

SECOND REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 1716

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES GUEST (Sponsor), RUESTMAN, TILLEY, TALBOY, McGHEE, HARRIS (110), FUNDERBURK, YATES, DAVIS, DOUGHERTY, SCHIEFFER, BAKER (123), PORTWOOD, WHORTON, NIEVES, LOW (39), SMITH (150), MEINERS, LOWE (44), WALLACE, WILSON (119), SWINGER, DARROUGH, ONDER, WELLS, WETER, DUSENBERG, COOPER (155), RUCKER, OXFORD, BROWN (50), MEADOWS, SCHAD, DAUS, STREAM, BIVINS AND NANCE (Co-sponsors).

Read 1st time January 17, 2008 and copies ordered printed.

Read 2nd time January 22, 2008 and referred to the Committee on Transportation February 14, 2008.

Re-referred to the Special Committee on General Laws February 19, 2008.

Reported from the Special Committee on General Laws March 12, 2008 with recommendation that the bill Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

Reported from the Committee on Rules March 27, 2008 with the recommendation that the bill Do Pass with no time limit for debate.

Taken up for Perfection April 8, 2008. Bill ordered Perfected and printed, as amended.

D. ADAM CRUMBLISS, Chief Clerk

4280L.02P

AN ACT

To repeal section 302.171, RSMo, and to enact in lieu thereof two new sections relating to noncompliance with the federal REAL ID Act of 2005.

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

Section A. Section 302.171, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 302.171, and 302.183, to read as follows: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

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.

5 applicant and establish the duration of any driver's license issued under this section. An
6 application for a license shall be made upon an approved form furnished by the director. Every
7 application shall state the full name, Social Security number, age, height, weight, color of eyes,
8 sex, residence, mailing address of the applicant, and the classification for which the applicant
9 has been licensed, and, if so, when and by what state, and whether or not such license has ever
10 been suspended, revoked, or disqualified, and, if revoked, suspended or disqualified, the date and
11 reason for such suspension, revocation or disqualification and whether the applicant is making
12 a one dollar donation to promote an organ donation program as prescribed in subsection 2 of this
13 section. A driver's license, nondriver's license, or instruction permit issued under this chapter
14 shall contain the applicant's legal name as it appears on a birth certificate or as legally changed
15 through marriage or court order. No name change by common usage based on common law shall
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. For persons mobilized and deployed
29 with the United States Armed Forces, an application under this subsection shall be considered
30 satisfactory by the department of revenue if it is signed by a person who holds general power of
31 attorney executed by the person deployed, provided the applicant meets all other requirements
32 set by the director.

33 2. An applicant for a license may make a donation of one dollar to promote an organ
34 donor program. The director of revenue shall collect the donations and deposit all such
35 donations in the state treasury to the credit of the organ donor program fund established in
36 sections 194.297 to 194.304, RSMo. Moneys in the organ donor program fund shall be used
37 solely for the purposes established in sections 194.297 to 194.304, RSMo, except that the
38 department of revenue shall retain no more than one percent for its administrative costs. The
39 donation prescribed in this subsection is voluntary and may be refused by the applicant for the
40 license at the time of issuance or renewal of the license. The director shall make available an

41 informational booklet or other informational sources on the importance of organ donations to
42 applicants for licensure as designed by the organ donation advisory committee established in
43 sections 194.297 to 194.304, RSMo. The director shall inquire of each applicant at the time the
44 licensee presents the completed application to the director whether the applicant is interested in
45 making the one dollar donation prescribed in this subsection and whether the applicant is
46 interested in inclusion in the organ donor registry and shall also specifically inform the licensee
47 of the ability to consent to organ donation by completing the form on the reverse of the license
48 that the applicant will receive in the manner prescribed by subsection 6 of section 194.240,
49 RSMo. The director shall notify the department of health and senior services of information
50 obtained from applicants who indicate to the director that they are interested in registry
51 participation, and the department of health and senior services shall enter the complete name,
52 address, date of birth, race, gender and a unique personal identifier in the registry established in
53 subsection 1 of section 194.304, RSMo.

