

SENATE BILL No. 508

By Committee on Federal and State Affairs

2-13

1 AN ACT concerning veterans; relating to forms of identification;
2 permitting homeless veterans to use alternative forms of proof of
3 identity and residency when applying for nondriver identification cards;
4 eliminating fees for homeless veterans to obtain birth certificates and
5 nondriver identification cards; amending K.S.A. 8-1324 and 65-2418
6 and repealing the existing sections.
7

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

9 Section 1. K.S.A. 8-1324 is hereby amended to read as follows: 8-
10 1324. (a) Any resident who does not hold a current valid Kansas driver's
11 license may make application to the division of vehicles and be issued one
12 identification card.

13 (b) (1) Each application for an identification card shall include a
14 question asking if the applicant is willing to give such applicant's
15 donor registry in accordance with the revised uniform anatomical gift act,
16 K.S.A. 65-3220 through 65-3244, and amendments thereto. The gift would
17 become effective upon the death of the donor.
18

19 (2) For the purpose of obtaining an identification card, an applicant
20 shall submit, with the application, proof of age, proof of identity and proof
21 of lawful presence. An applicant shall submit with the application a photo
22 identity document, except that a non-photo identity document is acceptable
23 if it includes both the applicant's full legal name and date of birth, and,
24 *except as provided in subsection (k)(2)*, documentation showing the
25 applicant's name, the applicant's address of principal residence and the
26 applicant's social security account number. The applicant's social security
27 number shall remain confidential and shall not be disclosed, except as
28 provided pursuant to K.S.A. 74-2014, and amendments thereto. If the
29 applicant does not have a social security number, the applicant shall
30 provide proof of lawful presence and Kansas residency. The division shall
31 assign a distinguishing number to the identification card. Before issuing an
32 identification card to a person, the division shall make reasonable efforts to
33 verify with the issuing agency the issuance, validity and completeness of
34 each document required to be presented by the applicant to prove age,
35 identity and lawful presence.

36 (c) The division shall not issue an identification card to any person

1 who fails to provide proof that the person is lawfully present in the United
2 States. If an applicant provides evidence of lawful presence as set out in
3 K.S.A. 8-240(b)(2)(E) through (2)(I), and amendments thereto, or is an
4 alien lawfully admitted for temporary residence under K.S.A. 8-240(b)(2)
5 (B), and amendments thereto, the division may only issue a temporary
6 identification card to the person under the following conditions:

7 ~~(A)~~(1) A temporary identification card issued pursuant to this
8 ~~subparagraph~~ subsection shall be valid only during the period of time of
9 the applicant's authorized stay in the United States or, if there is no definite
10 end to the period of authorized stay, a period of one year;

11 ~~(B)~~(2) a temporary identification card issued pursuant to this
12 ~~subparagraph~~ subsection shall clearly indicate that it is temporary and shall
13 state the date upon which it expires;

14 ~~(C)~~(3) no temporary identification card issued pursuant to this
15 ~~subparagraph~~ subsection shall be for a longer period of time than the time
16 period permitted by K.S.A. 8-1325, and amendments thereto; and

17 ~~(D)~~(4) a temporary identification card issued pursuant to this
18 ~~subparagraph~~ subsection may be renewed, subject at the time of renewal,
19 to the same requirements and conditions set forth in this subsection for the
20 issuance of the original temporary identification card.

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

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

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

31 (g) (1) The division shall require payment of a fee of \$14 at the time
32 application for an identification card is made, except that persons who are
33 65 or more years of age or who are handicapped, as defined in K.S.A. 8-
34 1,124, and amendments thereto, shall be required to pay a fee of only \$10.
35 In addition to the fees prescribed by this subsection, the division shall
36 require payment of the photo fee established pursuant to K.S.A. 8-243, and
37 amendments thereto, for the cost of the photograph to be placed on the
38 identification card. *Identification cards issued pursuant to subsection (k)*
39 *(2) shall not be subject to the fees required by this subsection.*

40 (2) The division shall not require or accept payment of application or
41 photo fees under this subsection for any person 17 years of age or older for
42 purposes of meeting the voter identification requirements of K.S.A. 25-
43 2908, and amendments thereto. Such person shall:

1 (A) Swear under oath that such person desires an identification card
2 in order to vote in an election in Kansas and that such person does not
3 possess any of the forms of identification acceptable under K.S.A. 25-
4 2908, and amendments thereto. The affidavit shall specifically list the
5 acceptable forms of identification under K.S.A. 25-2908, and amendments
6 thereto; and

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

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

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

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

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

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

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

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

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

21 (j) The division shall require that any person applying for an
22 identification card submit to a mandatory facial image capture. The
23 captured facial image shall be displayed on the front of the applicant's
24 identification card by either:

25 (1) A digital color image or photograph; or

26 (2) a laser-engraved photograph of the licensee.

