

HOUSE BILL No. 2622

By Committee on Federal and State Affairs

2-11

1 AN ACT relating to driver's licenses; creating the limited and restricted
2 driver's license, limited instruction permit; amending K.S.A. 2012
3 Supp. 8-1324, as amended by section 2 of chapter 74 of the 2013
4 Session Laws of Kansas and K.S.A. 2013 Supp. 8-237 and 8-240 and
5 repealing the existing sections.

6
7 *Be it enacted by the Legislature of the State of Kansas:*

8 New Section 1. (a) The division of vehicles shall issue a limited class
9 C driver's license, limited instruction permit or limited and restricted
10 license when the following conditions are satisfied:

11 (1) A limited class C driver's license or instruction permit shall be
12 issued to an applicant 17 years of age or older who is otherwise eligible for
13 a driver's license or instruction permit pursuant to K.S.A. 8-237, 8-239 or
14 8-240, and amendments thereto, and who satisfies the requirements set
15 forth in subsection (b). A limited driver's license issued under this
16 subsection shall be subject to all of the requirements set forth pursuant to
17 K.S.A. 8-247, and amendments thereto; or

18 (2) a limited and restricted class C driver's license shall be issued to
19 an applicant who is at least 15 years of age but less than 17 years of age
20 who is otherwise eligible for a restricted driver's license or instruction
21 permit pursuant to K.S.A. 8-2,100 or 8-2,101, and amendments thereto,
22 and who satisfies the requirements set forth in subsection (b).

23 (b) (1) The division shall issue a limited driver's license, limited and
24 restricted license, or limited instruction permit to any individual who:

25 (A) Is deemed to be a resident of Kansas pursuant to K.S.A. 8-
26 234a(a)(2), and amendments thereto;

27 (B) has not been issued a social security number; and

28 (C) does not provide satisfactory documentary evidence of citizenship
29 or lawful presence pursuant to K.S.A. 8-240(b)(2)(A), and amendments
30 thereto.

31 (2) An applicant who applies for a limited driver's license, limited
32 and restricted license or limited instruction permit shall present with the
33 application a valid unexpired passport from the applicant's country of
34 citizenship or a valid unexpired consular identification document, as
35 defined by subsection (d) or other proof of identity deemed acceptable by
36 the department.

1 (c) (1) A limited driver's license, limited and restricted license or
2 limited instruction permit issued under this section shall contain a notice
3 on its face that the license or permit is not acceptable for any of the
4 purposes specified by the real id act of 2005 (P.L. 109-13), or for the
5 purposes of voting, the purchase of a firearm or eligibility for public
6 benefits.

7 (2) Any person to whom the division may issue a limited driver's
8 license, limited and restricted license or limited instruction permit,
9 pursuant to subsection (a), shall be subject to any and all provisions of the
10 motor vehicle driver's license act and the uniform act regulating traffic on
11 highways and any and all rules and regulations issued by the division to
12 the same extent as any person issued a driver's license, unless otherwise
13 provided, including, but not limited to, the mandatory insurance
14 requirements and penalties set forth in K.S.A. 40-3101 et seq., and
15 amendments thereto.

16 (3) Possession or presentation of a limited driver's license, limited
17 and restricted license or limited instruction permit issued pursuant to this
18 section, rather than a driver's license or instruction permit issued pursuant
19 to K.S.A. 8-239, 8-240, 8-2,100 or 8-2,101, and amendments thereto, shall
20 not be used as evidence of the holder's citizenship or immigration status
21 and shall not be used as a basis for a criminal investigation, arrest or
22 detention.

23 (4) Information provided in an application for a limited driver's
24 license, limited and restricted license or limited instruction permit is not a
25 public record and shall not be disclosed by the division, unless required by
26 court order. Pursuant to K.S.A. 45-229, and amendments thereto, the
27 exception to the Kansas open records act contained in subsection (c) shall
28 expire on June 30, 2019, unless the legislature reviews and reenacts these
29 provisions prior to June 30, 2019.

30 (d) As used in this section, "consular identification document" means
31 an official identification card issued by a foreign government that meets all
32 of the following requirements:

33 (1) The identification card is issued through the foreign government's
34 consular offices for the purpose of identifying a foreign national who is
35 living outside the foreign jurisdiction.

36 (2) The foreign government requires the foreign national to provide
37 proof of nationality that is within the foreign government's jurisdiction and
38 proof of identity to obtain the identification card.

39 (3) The foreign government includes all of the following security
40 features in the identification card:

41 (A) A unique identification number;

42 (B) an optically variable feature such as a hologram or color-shifting
43 inks;

- 1 (C) an ultraviolet image;
- 2 (D) encoded information;
- 3 (E) machine-readable technology;
- 4 (F) microprinting;
- 5 (G) secure laminate; and
- 6 (H) integrated photograph and signature.

