

FIRST REGULAR SESSION

# HOUSE BILL NO. 861

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SIMMONS.

2139H.011

JOSEPH ENGLER, Chief Clerk

## AN ACT

To repeal section 302.181, RSMo, and to enact in lieu thereof one new section relating to driver's and nondriver's licenses for United States citizens.

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

Section A. Section 302.181, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 302.181, to read as follows:

302.181. 1. The license issued pursuant to the provisions of sections 302.010 to 302.340 shall be in such form as the director shall prescribe, but the license shall be a card made of plastic or other comparable material. All licenses shall be manufactured of materials and processes that will prohibit, as nearly as possible, the ability to reproduce, alter, counterfeit, forge, or duplicate any license without ready detection. The license shall also bear the expiration date of the license, the classification of the license, the name, date of birth, residence address including the county of residence or a code number corresponding to such county established by the department, and brief description and colored digitized image of the licensee, and a facsimile of the signature of the licensee. The director shall provide by administrative rule the procedure and format for a licensee to indicate on the back of the license together with the designation for an anatomical gift as provided in section 194.240 the name and address of the person designated pursuant to sections 404.800 to 404.865 as the licensee's attorney in fact for the purposes of a durable power of attorney for health care decisions. No license shall be valid until it has been so signed by the licensee. If any portion of the license is prepared by a private firm, any contract with such firm shall be made in accordance with the competitive purchasing procedures as established by the state director of the division of purchasing.

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           2. All digital images produced for licenses shall become the property of the  
19 department of revenue.

20           3. The license issued shall be carried at all times by the holder thereof while driving a  
21 motor vehicle, and shall be displayed upon demand of any officer of the highway patrol, or  
22 any police officer or peace officer, or any other duly authorized person, for inspection when  
23 demand is made therefor. Failure of any operator of a motor vehicle to exhibit his or her  
24 license to any duly authorized officer shall be presumptive evidence that such person is not a  
25 duly licensed operator.

26           4. The director of revenue shall not issue a license without a facial digital image of  
27 the license applicant, except as provided pursuant to subsection 7 of this section. A digital  
28 image of the applicant's full facial features shall be taken in a manner prescribed by the  
29 director. No digital image shall be taken wearing anything which cloaks the facial features of  
30 the individual.

31           5. The department of revenue may issue a temporary license or a full license without  
32 the photograph or with the last photograph or digital image in the department's records to  
33 members of the Armed Forces, except that where such temporary license is issued it shall be  
34 valid only until the applicant shall have had time to appear and have his or her picture taken  
35 and a license with his or her photograph issued.

36           6. The department of revenue shall issue upon request a nondriver's license card  
37 containing essentially the same information and photograph or digital image, except as  
38 provided pursuant to subsection 7 of this section, as the driver's license upon payment of six  
39 dollars. All nondriver's licenses shall expire on the applicant's birthday in the sixth year after  
40 issuance. A person who has passed his or her seventieth birthday shall upon application be  
41 issued a nonexpiring nondriver's license card. Notwithstanding any other provision of this  
42 chapter, a nondriver's license containing a concealed carry endorsement shall expire three  
43 years from the date the certificate of qualification was issued pursuant to section 571.101, as  
44 section 571.101 existed prior to August 28, 2013. The fee for nondriver's licenses issued for a  
45 period exceeding three years is six dollars or three dollars for nondriver's licenses issued for a  
46 period of three years or less. The nondriver's license card shall be used for identification  
47 purposes only and shall not be valid as a license.

48           7. If otherwise eligible, an applicant may receive a driver's license or nondriver's  
49 license without a photograph or digital image of the applicant's full facial features except that  
50 such applicant's photograph or digital image shall be taken and maintained by the director and  
51 not printed on such license. In order to qualify for a license without a photograph or digital  
52 image pursuant to this section the applicant must:

53           (1) Present a form provided by the department of revenue requesting the applicant's  
54 photograph be omitted from the license or nondriver's license due to religious affiliations.

