HOUSE BILL NO. 361

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES GUEST (Sponsor), NIEVES, RUESTMAN, FUNDERBURK, TALBOY, HARRIS, DAVIS, SCHIEFFER, KOMO, FAITH, FLANIGAN, TILLEY, WELLS, SMITH (150), PACE, WALLACE AND BROWN (149) (Co-sponsors).

0637L.02I

D. ADAM CRUMBLISS, Chief Clerk

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Section A. Section 302.171, RSMo, is repealed and two new sections enacted in lieu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

302.171. 1. Beginning July 1, **[**2005**]** **2010**, the director shall verify that an applicant for
2 a driver's license is **[**lawfully present in**]** **a lawful citizen of** the United States **and a Missouri**
3 **resident** before accepting the application. **[**The director shall not issue a driver's license for a
4 period that exceeds an applicant's lawful presence in the United States.**]** The director may
5 establish procedures to verify the lawful **[**presence**]** **citizenship and residency** of the applicant
6 **[**and establish the duration of any driver's license issued under this section**]**. An application for
7 a license shall be made upon an approved form furnished by the director. Every application shall
8 state the full name, Social Security number, age, height, weight, color of eyes, sex, residence,
9 mailing address of the applicant, and the classification for which the applicant has been licensed,
10 and, if so, when and by what state, and whether or not such license has ever been suspended,
11 revoked, or disqualified, and, if revoked, suspended or disqualified, the date and reason for such
12 suspension, revocation or disqualification and whether the applicant is making a one dollar
13 donation to promote an organ donation program as prescribed in subsection 2 of this section.
14 A driver's license, nondriver's license, or instruction permit issued under this chapter shall
15 contain the applicant's legal name as it appears on a birth certificate or as legally changed through

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 marriage or court order. No name change by common usage based on common law shall be
17 permitted. The application shall also contain such information as the director may require to
18 enable the director to determine the applicant's qualification for driving a motor vehicle; and
19 shall state whether or not the applicant has been convicted in this or any other state for violating
20 the laws of this or any other state or any ordinance of any municipality, relating to driving
21 without a license, careless driving, or driving while intoxicated, or failing to stop after an
22 accident and disclosing the applicant's identity, or driving a motor vehicle without the owner's
23 consent. The application shall contain a certification by the applicant as to the truth of the facts
24 stated therein. Every person who applies for a license to operate a motor vehicle who is less than
25 twenty-one years of age shall be provided with educational materials relating to the hazards of
26 driving while intoxicated, including information on penalties imposed by law for violation of the
27 intoxication-related offenses of the state. Beginning January 1, 2001, if the applicant is less than
28 eighteen years of age, the applicant must comply with all requirements for the issuance of an
29 intermediate driver's license pursuant to section 302.178. For persons mobilized and deployed
30 with the United States Armed Forces, an application under this subsection shall be considered
31 satisfactory by the department of revenue if it is signed by a person who holds general power of
32 attorney executed by the person deployed, provided the applicant meets all other requirements
33 set by the director.
34   2. An applicant for a license may make a donation of one dollar to promote an organ
35 donor program. The director of revenue shall collect the donations and deposit all such
36 donations in the state treasury to the credit of the organ donor program fund established in
37 sections 194.297 to 194.304, RSMo. Moneys in the organ donor program fund shall be used
38 solely for the purposes established in sections 194.297 to 194.304, RSMo, except that the
39 department of revenue shall retain no more than one percent for its administrative costs. The
40 donation prescribed in this subsection is voluntary and may be refused by the applicant for the
41 license at the time of issuance or renewal of the license. The director shall make available an
42 informational booklet or other informational sources on the importance of organ and tissue
43 donations to applicants for licensure as designed by the organ donation advisory committee
44 established in sections 194.297 to 194.304, RSMo. The director shall inquire of each applicant
45 at the time the licensee presents the completed application to the director whether the applicant
46 is interested in making the one dollar donation prescribed in this subsection and whether the
47 applicant is interested in inclusion in the organ donor registry and shall also specifically inform
48 the licensee of the ability to consent to organ donation by completing the form on the reverse of
49 the license that the applicant will receive in the manner prescribed by subdivision (1) of
50 subsection 1 of section 194.225, RSMo. A symbol shall be placed on the front of the document
51 indicating the applicant's desire to be listed in the registry. The director shall notify the

