

HOUSE Substitute for SENATE BILL No. 397

By Committee on Federal and State Affairs

4-3

9 AN ACT relating to drivers' licenses and other state issued identification
10 cards; concerning the photo fee fund; amending K.S.A. 2007 Supp. 8-
11 243, 8-299 and 8-1324 and repealing the existing sections.
12

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

14 Section 1. K.S.A. 2007 Supp. 8-243 is hereby amended to read as
15 follows: 8-243. (a) Upon payment of the required fee, the division shall
16 issue to every applicant qualifying under the provisions of this act the
17 driver's license as applied for by the applicant. Such license shall bear the
18 class or classes of motor vehicles which the licensee is entitled to drive,
19 a distinguishing number assigned to the licensee, the full legal name, date
20 of birth, gender, address of principal residence and a brief description of
21 the licensee, a colored digital photograph of the licensee, a facsimile of
22 the signature of the licensee and the statement provided for in subsection
23 (b). No driver's license shall be valid until it has been signed by the
24 licensee. All drivers' licenses issued to persons under the age of 21 years
25 shall be readily distinguishable from licenses issued to persons age 21
26 years or older. In addition, all drivers' licenses issued to persons under
27 the age of 18 years shall also be readily distinguishable from licenses
28 issued to persons age 18 years or older. The secretary of revenue shall
29 implement a vertical format to make drivers' licenses issued to persons
30 under the age of 21 more readily distinguishable. Except as otherwise
31 provided, no driver's license issued by the division shall be valid until a
32 colored digital photograph of such licensee has been taken and verified
33 before being placed on the driver's license. The secretary of revenue shall
34 prescribe a fee of not more than ~~\$4~~ \$8 and upon *the* payment of such
35 fee, the division shall cause a colored digital photograph of such applicant
36 to be placed on the driver's license. Upon payment of such fee prescribed
37 by the secretary of revenue, plus payment of the fee required by K.S.A.
38 8-246, and amendments thereto, for issuance of a new license, the division
39 shall issue to such licensee a new license containing a colored digital
40 photograph of such licensee. A driver's license which does not contain
41 the principal address as required may be issued to persons who are pro-
42 gram participants pursuant to K.S.A. 2007 Supp. 75-455, and amend-
43 ments thereto, upon payment of the fee required by K.S.A. 8-246, and

1 amendments thereto. All Kansas drivers' licenses and identification cards
2 shall have physical security features designed to prevent tampering, coun-
3 terfeiting or duplication of the document for fraudulent purposes. The
4 secretary of revenue shall incorporate common machine-readable tech-
5 nology into all Kansas drivers' licenses and identification cards.

6 (b) All Kansas drivers' licenses issued to any person 16 years of age
7 or older shall contain a form which provides a statement for making a gift
8 of all or any part of the body of the licensee in accordance with the revised
9 uniform anatomical gift act, K.S.A. 2007 Supp. 65-3220 through 65-3244,
10 and amendments thereto, except as otherwise provided by this subsec-
11 tion. The statement to be effective shall be signed by the licensee in the
12 presence of two witnesses who shall sign the statement in the presence
13 of the donor. The gift becomes effective upon the death of the donor.
14 Delivery of the license during the donor's lifetime is not necessary to
15 make a valid gift. Any valid gift statement executed prior to July 1, 1994,
16 shall remain effective until invalidated. The word "Donor" shall be placed
17 on the front of a licensee's driver's license, indicating that the statement
18 for making an anatomical gift under this subsection has been executed by
19 such licensee.

20 (c) Any person who is deaf or hard of hearing may request that the
21 division issue to such person a driver's license which is readily distinguish-
22 able from drivers' licenses issued to other drivers and upon such request
23 the division shall issue such license. Drivers' licenses issued to persons
24 who are deaf or hard of hearing and under the age of 21 years shall be
25 readily distinguishable from drivers' licenses issued to persons who are
26 deaf or hard of hearing and 21 years of age or older. Upon satisfaction of
27 subsection (a), the division shall issue a receipt of application permitting
28 the operation of a vehicle consistent with the requested class, if there are
29 no other restrictions or limitations, pending the division's verification of
30 the information and production of a driver's license.

31 (d) A driver's license issued to a person required to be registered
32 under K.S.A. 22-4901 et seq., and amendments thereto, shall be assigned
33 a distinguishing number by the division which will readily indicate to law
34 enforcement officers that such person is a registered offender. The di-
35 vision shall develop a numbering system to implement the provisions of
36 this subsection.

37 Sec. 2. K.S.A. 2007 Supp. 8-299 is hereby amended to read as fol-
38 lows: 8-299. There is hereby created in the state treasury the photo fee
39 fund. All moneys credited to the photo fee fund shall be used by the
40 department of revenue only for the purpose of funding the administration
41 and operation, including equipment, associated with the issuance of driv-
42 ers' licenses ~~and~~ identification cards *and licenses to carry concealed*
43 *weapons*. All expenditures from the photo fee fund shall be made in

1 accordance with appropriation acts, upon warrants of the director of ac-
2 counts and reports issued pursuant to vouchers approved by the secretary
3 of the department of revenue.

