

SENATE BILL No. 477

By Committee on Transportation

2-7

1 AN ACT concerning the division of vehicles; relating to drivers' licenses
2 and identification cards; providing for digital drivers' licenses and
3 digital identification cards and regulating the use therefor.
4

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

6 Section 1. (a) As used in sections 1 through 8, and amendments
7 thereto:

8 (1) "Digital proof of driver's license" means a driver's license that is
9 viewable on an electronic credentialing system.

10 (2) "Digital proof of identification card" means an identification card
11 that is viewable on an electronic credentialing system.

12 (3) "Electronic credentialing system" means a computer system
13 accessed using a computer, cellular telephone or any other personal device
14 that queries the division of vehicle's driver's license and identification card
15 records, displays or transmits digital proofs of drivers' licenses and digital
16 proof of identification cards and verifies the authenticity of those
17 electronic credentials.

18 (4) "Limited profile" means access to an electronic credentialing
19 system containing some, but not all, of the information displayed on a
20 printed driver's license or identification card. The information provided
21 shall be set by the division of motor vehicles.

22 (5) "Person" means a natural person, firm, association, partnership or
23 corporation.

24 (6) "Scanning" means obtaining data from a digital proof of driver's
25 license or digital proof of identification card in an electronic format.

26 Sec. 2. (a) (1) The division of vehicles shall establish a secure and
27 uniform system for issuing an optional digital proof of driver's license or
28 digital proof of identification card. The division may contract with one or
29 more entities that may be private or public to develop an electronic
30 credentialing system. An entity contracted with the division for this
31 purpose shall not use, share, sell or disclose any information obtained as
32 part of this contract, including, but not limited to, any information about
33 the holder of a digital proof of driver's license and digital proof of
34 identification card, except when necessary to satisfy the terms of the
35 contract. Upon termination or expiration of any contract entered into for
36 this purpose, the contracting entity shall delete within 30 days any data

1 collected or generated in the course of activities pursuant to that contract.

2 (2) The electronic credentialing system may not retain internet
3 protocol addresses, geolocation data or other information that describes the
4 location, computer, computer system or computer network from which a
5 customer accesses the system, except when such information is necessary
6 for the division to authenticate a digital proof of driver's license and digital
7 proof of identification card.

8 (b) The division may enter into contracts with one or more private or
9 public entities that authorize online data calls or offline data verification
10 through the electronic credentialing system that queries the division's
11 driver's license and identification card records, displays or transmits digital
12 proofs of drivers' licenses or digital proof of identification cards, confirms
13 identity or verifies the authenticity of such electronic credentials.

14 (c) The division may use a telephone number submitted by a licensee
15 or cardholder in connection with a digital proof of driver's license and
16 digital proof of identification card only for purposes of communication
17 regarding the digital proof of driver's license or digital proof of
18 identification card or the motor vehicle records, or as permitted by K.S.A.
19 74-2012, and amendments thereto. The division may use a valid email
20 address submitted by a licensee or cardholder in connection with the
21 issuance of a digital proof of driver's license or digital proof of
22 identification card only for purposes of communication regarding the
23 digital proof of driver's license or digital proof of identification card or the
24 motor vehicle records, or as permitted by K.S.A. 74- 2012, and
25 amendments thereto.

26 Sec. 3. (a) The digital proof of driver's license or digital proof of
27 identification card established by the division of vehicles or by an entity
28 contracted by the division shall be in such a format as to allow verification
29 of the authenticity of the digital proof of driver's license or digital proof of
30 identification card. The secretary of revenue may adopt rules and
31 regulations in order to ensure valid authentication of digital proof of
32 driver's license and digital proof of identification card.

33 (b) Notwithstanding the provisions of K.S.A. 8-240 and 8-1324, and
34 amendments thereto, or any other law prescribing the design for, or
35 information required to be displayed on, a driver's license or a digital proof
36 of driver's license may comprise a limited profile that includes only
37 information necessary to conduct a specific transaction on the electronic
38 credentialing system.

39 (c) Notwithstanding the provisions of K.S.A. 8-240 and, 8-1324, and
40 amendments thereto, or any other law prescribing the design for, or
41 information required to be displayed on, an identification card or a digital
42 proof of identification card may comprise a limited profile that includes
43 only information necessary to conduct a specific transaction on the

1 electronic credentialing system.

2 (d) The division shall ensure that the information transmitted to the
3 digital proof of driver's license and digital proof of identification card, as
4 well as any mobile application required for the digital proof of driver's
5 license and digital proof of identification card, is encrypted and protected
6 to the highest reasonable security standards broadly available, including
7 ISO-18013-5, FIPS 140.3, NIST 800-53 Moderate, and cannot be
8 intercepted while being transmitted from the division.