52 department of health and senior services of information obtained from applicants who indicate
53 to the director that they are interested in registry participation, and the department of health and
54 senior services shall enter the complete name, address, date of birth, race, gender and a unique
55 personal identifier in the registry established in subsection 1 of section 194.304, RSMo.
56   3. An applicant for a license may make a donation of one dollar to promote a blindness
57 education, screening and treatment program. The director of revenue shall collect the donations
58 and deposit all such donations in the state treasury to the credit of the blindness education,
59 screening and treatment program fund established in section 192.935, RSMo. Moneys in the
60 blindness education, screening and treatment program fund shall be used solely for the purposes
61 established in section 192.935, RSMo, except that the department of revenue shall retain no more
62 than one percent for its administrative costs. The donation prescribed in this subsection is
63 voluntary and may be refused by the applicant for the license at the time of issuance or renewal
64 of the license. The director shall inquire of each applicant at the time the licensee presents the
65 completed application to the director whether the applicant is interested in making the one dollar
66 donation prescribed in this subsection.
67   4. Beginning July 1, 2005, the director shall deny the driving privilege of any person who
68 commits fraud or deception during the examination process or who makes application for an
69 instruction permit, driver's license, or nondriver's license which contains or is substantiated with
70 false or fraudulent information or documentation, or who knowingly conceals a material fact or
71 otherwise commits a fraud in any such application. The period of denial shall be one year from
72 the effective date of the denial notice sent by the director. The denial shall become effective ten
73 days after the date the denial notice is mailed to the person. The notice shall be mailed to the
74 person at the last known address shown on the person's driving record. The notice shall be
75 deemed received three days after mailing unless returned by the postal authorities. No such
76 individual shall reapply for a driver's examination, instruction permit, driver's license, or
77 nondriver's license until the period of denial is completed. No individual who is denied the
78 driving privilege under this section shall be eligible for a limited driving privilege issued under
79 section 302.309.
80   5. All appeals of denials under this section shall be made as required by section 302.311.
81   6. The period of limitation for criminal prosecution under this section shall be extended
82 under subdivision (1) of subsection 3 of section 556.036, RSMo.
83   7. The director may promulgate rules and regulations necessary to administer and enforce
84 this section. No rule or portion of a rule promulgated pursuant to the authority of this section
85 shall become effective unless it has been promulgated pursuant to chapter 536, RSMo.
86   8. Notwithstanding any provisions of this chapter that requires an applicant to provide
87 proof of lawful presence for renewal of a noncommercial driver's license, noncommercial

88 instruction permit, or nondriver's license, an applicant who is sixty-five years and older and who
89 was previously issued a Missouri noncommercial driver's license, noncommercial instruction
90 permit, or Missouri nondriver's license is exempt from showing proof of lawful presence.

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

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

       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
34 this 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   **(5)   Fingerprint, palm prints, hand geometry, measuring of any and all
42 characteristics of biometric information, including shape and length of fingertips or
43 recording ridge pattern or fingertip characteristics;**

44   **(6) Eye spacing;**

45   **(7) Characteristic gait or walk;**

46   **(8) DNA;**

47   **(9) Keystroke dynamics, measuring pressure applied to key pads or other digital
48 receiving devices.**

49   **7. No citizen of this state shall have his or her privacy compromised by the state or
50 agents of the state. The state shall within reason protect the sovereignty of the citizens the
51 state is entrusted to protect.**

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