4 Sec. 3. K.S.A. 2007 Supp. 8-1324 is hereby amended to read as fol-
5 lows: 8-1324. (a) Any resident who does not hold a current valid Kansas
6 driver's license may make application to the division of vehicles and be
7 issued one identification card.

8 (b) For the purpose of obtaining an identification card, an applicant
9 shall submit, with the application, proof of age, proof of identity and proof
10 of lawful presence. An applicant shall submit with the application a photo
11 identity document, except that a non-photo identity document is accept-
12 able if it includes both the applicant's full legal name and date of birth,
13 and documentation showing the applicant's name, the applicant's address
14 of principal residence and the applicant's social security account number.
15 The applicant's social security number shall remain confidential and shall
16 not be disclosed, except as provided pursuant to K.S.A. 74-2012, and
17 amendments thereto. If the applicant does not have a social security num-
18 ber, the applicant shall provide proof of lawful presence and Kansas res-
19 idency. The division shall assign a distinguishing number to the identifi-
20 cation card. Before issuing an identification card to a person, the division
21 shall make reasonable efforts to verify with the issuing agency the issu-
22 ance, validity and completeness of each document required to be pre-
23 sented by the applicant to prove age, identity and lawful presence.

24 (c) The division shall not issue an identification card to any person
25 who fails to provide proof that the person is lawfully present in the United
26 States. If an applicant provides evidence of lawful presence as set out in
27 subsections (b)(2)(E) through (2)(I) of K.S.A. 8-240, and amendments
28 thereto, or is an alien lawfully admitted for temporary residence under
29 subsection (b)(2)(B) of K.S.A. 8-240, and amendments thereto, the divi-
30 sion may only issue a temporary identification card to the person under
31 the following conditions: (A) A temporary identification card issued pur-
32 suant to this subparagraph shall be valid only during the period of time
33 of the applicant's authorized stay in the United States or, if there is no
34 definite end to the period of authorized stay, a period of one year; (B) a
35 temporary identification card issued pursuant to this subparagraph shall
36 clearly indicate that it is temporary and shall state the date upon which
37 it expires; (C) no temporary identification card issued pursuant to this
38 subparagraph shall be for a longer period of time than the time period
39 permitted by K.S.A. 8-1325, and amendments thereto; and (D) a tem-
40 porary identification card issued pursuant to this subparagraph may be
41 renewed, subject at the time of renewal, to the same requirements and
42 conditions set forth in this subsection (c) for the issuance of the original
43 temporary identification card.

- 1 (d) The division shall not issue an identification card to any person
2 who holds a current valid Kansas driver's license unless such driver's li-
3 cense has been physically surrendered pursuant to the provisions of sub-
4 section (e) of K.S.A. 8-1002, and amendments thereto.
- 5 (e) The division shall refuse to issue an identification card to a person
6 holding a driver's license or identification card issued by another state
7 without confirmation that the person is terminating or has terminated the
8 license or identification card.
- 9 (f) The parent or guardian of an applicant under 16 years of age shall
10 sign the application for an identification card submitted by such applicant.
- 11 (g) The division shall require payment of a fee of \$14 at the time
12 application for an identification card is made, except that persons who
13 are 65 or more years of age or who are handicapped, as defined in K.S.A.
14 8-1,124, and amendments thereto, shall be required to pay a fee of only
15 \$10. *In addition to the fees prescribed by this subsection, the division*
16 *shall require payment of the photo fee established pursuant to K.S.A. 8-*
17 *243, and amendments thereto, for the cost of the photograph to be placed*
18 *on the identification card.*
- 19 (h) All Kansas identification cards shall have physical security features
20 designed to prevent tampering, counterfeiting or duplication for fraud-
21 ulent purposes.
- 22 (i) For the purposes of K.S.A. 8-1324 through 8-1328, and amend-
23 ments thereto, a person shall be deemed to be a resident of the state if:
24 (1) The person owns, leases or rents a place of domicile in this state;
25 (2) the person engages in a trade, business or profession in this state;
26 (3) the person is registered to vote in this state;
27 (4) the person enrolls the person's child in a school in this state; or
28 (5) the person registers the person's motor vehicle in this state.
- 29 (j) The division shall require that any person applying for an identi-
30 fication card submit to a mandatory facial image capture.
- 31 (k) The director of vehicles may issue a temporary identification card
32 to an applicant who cannot provide valid documentary evidence as de-
33 fined by subsection (c), if the applicant provides compelling evidence
34 proving current lawful presence. Any temporary identification card issued
35 pursuant to this subparagraph shall be valid for one year.
- 36 (l) Upon payment of the required fee, the division shall issue to every
37 applicant qualifying under the provisions of this act an identification card.
38 Such identification card shall bear a distinguishing number assigned to
39 the cardholder, the full legal name, date of birth, address of principal
40 residence, a brief description of the cardholder, a colored digital photo-
41 graph of the cardholder, and a facsimile of the signature of the cardholder.
42 An identification card which does not contain the address of principal
43 residence of the cardholder as required may be issued to persons who

1 are program participants pursuant to K.S.A. 2007 Supp. 75-455, and
2 amendments thereto.

3 Sec. 4. K.S.A. 2007 Supp. 8-243, 8-299 and 8-1324 are hereby
4 repealed.

5 Sec. 5. This act shall take effect and be in force from and after Jan-
6 uary 1, 2009, and its publication in the statute book.