

SECOND REGULAR SESSION

# HOUSE BILL NO. 2314

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES HOBBS (Sponsor), CUNNINGHAM (145), MUNZLINGER, WILSON (119), WITTE, JONES (117), DETHROW AND QUINN (9) (Co-sponsors).

Read 1st time February 28, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

4998L.01I

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### AN ACT

To repeal section 302.181, RSMo, and to enact in lieu thereof one new section relating to the issuance of driver's licenses to individuals who have religious objections to having their photograph taken and maintained by the department of revenue.

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

Section A. Section 302.181, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 302.181, to read as follows:

302.181. 1. The license issued pursuant to the provisions of sections 302.010 to 302.340 shall be in such form as the director shall prescribe, but the license shall be a card made of plastic or other comparable material. All licenses shall be manufactured of materials and processes that will prohibit, as nearly as possible, the ability to reproduce, alter, counterfeit, forge, or duplicate any license without ready detection. All licenses shall bear the licensee's Social Security number, if the licensee has one, and if not, a notarized affidavit must be signed by the licensee stating that the licensee does not possess a Social Security number, or, if applicable, a certified statement must be submitted as provided in subsection 4 of this section. The license shall also bear the expiration date of the license, the classification of the license, the name, date of birth, residence address including the county of residence or a code number corresponding to such county established by the department, and brief description and colored photograph or digitized image of the licensee, and a facsimile of the signature of the licensee. The director shall provide by administrative rule the procedure and format for a licensee to indicate on the back of the license

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.

14 together with the designation for an anatomical gift as provided in section 194.240, RSMo, the  
15 name and address of the person designated pursuant to sections 404.800 to 404.865, RSMo, as  
16 the licensee's attorney in fact for the purposes of a durable power of attorney for health care  
17 decisions. No license shall be valid until it has been so signed by the licensee. If any portion of  
18 the license is prepared by a private firm, any contract with such firm shall be made in accordance  
19 with the competitive purchasing procedures as established by the state director of the division  
20 of purchasing. For all licenses issued or renewed after March 1, 1992, the applicant's Social  
21 Security number shall serve as the applicant's license number. Where the licensee has no Social  
22 Security number, or where the licensee is issued a license without a Social Security number in  
23 accordance with subsection 4 of this section, the director shall issue a license number for the  
24 licensee and such number shall also include an indicator showing that the number is not a Social  
25 Security number.

26         2. All film involved in the production of photographs for licenses shall become the  
27 property of the department of revenue.

28         3. The license issued shall be carried at all times by the holder thereof while driving a  
29 motor vehicle, and shall be displayed upon demand of any officer of the highway patrol, or any  
30 police officer or peace officer, or any other duly authorized person, for inspection when demand  
31 is made therefor. Failure of any operator of a motor vehicle to exhibit his or her license to any  
32 duly authorized officer shall be presumptive evidence that such person is not a duly licensed  
33 operator.

34         4. The director of revenue shall issue a commercial or noncommercial driver's license  
35 without a Social Security number to an applicant therefor, who is otherwise qualified to be  
36 licensed, upon presentation to the director of a certified statement that the applicant objects to  
37 the display of the Social Security number on the license. The director shall assign an  
38 identification number, that is not based on a Social Security number, to the applicant which shall  
39 be displayed on the license in lieu of the Social Security number.

40         5. The director of revenue shall not issue a license without a facial photograph or digital  
41 image of the license applicant, except as provided pursuant to subsection 8 of this section. A  
42 photograph or digital image of the applicant's full facial features shall be taken in a manner  
43 prescribed by the director. No photograph or digital image will be taken wearing anything which  
44 cloaks the facial features of the individual.

45         6. The department of revenue may issue a temporary license or a full license without the  
46 photograph or with the last photograph or digital image in the department's records to members  
47 of the armed forces, except that where such temporary license is issued it shall be valid only until  
48 the applicant shall have had time to appear and have his or her picture taken and a license with  
49 his or her photograph issued.