7 (4) The identification card includes on its face the name of the
8 individual to whom it is issued, the date of issuance, the date of expiration,
9 the name of the issuing consular office or foreign government and the
10 unique identification number. The identification card must include an
11 English translation of the data fields.

12 (5) The issuing consular office or foreign government has filed with
13 the division a copy of the foreign government's standard consular
14 identification document and a certification of the procedures that are used
15 to satisfy the requirements pursuant to subsections (b) and (c).

16 (e) The secretary of revenue shall promulgate rules and regulations
17 necessary to carry out the provisions of this section.

18 (f) This section shall be a part of and supplemental to the motor
19 vehicle driver's license act.

20 Sec. 2. K.S.A. 2013 Supp. 8-237 is hereby amended to read as
21 follows: 8-237. The division of vehicles shall not issue any driver's license
22 to any person:

23 (a) Who is under the age of 17 years, except that the division may
24 issue a restricted class C or M license, as provided in K.S.A. 2013 Supp. 8-
25 2,101, and amendments thereto, or a farm permit, under K.S.A. 8-296, and
26 amendments thereto.

27 (b) Who is under the age of 18 years, except as provided in K.S.A. 8-
28 2,147, and amendments thereto, for the purpose of driving a commercial or
29 class A or B motor vehicle.

30 (c) Whose license is currently revoked, suspended or canceled in this
31 or any other state, except as provided in K.S.A. 8-256, and amendments
32 thereto.

33 (d) Who is a habitual drunkard, habitual user of narcotic drugs or
34 habitual user of any other drug to a degree which renders the user
35 incapable of safely driving a motor vehicle.

36 (e) Who has previously been adjudged to be afflicted with or
37 suffering from any mental disability or disease and who, at the time of
38 making application for a driver's license, has not been restored to capacity
39 in the manner provided by law. Application of this limitation to any person
40 known to have suffered any seizure disorder is subject to the provisions of
41 K.S.A. 8-247, and amendments thereto.

42 (f) Who is required by the motor vehicle drivers' license act to take an
43 examination, unless the person has successfully passed the examination.

1 (g) Who is at least 16 years of age and less than 17 years of age, who
2 is applying for a driver's license for the first time since reaching 16 years
3 of age and who, three times or more, has been adjudged to be a traffic
4 offender under the Kansas juvenile code or a juvenile offender under the
5 revised Kansas juvenile justice code, by reason of violation of one or more
6 statutes regulating the movement of traffic on the roads, streets or
7 highways of this state, except that, in the discretion of the director, the
8 person may be issued a driver's license which is restricted in the manner
9 the division deems to be appropriate. No person described by this
10 subsection shall be eligible to receive a driver's license which is not
11 restricted until the person has reached the age of 17 years.

12 (h) Who has not submitted proof of age or proof of identity, as
13 required by K.S.A. 8-240, and amendments thereto.

14 (i) Whose presence in the United States is in violation of federal
15 immigration laws, *unless such person is applying for a limited driver's*
16 *license, limited and restricted license or limited instruction permit*
17 *pursuant to section 1, and amendments thereto.*

18 Sec. 3. K.S.A. 2013 Supp. 8-240 is hereby amended to read as
19 follows: 8-240. (a) (1) Every application for an instruction permit shall be
20 made upon a form furnished by the division of vehicles and accompanied
21 by a fee of \$2 for class A, B, C or M and \$5 for all commercial classes.
22 Every other application shall be made upon a form furnished by the
23 division and accompanied by an examination fee of \$3, unless a different
24 fee is required by K.S.A. 8-241, and amendments thereto, and by the
25 proper fee for the license for which the application is made. If the
26 applicant is not required to take an examination the examination fee shall
27 not be required. The examination shall consist of three tests, as follows:
28 (A) Vision; (B) written; and (C) driving. If the applicant fails the vision
29 test, the applicant may have correction of vision made and take the vision
30 test again without any additional fee. If an applicant fails the written test,
31 the applicant may take such test again upon the payment of an additional
32 examination fee of \$1.50. If an applicant fails the driving test, the
33 applicant may take such test again upon the payment of an additional
34 examination fee of \$1.50. If an applicant fails to pass all three of the tests
35 within a period of six months from the date of original application and
36 desires to take additional tests, the applicant shall file an application for
37 reexamination upon a form furnished by the division, which shall be
38 accompanied by a reexamination fee of \$3, except that any applicant who
39 fails to pass the written or driving portion of an examination four times
40 within a six-month period, shall be required to wait a period of six months
41 from the date of the last failed examination before additional examinations
42 may be given. Upon the filing of such application and the payment of such
43 reexamination fee, the applicant shall be entitled to reexamination in like

1 manner and subject to the additional fees and time limitation as provided
2 for examination on an original application. If the applicant passes the
3 reexamination, the applicant shall be issued the classified driver's license
4 for which the applicant originally applied, which license shall be issued to
5 expire as if the applicant had passed the original examination.

