

SECOND REGULAR SESSION

HOUSE BILL NO. 1744

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SOMMER.

4097H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

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

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Section A. Section 302.171, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 302.171, to read as follows: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. **Notwithstanding any other provision of law to the contrary, the director shall accept electronic versions of the documents required to verify Missouri residency.** 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

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 legal name as it appears on a birth certificate or as legally changed through marriage or court
19 order. No name change by common usage based on common law shall be permitted. The
20 application shall also contain such information as the director may require to enable the director
21 to determine the applicant's qualification for driving a motor vehicle; and shall state whether or
22 not the applicant has been convicted in this or any other state for violating the laws of this or any
23 other state or any ordinance of any municipality, relating to driving without a license, careless
24 driving, or driving while intoxicated, or failing to stop after an accident and disclosing the
25 applicant's identity, or driving a motor vehicle without the owner's consent. The application shall
26 contain a certification by the applicant as to the truth of the facts stated therein. Every person
27 who applies for a license to operate a motor vehicle who is less than twenty-one years of age
28 shall be provided with educational materials relating to the hazards of driving while intoxicated,
29 including information on penalties imposed by law for violation of the intoxication-related
30 offenses of the state. Beginning January 1, 2001, if the applicant is less than eighteen years of
31 age, the applicant must comply with all requirements for the issuance of an intermediate driver's
32 license pursuant to section 302.178. For persons mobilized and deployed with the United States
33 Armed Forces, an application under this subsection shall be considered satisfactory by the
34 department of revenue if it is signed by a person who holds general power of attorney executed
35 by the person deployed, 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. Moneys in the organ donor program fund shall be used solely for
40 the purposes established in sections 194.297 to 194.304 except that the department of revenue
41 shall retain no more than one percent for its administrative costs. The donation prescribed in this
42 subsection is voluntary and may be refused by the applicant for the license at the time of issuance
43 or renewal of the license. The director shall make available an informational booklet or other
44 informational sources on the importance of organ and tissue donations to applicants for licensure
45 as designed by the organ donation advisory committee established in sections 194.297 to
46 194.304. The director shall inquire of each applicant at the time the licensee presents the
47 completed application to the director whether the applicant is interested in making the one dollar
48 donation prescribed in this subsection and whether the applicant is interested in inclusion in the
49 organ donor registry and shall also specifically inform the licensee of the ability to consent to
50 organ donation by placing a donor symbol sticker authorized and issued by the department of
51 health and senior services on the back of his or her driver's license or identification card as
52 prescribed by subdivision (1) of subsection 1 of section 194.225. A symbol may be placed on
53 the front of the license or identification card indicating the applicant's desire to be listed in the

54 registry at the applicant's request at the time of his or her application for a driver's license or
55 identification card, or the applicant may instead request an organ donor sticker from the
56 department of health and senior services by application on the department of health and senior
57 services' website. Upon receipt of an organ donor sticker sent by the department of health and
58 senior services, the applicant shall place the sticker on the back of his or her driver's license or
59 identification card to indicate that he or she has made an anatomical gift. The director shall
60 notify the department of health and senior services of information obtained from applicants who
61 indicate to the director that they are interested in registry participation, and the department of
62 health and senior services shall enter the complete name, address, date of birth, race, gender and
63 a unique personal identifier in the registry established in subsection 1 of section 194.304.

64 3. An applicant for a license may make a donation of one dollar to promote a blindness
65 education, screening and treatment program. The director of revenue shall collect the donations
66 and deposit all such donations in the state treasury to the credit of the blindness education,
67 screening and treatment program fund established in section 209.015. Moneys in the blindness
68 education, screening and treatment program fund shall be used solely for the purposes
69 established in section 209.015; except that the department of revenue shall retain no more than
70 one percent for its administrative costs. The donation prescribed in this subsection is voluntary
71 and may be refused by the applicant for the license at the time of issuance or renewal of the
72 license. The director shall inquire of each applicant at the time the licensee presents the
73 completed application to the director whether the applicant is interested in making the one dollar
74 donation prescribed in this subsection.

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

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

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

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

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

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

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

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