

HOUSE BILL No. 2666

By Representatives Byers, Featherston, Haswood, Highberger, Hoye, Meyer,
Poskin, Probst, S. Ruiz, Vaughn, Woodard and Xu

2-9

1 AN ACT concerning driver's licenses; relating to gender designations on
2 driver's licenses; allowing an individual to have a gender designation of
3 "X" and for an individual to change their gender designation on a
4 driver's license, instruction permit or nondriver's identification card;
5 amending K.S.A. 2021 Supp. 8-240 and repealing the existing section.
6

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

8 New Section 1. (a) Any person may change the gender indicated on
9 the person's driver's license, instruction permit or nondriver's identification
10 card and on the person's associated motor vehicle record by performing the
11 following:

12 (1) Completing and submitting a form prescribed by the division of
13 vehicles that shall include a written certification of the person's gender by
14 a healthcare provider as defined in subsection (d). The person requesting
15 the gender change shall sign the application under penalty of perjury
16 pursuant to K.S.A. 8-261a and 21-5903, and amendments thereto, and
17 shall certify that the gender classification accurately reflects such person's
18 gender; and

19 (2) meeting the requirements in subsection (c).

20 (b) The written certification by the healthcare provider shall be signed
21 by such provider under penalty of perjury and shall certify both of the
22 following:

23 (1) The person requesting a change of gender classification is
24 currently under the healthcare provider's care for the change of gender,
25 unless the person is requesting a gender designation of "X" as provided in
26 K.S.A. 8-240, and amendments thereto. For a person requesting a gender
27 designation of "X," the healthcare provider shall not be required to indicate
28 that the person is in the healthcare provider's care for change of gender;
29 and

30 (2) in the healthcare provider's professional opinion, the person's
31 gender is male or female, and it is reasonably likely that the person's
32 gender will remain the same for the foreseeable future.

33 (c) (1) Each person applying for a change of gender pursuant to
34 subsection (a) shall surrender all licenses, instruction permits or
35 nondriver's identification cards in such person's possession. No refund

1 shall be given for any licenses, instruction permits or nondriver's
2 identification cards surrendered. The division shall furnish the applicant
3 with a driver's license, instruction permit or nondriver's identification card
4 indicating the requested gender upon payment of the replacement fees
5 specified in K.S.A. 8-246 or 8-1326, and amendments thereto.

6 (2) A written test and a driving test shall not be required if there is no
7 change in the license type requested and the applicant already has a valid
8 state driver's license. A new photograph shall be taken for the new driver's
9 license, instructional permit or nondriver's identification card.

10 (3) If the application is submitted within one year before the
11 expiration of the person's existing state driver's license, instruction permit
12 or nondriver's identification card, the person shall pay the renewal fee
13 specified in K.S.A. 8-247 or 8-1325, and amendments thereto, and comply
14 with all other requirements for issuance of the state driver's license,
15 instruction permit or nondriver's identification card.

16 (d) (1) For the purposes of this section, "healthcare provider" means
17 any of the following:

18 (A) Physician;

19 (B) master's level psychologist;

20 (C) clinical psychotherapist

21 (D) advanced practice registered nurse;

22 (E) specialist clinical social worker;

23 (F) physician assistant;

24 (G) clinical professional counselor; or

25 (H) clinical marriage and family therapist.

26 (2) On the date any written certification under subsection (b) is
27 signed, the healthcare provider shall have a valid professional license for
28 the healthcare provider's occupation and shall be currently practicing in
29 that occupation.

30 Sec. 2. K.S.A. 2021 Supp. 8-240 is hereby amended to read as
31 follows: 8-240. (a) (1) Every application for an instruction permit shall be
32 made upon a form furnished by the division of vehicles and accompanied
33 by a fee of \$2 for class A, B, C or M and \$5 for all commercial classes.
34 Every other application shall be made upon a form furnished by the
35 division and accompanied by an examination fee of \$3, unless a different
36 fee is required by K.S.A. 8-241, and amendments thereto, and by the
37 proper fee for the license for which the application is made. All
38 commercial class applicants shall be charged a \$15 driving test fee for the
39 drive test portion of the commercial driver's license application. If the
40 applicant is not required to take an examination or the commercial license
41 drive test, the examination or commercial drive test fee shall not be
42 required. The examination shall ~~consist of~~ be three tests, ~~as follows: (A)~~
43 ~~consisting of~~ vision; ~~(B)~~, written; and ~~(C)~~ driving. For a commercial

