

SENATE BILL No. 74

By Senator Billinger

1-24

1 AN ACT concerning people with certain disabilities; relating to vehicle
2 registration, information included therein; state-issued identification
3 cards, information included therein; amending K.S.A. 2016 Supp. 8-
4 243 and 8-1324 and repealing the existing sections.

5
6 WHEREAS, The provisions of section 1 and the provisions of K.S.A.
7 2016 Supp. 8-243(f) and K.S.A. 2016 Supp. 8-1324(n), as amended by this
8 act, shall be known and may be cited as Joey's Law.

9 Now, therefore:

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

11 New Section 1. (a) Any Kansas resident who submits satisfactory
12 proof to the director of vehicles, on a form provided by the director, that
13 such person needs assistance with cognition, including, but not limited to,
14 persons with autism spectrum disorder, or is responsible for the
15 transportation of such a person, may request that such information be
16 included as part of the vehicle registration. The director shall design a
17 decal to be affixed to the license plate of any applicant who meets the
18 requirements of this section.

19 (b) Satisfactory proof that a person needs assistance with cognition
20 shall include a statement from a person licensed to practice the healing arts
21 in any state, an advanced practice registered nurse licensed under K.S.A.
22 65-1131, and amendments thereto, a licensed physician assistant or a
23 Christian science practitioner listed in the Christian science journal
24 certifying that such person needs assistance with cognition.

25 Sec. 2. K.S.A. 2016 Supp. 8-243 is hereby amended to read as
26 follows: 8-243. (a) Upon payment of the required fee, the division shall
27 issue to every applicant qualifying under the provisions of this act the
28 driver's license as applied for by the applicant. Such license shall bear the
29 class or classes of motor vehicles which the licensee is entitled to drive, a
30 distinguishing number assigned to the licensee, the full legal name, date of
31 birth, gender, address of principal residence and a brief description of the
32 licensee, either: (1) A digital color image or photograph; or (2) a laser
33 engraved photograph of the licensee, a facsimile of the signature of the
34 licensee and the statement provided for in subsection (b). No driver's
35 license shall be valid until it has been signed by the licensee. All drivers'
36 licenses issued to persons under the age of 21 years shall be readily

1 distinguishable from licenses issued to persons age 21 years or older. In
2 addition, all drivers' licenses issued to persons under the age of 18 years
3 shall also be readily distinguishable from licenses issued to persons age 18
4 years or older. The secretary of revenue shall implement a vertical format
5 to make drivers' licenses issued to persons under the age of 21 more
6 readily distinguishable. Except as otherwise provided, no driver's license
7 issued by the division shall be valid until either: (1) A digital color image
8 or photograph; or (2) a laser engraved photograph of such licensee has
9 been taken and verified before being placed on the driver's license. The
10 secretary of revenue shall prescribe a fee of not more than \$8 and upon the
11 payment of such fee, the division shall cause either: (1) A digital color
12 image or photograph; or (2) a laser engraved photograph of such applicant
13 to be placed on the driver's license. Upon payment of such fee prescribed
14 by the secretary of revenue, plus payment of the fee required by K.S.A. 8-
15 246, and amendments thereto, for issuance of a new license, the division
16 shall issue to such licensee a new license containing either: (1) A digital
17 color image or photograph; or (2) a laser engraved photograph of such
18 licensee. A driver's license which does not contain the principal address as
19 required may be issued to persons who are program participants pursuant
20 to K.S.A. 2016 Supp. 75-455, and amendments thereto, upon payment of
21 the fee required by K.S.A. 8-246, and amendments thereto. All Kansas
22 drivers' licenses and identification cards shall have physical security
23 features designed to prevent tampering, counterfeiting or duplication of
24 the document for fraudulent purposes. The secretary of revenue shall
25 incorporate common machine-readable technology into all Kansas drivers'
26 licenses and identification cards.

27 (b) All Kansas drivers' licenses issued to any person 16 years of age
28 or older shall contain a form which provides a statement for making a gift
29 of all or any part of the body of the licensee in accordance with the revised
30 uniform anatomical gift act, K.S.A. 2016 Supp. 65-3220 through 65-3244,
31 and amendments thereto, except as otherwise provided by this subsection.
32 The statement to be effective shall be signed by the licensee in the
33 presence of two witnesses who shall sign the statement in the presence of
34 the donor. The gift becomes effective upon the death of the donor.
35 Delivery of the license during the donor's lifetime is not necessary to make
36 a valid gift. Any valid gift statement executed prior to July 1, 1994, shall
37 remain effective until invalidated. The word "Donor" shall be placed on
38 the front of a licensee's driver's license, indicating that the statement for
39 making an anatomical gift under this subsection has been executed by such
40 licensee.

41 (c) Any person who is deaf or hard of hearing may request that the
42 division issue to such person a driver's license which is readily
43 distinguishable from drivers' licenses issued to other drivers and upon such

1 request the division shall issue such license. Drivers' licenses issued to
2 persons who are deaf or hard of hearing and under the age of 21 years shall
3 be readily distinguishable from drivers' licenses issued to persons who are
4 deaf or hard of hearing and 21 years of age or older. Upon satisfaction of
5 subsection (a), the division shall issue a receipt of application permitting
6 the operation of a vehicle consistent with the requested class, if there are
7 no other restrictions or limitations, pending the division's verification of
8 the information and production of a driver's license.

