

SECOND REGULAR SESSION

# HOUSE BILL NO. 2235

98TH GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVE CORLEW.

5963H.011

D. ADAM CRUMBLISS, Chief Clerk

---

## AN ACT

To repeal section 302.183, RSMo, and to enact in lieu thereof one new section relating to driver's licenses compliant with the federal REAL ID Act of 2005, with an emergency clause.

---

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

Section A. Section 302.183, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 302.183, to read as follows:

302.183. 1. Notwithstanding any provision of this chapter that requires an applicant to provide reasonable proof of residence for issuance or renewal of a noncommercial driver's license, noncommercial instruction permit, or a nondriver's license, an applicant shall not have his or her privacy rights violated in order to obtain or renew a Missouri noncommercial driver's license, noncommercial instruction permit, or a nondriver's license.

2. Any data derived from a person's application shall not be sold for commercial purposes to any other organization or any other state without the express permission of the applicant without a court order; except such information may be shared with a law enforcement agency, judge, prosecuting attorney, or officer of the court, or with another state for the limited purposes set out in section 302.600 or for conducting driver history checks in compliance with the Motor Carrier Safety Improvement Act, 49 U.S.C. 31309. The state of Missouri shall protect the privacy of its citizens when handling any written, digital, or electronic data, and shall not participate in any standardized identification system using driver's and nondriver's license records. For purposes of this subsection, "commercial purposes" does not include data used or compiled solely to be used for, or obtained or compiled solely for purposes expressly allowed under the Missouri or federal Drivers Privacy Protection Act.

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           3. The department of revenue shall [not] amend procedures for applying for a driver's  
18 license or identification card in order to comply with the goals or standards of the federal REAL  
19 ID Act of 2005, any rules or regulations promulgated under the authority granted in such act, or  
20 any requirements adopted by the American Association of Motor Vehicle Administrators for  
21 furtherance of the act.

22           4. **The department of revenue shall issue a driver's license or identification card**  
23 **that is not compliant with the federal REAL ID Act of 2005 to those individuals who object**  
24 **to being issued a REAL ID compliant driver's license or identification card; however, a**  
25 **driver's license or identification card that is not compliant with REAL ID shall not be valid**  
26 **for official federal purposes outlined by the federal REAL ID Act of 2005. The department**  
27 **of revenue shall inform applicants of the option of being issued a REAL ID compliant**  
28 **driver's license or identification card or a driver's license or identification card that is not**  
29 **compliant with REAL ID.**

30           5. Any biometric data previously collected, obtained, or retained in connection with  
31 motor vehicle registration or operation, the issuance or renewal of driver's licenses, or the  
32 issuance or renewal of any identification cards by any department or agency of the state charged  
33 with those activities shall be retrieved and deleted from all databases. For purposes of this  
34 section, "biometric data" includes, but is not limited to:

35           (1) Facial feature pattern characteristics;

36           (2) Voice data used for comparing live speech with a previously created speech model  
37 of a person's voice;

38           (3) Iris recognition data containing color or texture patterns or codes;

39           (4) Retinal scans, reading through the pupil to measure blood vessels lining the retina;

40           (5) Fingerprint, palm prints, hand geometry, measuring of any and all characteristics of  
41 biometric information, including shape and length of fingertips or recording ridge pattern or  
42 fingertip characteristics;

43           (6) Eye spacing;

44           (7) Characteristic gait or walk;

45           (8) DNA;

46           (9) Keystroke dynamics, measuring pressure applied to key pads or other digital  
47 receiving devices.

48           [5.] 6. No citizen of this state shall have his or her privacy compromised by the state or  
49 agents of the state. The state shall within reason protect the sovereignty of the citizens the state  
50 is entrusted to protect.

          Section B. Because the freedom of travel and ability to access federal facilities is of  
2 paramount importance for Missouri citizens, section A of this act is deemed necessary for the

3 immediate preservation of the public health, welfare, peace and safety, and is hereby declared  
4 to be an emergency act within the meaning of the constitution, and section A of this act shall be  
5 in full force and effect upon its passage and approval.

✓