1 driver's license, the drive test shall ~~consist of~~ *be* three components, ~~as~~
2 ~~follows: (A) consisting of pre-trip; (B), skills test; and (C) road test.~~ If the
3 applicant fails the vision test, the applicant may have correction of vision
4 made and take the vision test again without any additional fee. If an
5 applicant fails the written test, the applicant may take such test again upon
6 the payment of an additional examination fee of \$1.50. If an applicant fails
7 the driving test, the applicant may take such test again upon the payment
8 of an additional examination fee of \$1.50. If an applicant for a commercial
9 driver's license fails any portion of the commercial drive test, the applicant
10 may take such test again upon the payment of an additional drive test fee
11 of \$10. If an applicant fails to pass all three of the tests within a period of
12 six months from the date of original application and desires to take
13 additional tests, the applicant shall file an application for reexamination
14 upon a form furnished by the division, which shall be accompanied by a
15 reexamination fee of \$3, except that any applicant who fails to pass the
16 written or driving portion of an examination four times within a six-month
17 period, shall be required to wait a period of six months from the date of the
18 last failed examination before additional examinations may be given.
19 Upon the filing of such application and the payment of such reexamination
20 fee, the applicant shall be entitled to reexamination in like manner and
21 subject to the additional fees and time limitation as provided for
22 examination on an original application. If the applicant passes the
23 reexamination, the applicant shall be issued the classified driver's license
24 for which the applicant originally applied, which license shall be issued to
25 expire as if the applicant had passed the original examination.

26 (2) Applicants for class M licenses who have completed prior
27 motorcycle safety training in accordance with department of defense
28 instruction 6055.04 (DoDI 6055.04) or the motorcycle safety foundation
29 are not required to complete further written and driving testing pursuant to
30 paragraph (1). An applicant seeking exemption from the written and
31 driving tests pursuant to this paragraph shall provide a copy of the
32 motorcycle safety foundation completion form to the division prior to
33 receiving a class M license.

34 (3) ~~On and after January 1, 2017,~~ An applicant for a class M license
35 who passes a driving examination on a three-wheeled motorcycle that is
36 not an autocycle shall have a restriction placed on such applicant's license
37 limiting the applicant to the operation of a registered three-wheeled
38 motorcycle. An applicant for a class M license who passes a driving
39 examination on a two-wheeled motorcycle may operate any registered
40 two-wheeled or three-wheeled motorcycle. The driving examination
41 required by this paragraph shall be administered by the division, by the
42 department of defense or as part of a curriculum recognized by the
43 motorcycle safety foundation.

1 (b) (1) For the purposes of obtaining any driver's license or
2 instruction permit, an applicant shall submit, with the application, proof of
3 age and proof of identity as the division may require. The applicant also
4 shall provide a photo identity document, except that a non-photo identity
5 document is acceptable if it includes both the applicant's full legal name
6 and date of birth, and documentation showing the applicant's name, the
7 applicant's address of principal residence and the applicant's social security
8 number. The applicant's social security number shall remain confidential
9 and shall not be disclosed, except as provided pursuant to K.S.A. 74-2012,
10 and amendments thereto. If the applicant does not have a social security
11 number the applicant shall provide proof of lawful presence and Kansas
12 residency. The division shall assign a distinguishing number to the license
13 or permit.

14 (2) The division shall not issue any driver's license or instruction
15 permit to any person who fails to provide proof that the person is lawfully
16 present in the United States. Before issuing a driver's license or instruction
17 permit to a person, the division shall require valid documentary evidence
18 that the applicant: (A) Is a citizen or national of the United States; (B) is an
19 alien lawfully admitted for permanent or temporary residence in the
20 United States; (C) has conditional permanent resident status in the United
21 States; (D) has an approved application for asylum in the United States or
22 has entered into the United States in refugee status; (E) has a valid,
23 unexpired nonimmigrant visa or nonimmigrant visa status for entry into
24 the United States; (F) has a pending application for asylum in the United
25 States; (G) has a pending or approved application for temporary protected
26 status in the United States; (H) has approved deferred action status; or (I)
27 has a pending application for adjustment of status to that of an alien
28 lawfully admitted for permanent residence in the United States or
29 conditional permanent resident status in the United States.

30 (3) If an applicant provides evidence of lawful presence set out in
31 subsections (b)(2)(E) through (2)(I), or is an alien lawfully admitted for
32 temporary residence under subsection (b)(2)(B), the division may only
33 issue a driver's license to the person under the following conditions: (A) A
34 driver's license issued pursuant to this subparagraph shall be valid only
35 during the period of time of the applicant's authorized stay in the United
36 States or, if there is no definite end to the period of authorized stay, a
37 period of one year; (B) a driver's license issued pursuant to this
38 subparagraph shall clearly indicate that it is temporary and shall state the
39 date on which it expires; (C) no driver's license issued pursuant to this
40 subparagraph shall be for a longer period of time than the time period
41 permitted by K.S.A. 8-247(a), and amendments thereto; and (D) a driver's
42 license issued pursuant to this subparagraph may be renewed, subject at
43 the time of renewal, to the same requirements and conditions as set out in

1 this subsection (b) for the issuance of the original driver's license.

