

SENATE BILL No. 72

By Committee on Judiciary

1-27

AN ACT relating to the division of vehicles; concerning applications for drivers' licenses and identification cards; amending K.S.A. 8-240, 8-1324 and 8-1417 and repealing the existing sections.

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

Section 1. K.S.A. 8-240 is hereby amended to read as follows: 8-240. (a) 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: (1) Vision; (2) written; and (3) 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

1 had passed the original examination.

2 (b) (1) For the purposes of obtaining any driver's license, an appli-
3 cant shall submit, with the application, proof of age or proof of identity,
4 or both, as the division may require *and the applicant's social security*
5 *number or a sworn statement that the applicant does not have a social*
6 *security number.*

7 *The applicant's social security number shall remain confidential and*
8 *shall not be placed on the applicant's drivers' license as the identifying*
9 *number unless the applicant so requests in writing under K.S.A. 8-243 or*
10 *8-2,135, and amendments thereto.*

11 *A sworn statement that is made under penalty of perjury, K.S.A. 21-*
12 *3805, and amendments thereto, shall be sufficient evidence: (A) Of the*
13 *applicant's social security number required by this subsection; or (B) that*
14 *the applicant does not have a social security number and shall authorize*
15 *the division to issue a driver's license to the applicant.*

16 (2) An applicant who submits proof of age or of identity issued by an
17 entity other than a state or the United States shall also submit such proof
18 as the division may require that the applicant is lawfully present in the
19 United States.

20 (3) The division shall not issue any driver's license to any person who
21 is not lawfully present in the United States *nor to any person who holds*
22 *a current valid Kansas driver's license unless such driver's license has*
23 *been physically surrendered pursuant to the provisions of subsection (e)*
24 *of K.S.A. 8-1002, and amendments thereto.*

25 (4) The division shall not issue any driver's license to any person who
26 is not a resident of the state of Kansas, except as provided in K.S.A. 8-
27 2,148, and amendments thereto.

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

30 (c) Every application shall state the name, date of birth, *social secu-*
31 *rity number or a sworn statement that the applicant does not have a social*
32 *security number as provided in subsection (b),* sex and residence address
33 of the applicant, and briefly describe the applicant, and shall state whether
34 the applicant has theretofore been licensed as a driver, and, if so, when
35 and by what state or country, and whether any such license has ever been
36 suspended or revoked, or whether an application has ever been refused,
37 and, if so, the date of and reason for such suspension, revocation or re-
38 fusals. In addition to the above criteria, applications for commercial driv-
39 ers' licenses and instruction permits for commercial licenses must include
40 the following: The applicant's social security number; the person's sig-
41 nature; the person's color photograph; certifications, including those re-
42 quired by 49 C.F.R. 383.71(a), effective January 1, 1991; a consent to
43 release driving record information; and, any other information required

1 by the division.

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

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

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

12 (1) For a class C driver's license issued to a person at least 21 years
13 of age, but less than 65 years of age, \$12;

14 (2) for a class C driver's license issued to a person less than 21 years
15 of age or 65 years of age or older, or a farm permit, \$8;

16 (3) for a class M driver's license issued to a person at least 21 years
17 of age, but less than 65 years of age, \$6.50;

18 (4) for a class M driver's license issued to a person less than 21 years
19 of age or 65 years of age or older, \$5;

20 (5) for a class A or B driver's license issued to a person who is at least
21 21 years of age, but less than 65 years of age, \$18;

22 (6) for a class A or B driver's license issued to a person less than 21
23 years of age or 65 years of age or older, \$12; or

24 (7) for any class of commercial driver's license, \$14.

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

27 If one fails to make an original application or renewal application for a
28 driver's license within the time required by law, or fails to make appli-
29 cation within 60 days after becoming a resident of Kansas, a penalty of
30 \$1 shall be added to the fee charged for the driver's license.

31 Sec. 2. K.S.A. 8-1324 is hereby amended to read as follows: 8-1324.

32 (a) Any resident *who does not hold a current valid Kansas driver's license,*
33 *as defined by K.S.A. 8-1417, and amendments thereto,* may make appli-
34 cation to the division of vehicles and be issued one identification card,
35 certified by the registrant and attested by the division as to true name,
36 correct age, photograph and other identifying data as the division may
37 require. Every application for an identification card shall be signed and
38 verified by the applicant and shall contain such bona fide documentary
39 evidence of the age and identity of such applicant as the division may
40 require, *including the applicant's social security number or a sworn state-*
41 *ment that the applicant does not have a social security number.*

42 *The applicant's social security number shall remain confidential and*
43 *shall not be placed on the applicant's identification card unless such ap-*

1 *plicant has waived such confidentiality.*

2 *A sworn statement that is made under penalty of perjury, K.S.A. 21-*
3 *3805, and amendments thereto, shall be sufficient evidence: (1) Of the*
4 *applicant's social security number required by this subsection; or (2) that*
5 *the applicant does not have a social security number and shall authorize*
6 *the division to issue an identification card to the applicant.*

7 (b) An applicant who submits documentary evidence under subsec-
8 tion (a), issued by an entity other than a state or the United States shall
9 also submit such proof as the division may require that the applicant is
10 lawfully present in the United States.

11 (c) The division shall not issue an identification card to any person
12 who is not lawfully present in the United States *nor to any person who*
13 *holds a current valid Kansas driver's license unless such driver's license*
14 *has been physically surrendered pursuant to the provisions of subsection*
15 *(e) of K.S.A. 8-1002, and amendments thereto.*

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

18 (e) The division shall require payment of a fee of \$8 at the time
19 application for an identification card is made, except that persons who
20 are 65 or more years of age or who are handicapped, as defined in K.S.A.
21 8-1,124, and amendments thereto, shall be required to pay a fee of only
22 \$4.

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

- 25 (1) The person owns, leases or rents a place of domicile in this state;
26 (2) the person engages in a trade, business or profession in this state;
27 (3) the person is registered to vote in this state;
28 (4) the person enrolls the person's child in a school in this state; or
29 (5) the person registers the person's motor vehicle in this state.

30 Sec. 3. K.S.A. 8-1417 is hereby amended to read as follows: 8-1417.
31 "Driver's license" means any license *or permit* to operate a motor vehicle
32 issued under the laws of this state.

33 Sec. 4. K.S.A. 8-240, 8-1324 and 8-1417 are hereby repealed.

34 Sec. 5. This act shall take effect and be in force from and after its
35 publication in the Kansas register.

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