

SECOND REGULAR SESSION

HOUSE BILL NO. 2143

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES GATSCHENBERGER (Sponsor) AND JONES (89) (Co-sponsor).

4198L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 302.171, RSMo, and to enact in lieu thereof one new section relating to drivers license qualifications.

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Section A. Section 302.171, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 302.171, to read as follows: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. The director shall verify that an applicant for a driver's license is a Missouri resident [or national of the United States or a noncitizen with a lawful immigration status, and a Missouri resident] **and a United States citizen** before accepting the application. **Notwithstanding any other law**, the director shall not issue a driver's license [for a period that exceeds the duration of an applicant's lawful immigration status in the United States] **to any person who is not a United States citizen**. The director may establish procedures to verify the Missouri residency or **status as a United States** [naturalization or lawful immigration status and Missouri residency of the applicant] **citizen** 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

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.

18 on a birth certificate or as legally changed through marriage or court order. No name change by
19 common usage based on common law shall be permitted. The application shall also contain such
20 information as the director may require to enable the director to determine the applicant's
21 qualification for driving a motor vehicle; and shall state whether or not the applicant has been
22 convicted in this or any other state for violating the laws of this or any other state or any
23 ordinance of any municipality, relating to driving without a license, careless driving, or driving
24 while intoxicated, or failing to stop after an accident and disclosing the applicant's identity, or
25 driving a motor vehicle without the owner's consent. The application shall contain a certification
26 by the applicant as to the truth of the facts stated therein. Every person who applies for a license
27 to operate a motor vehicle who is less than twenty-one years of age shall be provided with
28 educational materials relating to the hazards of driving while intoxicated, including information
29 on penalties imposed by law for violation of the intoxication-related offenses of the state.
30 Beginning January 1, 2001, if the applicant is less than eighteen years of age, the applicant must
31 comply with all requirements for the issuance of an intermediate driver's license pursuant to
32 section 302.178. For persons mobilized and deployed with the United States Armed Forces, an
33 application under this subsection shall be considered satisfactory by the department of revenue
34 if it is signed by a person who holds general power of attorney executed by the person deployed,
35 provided the applicant meets all other requirements set by the director.

36 2. An applicant for a license may make a donation of one dollar to promote an organ
37 donor program. The director of revenue shall collect the donations and deposit all such
38 donations in the state treasury to the credit of the organ donor program fund established in
39 sections 194.297 to 194.304, RSMo. Moneys in the organ donor program fund shall be used
40 solely for the purposes established in sections 194.297 to 194.304, RSMo, except that the
41 department of revenue shall retain no more than one percent for its administrative costs. The
42 donation prescribed in this subsection is voluntary and may be refused by the applicant for the
43 license at the time of issuance or renewal of the license. The director shall make available an
44 informational booklet or other informational sources on the importance of organ and tissue
45 donations to applicants for licensure as designed by the organ donation advisory committee
46 established in sections 194.297 to 194.304, RSMo. The director shall inquire of each applicant
47 at the time the licensee presents the completed application to the director whether the applicant
48 is interested in making the one dollar donation prescribed in this subsection and whether the
49 applicant is interested in inclusion in the organ donor registry and shall also specifically inform
50 the licensee of the ability to consent to organ donation by completing the form on the reverse of
51 the license that the applicant will receive in the manner prescribed by subdivision (1) of
52 subsection 1 of section 194.225, RSMo. A symbol shall be placed on the front of the document
53 indicating the applicant's desire to be listed in the registry. The director shall notify the

54 department of health and senior services of information obtained from applicants who indicate
55 to the director that they are interested in registry participation, and the department of health and
56 senior services shall enter the complete name, address, date of birth, race, gender and a unique
57 personal identifier in the registry established in subsection 1 of section 194.304, RSMo.

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

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

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

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

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

88 8. Notwithstanding any provision of this chapter that requires an applicant to provide
89 proof of Missouri residency for renewal of a noncommercial driver's license, noncommercial

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

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

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

✓