55 The form shall be signed by the applicant and another member of the religious tenant  
56 verifying the photograph or digital image exemption on the license or nondriver's license is  
57 required as part of their religious affiliation. The required signatures on the prescribed form  
58 shall be properly notarized;

59 (2) Provide satisfactory proof to the director that the applicant has been a United  
60 States citizen for at least five years and a resident of this state for at least one year, except that  
61 an applicant moving to this state possessing a valid driver's license from another state without  
62 a photograph shall be exempt from the one-year state residency requirement. The director  
63 may establish rules necessary to determine satisfactory proof of citizenship and residency  
64 pursuant to this section;

65 (3) Applications for a driver's license or nondriver's license without a photograph or  
66 digital image must be made in person at a license office determined by the director. The  
67 director is authorized to limit the number of offices that may issue a driver's or nondriver's  
68 license without a photograph or digital image pursuant to this section.

69 8. The department of revenue shall make available, at one or more locations within  
70 the state, an opportunity for individuals to have their full facial photograph taken by an  
71 employee of the department of revenue, or their designee, who is of the same sex as the  
72 individual being photographed, in a segregated location.

73 9. Beginning July 1, 2005, the director shall not issue a driver's license or a  
74 nondriver's license for a period that exceeds an applicant's lawful presence in the United  
75 States. The director may, by rule or regulation, establish procedures to verify the lawful  
76 presence of the applicant and establish the duration of any driver's license or nondriver's  
77 license issued under this section.

78 10. (1) Notwithstanding any biometric data restrictions contained in section 302.170,  
79 the department of revenue is hereby authorized to design and implement a secure digital  
80 driver's license program that allows applicants applying for a driver's license in accordance  
81 with this chapter to obtain a secure digital driver's license in addition to the physical card-  
82 based license specified in this section.

83 (2) A digital driver's license as described in this subsection shall be accepted for all  
84 purposes for which a license, as defined in section 302.010, is used.

85 (3) The department may contract with one or more entities to develop the secure  
86 digital driver's license system. The department or entity may develop a mobile software  
87 application capable of being utilized through a person's electronic device to access the  
88 person's secure digital driver's license.

89 (4) The department shall suspend, disable, or terminate a person's participation in the  
90 secure digital driver's license program if:

91 (a) The person's driving privilege is suspended, revoked, denied, withdrawn, or  
92 cancelled as provided in this chapter; or

93 (b) The person reports that the person's electronic device has been lost, stolen, or  
94 compromised.

95 **11. Beginning July 1, 2026, any driver's license or nondriver's license issued to a**  
96 **person who is a citizen of the United States, including naturalized citizens, shall have a**  
97 **distinguishing mark on the front of the license that specifies that the license holder is a**  
98 **citizen of the United States. The department of revenue shall coordinate with the United**  
99 **States Department of State to establish criteria for establishing citizen status and a**  
100 **procedure for verifying status. If the person meets the exemption requirements of**  
101 **subsection 9 or 11 of section 302.171, and provides satisfactory proof to the director that**  
102 **the applicant has been a United States citizen for at least five years and signs an**  
103 **affidavit to that effect, the applicant's driver's license or nondriver's license shall have a**  
104 **distinguishing mark on the front of the license and shall be readable and referenced by a**  
105 **scannable code on the back of the license that specifies that the license holder is a citizen**  
106 **of the United States.**

107 ~~[11.]~~ 12. The director of the department of revenue may promulgate rules as  
108 necessary for the implementation of this section. Any rule or portion of a rule, as that term is  
109 defined in section 536.010 that is created under the authority delegated in this section shall  
110 become effective only if it complies with and is subject to all of the provisions of chapter 536  
111 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any  
112 of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the  
113 effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then  
114 the grant of rulemaking authority and any rule proposed or adopted after August 28, 2020,  
115 shall be invalid and void.

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