

Kansas Administrative Regulations

Kansas Department of Revenue

Article 52.—Motor Vehicle Drivers' Licenses

92-52-14. Definitions.

As used in this article, these terms shall have the following meanings:

(a) "Appropriate security clearance requirements" shall mean the following:

(1) Collection of fingerprints in order to perform a criminal history record check through the federal bureau of investigation and Kansas bureau of investigation;

(2) a check for lawful status through the systematic alien verification for entitlements program, or comparable system, to verify that the individual has lawful status in the United States; and

(3) any other security criteria deemed necessary by the director of vehicles to ensure the integrity of the division of vehicle's mission.

(b) "Covered position" means any of the following:

(1) A position within the department of revenue wherein the employee has the ability to affect identity information that appears on the driver's license or identification card, has access to the production process, or is involved in the manufacture of drivers' licenses and identification cards;

(2) a position with a private, third-party provider who has contracted with the department of revenue to manufacture and produce drivers' licenses and identification cards for the state; or

(3) a position held by any person whom the director of vehicles has authorized, pursuant to the authority granted by the motor vehicle drivers' license act, K.S.A. 8-234a et seq. and amendments thereto, to accept an application for a driver's license and administer the examinations required for the issuance or renewal of a driver's license.

(c) "Disqualifying offense" shall include any of the following crimes for which an applicant has been convicted or found not guilty by reason of insanity in a civilian or military jurisdiction:

(1) Espionage;

- (2) sedition;
- (3) treason;
- (4) any crime listed in 18 U.S.C. chapter 113B or in a comparable state law;
- (5) a crime involving a transportation security incident;
- (6) improper transportation of a hazardous material under 49 U.S.C. 5124 or a comparable state law;
- (7) unlawful possession, use, sale, distribution, manufacture, purchase, receipt, transfer, shipping, transporting, import, export, storage of, or dealing in an explosive or explosive device;
- (8) murder;
- (9) conspiracy or attempt to commit any crime specified in this subsection;
- (10) any violation of the racketeer influenced and corrupt organizations act, 18 U.S.C. 1961 et seq., or a comparable state law, in which one of the predicate acts found by a jury or admitted by the defendant consists of one of the offenses listed in paragraph (c)(4) or (c)(8);
- (11) assault with intent to murder;
- (12) kidnapping or hostage taking;
- (13) rape or aggravated sexual abuse;
- (14) unlawful possession, use, sale, manufacture, purchase, distribution, receipt, transfer, shipping, transporting, delivery, import, export, or dealing in a firearm or other weapon;
- (15) extortion;
- (16) dishonesty, fraud, or misrepresentation, including identity fraud;
- (17) bribery;
- (18) smuggling;
- (19) immigration violations;
- (20) any violation of the racketeer influenced and corrupt organizations act, 18 U.S.C. 1961 et seq., or a comparable state law, other than the violations listed in paragraph (c)(10);
- (21) robbery;

(22) distribution of, possession with intent to distribute, or importation of a controlled substance;

(23) arson;

(24) commission of a violent act that would not be conducive to maintaining a safe workplace; or

(25) conspiracy or attempt to commit the crimes in this paragraph.

(d) "Disqualifying security risk" shall include the following:

(1) An individual who has been convicted or found not guilty by reason of insanity of one or more disqualifying offenses;

(2) an individual working within the United States who is not lawfully present in the United States; and

(3) an individual who is otherwise shown to be untrustworthy based on information obtained through appropriate security clearance requirements.

(Authorized by and implementing K.S.A. 2007 Supp. 75-5156; effective Aug. 29, 2008.)

***** Authenticated Kansas Administrative Regulation *****