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

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

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

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

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

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

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

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

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

(2) An applicant who applies for a limited driver's license, limited
and restricted license or limited instruction permit shall present with the
application a valid unexpired passport from the applicant's country of
citizenship or a valid unexpired consular identification document, as
defined by subsection (d) or other proof of identity deemed acceptable by
the department.
(c) (1) A limited driver's license, limited and restricted license or limited instruction permit issued under this section shall contain a notice on its face that the license or permit is not acceptable for any of the purposes specified by the real id act of 2005 (P.L. 109-13), or for the purposes of voting, the purchase of a firearm or eligibility for public benefits.

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

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

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

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

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

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

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

(A) A unique identification number;

(B) an optically variable feature such as a hologram or color-shifting inks;
(C) an ultraviolet image;
(D) encoded information;
(E) machine-readable technology;
(F) microprinting;
(G) secure laminate; and
(H) integrated photograph and signature.

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

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

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

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

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

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

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

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

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

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

(f) Who is required by the motor vehicle drivers' license act to take an
examination, unless the person has successfully passed the examination.
(g) Who is at least 16 years of age and less than 17 years of age, who
is applying for a driver's license for the first time since reaching 16 years
of age and who, three times or more, has been adjudged to be a traffic
offender under the Kansas juvenile code or a juvenile offender under the
revised Kansas juvenile justice code, by reason of violation of one or more
statutes regulating the movement of traffic on the roads, streets or
highways of this state, except that, in the discretion of the director, the
person may be issued a driver's license which is restricted in the manner
the division deems to be appropriate. No person described by this
subsection shall be eligible to receive a driver's license which is not
restricted until the person has reached the age of 17 years.

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

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

Sec. 3. K.S.A. 2013 Supp. 8-240 is hereby amended to read as
follows: 8-240. (a) (1) Every application for an instruction permit shall be
made upon a form furnished by the division of vehicles and accompanied
by a fee of $2 for class A, B, C or M and $5 for all commercial classes.
Every other application shall be made upon a form furnished by the
division and accompanied by an examination fee of $3, unless a different
fee is required by K.S.A. 8-241, and amendments thereto, and by the
proper fee for the license for which the application is made. If the
applicant is not required to take an examination the examination fee shall
not be required. The examination shall consist of three tests, as follows:
(A) Vision; (B) written; and (C) driving. If the applicant fails the vision
test, the applicant may have correction of vision made and take the vision
test again without any additional fee. If an applicant fails the written test,
the applicant may take such test again upon the payment of an additional
examination fee of $1.50. If an applicant fails the driving test, the
applicant may take such test again upon the payment of an additional
examination fee of $1.50. If an applicant fails to pass all three of the tests
within a period of six months from the date of original application and
desires to take additional tests, the applicant shall file an application for
reexamination upon a form furnished by the division, which shall be
accompanied by a reexamination fee of $3, except that any applicant who
fails to pass the written or driving portion of an examination four times
within a six-month period, shall be required to wait a period of six months
from the date of the last failed examination before additional examinations
may be given. Upon the filing of such application and the payment of such
reexamination fee, the applicant shall be entitled to reexamination in like
manner and subject to the additional fees and time limitation as provided for examination on an original application. If the applicant passes the reexamination, the applicant shall be issued the classified driver's license for which the applicant originally applied, which license shall be issued to expire as if the applicant had passed the original examination.

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

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

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

(B) The division shall issue a limited driver's license, limited and restricted license or limited instruction permit to any applicant who fulfills
the requirements set forth in section 1, and amendments thereto.

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

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

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

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

(c) Every application shall state the full legal name, date of birth, gender and address of principal residence of the applicant, and briefly describe the applicant, and shall state whether the applicant has been licensed as a driver prior to such application, and, if so, when and by what state or country. Such application shall state whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for such suspension, revocation or refusal. In addition, applications for commercial drivers' licenses and instruction permits for commercial licenses must include the following:

The applicant's social security number; the person's signature; the person's colored digital photograph; certifications, including those required by 49 C.F.R. § 383.71(a), effective January 1, 1991; a consent to release driving record information; and, any other information required by the division.

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

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

(f) A fee shall be charged as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 4. K.S.A. 2012 Supp. 8-1324, as amended by section 2 of
chapter 74 of the 2013 Session Laws of Kansas, is hereby amended to read
as follows: 8-1324. (a) Any resident who does not hold a current valid
Kansas driver's license may make application to the division of vehicles and be issued one identification card.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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