

SESSION OF 2002

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 559**

As Amended by House Committee of the Whole

**Brief\***

SB 559 amends the Kansas driver's license application law and the identification card law to require added identity proof, raises the fee charged for the photograph for a driver's license and identification cards from \$2 to \$3, and makes other changes.

The bill provides that for the purpose of obtaining any driver's license, instruction permit, or identification card, an applicant must submit proof of age or proof of identity, or both, and on and after July 1, 2003, a thumbprint or other biometric identifier, as the Division of Vehicles may require. An applicant must submit his or her Social Security number, which shall remain confidential and shall not be placed on the applicant's driver's license or instruction permit unless the applicant has waived confidentiality.

If the applicant does not have a Social Security number, the applicant must submit a sworn statement to that effect. If the applicant is applying for an instruction permit or driver's license and the applicant otherwise meets the requirements, the applicant shall receive a temporary license or instruction permit until the Division verifies all facts relative to the applicant's right to receive an instruction permit or driver's license, including the age, identity, Social Security number, and residency of the applicant.

Any person who possesses an identification card must surrender the card to the Division upon being issued a valid Kansas driver's license or upon reinstatement and return of a valid Kansas driver's license.

The House Committee made the following changes:

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org/cgi-bin/fulltext/bills.cgi>

- ! Added a third item, namely, proof of residency, to the list of options upon which denial of a driver's license may be based. Denial may be based upon noncompliance with requirements for a temporary driver's permit. Proof of residency can include, but is not limited to, items such as receipts for paid utility bills and bank statements.

#### **Temporary Driver's Permits**

- ! Added provisions regarding a temporary driver's permit to be issued to the following persons:

- " an applicant who is lawfully in the United States, but is not a citizen, and has complied with all requirements of the Division of Motor Vehicles (DMV);
- " an applicant not lawfully present but who has obtained an Internal Revenue Service identification number, has proof of Kansas residency, and has complied with all the requirements of the DMV; and
- " an applicant for an instruction permit.

- ! Provided that a temporary driver's permit shall be readily distinguishable from all other permits and shall expire in one year from the date of issuance. A revocation of the temporary driver's permit will occur if the holder's visa expires or is cancelled or revoked. Such a permit will be renewed annually. If a holder of a temporary driver's permit is issued a driver's license, the temporary driver's permit will be surrendered to DMV. Other provisions regarding temporary driver's permits include the following:

- " an applicant for a temporary driver's permit shall submit a thumbprint or other required identifier;
- " established the Driver's Permit Education Fund. Fifty cents from every driver's permit fee will be credited to the fund. Moneys will ultimately go to the Driver's Permit Examiners Education Fund to be used for, but not limited to, the training of DMV personnel in processing applications for non-citizens and to educate applicants on the laws of the United States

and Kansas regarding driving rules, vehicle ownership, titling and insurance, and to promote trust and cooperation with law enforcement; and

" established the fee for a temporary driver's permit at \$9.50.

- ! Provided that a temporary driver's permit shall be considered a license to drive and is **not** to be considered a form of identification.
- ! Provided that after July 1, 2003, an applicant for an identification card, in lieu of a driver's license or temporary driver's permit shall also submit a facial recognition identifier. In addition, an applicant may submit a thumbprint or other identifier as the DMV makes available.

The House Committee of the Whole inserted the provision under which the moneys in the Driver's Permit Examiner Education Fund would not be used exclusively for training and education purposes.

## **Background**

The original bill was supported by Senator Allen, a recent victim of bank fraud, as a means of strengthening security requirements for obtaining a driver's license or non-driver identification card in Kansas. The bill was supported by representatives of the federal Immigration and Naturalization Service, the Kansas Bankers Association, the Johnson County District Attorney's Office, the Overland Park Police Department, the Division of Vehicles of the Kansas Department of Revenue, and others.

The Senate Committee of the Whole deleted across-the-board doubling of fees for various types of driver's licenses and other fees and provided instead for a \$1 increase for the photo fee.

The fiscal note was not available.