

SECOND REGULAR SESSION

HOUSE BILL NO. 1549

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES PEARCE (Sponsor), WETER, FISHER, NOLTE, LeVOTA, WHORTON, CUNNINGHAM (86), WASSON, WOOD, SATER, WILSON (119), DUSENBERG, CORCORAN, YAEGER, WILSON (130), WITTE, MEADOWS, FLOOK, KRAUS, MOORE AND GUEST (Co-sponsors).

Read 1st time January 26, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4366L.01I

AN ACT

To repeal section 302.171, RSMo, and to enact in lieu thereof one new section relating to exempting certain individuals from proving lawful presence in order to obtain a driver's license.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 302.171, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 302.171, to read as follows:

302.171. 1. Beginning July 1, 2005, the director shall verify that an applicant for a driver's license is lawfully present in the United States before accepting the application. The director shall not issue a driver's license for a period that exceeds an applicant's lawful presence in the United States. The director may establish procedures to verify the lawful presence of the applicant and establish the duration of any driver's license issued under this section.

2. **Notwithstanding the provisions of subsection 1 of this section to the contrary, an applicant for a driver's license or nondriver's license may submit a Certificate of Release or Discharge from Active Duty, DD Form 240, in lieu of submitting a birth certificate or other documents indicating proof of lawful presence. If any federal law or regulation prohibits or restricts such an exemption or would result in the loss of federal funding for this state, the director of revenue shall apply for any federal waiver necessary to allow**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

12 **veterans to utilize a Certificate of Release or Discharge from Active duty in lieu of the**
13 **requirements for submission of a birth certificate.**

14 **3.** An application for a license shall be made upon an approved form furnished by the
15 director. Every application shall state the full name, Social Security number, age, height, weight,
16 color of eyes, sex, residence, mailing address of the applicant, and the classification for which
17 the applicant has been licensed, and, if so, when and by what state, and whether or not such
18 license has ever been suspended, revoked, or disqualified, and, if revoked, suspended or
19 disqualified, the date and reason for such suspension, revocation or disqualification and whether
20 the applicant is making a one dollar donation to promote an organ donation program as
21 prescribed in subsection [2] **4** of this section. A driver's license, nondriver's license, or
22 instruction permit issued under this chapter shall contain the applicant's legal name as it appears
23 on a birth certificate or as legally changed through marriage or court order. No name change by
24 common usage based on common law shall be permitted. The application shall also contain such
25 information as the director may require to enable the director to determine the applicant's
26 qualification for driving a motor vehicle; and shall state whether or not the applicant has been
27 convicted in this or any other state for violating the laws of this or any other state or any
28 ordinance of any municipality, relating to driving without a license, careless driving, or driving
29 while intoxicated, or failing to stop after an accident and disclosing the applicant's identity, or
30 driving a motor vehicle without the owner's consent. The application shall contain a certification
31 by the applicant as to the truth of the facts stated therein. Every person who applies for a license
32 to operate a motor vehicle who is less than twenty-one years of age shall be provided with
33 educational materials relating to the hazards of driving while intoxicated, including information
34 on penalties imposed by law for violation of the intoxication-related offenses of the state.
35 Beginning January 1, 2001, if the applicant is less than eighteen years of age, the applicant must
36 comply with all requirements for the issuance of an intermediate driver's license pursuant to
37 section 302.178.

38 **[2.] 4.** An applicant for a license may make a donation of one dollar to promote an organ
39 donor program. The director of revenue shall collect the donations and deposit all such
40 donations in the state treasury to the credit of the organ donor program fund established in
41 sections 194.297 to 194.304, RSMo. Moneys in the organ donor program fund shall be used
42 solely for the purposes established in sections 194.297 to 194.304, RSMo, except that the
43 department of revenue shall retain no more than one percent for its administrative costs. The
44 donation prescribed in this subsection is voluntary and may be refused by the applicant for the
45 license at the time of issuance or renewal of the license. The director shall make available an
46 informational booklet or other informational sources on the importance of organ donations to
47 applicants for licensure as designed by the organ donation advisory committee established in

48 sections 194.297 to 194.304, RSMo. The director shall inquire of each applicant at the time the
49 licensee presents the completed application to the director whether the applicant is interested in
50 making the one dollar donation prescribed in this subsection and whether the applicant is
51 interested in inclusion in the organ donor registry and shall also specifically inform the licensee
52 of the ability to consent to organ donation by completing the form on the reverse of the license
53 that the applicant will receive in the manner prescribed by subsection 6 of section 194.240,
54 RSMo. The director shall notify the department of health and senior services of information
55 obtained from applicants who indicate to the director that they are interested in registry
56 participation, and the department of health and senior services shall enter the complete name,
57 address, date of birth, race, gender and a unique personal identifier in the registry established in
58 subsection 1 of section 194.304, RSMo.

59 [3.] 5. An applicant for a license may make a donation of one dollar to promote a
60 blindness education, screening and treatment program. The director of revenue shall collect the
61 donations and deposit all such donations in the state treasury to the credit of the blindness
62 education, screening and treatment program fund established in section 192.935, RSMo. Moneys
63 in the blindness education, screening and treatment program fund shall be used solely for the
64 purposes established in section 192.935, RSMo, except that the department of revenue shall
65 retain no more than one percent for its administrative costs. The donation prescribed in this
66 subsection is voluntary and may be refused by the applicant for the license at the time of issuance
67 or renewal of the license. The director shall inquire of each applicant at the time the licensee
68 presents the completed application to the director whether the applicant is interested in making
69 the one dollar donation prescribed in this subsection.

70 [4.] 6. Beginning July 1, 2005, the director shall deny the driving privilege of any person
71 who commits fraud or deception during the examination process or who makes application for
72 an instruction permit, driver's license, or nondriver's license which contains or is substantiated
73 with false or fraudulent information or documentation, or who knowingly conceals a material
74 fact or otherwise commits a fraud in any such application. The period of denial shall be one year
75 from the effective date of the denial notice sent by the director. The denial shall become
76 effective ten days after the date the denial notice is mailed to the person. The notice shall be
77 mailed to the person at the last known address shown on the person's driving record. The notice
78 shall be deemed received three days after mailing unless returned by the postal authorities. No
79 such individual shall reapply for a driver's examination, instruction permit, driver's license, or
80 nondriver's license until the period of denial is completed. No individual who is denied the
81 driving privilege under this section shall be eligible for a limited driving privilege issued under
82 section 302.309.

83 [5.] **7.** All appeals of denials under this section shall be made as required by section
84 302.311.

85 [6.] **8.** The period of limitation for criminal prosecution under this section shall be
86 extended under subdivision (1) of subsection 3 of section 556.036, RSMo.

87 [7.] **9.** The director may promulgate rules and regulations necessary to administer and
88 enforce this section. No rule or portion of a rule promulgated pursuant to the authority of this
89 section shall become effective unless it has been promulgated pursuant to chapter 536, RSMo.

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