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

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

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

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

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

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

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

5. "Person" means a natural person, firm, association, partnership or corporation.


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

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

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

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

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

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

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

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

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

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

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

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

(d) If any person is found to have violated any provision of this section, in addition to any other civil penalty otherwise provided by law, the director of vehicles may impose an additional penalty not to exceed $5,000 for each such violation.
(e) Any civil penalty recovered pursuant to this section shall be remitted to the state treasurer in accordance with K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

Sec. 6. (a) It shall be unlawful for any person for any purpose to:
   (1) Manufacture a false digital proof of driver's license or digital proof of identification card that has not been approved and authenticated by the division of vehicles or by another state's driver's license issuance authority; or
   (2) possess a false digital proof of driver's license or digital proof of identification card that has not been approved and authenticated by the division of vehicles, or, if the person is a nonresident, another state's driver's license issuance authority.
   (b) Violation of subsection (a)(1) is a class B, nonperson misdemeanor.
   (c) Violation of subsection (a)(2) is a severity level 9, nonperson felony.

Sec. 7. (a) The holder of a digital proof of driver's license and digital proof of identification card shall not be required to turn over the individual's electronic device to any other person or entity in order to use the digital proof of driver's license and digital proof of identification card for identity verification. The holder of a digital proof of driver's license and digital proof of identification card showing or turning over their electronic device to any other person or entity in order to provide proof of digital proof of driver's license and digital proof of identification card for identity verification shall not constitute consent to a search, nor shall it constitute consent for access to any information other than that which is immediately available on the digital proof of driver's license and digital proof of identification card. Information incidentally obtained in the process of viewing a digital proof of driver's license and digital proof of identification card in order to verify the identity of the holder shall not be used to establish probable cause for a warrant to search the electronic device.
   (b) Any request for remote access to an individual's digital proof of driver's license or digital proof of identification card for identity verification shall:
      (1) Require the express consent of the holder of the digital proof of driver's license and digital proof of identification card;
      (2) be limited to the content of the digital proof of driver's license or digital proof of identification card specified in the request for remote access; and
      (3) not exceed the information available on a copy of a driver's license or digital proof of identification card.
license or identification card.

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

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

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