

**As Amended by House Committee**

*Session of 2013*

**HOUSE BILL No. 2133**

By Committee on Veterans, Military and Homeland Security

1-30

1 AN ACT concerning drivers' licenses and nondriver identification cards;  
2 relating to veterans; amending K.S.A. 2012 Supp. 8-243 and 8-1324  
3 and repealing the existing sections.

4  
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2012 Supp. 8-243 is hereby amended to read as  
7 follows: 8-243.(a) Upon payment of the required fee, the division shall  
8 issue to every applicant qualifying under the provisions of this act the  
9 driver's license as applied for by the applicant. Such license shall bear the  
10 class or classes of motor vehicles which the licensee is entitled to drive, a  
11 distinguishing number assigned to the licensee, the full legal name, date of  
12 birth, gender, address of principal residence and a brief description of the  
13 licensee, a colored digital photograph of the licensee, a facsimile of the  
14 signature of the licensee and the statement provided for in subsection (b).  
15 No driver's license shall be valid until it has been signed by the licensee.  
16 All drivers' licenses issued to persons under the age of 21 years shall be  
17 readily distinguishable from licenses issued to persons age 21 years or  
18 older. In addition, all drivers' licenses issued to persons under the age of 18  
19 years shall also be readily distinguishable from licenses issued to persons  
20 age 18 years or older. The secretary of revenue shall implement a vertical  
21 format to make drivers' licenses issued to persons under the age of 21 more  
22 readily distinguishable. Except as otherwise provided, no driver's license  
23 issued by the division shall be valid until a colored digital photograph of  
24 such licensee has been taken and verified before being placed on the  
25 driver's license. The secretary of revenue shall prescribe a fee of not more  
26 than \$8 and upon the payment of such fee, the division shall cause a  
27 colored digital photograph of such applicant to be placed on the driver's  
28 license. Upon payment of such fee prescribed by the secretary of revenue,  
29 plus payment of the fee required by K.S.A. 8-246, and amendments  
30 thereto, for issuance of a new license, the division shall issue to such  
31 licensee a new license containing a colored digital photograph of such  
32 licensee. A driver's license which does not contain the principal address as  
33 required may be issued to persons who are program participants pursuant  
34 to K.S.A. 2012 Supp. 75-455, and amendments thereto, upon payment of  
35 the fee required by K.S.A. 8-246, and amendments thereto. All Kansas  
36 drivers' licenses and identification cards shall have physical security

1 features designed to prevent tampering, counterfeiting or duplication of the  
2 document for fraudulent purposes. The secretary of revenue shall  
3 incorporate common machine-readable technology into all Kansas drivers'  
4 licenses and identification cards.

5 (b) All Kansas drivers' licenses issued to any person 16 years of age  
6 or older shall contain a form which provides a statement for making a gift  
7 of all or any part of the body of the licensee in accordance with the revised  
8 uniform anatomical gift act, K.S.A. 2012 Supp. 65-3220 through 65-3244,  
9 and amendments thereto, except as otherwise provided by this subsection.  
10 The statement to be effective shall be signed by the licensee in the  
11 presence of two witnesses who shall sign the statement in the presence of  
12 the donor. The gift becomes effective upon the death of the donor.  
13 Delivery of the license during the donor's lifetime is not necessary to make  
14 a valid gift. Any valid gift statement executed prior to July 1, 1994, shall  
15 remain effective until invalidated. The word "Donor" shall be placed on  
16 the front of a licensee's driver's license, indicating that the statement for  
17 making an anatomical gift under this subsection has been executed by such  
18 licensee.

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

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

36 (e) (1) *Any person who is a veteran may request that the division*  
37 *issue to such person a driver's license which shall include the designation*  
38 *"VETERAN" in the hologram security feature displayed on the back side*  
39 *of the driver's license at a location to be determined by the secretary of*  
40 **revenue. In order to receive a license described in this subsection, the**  
41 *veteran must provide proof of the veteran's military service and honorable*  
42 **discharge or general discharge under honorable conditions, including a**  
43 *copy of the veteran's DD214 form or equivalent.*

1       (2) *As used in this subsection, "veteran" means a person who:*

2       (A) *Has served in: The army, navy, marine corps, air force, coast*  
3 *guard, air or army national guard or any branch of the military reserves*  
4 *of the United States; and*

5       (B) *has been separated from the branch of service in which the*  
6 *person served was honorably discharged or received a general*  
7 ***discharge*** *under honorable conditions.*

8       (3) *The director of vehicles may adopt any rules and regulations*  
9 *necessary to carry out the provisions of this subsection.*

10       Sec. 2. K.S.A. 2012 Supp. 8-1324 is hereby amended to read as  
11 follows: 8-1324. (a) Any resident who does not hold a current valid Kansas  
12 driver's license may make application to the division of vehicles and be  
13 issued one identification card.

14       (b) For the purpose of obtaining an identification card, an applicant  
15 shall submit, with the application, proof of age, proof of identity and proof  
16 of lawful presence. An applicant shall submit with the application a photo  
17 identity document, except that a non-photo identity document is acceptable  
18 if it includes both the applicant's full legal name and date of birth, and  
19 documentation showing the applicant's name, the applicant's address of  
20 principal residence and the applicant's social security account number. The  
21 applicant's social security number shall remain confidential and shall not  
22 be disclosed, except as provided pursuant to K.S.A. 74-2012, and  
23 amendments thereto. If the applicant does not have a social security  
24 number, the applicant shall provide proof of lawful presence and Kansas  
25 residency. The division shall assign a distinguishing number to the  
26 identification card. Before issuing an identification card to a person, the  
27 division shall make reasonable efforts to verify with the issuing agency the  
28 issuance, validity and completeness of each document required to be  
29 presented by the applicant to prove age, identity and lawful presence.

