186.4123 Personal identification card application for non-United States citizen or permanent resident -- Photograph -- Scanning of application documents -- Proof of residency -- Immigration documentation -- Immigration status and personal identity verification -- Term of identification card. (Effective January 1, 2019)

(1)   As used in this section, "applicant" means a person who is not a United States citizen and has not been granted status as a permanent resident of the United States.

(2)   The Transportation Cabinet shall issue a personal identification card to an applicant who:

(a)   Is a Kentucky resident;

(b)   Applies in person to either the Transportation Cabinet in Frankfort or a Transportation Cabinet field office; and

(c)   Complies with the provisions of this section.

(3)   Upon application for a personal identification card under this section, the cabinet shall capture a photograph of the applicant in accordance with KRS 186.4102(1).

(4)   The cabinet shall electronically scan the documents required for application under this section, supporting documents, and the photograph of the applicant into the cabinet's database.

(5)   (a)   An application for a personal identification card shall be accompanied by the same information as is required for an operator's license under KRS 186.412, along with other documents required under this section, except if an applicant does not have a fixed, permanent address, the applicant may use as proof of residency a signed letter from a homeless shelter, health care facility, or social service agency currently providing the applicant treatment or services and attesting that the applicant is a resident of Kentucky. An applicant who does not have a fixed, permanent address shall not be issued a voluntary travel ID personal identification card.

(b)   It shall be permissible for the application form for a personal identification card to include as an applicant's most current resident address a mailing address or an address provided on a voter registration card.

(c)   If the applicant is not the legal owner or possessor of the address provided on the application form, the applicant shall swear that he or she has permission from the legal owner, authorized agent for the legal owner, or possessor to use the address for purposes of obtaining the personal identification card.

(6)   The application form under this section shall be accompanied by the applicant's documentation issued by the United States Department of Homeland Security, United States Bureau of Citizenship and Immigration Services, authorizing the applicant to be in the United States. The Transportation Cabinet shall verify the information submitted under this subsection through the Systematic Alien Verification for Entitlements (SAVE) program.

(7)   The application form of a special status individual with a K-1 status shall be accompanied by an original or certified copy of the applicant's completed

marriage license signed by the official who presided over the marriage ceremony and two (2) witnesses. The application form of a special status individual with a K-1 status shall also include the applicant's petition to enter the United States for the purpose of marriage that contains the name of the prospective spouse. If the name of the prospective spouse on the petition does not match the name of the spouse on the marriage license, the Transportation Cabinet shall not be required to issue an operator's license.

(8) (a) The Transportation Cabinet shall verify and validate the immigration status and personal identity of an applicant under this section through federal government systems and databases.

     (b) If an applicant's identity and immigration status is validated, the cabinet shall capture a photograph of the applicant, and scan the required documents into the cabinet's database, and shall present the applicant with a temporary personal identification card, which shall be valid for thirty (30) days until a permanent personal identification card is mailed to the applicant.

     (c) An applicant under this section shall only be issued a standard personal identification card.

(9) (a) An applicant shall apply to renew a personal identification card, or obtain a duplicate personal identification card, at the Transportation Cabinet in Frankfort or a Transportation Cabinet field office.

     (b) If a person has any type of change in his or her immigration status, the person shall apply to update with either the Transportation Cabinet in Frankfort or a Transportation Cabinet field office within ten (10) days.

(10) (a) Every applicant for a personal identification card under this section shall swear an oath to the Transportation Cabinet as to the truthfulness of the statements contained on the application form.

     (b) A personal identification card may be suspended or revoked if the person who was issued the card presents false or misleading information to the cabinet when applying for the card.

(11) (a) Except as provided in paragraph (b) of this subsection, an initial or renewal personal identification card issued to an applicant who is not a special status individual shall be valid for a period equal to the length of time the applicant's documentation from the United States Department of Homeland Security, United States Bureau of Citizenship and Immigration Services, is valid, or eight (8) years, whichever time period is shorter.

     (b) An initial or renewal personal identification card shall be valid for a period of one (1) year if:

        1. The applicant is not a special status individual and the applicant's documentation issued by the United States Department of Homeland Security, United States Bureau of Citizenship and Immigration Services, is issued for an indefinite period of time and does not have an expiration date. The fee shall be the same as for a regular personal identification card; or

        2. The personal identification card is issued to a person who does not have a fixed, permanent address.

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