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

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

76 driving privilege under this section shall be eligible for a limited driving privilege issued under
77 section 302.309.

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

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

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

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

89 9. **Notwithstanding any provision of this chapter, for the renewal of a**
90 **noncommercial driver's license, noncommercial instruction permit, or nondriver's license,**
91 **a photocopy of an applicant's United States birth certificate along with another form of**
92 **identification approved by the department of revenue, including, but not limited to, United**
93 **States military identification or United States military discharge papers, shall constitute**
94 **sufficient proof of lawful presence.**

95 10. Notwithstanding any other provision of this chapter, if an applicant does not meet
96 the requirements of subsection 8 or 9 of this section and does not have the required documents
97 to prove lawful presence, the department may issue a one-year driver's license renewal. This
98 one-time renewal shall only be issued to an applicant who previously has held a Missouri
99 noncommercial driver's license, noncommercial instruction permit, or nondriver's license for a
100 period of fifteen years or more and who does not have the required documents to prove lawful
101 presence. After the expiration of the one-year period, no further renewal shall be provided
102 without the applicant producing proof of lawful presence.

302.183. 1. Notwithstanding any provision of this chapter that requires an
2 **applicant to provide reasonable proof of residence for renewal of a noncommercial driver's**
3 **license, noncommercial instruction permit, or a nondriver's license, an applicant shall not**
4 **have his or her privacy rights violated in order to obtain or renew a Missouri driver's**
5 **license.**

6 2. Any data derived from a person's application shall not be sold for commercial
7 purposes to any other organization or any other state without the express permission of the
8 applicant without a court order; except such information may be shared with a law
9 enforcement agency, judge, prosecuting attorney, or officer of the court, or with another

10 state for the limited purposes set out in section 302.600 or for conducting driver history
11 checks in compliance with the Motor Carrier Safety Improvement Act, 49 U.S.C. 31309.
12 The state of Missouri shall protect the privacy of its citizens when handling any written,
13 digital, or electronic data, and shall not participate in any standardized identification
14 system using driver's and nondriver's license records.

15 3. The department of revenue shall not amend procedures for applying for a
16 driver's license or identification card in order to comply with the goals or standards of the
17 federal Real ID Act of 2005, any rules or regulations promulgated under the authority
18 granted in such act, or any requirements adopted by the American Association of Motor
19 Vehicle Administrators for furtherance of the act.

20 4. The department of revenue shall not expand the motor vehicle records data it
21 shares with other states, the federal government, or other agencies, or provide motor
22 vehicle records data to any additional states, or state or federal agencies, unless authorized
23 by statute.

24 5. No department or agency of the state charged with motor vehicle registration or
25 operation, the issuance or renewal of driver's licenses, or the issuance or renewal of any
26 identification cards shall collect, obtain, or retain any data in connection with activities
27 related to compliance with the federal Real ID Act of 2005.

28 6. Any biometric data previously collected, obtained, or retained in connection with
29 motor vehicle registration or operation, the issuance or renewal of driver's licenses, or the
30 issuance or renewal of any identification cards by any department or agency of the state
31 charged with those activities shall be retrieved and deleted from all databases. The
32 provisions of this subsection shall not apply to any data collected, obtained, or retained for
33 a purpose other than compliance with the federal Real ID Act of 2005. For purposes of this
34 section, "biometric data" includes, but is not limited to:

- 35 (1) Facial feature pattern characteristics;
36 (2) Voice data used for comparing live speech with a previously created speech
37 model of a person's voice;
38 (3) Iris recognition data containing color or texture patterns or codes;
39 (4) Retinal scans, reading through the pupil to measure blood vessels lining the
40 retina.

41 7. No citizen of this state shall have his or her privacy compromised by the state or
42 agents of the state. The state shall within reason protect the sovereignty of the citizens the
43 state is entrusted to protect.

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