

HOUSE BILL No. 2727

By Committee on Federal and State Affairs

3-3

9 AN ACT concerning the department of revenue; relating to certain driv-
10 ers' licenses and identification cards; protection of privacy rights.

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

13 Section 1. (a) Notwithstanding any other provision under article 2 of
14 chapter 8, of the Kansas Statutes Annotated, and amendments thereto,
15 or K.S.A. 8-1324 and 8-1325, and amendments thereto, that requires an
16 applicant to provide reasonable proof of residence for issuance or renewal
17 of a driver's license, instruction permit or nondriver's identification card,
18 an applicant shall not have their privacy rights violated in order to obtain
19 or renew a Kansas driver's license, instruction permit, or nondriver's iden-
20 tification card. The provisions of this subsection shall not apply to driver's
21 licenses issued pursuant to the Kansas uniform commercial driver's li-
22 cense act.

23 (b) Any data derived from a person's application shall not be sold for
24 commercial purposes to any other organization or any other state without
25 the express permission of the applicant or without a court order; except
26 such information may be shared with a law enforcement agency, judge,
27 prosecuting attorney or officer of the court, or with another state, or for
28 conducting driver history checks in compliance with the motor carrier
29 safety improvement act, 49 U.S.C. 31309. The state of Kansas shall pro-
30 tect the privacy of its citizens when handling any written, digital or elec-
31 tronic data and shall not participate in any standardized identification
32 system using driver's license and nondriver's identification card records.

33 (c) The department of revenue shall not amend procedures for ap-
34 plying for a driver's license or nondriver identification card in order to
35 comply with the goals or standards of the federal REAL ID act of 2005,
36 any rules and regulations promulgated under the authority granted in
37 such act, or any requirements adopted by the American association of
38 motor vehicle administrators for furtherance of the act.

39 (d) Any biometric data previously collected, obtained or retained in
40 connection with motor vehicle registration or operation, the issuance or
41 renewal of driver's licenses or the issuance or renewal of any nondriver
42 identification cards by the department of revenue shall be retrieved and
43 deleted from all databases. The provisions of this subsection shall not

1 apply to any data collected, obtained or retained for a purpose other than
2 compliance with the federal REAL ID act of 2005. For purposes of this
3 subsection, “biometric data” includes, but is not limited to:
4 (1) Facial feature pattern characteristics;
5 (2) voice data used for comparing live speech with a previously cre-
6 ated speech model of a person’s voice;
7 (3) iris recognition data containing color or texture patterns or codes;
8 (4) retinal scans, reading through the pupil to measure blood vessels
9 lining the retina;
10 (5) fingerprint, palm prints, hand geometry, measuring of any and all
11 characteristics of biometric information, including shape and length of
12 fingertips or recording ridge pattern or fingertip characteristics;
13 (6) eye spacing;
14 (7) characteristic gait or walk;
15 (8) DNA; and
16 (9) keystroke dynamics, measuring pressure applied to key pads or
17 other digital receiving devices.
18 (e) No citizen of this state shall have their privacy compromised by
19 the state or agents of the state. The state shall within reason protect the
20 sovereignty of the citizens the state is entrusted to protect.
21 Sec. 2. This act shall take effect and be in force from and after its
22 publication in the statute book.