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

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

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

11 (c) (1) Every application shall state the full legal name, date of birth,
12 gender and address of principal residence of the applicant, and briefly
13 describe the applicant, and shall state whether the applicant has been
14 licensed as a driver prior to such application, and, if so, when and by what
15 state or country. Such application shall state whether any such license has
16 ever been suspended or revoked, or whether an application has ever been
17 refused, and, if so, the date of and reason for such suspension, revocation
18 or refusal. In addition, applications for commercial drivers' licenses and
19 instruction permits for commercial licenses must include the following:
20 The applicant's social security number; the person's signature; the person's:
21 ~~(A)~~ Digital color image or photograph; or ~~(2)~~ (B) a laser engraved
22 photograph; certifications, including those required by 49 C.F.R. §
23 383.71(a), effective January 1, 1991; a consent to release driving record
24 information; and, any other information required by the division. Each
25 application for a driver's license shall include a question asking if the
26 applicant is willing to give such applicant's authorization to be listed as an
27 organ, eye or tissue donor in the Kansas donor registry in accordance with
28 the revised uniform anatomical gift act, K.S.A. 65-3220 through 65-3244,
29 and amendments thereto. The gift would become effective upon the death
30 of the donor.

31 (2) *An applicant may designate their gender as "X" on any*
32 *application for a driver's license or instruction permit completed pursuant*
33 *to this section.*

34 (d) When an application is received from a person previously licensed
35 in another jurisdiction, the division shall request a copy of the driver's
36 record from the other jurisdiction. When received, the driver's record shall
37 become a part of the driver's record in this state with the same force and
38 effect as though entered on the driver's record in this state in the original
39 instance.

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

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

43 (1) For a class C driver's license issued to a person at least 21 years of

1 age, but less than 65 years of age, \$18;

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

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

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

8 (5) for a class A or B driver's license issued to a person who is at least
9 21 years of age, but less than 65 years of age, \$24;

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

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

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

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

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

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

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

28 (h) The division shall require that any person applying for a driver's
29 license submit to a mandatory facial image capture. The captured facial
30 image shall be displayed on the front of the applicant's driver's license.

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

36 (j) (1) For *the* purposes of this subsection, the division may rely on
37 the division's most recent, existing color digital image and signature image
38 of the applicant for the class C or M driver's license or any class of
39 commercial driver's license if the division has the information on file. The
40 determination on whether an electronic online renewal application or
41 equivalent of a driver's license is permitted shall be made by the director of
42 vehicles or the director's designee. The division shall not renew a driver's
43 license through an electronic online or equivalent process if the license has

1 been previously renewed through an electronic online application in the
2 immediately preceding driver's license period. No renewal under this
3 subsection shall be granted to any person who is:

4 (A) Younger than 30 days from turning 21 years of age;

5 (B) 65 years of age or older;

6 (C) a registered offender pursuant to K.S.A. 22-4901 et seq., and
7 amendments thereto;

8 (D) a person issued a temporary driver's license issued pursuant to
9 K.S.A. 8-240(b)(3), and amendments thereto, provided the license is not
10 otherwise withdrawn; or

11 (E) a person issued a commercial driver's license that has a hazardous
12 materials endorsement.

13 (2) The vision examination requirements in K.S.A. 8-247(e), and
14 amendments thereto, are not required for electronic online renewal
15 applications, except that the electronic online renewal applicant must
16 certify under penalty of law that the applicant's vision satisfies the
17 requirements of K.S.A. 8-295, and amendments thereto, and has
18 undergone an examination of eyesight by a licensed ophthalmologist or a
19 licensed optometrist within the last year. As a condition for any electronic
20 online renewal application, the applicant must: (A) Authorize the exchange
21 of vision and medical information between the division and the applicant's
22 ophthalmologist or optometrist; and (B) is at least 21 years of age, but less
23 than 65 years of age. The ophthalmologist or optometrist shall have four
24 business days to confirm or deny the vision and medical information of the
25 applicant. If no response is received by the division, the division shall
26 accept the vision and medical information provided for processing the
27 renewal application. The waiver of vision examination for online renewal
28 applications contained within this subsection shall expire on July 1, 2022.

29 (3) The secretary of revenue shall adopt and administer rules and
30 regulations to implement a program to permit an electronic online renewal
31 of a driver's license, including, but not limited to, requirements that an
32 electronic online renewal applicant shall have previously provided
33 documentation of identity, lawful presence and residence to the division
34 for electronic scanning.

35 ~~(4) Prior to February 1, 2022, the division shall report to the house
36 and senate committees on transportation regarding the online renewal
37 process of this subsection and its effects to safety on the state's roads and
38 highways.~~

39 ~~(5) Any person seeking to renew a commercial driver's license
40 pursuant to this subsection shall be required to provide the division with a
41 valid medical examiner's certificate and proof of completion of the
42 truckers against trafficking training.~~

43 Sec. 3. K.S.A. 2021 Supp. 8-240 is hereby repealed.

1 Sec. 4. This act shall take effect and be in force from and after its
2 publication in the statute book.