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

35 (2) (A) *Any person who is a veteran and is homeless may apply for*
36 *and be issued an identification card pursuant to this section without*
37 *providing an address of principal residence.*

38 (B) *In addition to any documents proving identity and residency in*
39 *Kansas accepted for an application for an identification card pursuant to*
40 *this section, a homeless veteran may provide and the division shall accept:*

41 (i) *A letter or certificate from the Kansas commission on veterans*
42 *affairs office, the Kansas soldiers' home, the Kansas veterans' home, any*
43 *veterans affairs medical center located in Kansas or any nonprofit*

1 organization located in Kansas for the provision of services for the
2 homeless verifying such applicant resides at or receives services from such
3 entity;

4 (ii) copies or digital forms of accepted documents for proof of
5 identity in lieu of original documents; and

6 (iii) certain expired forms of identification, including, but not limited
7 to, common access cards, Kansas driver's licenses or Kansas voter
8 registration cards.

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

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

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

16 ~~(3)~~(4) The director of vehicles may adopt any rules and regulations
17 necessary to carry out the provisions of this subsection.

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

23 (m) Upon payment of the required fee, the division shall issue to
24 every applicant qualifying under the provisions of this act an identification
25 card. Such identification card shall bear a distinguishing number assigned
26 to the cardholder, the full legal name, date of birth, address of principal
27 residence, *except as provided in subsection (k)(2)*, a brief description of
28 the cardholder, either: (1) A digital color image or photograph; or (2) a
29 laser engraved photograph of the cardholder, and a facsimile of the
30 signature of the cardholder. *Identification cards for individuals that meet
31 the qualifications of subsection (k)(2) shall not include the address of
32 principal residence on such individual's identification card.* An
33 identification card which does not contain the address of principal
34 residence of the cardholder as required may be issued to persons who are
35 program participants pursuant to K.S.A. 75-455, and amendments thereto.

36 (n) An identification card issued to any person who indicated on the
37 application that the person wished to make an anatomical gift in
38 accordance with the revised uniform anatomical gift act, K.S.A. 65-3220
39 through 65-3244, and amendments thereto, shall have the word "Donor"
40 placed on the front of the applicant's identification card.

41 (o) (1) Any person who submits satisfactory proof to the director of
42 vehicles, on a form provided by the director, that such person needs
43 assistance with cognition, including, but not limited to, persons with

1 autism spectrum disorder, may request that the division issue to such
2 person a nondriver identification card, that shall note such impairment on
3 the nondriver identification card at a location to be determined by the
4 secretary of revenue.

5 (2) Satisfactory proof that a person needs assistance with cognition
6 shall include a statement from a person licensed to practice the healing arts
7 in any state, an advanced practice registered nurse licensed under K.S.A.
8 65-1131, and amendments thereto, a licensed physician assistant or a
9 person clinically licensed by the Kansas behavioral sciences regulatory
10 board certifying that such person needs assistance with cognition.

11 (p)-(t) The secretary of revenue shall permit an electronic online
12 renewal of an identification card if the electronic online renewal applicant
13 previously provided documentation of identity, lawful presence and
14 residence to the division for electronic scanning. For purposes of this
15 subsection, the division may rely on the division's most recent, existing
16 color digital image and signature image of the applicant for the nondriver's
17 identification card if the division has such images on file. The
18 determination on whether an electronic online renewal application or
19 equivalent of a nondriver's identification card is permitted shall be made
20 by the director of vehicles or the director's designee. The division shall not
21 renew a nondriver's identification card through an electronic online or
22 equivalent process if the identification card has been previously renewed
23 through an electronic online application in the immediately preceding
24 card's expiration period. No renewal under this subsection shall be granted
25 to any person who is a registered offender pursuant to K.S.A. 22-4901 et
26 seq., and amendments thereto.

27 ~~(2) Prior to February 1, 2023, the division shall report to the house of~~
28 ~~representatives and the senate committees on transportation regarding the~~
29 ~~online renewal process of this subsection and the effects of implementing~~
30 ~~such process.~~

31 Sec. 2. K.S.A. 65-2418 is hereby amended to read as follows: 65-
32 2418. (a) (1) The secretary shall fix and charge by rules and regulations the
33 fees to be paid for certified copies or abstracts of certificates or for search
34 of the files for birth, death, fetal death, marriage or divorce records when
35 no certified copy or abstract is made. Except as otherwise provided in this
36 section, the secretary shall remit all moneys received by or for the
37 secretary from fees, charges or penalties, under the uniform vital statistics
38 act, and amendments thereto, to the state treasurer in accordance with the
39 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
40 each such remittance, the state treasurer shall deposit the entire amount in
41 the state treasury to the credit of the civil registration and health statistics
42 fee fund created by K.S.A. 65-2418e, and amendments thereto.

