

FIRST REGULAR SESSION

HOUSE BILL NO. 385

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES PARKINSON (Sponsor), COX, BIVINS, MCGHEE,
DIECKHAUS, FRAME, RUESTMAN AND ATKINS (Co-sponsors).

0861L.02I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 302, RSMo, by adding thereto one new section relating to a next of kin database.

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

Section A. Chapter 302, RSMo, is amended by adding thereto one new section, to be known as section 302.785, to read as follows:

302.785. 1. The driver license bureau of the department of revenue shall establish a database of the next of kin persons who are issued driver's licenses, intermediate driver's licenses, commercial driver's licenses, temporary instruction permits, and identification cards. The next of kin database shall be constructed and ready for use beginning August 1, 2010. Information in the database shall be accessible only to employees of the bureau and to the criminal justice agency or agencies responding to the scene of an accident or an incident and shall not be considered a public record under chapter 610, RSMo.

2. An individual holding a valid Missouri driver's license, intermediate driver's license, commercial driver's license, temporary instruction permit, or identification card shall be afforded the opportunity to list the name, address, telephone number, and relationship to the individual of at least one contact person whom the individual wishes to be contacted if the individual is involved in a motor vehicle accident or emergency situation and the individual dies or is seriously injured or rendered unconscious and is unable to communicate with the contact person. The contact person may or may not be the next of kin of the applicant, except that if the applicant is under the age of eighteen years of age

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 and is not emancipated, the contact person shall include the parent, guardian, or custodian
17 of the applicant.

18 **3. The department of revenue shall adopt rules to implement the provisions of this**
19 **section. The rules shall address both of the following:**

20 **(1) The methods whereby a person who has submitted the name of a contact person**
21 **for inclusion in the database may make changes to that entry; and**

22 **(2) Any other aspect of the database or its operation that the department of revenue**
23 **determines is necessary in order to implement this section.**

24 **4. In the event of a motor vehicle accident or emergency situation in which a person**
25 **dies or is seriously injured or rendered unconscious and is unable to communicate with the**
26 **contact person specified in the database, an employee of the criminal justice agency that**
27 **responds to the accident or incident shall make a good faith effort to notify the contact**
28 **person of the situation, but neither the department, the employee, or the criminal justice**
29 **agency that employs that employee shall incur any liability if the employee is not able to**
30 **make contact with the contact person.**

31 **5. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**
32 **that is created under the authority delegated in this section shall become effective only if**
33 **it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**
34 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**
35 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**
36 **to review, to delay the effective date, or to disapprove and annul a rule are subsequently**
37 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
38 **adopted after August 28, 2009, shall be invalid and void.**

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