

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1447
97TH GENERAL ASSEMBLY

5236H.05C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 302.065, RSMo, and to enact in lieu thereof two new sections relating to driver's license source documents.

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

Section A. Section 302.065, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 302.065 and 302.067, to read as follows:

302.065. 1. Notwithstanding section 32.090 or any other provision of the law to the contrary, and except as provided in subsection 4 of this section, the department of revenue shall not retain copies, in any format, of source documents presented by individuals applying for or holding driver's licenses or nondriver's licenses. The department of revenue shall not use technology to capture digital images of source documents so that the images are capable of being retained in electronic storage in a transferable format.

2. By December 31, 2013, the department of revenue shall securely destroy so as to make irretrievable any source documents that have been obtained from driver's license or nondriver's license applicants after September 1, 2012.

3. As long as the department of revenue has the authority to issue a concealed carry endorsement, the department shall not retain copies of any certificate of qualification for a concealed carry endorsement presented to the department for an endorsement on a driver's license or nondriver's license under section 571.101. The department of revenue shall not use technology to capture digital images of a certificate of qualification nor shall the department retain digital or electronic images of such certificates. The department of revenue shall merely verify whether the applicant for a driver's license or nondriver's license has presented a certificate of qualification which will allow the applicant to obtain a concealed carry endorsement. By December 31, 2013, the department of revenue shall securely destroy so as to make irretrievable

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.

19 any copies of certificates of qualification that have been obtained from driver's license or
20 nondriver's license applicants.

21 4. The provisions of this section shall not apply to:

22 (1) Original application forms, which may be retained but not scanned;

23 (2) Test score documents issued by state highway patrol driver examiners;

24 (3) Documents demonstrating lawful presence of any applicant who is not a citizen of
25 the United States, including documents demonstrating duration of the person's lawful presence
26 in the United States; and

27 (4) Any document required to be retained under federal motor carrier regulations in Title
28 49, Code of Federal Regulations, including but not limited to documents required by federal law
29 for the issuance of a commercial driver's license and a commercial driver instruction permit; and

30 (5) Any other document at the request of and for the convenience of the applicant where
31 the applicant requests the department of revenue review alternative documents as proof required
32 for issuance of a [driver] **driver's** license, [nondriver] **nondriver's** license, or instruction permit.

33 5. As used in this section, the term "source documents" means original or certified
34 copies, where applicable, of documents presented by an applicant as required under 6 CFR Part
35 37 to the department of revenue to apply for a driver's license or nondriver's license. Source
36 documents shall also include any documents required for the issuance[, renewal, or replacement]
37 of driver's licenses or nondriver's licenses by the department of revenue under the provisions of
38 this chapter or accompanying regulations.

39 6. Any person harmed or damaged by any violation of this section may bring a civil
40 action for damages, including noneconomic and punitive damages, as well as injunctive relief,
41 in the circuit court where that person resided at the time of the violation or in the circuit court
42 [or the circuit court] of Cole County to recover such damages from the department of revenue
43 and any persons participating in such violation. Sovereign immunity shall not be available as
44 a defense for the department of revenue in such an action. In the event the plaintiff prevails on
45 any count of his or her claim, the plaintiff shall be entitled to recover reasonable attorney fees
46 from the defendants.

**302.067. Any original or certified copy, if applicable, of a document presented by
2 an applicant as required under this chapter and its accompanying regulations as proof of
3 lawful presence or citizenship to the department of revenue to apply for a driver's license
4 or nondriver's license shall not be required to be presented by the applicant for renewal
5 or replacement of the same driver's license or nondriver's license, except:**

6 **(1) Documents demonstrating lawful presence of any applicant who is not a citizen**
7 **of the United States, including documents demonstrating duration of the person's lawful**

8 presence in the United States, may be required to be presented upon each subsequent
9 application;

10 (2) The department may require the documents be presented if it is reasonably
11 believed that the prior driver's licenses or nondriver's licenses were issued as a result of
12 a fraudulent act of the applicant; and

13 (3) Applicants applying for or renewing a commercial driver's license or
14 commercial driver's instruction permit.

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