

SECOND REGULAR SESSION

# HOUSE BILL NO. 1848

## 98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE POGUE.

5135H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 302.171, RSMo, and to enact in lieu thereof one new section relating to driver's license issuance.

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*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Section A. Section 302.171, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 302.171, to read as follows: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 before accepting the application. 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. The director may establish procedures to verify the Missouri residency or United States naturalization or lawful immigration status and Missouri residency of the applicant 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 on a birth certificate or as legally changed through marriage or court order. No name change by common usage based on common law shall be permitted.

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 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  
28 intoxication-related offenses of the state. Beginning January 1, 2001, if the applicant is less than  
29 eighteen years of age, the applicant must comply with all requirements for the issuance of an  
30 intermediate driver's license pursuant to section 302.178. For persons mobilized and deployed  
31 with the United States Armed Forces, an application under this subsection shall be considered  
32 satisfactory by the department of revenue if it is signed by a person who holds general power of  
33 attorney executed by the person deployed, provided the applicant meets all other requirements  
34 set by the 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 209.015. Moneys in the blindness  
61 education, screening and treatment program fund shall be used solely for the purposes  
62 established in section 209.015; 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, 2018, 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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