9 Sec. 4. An individual may not be issued a digital proof of driver's
10 license or digital proof of identification card until the individual satisfies
11 all requirements of articles 2 and 13 of chapter 8 of the Kansas Statutes
12 Annotated, and amendments thereto, for issuance of the respective driver's
13 license or identification card and has been issued a printed driver's license
14 or identification card. The electronic credentialing system shall, upon each
15 presentation of a digital proof of driver's license and digital proof of
16 identification card, display or transmit current records for the driver's
17 license or identification card. If a licensee's driving privilege is suspended,
18 revoked or disqualified, or the licensee's driver's license is otherwise
19 canceled or expired, a digital proof of driver's license may not be issued. A
20 digital proof of identification card may be issued if the licensee is
21 otherwise eligible for an identification card under K.S.A. 8-1324, and
22 amendments thereto.

23 Sec. 5. (a) Except as permitted by subsection (b), a person scanning a
24 digital proof of driver's license or digital proof of identification card may
25 not sell or share personal information collected from such scanning of the
26 digital proof of driver's license or digital proof of identification card unless
27 the person obtains and retains the express written consent of the holder of
28 the digital proof of driver's license or digital proof of identification card.

29 (b) An individual may consent to allow a person to collect and store
30 information obtained by scanning the individual's digital proof of driver's
31 license or digital proof of identification card. Before an individual may
32 give consent, the individual shall be informed regarding what information
33 is to be collected and the purpose or purposes for which the information
34 will be used. If the individual does not want the person to scan such
35 individual's digital proof of driver's license or digital proof of
36 identification card, the person may manually collect information from the
37 digital proof of driver's license or digital proof of identification card.

38 (c) This section does not apply to a state-chartered bank, savings and
39 loan or trust company.

40 (d) If any person is found to have violated any provision of this
41 section, in addition to any other civil penalty otherwise provided by law,
42 the director of vehicles may impose an additional penalty not to exceed
43 \$5,000 for each such violation.

1 (e) Any civil penalty recovered pursuant to this section shall be
2 remitted to the state treasurer in accordance with K.S.A. 75-4215, and
3 amendments thereto. Upon receipt of each such remittance, the state
4 treasurer shall deposit the entire amount in the state treasury to the credit
5 of the state general fund.

6 Sec. 6. (a) It shall be unlawful for any person for any purpose to:

7 (1) Manufacture a false digital proof of driver's license or digital
8 proof of identification card that has not been approved and authenticated
9 by the division of vehicles or by another state's driver's license issuance
10 authority; or

11 (2) possess a false digital proof of driver's license or digital proof of
12 identification card that has not been approved and authenticated by the
13 division of vehicles, or, if the person is a nonresident, another state's
14 driver's license issuance authority.

15 (b) Violation of subsection (a)(1) is a class B, nonperson
16 misdemeanor.

17 (c) Violation of subsection (a)(2) is a severity level 9, nonperson
18 felony.

19 Sec. 7. (a) The holder of a digital proof of driver's license and digital
20 proof of identification card shall not be required to turn over the
21 individual's electronic device to any other person or entity in order to use
22 the digital proof of driver's license and digital proof of identification card
23 for identity verification. The holder of a digital proof of driver's license
24 and digital proof of identification card showing or turning over their
25 electronic device to any other person or entity in order to provide proof of
26 digital proof of driver's license and digital proof of identification card for
27 identity verification shall not constitute consent to a search, nor shall it
28 constitute consent for access to any information other than that which is
29 immediately available on the digital proof of driver's license and digital
30 proof of identification card. Information incidentally obtained in the
31 process of viewing a digital proof of driver's license and digital proof of
32 identification card in order to verify the identity of the holder shall not be
33 used to establish probable cause for a warrant to search the electronic
34 device.

35 (b) Any request for remote access to an individual's digital proof of
36 driver's license or digital proof of identification card for identity
37 verification shall:

38 (1) Require the express consent of the holder of the digital proof of
39 driver's license and digital proof of identification card;

40 (2) be limited to the content of the digital proof of driver's license or
41 digital proof of identification card specified in the request for remote
42 access; and

43 (3) not exceed the information available on a copy of a driver's

1 license or identification card.

2 (c) Consent to remotely access a digital proof of driver's license or
3 digital proof of identification card by the holder shall not constitute
4 consent to a search, nor shall it constitute consent for access to any
5 information other than that which is immediately available on the digital
6 proof of driver's license and digital proof of identification card.
7 Information incidentally obtained in the process of remotely accessing a
8 digital proof of driver's license and digital proof of identification card shall
9 not be used to establish probable cause for a warrant to search the
10 electronic device.

11 Sec. 8. Any authority provided to the division of vehicles or director
12 of vehicles in articles 1, 2, 12 and 13 of chapter 8 of the Kansas Statutes
13 Annotated, and amendments thereto, regarding the administration of
14 drivers' licenses, identification cards or motor vehicle records shall extend
15 to the division's issuance and administration of digital proof of driver's
16 license, digital proof of identification card and electronic credentialing
17 system.

18 Sec. 9. This act shall take effect and be in force from and after its
19 publication in the statute book.