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

1 subparagraph shall be for a longer period of time than the time period  
2 permitted by K.S.A. 8-1325, and amendments thereto; and (D) a  
3 temporary identification card issued pursuant to this subparagraph may be  
4 renewed, subject at the time of renewal, to the same requirements and  
5 conditions set forth in this subsection (c) for the issuance of the original  
6 temporary identification card.

7 (d) The division shall not issue an identification card to any person  
8 who holds a current valid Kansas driver's license unless such driver's  
9 license has been physically surrendered pursuant to the provisions of  
10 subsection (e) of K.S.A. 8-1002, and amendments thereto.

11 (e) The division shall refuse to issue an identification card to a person  
12 holding a driver's license or identification card issued by another state  
13 without confirmation that the person is terminating or has terminated the  
14 license or identification card.

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

17 (g) (1) The division shall require payment of a fee of \$14 at the time  
18 application for an identification card is made, except that persons who are  
19 65 or more years of age or who are handicapped, as defined in K.S.A. 8-  
20 1,124, and amendments thereto, shall be required to pay a fee of only \$10.  
21 In addition to the fees prescribed by this subsection, the division shall  
22 require payment of the photo fee established pursuant to K.S.A. 8-243, and  
23 amendments thereto, for the cost of the photograph to be placed on the  
24 identification card.

25 (2) The division shall not require or accept payment of application or  
26 photo fees under this subsection for any person 17 years of age or older for  
27 purposes of meeting the voter identification requirements of K.S.A. 25-  
28 2908, and amendments thereto. Such person shall:

29 (A) Swear under oath that such person desires an identification card  
30 in order to vote in an election in Kansas and that such person does not  
31 possess any of the forms of identification acceptable under K.S.A. 25-  
32 2908, and amendments thereto. The affidavit shall specifically list the  
33 acceptable forms of identification under K.S.A. 25-2908, and amendments  
34 thereto; and

35 (B) produce evidence that such person is registered to vote in Kansas.

36 (3) The secretary of revenue shall adopt rules and regulations in order  
37 to implement the provisions of paragraph (2).

38 (h) All Kansas identification cards shall have physical security  
39 features designed to prevent tampering, counterfeiting or duplication for  
40 fraudulent purposes.

41 (i) For the purposes of K.S.A. 8-1324 through 8-1328, and  
42 amendments thereto, a person shall be deemed to be a resident of the state  
43 if:

- 1 (1) The person owns, leases or rents a place of domicile in this state;
- 2 (2) the person engages in a trade, business or profession in this state;
- 3 (3) the person is registered to vote in this state;
- 4 (4) the person enrolls the person's child in a school in this state; or
- 5 (5) the person registers the person's motor vehicle in this state.
- 6 (j) The division shall require that any person applying for an
- 7 identification card submit to a mandatory facial image capture.

8 (k) (1) *Any person who is a veteran may request that the division*  
9 *issue to such person a nondriver identification card which shall include*  
10 *the designation "VETERAN" ~~in the hologram security feature displayed on~~*  
11 *the ~~back side of the~~ nondriver identification card at a location to be*  
12 **determined by the secretary of revenue.** *In order to receive a nondriver*  
13 *identification card described in this subsection, the veteran must provide*  
14 *proof of the veteran's military service and honorable discharge or general*  
15 **discharge under honorable conditions, including a copy of the veteran's**  
16 **DD214 form or equivalent.**

17 (2) *As used in this subsection, "veteran" means a person who:*

18 (A) *Has served in: The army, navy, marine corps, air force, coast*  
19 *guard, air or army national guard or any branch of the military reserves*  
20 *of the United States; and*

21 (B) *has been separated from the branch of service in which the*  
22 *person ~~served~~ was honorably discharged or received a general*  
23 **discharge under honorable conditions.**

24 (3) *The director of vehicles may adopt any rules and regulations*  
25 *necessary to carry out the provisions of this subsection.*

26 ~~(l)~~ (l) *The director of vehicles may issue a temporary identification*  
27 *card to an applicant who cannot provide valid documentary evidence as*  
28 *defined by subsection (c), if the applicant provides compelling evidence*  
29 *proving current lawful presence. Any temporary identification card issued*  
30 *pursuant to this subparagraph shall be valid for one year.*

31 ~~(m)~~ (m) *Upon payment of the required fee, the division shall issue to*  
32 *every applicant qualifying under the provisions of this act an identification*  
33 *card. Such identification card shall bear a distinguishing number assigned*  
34 *to the cardholder, the full legal name, date of birth, address of principal*  
35 *residence, a brief description of the cardholder, a colored digital*  
36 *photograph of the cardholder, and a facsimile of the signature of the*  
37 *cardholder. An identification card which does not contain the address of*  
38 *principal residence of the cardholder as required may be issued to persons*  
39 *who are program participants pursuant to K.S.A. 2012 Supp. 75-455, and*  
40 *amendments thereto.*

41 Sec. 3. K.S.A. 2012 Supp. 8-243 and 8-1324 are hereby repealed.

42 Sec. 4. This act shall take effect and be in force from and after **July 1,**  
43 **2014, and** its publication in the statute book.