

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1447

97TH GENERAL ASSEMBLY

5236H.05P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 302.065 and 302.171, RSMo, and to enact in lieu thereof three new sections relating to driver's license issuance.

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

Section A. Sections 302.065 and 302.171, RSMo, are repealed and three new sections
2 enacted in lieu thereof, to be known as sections 302.065, 302.067, and 302.171, to read as
3 follows:

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

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

10 3. As long as the department of revenue has the authority to issue a concealed carry
11 endorsement, the department shall not retain copies of any certificate of qualification for a
12 concealed carry endorsement presented to the department for an endorsement on a driver's
13 license or nondriver's license under section 571.101. The department of revenue shall not use
14 technology to capture digital images of a certificate of qualification nor shall the department
15 retain digital or electronic images of such certificates. The department of revenue shall merely
16 verify whether the applicant for a driver's license or nondriver's license has presented a certificate

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.

17 of qualification which will allow the applicant to obtain a concealed carry endorsement. By
18 December 31, 2013, the department of revenue shall securely destroy so as to make irretrievable
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 under this chapter and its accompanying regulations as proof of lawful
3 presence or citizenship to the department of revenue to apply for a driver's license,
4 nondriver's license or instruction permit shall not be required to be presented by the
5 applicant for any subsequent new, renewal, or duplicate application, 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 to be presented if it is reasonably**
11 **believed by the department that the prior driver's license or nondriver's license was issued**
12 **as a result of a fraudulent act of the applicant; or**

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

302.171. 1. The director shall verify that an applicant for a driver's license is a Missouri
2 resident or national of the United States or a noncitizen with a lawful immigration status, and a
3 Missouri resident before accepting the application. The director shall not issue a driver's license
4 for a period that exceeds the duration of an applicant's lawful immigration status in the United
5 States. The director may establish procedures to verify the Missouri residency or United States
6 naturalization or lawful immigration status and Missouri residency of the applicant and establish
7 the duration of any driver's license issued under this section. An application for a license shall
8 be made upon an approved form furnished by the director. Every application shall state the full
9 name, Social Security number, age, height, weight, color of eyes, sex, residence, mailing address
10 of the applicant, and the classification for which the applicant has been licensed, and, if so, when
11 and by what state, and whether or not such license has ever been suspended, revoked, or
12 disqualified, and, if revoked, suspended or disqualified, the date and reason for such suspension,
13 revocation or disqualification and whether the applicant is making a one dollar donation to
14 promote an organ donation program as prescribed in subsection 2 of this section. A driver's
15 license, nondriver's license, or instruction permit issued under this chapter shall contain the
16 applicant's legal name as it appears on a birth certificate or as legally changed through marriage
17 or court order. No name change by common usage based on common law shall be permitted.
18 The application shall also contain such information as the director may require to enable the
19 director to determine the applicant's qualification for driving a motor vehicle; and shall state
20 whether or not the applicant has been convicted in this or any other state for violating the laws
21 of this or any other state or any ordinance of any municipality, relating to driving without a
22 license, careless driving, or driving while intoxicated, or failing to stop after an accident and
23 disclosing the applicant's identity, or driving a motor vehicle without the owner's consent. The
24 application shall contain a certification by the applicant as to the truth of the facts stated therein.
25 Every person who applies for a license to operate a motor vehicle who is less than twenty-one
26 years of age shall be provided with educational materials relating to the hazards of driving while
27 intoxicated, including information on penalties imposed by law for violation of the intoxication-

28 related offenses of the state. Beginning January 1, 2001, if the applicant is less than eighteen
29 years of age, the applicant must comply with all requirements for the issuance of an intermediate
30 driver's license pursuant to section 302.178. For persons mobilized and deployed with the
31 United States Armed Forces, an application under this subsection shall be considered satisfactory
32 by the department of revenue if it is signed by a person who holds general power of attorney
33 executed by the person deployed, provided the applicant meets all other requirements set by the
34 director.

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

57 3. An applicant for a license may make a donation of one dollar to promote a blindness
58 education, screening and treatment program. The director of revenue shall collect the donations
59 and deposit all such donations in the state treasury to the credit of the blindness education,
60 screening and treatment program fund established in section 192.935. Moneys in the blindness
61 education, screening and treatment program fund shall be used solely for the purposes
62 established in section 192.935 except that the department of revenue shall retain no more than
63 one percent for its administrative costs. The donation prescribed in this subsection is voluntary

64 and may be refused by the applicant for the license at the time of issuance or renewal of the
65 license. The director shall inquire of each applicant at the time the licensee presents the
66 completed application to the director whether the applicant is interested in making the one dollar
67 donation prescribed in this subsection.

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

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

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

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

87 8. Notwithstanding any provision of this chapter that requires an applicant to provide
88 proof of Missouri residency for renewal of a noncommercial driver's license, noncommercial
89 instruction permit, or nondriver's license, an applicant who is sixty-five years and older and who
90 was previously issued a Missouri noncommercial driver's license, noncommercial instruction
91 permit, or Missouri nondriver's license is exempt from showing proof of Missouri residency.

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

97 10. Notwithstanding any other provision of this chapter, if an applicant does not meet
98 the requirements of subsection 8 of this section and does not have the required documents to
99 prove Missouri residency, United States naturalization, or lawful immigration status, the

100 department may issue a one-year driver's license renewal. This one-time renewal shall only be
101 issued to an applicant who previously has held a Missouri noncommercial driver's license,
102 noncommercial instruction permit, or nondriver's license for a period of fifteen years or more and
103 who does not have the required documents to prove Missouri residency, United States
104 naturalization, or lawful immigration status. After the expiration of the one-year period, no
105 further renewal shall be provided without the applicant producing proof of Missouri residency,
106 United States naturalization, or lawful immigration status.

107 **11. Notwithstanding any other provision of law, no later than January 2, 2016, the**
108 **department shall implement same-day service for license issuance and renewal in which**
109 **an applicant's license is printed in the individual license office and is issued to the applicant**
110 **at the time of his or her application.**

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