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

15 (e) (1) Any person who is a veteran may request that the division
16 issue to such person a driver's license which shall include the designation
17 "VETERAN" displayed on the front of the driver's license at a location to
18 be determined by the secretary of revenue. In order to receive a license
19 described in this subsection, the veteran must provide proof of the
20 veteran's military service and honorable discharge or general discharge
21 under honorable conditions, including a copy of the veteran's DD214 form
22 or equivalent.

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

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

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

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

32 (f) (1) *Any person who submits satisfactory proof to the director of*
33 *vehicles, on a form provided by the director, that such person needs*
34 *assistance with cognition, including, but not limited to, persons with*
35 *autism spectrum disorder, may request that the division issue to such*
36 *person a driver's license, which shall note such impairment on the driver's*
37 *license at a location to be determined by the secretary of revenue.*

38 (2) *Satisfactory proof that a person needs assistance with cognition*
39 *shall include a statement from a person licensed to practice the healing*
40 *arts in any state, an advanced practice registered nurse licensed under*
41 *K.S.A. 65-1131, and amendments thereto, a licensed physician assistant or*
42 *a Christian science practitioner listed in the Christian science journal*
43 *certifying that such person needs assistance with cognition.*

1 Sec. 3. K.S.A. 2016 Supp. 8-1324 is hereby amended to read as
2 follows: 8-1324. (a) Any resident who does not hold a current valid Kansas
3 driver's license may make application to the division of vehicles and be
4 issued one identification card.

5 (b) For the purpose of obtaining an identification card, an applicant
6 shall submit, with the application, proof of age, proof of identity and proof
7 of lawful presence. An applicant shall submit with the application a photo
8 identity document, except that a non-photo identity document is acceptable
9 if it includes both the applicant's full legal name and date of birth, and
10 documentation showing the applicant's name, the applicant's address of
11 principal residence and the applicant's social security account number. The
12 applicant's social security number shall remain confidential and shall not
13 be disclosed, except as provided pursuant to K.S.A. 74-2014, and
14 amendments thereto. If the applicant does not have a social security
15 number, the applicant shall provide proof of lawful presence and Kansas
16 residency. The division shall assign a distinguishing number to the
17 identification card. Before issuing an identification card to a person, the
18 division shall make reasonable efforts to verify with the issuing agency the
19 issuance, validity and completeness of each document required to be
20 presented by the applicant to prove age, identity and lawful presence.

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

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

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

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

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

15 (2) The division shall not require or accept payment of application or
16 photo fees under this subsection for any person 17 years of age or older for
17 purposes of meeting the voter identification requirements of K.S.A. 25-
18 2908, and amendments thereto. Such person shall:

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

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

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

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

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

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

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

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

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

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

39 (j) The division shall require that any person applying for an
40 identification card submit to a mandatory facial image capture. The
41 captured facial image shall be displayed on the front of the applicant's
42 identification card.

43 (k) (1) Any person who is a veteran may request that the division

1 issue to such person a nondriver identification card which shall include the
2 designation "VETERAN" displayed on the front of the nondriver
3 identification card at a location to be determined by the secretary of
4 revenue. In order to receive a nondriver identification card described in
5 this subsection, the veteran must provide proof of the veteran's military
6 service and honorable discharge or general discharge under honorable
7 conditions, including a copy of the veteran's DD214 form or equivalent.

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

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

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

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

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

22 (m) Upon payment of the required fee, the division shall issue to
23 every applicant qualifying under the provisions of this act an identification
24 card. Such identification card shall bear a distinguishing number assigned
25 to the cardholder, the full legal name, date of birth, address of principal
26 residence, a brief description of the cardholder, either: (1) A digital color
27 image or photograph; or (2) a laser engraved photograph of the cardholder,
28 and a facsimile of the signature of the cardholder. An identification card
29 which does not contain the address of principal residence of the cardholder
30 as required may be issued to persons who are program participants
31 pursuant to K.S.A. 2016 Supp. 75-455, and amendments thereto.

32 (n) (1) *Any person who submits satisfactory proof to the director of*
33 *vehicles, on a form provided by the director, that such person needs*
34 *assistance with cognition, including, but not limited to, persons with*
35 *autism spectrum disorder, may request that the division issue to such*
36 *person a nondriver identification card, which shall note such impairment*
37 *on the nondriver identification card at a location to be determined by the*
38 *secretary of revenue.*

39 (2) *Satisfactory proof that a person needs assistance with cognition*
40 *shall include a statement from a person licensed to practice the healing*
41 *arts in any state, an advanced practice registered nurse licensed under*
42 *K.S.A. 65-1131, and amendments thereto, a licensed physician assistant or*
43 *a Christian science practitioner listed in the Christian science journal*

1 *certifying that such person needs assistance with cognition.*

2 Sec. 4. K.S.A. 2016 Supp. 8-243 and 8-1324 are hereby repealed.

3 Sec. 5. This act shall take effect and be in force from and after its

4 publication in the statute book.