6 (2) Applicants for class M licenses who have completed prior
7 motorcycle safety training in accordance with department of defense
8 instruction 6055.04 (DoDI 6055.04) are not required to complete further
9 written and driving testing pursuant to paragraph (1) of this subsection.

10 (b) (1) For the purposes of obtaining any driver's license or
11 instruction permit, an applicant shall submit, with the application, proof of
12 age and proof of identity as the division may require. The applicant also
13 shall provide a photo identity document, except that a non-photo identity
14 document is acceptable if it includes both the applicant's full legal name
15 and date of birth, and documentation showing the applicant's name, the
16 applicant's address of principal residence and the applicant's social security
17 number. The applicant's social security number shall remain confidential
18 and shall not be disclosed, except as provided pursuant to K.S.A. 74-2012,
19 and amendments thereto. If the applicant does not have a social security
20 number the applicant shall provide proof of lawful presence and Kansas
21 residency *unless the applicant is applying for either a limited driver's*
22 *license, limited and restricted license or limited instruction permit*
23 *pursuant to section 1, and amendments thereto.* The division shall assign a
24 distinguishing number to the license or permit.

25 (2) (A) *Except as provided in subsection (B),* the division shall not
26 issue any driver's license or instruction permit to any person who fails to
27 provide proof that the person is lawfully present in the United States.
28 Before issuing a driver's license or instruction permit to a person, the
29 division shall require valid documentary evidence that the applicant: ~~(A)~~(i)
30 Is a citizen or national of the United States; ~~(B)~~(ii) is an alien lawfully
31 admitted for permanent or temporary residence in the United States; ~~(C)~~
32 (iii) has conditional permanent resident status in the United States; ~~(D)~~(iv)
33 has an approved application for asylum in the United States or has entered
34 into the United States in refugee status; ~~(E)~~(v) has a valid, unexpired
35 nonimmigrant visa or nonimmigrant visa status for entry into the United
36 States; ~~(F)~~(vi) has a pending application for asylum in the United States;
37 ~~(G)~~(vii) has a pending or approved application for temporary protected
38 status in the United States; ~~(H)~~(viii) has approved deferred action status; or
39 ~~(I)~~(ix) has a pending application for adjustment of status to that of an alien
40 lawfully admitted for permanent residence in the United States or
41 conditional permanent resident status in the United States.

42 (B) *The division shall issue a limited driver's license, limited and*
43 *restricted license or limited instruction permit to any applicant who fulfills*

1 *the requirements set forth in section 1, and amendments thereto.*

2 (3) If an applicant provides evidence of lawful presence set out in
3 subsections ~~(b)(2)(E)~~ (b)(2)(A)(v) through ~~(2)(F)(A)(ix)~~, or is an alien
4 lawfully admitted for temporary residence under subsection ~~(b)(2)(B)~~ (b)
5 (2)(A)(ii), the division may only issue a driver's license to the person under
6 the following conditions: (A) A driver's license issued pursuant to this
7 subparagraph shall be valid only during the period of time of the
8 applicant's authorized stay in the United States or, if there is no definite
9 end to the period of authorized stay, a period of one year; (B) a driver's
10 license issued pursuant to this subparagraph shall clearly indicate that it is
11 temporary and shall state the date on which it expires; (C) no driver's
12 license issued pursuant to this subparagraph shall be for a longer period of
13 time than the time period permitted by subsection (a) of K.S.A. 8-247, and
14 amendments thereto; and (D) a driver's license issued pursuant to this
15 subparagraph may be renewed, subject at the time of renewal, to the same
16 requirements and conditions as set out in this subsection (b) for the
17 issuance of the original driver's license.

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

21 (5) The division shall not issue a driver's license to a person holding a
22 driver's license issued by another state without making reasonable efforts
23 to confirm that the person is terminating or has terminated the driver's
24 license in the other state.

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

27 (c) Every application shall state the full legal name, date of birth,
28 gender and address of principal residence of the applicant, and briefly
29 describe the applicant, and shall state whether the applicant has been
30 licensed as a driver prior to such application, and, if so, when and by what
31 state or country. Such application shall state whether any such license has
32 ever been suspended or revoked, or whether an application has ever been
33 refused, and, if so, the date of and reason for such suspension, revocation
34 or refusal. In addition, applications for commercial drivers' licenses and
35 instruction permits for commercial licenses must include the following:
36 The applicant's social security number; the person's signature; the person's
37 colored digital photograph; certifications, including those required by 49
38 C.F.R. § 383.71(a), effective January 1, 1991; a consent to release driving
39 record information; and, any other information required by the division.

