

SESSION OF 2007

**CONFERENCE COMMITTEE REPORT BRIEF
SENATE BILL NO. 9**

As Agreed to April 3, 2007

Brief*

SB 9 would codify practices of the Division of Vehicles (Division) that protect against fraud in the issuance of drivers' licenses. The bill would:

- Broaden the required employee training program to include training on document recognition and on federal rules used to determine lawful presence;
- Authorize the Division to disclose motor vehicle records to any federal, state or local agency to assist in carrying out the functions of the governmental agency;
- Require the Division to annually report in January to the House Committee on Veterans, Military and Homeland Security disclosures made to any federal, state, or local agency to assist in carrying out the functions of the governmental agency;
- Define "address of principal residence";
- Define state to mean a state of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of Northern Mariana Islands;
- Require the applicant for a driver's license or instruction permit to submit:

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- Proof of age, proof of identity, as required by the Division and a photo identity document; or
- Non-photo identity document if it includes the applicant's full legal name, date of birth, and address of principal residence and social security number;
 - If the applicant does not have a social security number, the applicant would be required to provide proof of lawful presence and Kansas residency;
- Prohibit the Division from issuing a driver's license or an instruction permit to any person who fails to provide proof of lawful presence in the United States;
- Require the Division, before issuing a driver's license or an instruction permit, to require valid documentary evidence that the applicant:
 - Is a citizen or national of the United States;
 - Is an alien lawfully admitted for permanent or temporary residence in the United States;
 - Has conditional permanent resident status in the United States;
 - Has a pending or approved application for asylum in the United States or has refugee status;
 - Has a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry in the United States;
 - Has a pending or approved application for temporary protected status in the United States;
 - Has approved deferred action status; or

- Has a pending application of adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States;
- Permit the Division to issue a driver's license, valid for a duration specified in the bill, to a person who provides evidence of lawful presence as follows:
 - Has a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry in the United States;
 - Has a pending or approved application for temporary protected status in the United States;
 - Has approved deferred action status;
 - Has a pending application of adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States; or
 - Is an alien lawfully admitted for permanent or temporary residence in the United States;
- Prohibit the Division from issuing a Kansas driver's license to a person holding a driver's license issued by another state without making reasonable efforts to confirm the termination of the driver's license in the other state;
- Require that any person applying for a driver's license submit to a mandatory facial image capture;
- Provide authority for the Director of Vehicles to issue a driver's license, valid for one year, to an applicant who cannot provide valid documentary evidence but can provide compelling evidence of lawful presence;

- Authorize the issuance of a driver's licence which does not contain the principal address to persons who are program participants of KSA 75-455 and are attempting to escape from actual or threatened domestic violence, sexual assault, trafficking or stalking;
- Require that all drivers' licenses and identification cards have common machine-readable technology and have physical security features designed to prevent fraud;
- Require the driver's license examiner to compare the applicant with the Division's existing information and facial image database;
- Delete the provision that authorized a birth certificate from another country to be a document that may be used to obtain a replacement driver's license;
- Require the Division to maintain a suitable record of all data fields printed on drivers' licenses and identification cards issued by the State;
- Authorize the Division to cancel a driver's license if it determines that a person is not lawfully present in the United States;
- Make corresponding changes to the provisions in the bill regarding application for an identification card as were made to the provisions in the bill regarding application for a driver's license;
- Prohibit the Division from issuing an identification card to a person who holds a current valid driver's license unless the driver's license has been physically surrendered;
- Broaden the definition of "police officer" or "law enforcement officer" as defined by the Law Enforcement Training Act to include law enforcement agents designated by the Secretary of Revenue;

- Add “identification card” or “canceled driver’s license or identification card” to the criminal statute which lists the prohibited uses of a driver’s license;
- Require the Secretary of Revenue to provide a procedure to file a complaint for persons alleging discrimination or other topics related to the issuance of drivers' licenses and identification cards, and for the investigation of the complaint; and
- Require the Secretary to annually report in January to the House Committee on Veterans, Military and Homeland Security complaints made related to the issuance of drivers' licenses and identification cards.

Conference Committee Action

The Conference Committee agreed to place the provisions of HB 2390, as amended by Senate Committee on Federal and State Affairs into SB 9. HB 2390 would improve security for drivers' licenses and identification cards.

Background

SB 9, as introduced, proposed to repeal language in existing law that makes it unlawful to operate a motor vehicle equipped with television-type receiving equipment so located that the equipment is visible from the driver’s seat. This provision is now in SB 8.

The proponents of HB 2390, as introduced, included Joan Wagon, Secretary of Revenue; Carmen Aldritt, Director of Vehicles; and a representative for Citizens for Immigration Reform.

No opponents testified on the bill.

The House Committee amended the bill to:

- Delete all references and provisions to the REAL ID Act;
- Delete the provision that required the Division to establish fraudulent document recognition training programs;
- Broaden the required employee training program to include document recognition and federal rules used to determine lawful presence;
- Clarify that the Division may disclose motor vehicle records to any federal, state or local agency to assist in carrying out the functions of the governmental agency;
- Require the Division to annually report in January to the House Committee on Veterans, Military and Homeland Security disclosures made to any federal, state or local agency to assist in carrying out the functions of the governmental agency;
- Delete the provision requiring the applicant to pay for the costs of the production of the driver's license, instructional permit, renewal or identification card;
- Require proof of age and proof of identity for application of a driver's license;
- Delete the provision requiring the applicant to provide proof from the Social Security Administration that he or she does not have a social security number when applying for a driver's license or an identification card;
- Require the applicant to provide proof of lawful presence and Kansas residency when applying for a driver's license or an identification card;
- Require the Division of Vehicles to make reasonable efforts to verify completeness of documentation required to prove age, identity, lawful presence and Kansas residency;

- Delete the requirement that the Division verify with the issuing agency the validity and completeness of each document required to prove age, identity and lawful presence;
- Delete all references to a temporary driver's license;
- Prohibit the Division from issuing a Kansas driver's license to a person holding a driver's license issued by another state without making reasonable efforts to confirm the termination of the driver's license in the other state;
- Authorize the issuance of a driver's license which does not contain a colored photograph to the following:
 - Any person who is outside the state and for whom the Division provides for renewal of driver's license by mail;
 - Any person belonging to a religious organization which objects to having their picture taken;
- Authorize the issuance of a driver's license which does not contain the principal address to persons who are program participants attempting to escape from actual or threatened domestic violence, sexual assault, trafficking or stalking;
- Delete the provision allowing the renewal, by mail, of a driver's license that expires while the person is outside the United States;
- Delete the provision requiring the Division to retain images of source documents for ten years;
- Make corresponding changes to the provisions in the bill regarding application for an identification card as were made to the provisions in the bill regarding application for a driver's license; and

- Make amendments of a technical nature.

The House Committee of the Whole amended the bill to:

- Require the Secretary of Revenue to provide a procedure to file a complaint for persons alleging discrimination or other topics related to the issuance of drivers' licenses and identification cards, and for the investigation of the complaint; and
- Require the Secretary to annually report in January to the House Committee on Veterans, Military and Homeland Security complaints made related to the issuance of drivers' licenses and identification cards.

The Senate Committee amended the bill to: define "state" and delete the provision dealing with a driver's license issuance which does not have a valid photo.

The fiscal note on the bill as introduced states that the agency is unable to estimate the amount of additional expenditures associated with the implementation of the bill because of the uncertainty on what would be required to implement the REAL ID Act. The bill, as amended, does not make reference to the REAL ID Act.

television type equipment in motor vehicles; drivers license fraud