security~~
15 ~~number or a taxpayer identification number if the applicant so requests~~
16 ~~in writing. If the applicant is applying for an identification card and the~~
17 ~~applicant otherwise meets the requirements for such card, the applicant~~
18 ~~shall receive a temporary identification card until the division verifies all~~
19 ~~facts relative to such applicant's right to receive an identification card,~~
20 ~~including the age, identity, social security number, taxpayer identification~~
21 ~~number and residency of the applicant.~~

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

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

29 ~~— (e) The division shall require payment of a fee of \$14 at the time~~
30 ~~application for an identification card is made, except that persons who~~
31 ~~are 65 or more years of age or who are handicapped, as defined in K.S.A.~~
32 ~~8-1,124, and amendments thereto, shall be required to pay a fee of only~~
33 ~~\$10.~~

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

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

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

38 ~~— (3) the person is registered to vote in this state;~~

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

40 ~~— (5) the person registers the person's motor vehicle in this state.~~

41 ~~Sec. ~~2~~. K.S.A. 2003 Supp. 8-240 and 8-1324 are~~ hereby
42 ~~repealed.~~

43

1 Sec. ~~4~~ **3**. This act shall take effect and be in force from and after its
2 publication in the statute book.