

FIRST REGULAR SESSION

HOUSE BILL NO. 706

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SKAGGS.

Read 1st time February 1, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

1414L.01I

AN ACT

To repeal section 302.171, RSMo, and to enact in lieu thereof one new section relating to organ donor registration.

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Section A. Section 302.171, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 302.171, to read as follows: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. An application for a license shall be made upon an approved form furnished by the director. Every application shall state the full name, Social Security number, age, height, weight, color of eyes, sex, residence, mailing address of the applicant, and the classification for which the applicant has been licensed, and, if so, when and by what state, and whether or not such license has ever been suspended, revoked, or disqualified, and, if revoked, suspended or disqualified, the date and reason for such suspension, revocation or disqualification and whether the applicant is making a one dollar donation to promote an organ donation program as prescribed in subsection 2 of this section. A driver's license, nondriver's license, or instruction permit issued under this chapter shall contain the applicant's legal name as it appears on a birth certificate or as legally changed through marriage or court order. No name change by common usage based on common law shall

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.

16 be permitted. The application shall also contain such information as the director may require to
17 enable the director to determine the applicant's qualification for driving a motor vehicle; and
18 shall state whether or not the applicant has been convicted in this or any other state for violating
19 the laws of this or any other state or any ordinance of any municipality, relating to driving
20 without a license, careless driving, or driving while intoxicated, or failing to stop after an
21 accident and disclosing the applicant's identity, or driving a motor vehicle without the owner's
22 consent. The application shall contain a certification by the applicant as to the truth of the facts
23 stated therein. Every person who applies for a license to operate a motor vehicle who is less than
24 twenty-one years of age shall be provided with educational materials relating to the hazards of
25 driving while intoxicated, including information on penalties imposed by law for violation of the
26 intoxication-related offenses of the state. Beginning January 1, 2001, if the applicant is less than
27 eighteen years of age, the applicant must comply with all requirements for the issuance of an
28 intermediate driver's license pursuant to section 302.178.

29 2. An applicant for a license may make a donation of one dollar to promote an organ
30 donor program. The director of revenue shall collect the donations and deposit all such
31 donations in the state treasury to the credit of the organ donor program fund established in
32 sections 194.297 to 194.304, RSMo. Moneys in the organ donor program fund shall be used
33 solely for the purposes established in sections 194.297 to 194.304, RSMo, except that the
34 department of revenue shall retain no more than one percent for its administrative costs. **Each**
35 **applicant electing to be included in the organ donor registry shall be entitled to a fifty**
36 **percent reduction in license fees at the time a new driver's license is issued.** The donation
37 prescribed in this subsection is voluntary and may be refused by the applicant for the license at
38 the time of issuance or renewal of the license. The director shall make available an informational
39 booklet or other informational sources on the importance of organ donations to applicants for
40 licensure as designed by the organ donation advisory committee established in sections 194.297
41 to 194.304, RSMo. The director shall inquire of each applicant at the time the licensee presents
42 the completed application to the director whether the applicant is interested in making the one
43 dollar donation prescribed in this subsection and whether the applicant is interested in inclusion
44 in the organ donor registry and shall also specifically inform the licensee of the ability to consent
45 to organ donation by completing the form on the reverse of the license that the applicant will
46 receive in the manner prescribed by subsection 6 of section 194.240, RSMo. The director shall
47 notify the department of health and senior services of information obtained from applicants who
48 indicate to the director that they are interested in registry participation, and the department of
49 health and senior services shall enter the complete name, address, date of birth, race, gender and
50 a unique personal identifier in the registry established in subsection 1 of section 194.304, RSMo.

51 3. An applicant for a license may make a donation of one dollar to promote a blindness

52 education, screening and treatment program. The director of revenue shall collect the donations
53 and deposit all such donations in the state treasury to the credit of the blindness education,
54 screening and treatment program fund established in section 192.935, RSMo. Moneys in the
55 blindness education, screening and treatment program fund shall be used solely for the purposes
56 established in section 192.935, RSMo, except that the department of revenue shall retain no more
57 than one percent for its administrative costs. The donation prescribed in this subsection is
58 voluntary and may be refused by the applicant for the license at the time of issuance or renewal
59 of the license. The director shall inquire of each applicant at the time the licensee presents the
60 completed application to the director whether the applicant is interested in making the one dollar
61 donation prescribed in this subsection.

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

75 5. All appeals of denials under this section shall be made as required by section 302.311.

76 6. The period of limitation for criminal prosecution under this section shall be extended
77 under subdivision (1) of subsection 3 of section 556.036, RSMo.

78 7. The director may promulgate rules and regulations necessary to administer and enforce
79 this section. No rule or portion of a rule promulgated pursuant to the authority of this section
80 shall become effective unless it has been promulgated pursuant to chapter 536, RSMo.

81 8. Notwithstanding any provisions of this chapter that requires an applicant to provide
82 proof of lawful presence for renewal of a noncommercial driver's license, noncommercial
83 instruction permit, or nondriver's license, an applicant who is sixty-five years and older and who
84 was previously issued a Missouri noncommercial driver's license, noncommercial instruction
85 permit, or Missouri nondriver's license is exempt from showing proof of lawful presence.

86 9. Notwithstanding any other provision of this chapter, if an applicant does not meet the
87 requirements of subsection 8 of this section and does not have the required documents to prove

88 lawful presence, the department may issue a one-year driver's license renewal. This one-time
89 renewal shall only be issued to an applicant who previously has held a Missouri noncommercial
90 driver's license, noncommercial instruction permit, or nondriver's license for a period of fifteen
91 years or more and who does not have the required documents to prove lawful presence. After
92 the expiration of the one-year period, no further renewal shall be provided without the applicant
93 producing proof of lawful presence.

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