50           7. The department of revenue shall issue upon request a nondriver's license card  
51 containing essentially the same information and photograph or digital image, except as provided  
52 pursuant to subsection 8 of this section, as the driver's license upon payment of six dollars. All  
53 nondriver's licenses shall expire on the applicant's birthday in the sixth year after issuance. A  
54 person who has passed his or her seventieth birthday shall upon application be issued a  
55 nonexpiring nondriver's license card. The nondriver's license card shall be used for identification  
56 purposes only and shall not be valid as a license.

57           8. If otherwise eligible, an applicant may receive a driver's license or nondriver's license  
58 without a photograph or digital image of the applicant's full facial features except that such  
59 applicant's photograph or digital image shall be taken and maintained by the director and not  
60 printed on such license. In order to qualify for a license without a photograph or digital image  
61 pursuant to this section the applicant must:

62           (1) Present a form provided by the department of revenue requesting the applicant's  
63 photograph be omitted from the license or nondriver's license due to religious affiliations. The  
64 form shall be signed by the applicant and another member of the religious tenant verifying the  
65 photograph or digital image exemption on the license or nondriver's license is required as part  
66 of their religious affiliation. The required signatures on the prescribed form shall be properly  
67 notarized;

68           (2) Provide satisfactory proof to the director that the applicant has been a U.S. citizen  
69 for at least five years and a resident of this state for at least one year, except that an applicant  
70 moving to this state possessing a valid driver's license from another state without a photograph,  
71 shall be exempt from the one-year state residency requirement. The director may establish rules  
72 necessary to determine satisfactory proof of citizenship and residency pursuant to this section;

73           (3) Applications for a driver's license or nondriver's license without a photograph or  
74 digital image must be made in person at a license office determined by the director. The director  
75 is authorized to limit the number of offices that may issue a driver's or nondriver's license  
76 without a photograph or digital image pursuant to this section.

77           9. The department of revenue shall make available, at one or more locations within the  
78 state, an opportunity for individuals to have their full facial photograph taken by an employee  
79 of the department of revenue, or their designee, who is of the same sex as the individual being  
80 photographed, in a segregated location.

81           **10. An applicant who desires to receive a driver's license or nondriver's license**  
82 **without a photograph under subsection 8 of this section may receive such a driver's license**  
83 **or nondriver's license without having his or her photograph or digital image taken and**  
84 **maintained by the director provided that the applicant:**

85           (1) Complies with all of the provisions of subsection 8 of this section except for the  
86 provision requiring the applicant's photograph or digital image be taken and maintained  
87 by the director;

88           (2) Submits a set of fingerprints in a format prescribed by the director upon  
89 application for the driver's license or nondriver's license. The fingerprints shall be  
90 maintained by the director in a manner prescribed by the director and shall be accessible  
91 to the Missouri highway patrol and other law enforcement officers as established by rule.  
92 The applicant shall pay a fee for the submission of such fingerprints. The fee shall not  
93 exceed the actual cost of processing the fingerprints; and

94           (3) Presents evidence satisfactory to the director that the applicant is exempt from  
95 paying social security and Medicare taxes because the applicant is a member of a  
96 recognized religious group that:

97           (a) Has existed continuously since December 31, 1950;

98           (b) Conscientiously opposes accepting benefits of any private or public insurance  
99 that makes payments in the event of death, disability, old age, or retirement or that makes  
100 payments for the cost of medical care or provides services for medical care including the  
101 benefits of any insurance system established by the social security act and Medicare  
102 benefits; and

103           (c) Provides a reasonable level of living for its dependent members.

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105 For purposes of this subdivision, a Form 4029, or a copy thereof, approved by the Internal  
106 Revenue Service shall be considered satisfactory evidence.

107           11. Beginning July 1, 2005, the director shall not issue a driver's license or a nondriver's  
108 license for a period that exceeds an applicant's lawful presence in the United States. The director  
109 may, by rule or regulation, establish procedures to verify the lawful presence of the applicant and  
110 establish the duration of any driver's license or nondriver's license issued under this section.

111           [11.] 12. No rule or portion of a rule promulgated pursuant to the authority of this  
112 chapter shall become effective unless it is promulgated pursuant to the provisions of chapter 536,  
113 RSMo.

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