43 (2) (A) The secretary shall not charge any fee for a certified copy of a

1 certificate or abstract or for a search of the files or records if the certificate,
2 abstract or search is requested by a person who exhibits correspondence
3 from the United States department of veterans affairs or the Kansas
4 commission on veterans affairs office ~~which~~ *that* indicates that the person
5 is applying for benefits from the United States department of veterans
6 affairs and that such person needs the requested information to obtain such
7 benefits, except that, for a second or subsequent certified copy of a
8 certificate, abstract or search of the files requested by the person, the usual
9 fee shall be charged. The secretary may provide by rules and regulations
10 for exemptions from such fees.

11 *(B) The secretary shall not charge any fee for a certified copy of a*
12 *certificate or abstract or for a search of the files or records if the*
13 *certificate, abstract or search is requested by a homeless veteran who*
14 *exhibits correspondence from the Kansas commission on veterans affairs*
15 *office, the Kansas soldiers' home, the Kansas veterans' home, any veterans*
16 *affairs medical center located in Kansas or any nonprofit organization*
17 *located in Kansas for the provision of services for the homeless that*
18 *indicates that the person is applying for a nondriver identification card*
19 *pursuant to K.S.A. 8-1324, and amendments thereto, and that such person*
20 *needs the requested information to apply for such identification card. The*
21 *secretary may provide by rules and regulations for exemptions from such*
22 *fees. For purposes of this subparagraph, "veteran" means the same as*
23 *defined in K.S.A. 8-1324, and amendments thereto.*

24 (3) The secretary shall not charge or accept any fee for a certified
25 copy of a birth certificate if the certificate is requested by any person who
26 is 17 years of age or older for purposes of voting if the applicant lacks the
27 identification required by K.S.A. 25-2908(h), and amendments thereto, or
28 to meet the voter registration requirements of K.S.A. 25-2309, and
29 amendments thereto. For voter registration purposes, an applicant for
30 registration shall swear under oath: (1) That such person plans to register
31 to vote in Kansas; and (2) that such person does not possess any of the
32 documents that constitute evidence of United States citizenship under
33 K.S.A. 25-2309(1), and amendments thereto. The affidavit shall
34 specifically list the documents that constitute evidence of United States
35 citizenship under K.S.A. 25-2309(1), and amendments thereto. The
36 secretary shall adopt rules and regulations in order to implement the
37 provisions of this subsection.

38 (4) Upon receipt of any such remittance of a fee for a certified copy
39 of a birth certificate or abstract, \$3 of each such fee for the first copy of a
40 birth certificate or abstract and \$1 of each such fee for each additional
41 copy of the same birth certificate or abstract requested at the same time
42 shall be remitted to the state treasurer in accordance with the provisions of
43 K.S.A. 75-4215, and amendments thereto. Upon receipt of each such

1 remittance, the state treasurer shall deposit the entire amount in the state
2 treasury to the credit of the permanent families account of the family and
3 children investment fund created by K.S.A. 38-1808, and amendments
4 thereto. The balance of the money received for a fee for a certified copy of
5 a birth certificate or abstract shall be remitted to the state treasurer in
6 accordance with the provisions of K.S.A. 75-4215, and amendments
7 thereto. Upon receipt of each such remittance, the state treasurer shall
8 deposit the entire amount in the state treasury to the credit of the civil
9 registration and health statistics fee fund created under this act.

10 (5) Upon receipt of any such remittance of a fee for a certified copy
11 of a death certificate or abstract, \$4 of each such fee for the first certified
12 copy of a death certificate or abstract and \$2 of each such fee for each
13 additional copy of the same death certificate or abstract requested at the
14 same time shall be remitted to the state treasurer in accordance with the
15 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
16 each such remittance, the state treasurer shall deposit the entire amount in
17 the state treasury to the credit of the district coroners fund created by
18 K.S.A. 22a-245, and amendments thereto. The balance of the money
19 received for a fee for a certified copy of a death certificate or abstract shall
20 be remitted to the state treasurer in accordance with the provisions of
21 K.S.A. 75-4215, and amendments thereto. Upon receipt of each such
22 remittance, the state treasurer shall deposit the entire amount in the state
23 treasury to the credit of the civil registration and health statistics fee fund
24 created by K.S.A. 65-2418e, and amendments thereto.

25 (b) Subject to K.S.A. 65-2415, and amendments thereto, the national
26 office of vital statistics may be furnished copies or data it requires for
27 national statistics. The state shall be reimbursed for the cost of furnishing
28 the data. The data shall not be used for other than statistical purposes by
29 the national office of vital statistics unless so authorized by the state
30 registrar of vital statistics.

31 Sec. 3. K.S.A. 8-1324 and 65-2418 are hereby repealed.

32 Sec. 4. This act shall take effect and be in force from and after its
33 publication in the statute book.