

**HOUSE BILL No. 2762**

By Committee on Transportation

Requested by Zach Denney on behalf of the Department of Revenue

2-8

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

1 this purpose, the contracting entity shall delete within 30 days any data  
2 collected or generated in the course of activities pursuant to that contract.

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

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

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

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

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

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

1 only information necessary to conduct a specific transaction on the  
2 electronic credentialing system.

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

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

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

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

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

41 (d) If any person is found to have violated any provision of this  
42 section, in addition to any other civil penalty otherwise provided by law,  
43 the director of vehicles may impose an additional penalty not to exceed

1 \$5,000 for each such violation.

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

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

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

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

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

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

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

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

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

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

1 (3) not exceed the information available on a copy of a driver's  
2 license or identification card.

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

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

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