40 (d) When an application is received from a person previously licensed
41 in another jurisdiction, the division shall request a copy of the driver's
42 record from the other jurisdiction. When received, the driver's record shall
43 become a part of the driver's record in this state with the same force and

1 effect as though entered on the driver's record in this state in the original
2 instance.

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

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

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

8 (2) for a class C driver's license issued to a person 65 years of age or
9 older, \$12;

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

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

14 (5) for a class A or B driver's license issued to a person who is at least
15 21 years of age, but less than 65 years of age, \$24;

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

18 (7) for any class of commercial driver's license issued to a person 21
19 years of age or older, \$18; or

20 (8) for class A, B, C or M, or a farm permit, or any commercial
21 driver's license issued to a person less than 21 years of age, \$20.

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

24 A fee of \$3 per year shall be charged for any renewal of a license issued
25 prior to the effective date of this act to a person less than 21 years of age.

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

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

34 (h) The division shall require that any person applying for a driver's
35 license submit to a mandatory facial image capture.

36 (i) The director of vehicles may issue a temporary driver's license to
37 an applicant who cannot provide valid documentary evidence as defined
38 by subsection (b)(2), if the applicant provides compelling evidence
39 proving current lawful presence. Any temporary license issued pursuant to
40 this subsection shall be valid for one year.

41 Sec. 4. K.S.A. 2012 Supp. 8-1324, as amended by section 2 of
42 chapter 74 of the 2013 Session Laws of Kansas, is hereby amended to read
43 as follows: 8-1324. (a) Any resident who does not hold a current valid

1 Kansas driver's license may make application to the division of vehicles
2 and be issued one identification card.

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

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

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

43 (e) The division shall refuse to issue an identification card to a person

1 holding a driver's license or identification card issued by another state
2 without confirmation that the person is terminating or has terminated the
3 license or identification card.

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

6 (g) (1) The division shall require payment of a fee of \$14 at the time
7 application for an identification card is made, except that persons who are
8 65 or more years of age or who are handicapped, as defined in K.S.A. 8-
9 1,124, and amendments thereto, shall be required to pay a fee of only \$10.
10 In addition to the fees prescribed by this subsection, the division shall
11 require payment of the photo fee established pursuant to K.S.A. 8-243, and
12 amendments thereto, for the cost of the photograph to be placed on the
13 identification card.

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

18 (A) Swear under oath that such person desires an identification card
19 in order to vote in an election in Kansas and that such person does not
20 possess any of the forms of identification acceptable under K.S.A. 25-
21 2908, and amendments thereto. The affidavit shall specifically list the
22 acceptable forms of identification under K.S.A. 25-2908, and amendments
23 thereto; and

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

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

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

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

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

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

35 (3) the person is registered to vote in this state;

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

37 (5) the person registers the person's motor vehicle in this state.

38 (j) The division shall require that any person applying for an
39 identification card submit to a mandatory facial image capture.

40 (k) (1) Any person who is a veteran may request that the division
41 issue to such person a nondriver identification card which shall include the
42 designation "VETERAN" displayed on the front of the nondriver
43 identification card at a location to be determined by the secretary of

1 revenue. In order to receive a nondriver identification card described in
2 this subsection, the veteran must provide proof of the veteran's military
3 service and honorable discharge or general discharge under honorable
4 conditions, including a copy of the veteran's DD214 form or equivalent.

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

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

9 (B) has been separated from the branch of service in which the person
10 was honorably discharged or received a general discharge under honorable
11 conditions.

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

14 (l) The director of vehicles may issue a temporary identification card
15 to an applicant who cannot provide valid documentary evidence as defined
16 by subsection (c), if the applicant provides compelling evidence proving
17 current lawful presence. Any temporary identification card issued pursuant
18 to this subparagraph shall be valid for one year.

19 (m) Upon payment of the required fee, the division shall issue to
20 every applicant qualifying under the provisions of this act an identification
21 card. Such identification card shall bear a distinguishing number assigned
22 to the cardholder, the full legal name, date of birth, address of principal
23 residence, a brief description of the cardholder, a colored digital
24 photograph of the cardholder, and a facsimile of the signature of the
25 cardholder. An identification card which does not contain the address of
26 principal residence of the cardholder as required may be issued to persons
27 who are program participants pursuant to K.S.A. 2013 Supp. 75-455, and
28 amendments thereto.

29 Sec. 5. K.S.A. 2012 Supp. 8-1324, as amended by section 2 of
30 chapter 74 of the 2013 Session Laws of Kansas and K.S.A. 2013 Supp. 8-
31 237 and 8-240 are hereby repealed.

32 Sec. 6. This act shall take effect and be in force from and after its
33 publication in the statute book.