

FIRST REGULAR SESSION

HOUSE BILL NO. 1289

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DOUGLAS.

2829H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 136.055, 302.178, and 302.181, RSMo, and to enact in lieu thereof three new sections relating to the provision of state identification cards for at-risk youth.

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

Section A. Sections 136.055, 302.178, and 302.181, RSMo, are repealed and three
2 new sections enacted in lieu thereof, to be known as sections 136.055, 302.178, and 302.181,
3 to read as follows:

136.055. 1. **Except as provided in subsection 8 of this section**, any person who is
2 selected or appointed by the state director of revenue as provided in subsection 2 of this
3 section to act as an agent of the department of revenue, whose duties shall be the processing
4 of motor vehicle title and registration transactions and the collection of sales and use taxes
5 when required under sections 144.070 and 144.440, and who receives no salary from the
6 department of revenue, shall be authorized to collect from the party requiring such services
7 additional fees as compensation in full and for all services rendered on the following basis:

8 (1) For each motor vehicle or trailer registration issued, renewed or transferred, six
9 dollars and twelve dollars for those licenses sold or biennially renewed pursuant to section
10 301.147;

11 (2) For each application or transfer of title, six dollars;

12 (3) For each instruction permit, nondriver license, chauffeur's, operator's or driver's
13 license issued for a period of three years or less, six dollars and twelve dollars for licenses or
14 instruction permits issued or renewed for a period exceeding three years;

15 (4) For each notice of lien processed, six dollars;

16 (5) Notary fee or electronic transmission per processing, two dollars.

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 2. The director of revenue shall award fee office contracts under this section through
18 a competitive bidding process. The competitive bidding process shall give priority to
19 organizations and entities that are exempt from taxation under Section 501(c)(3), 501(c)(6), or
20 501(c)(4), except those civic organizations that would be considered action organizations
21 under 26 C.F.R. Section 1.501 (c)(3)-1(c)(3), of the Internal Revenue Code of 1986, as
22 amended, with special consideration given to those organizations and entities that reinvest a
23 minimum of seventy-five percent of the net proceeds to charitable organizations in Missouri,
24 and political subdivisions, including but not limited to, municipalities, counties, and fire
25 protection districts. The director of the department of revenue may promulgate rules and
26 regulations necessary to carry out the provisions of this subsection. Any rule or portion of a
27 rule, as that term is defined in section 536.010, that is created under the authority delegated in
28 this subsection shall become effective only if it complies with and is subject to all of the
29 provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536
30 are nonseverable and if any of the powers vested with the general assembly pursuant to
31 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
32 subsequently held unconstitutional, then the grant of rulemaking authority and any rule
33 proposed or adopted after August 28, 2009, shall be invalid and void.

34 3. All fees collected by a tax-exempt organization may be retained and used by the
35 organization.

36 4. All fees charged shall not exceed those in this section. The fees imposed by this
37 section shall be collected by all permanent offices and all full-time or temporary offices
38 maintained by the department of revenue.

39 5. Any person acting as agent of the department of revenue for the sale and issuance
40 of registrations, licenses, and other documents related to motor vehicles shall have an
41 insurable interest in all license plates, licenses, tabs, forms and other documents held on
42 behalf of the department.

43 6. The fees authorized by this section shall not be collected by motor vehicle dealers
44 acting as agents of the department of revenue under section 32.095 or those motor vehicle
45 dealers authorized to collect and remit sales tax under subsection 10 of section 144.070.

46 7. Notwithstanding any other provision of law to the contrary, the state auditor may
47 audit all records maintained and established by the fee office in the same manner as the
48 auditor may audit any agency of the state, and the department shall ensure that this audit
49 requirement is a necessary condition for the award of all fee office contracts. No confidential
50 records shall be divulged in such a way to reveal personally identifiable information.

51 **8. The fees described in subsection 1 of this section shall not be collected from**
52 **any person who qualifies as a homeless child or homeless youth, as defined in subsection**
53 **1 of section 167.020, or as an unaccompanied youth as defined in 42 U.S.C. Section**

54 **11434a(6). Such person's status as a homeless child or youth or unaccompanied youth**
55 **shall be verified by a letter signed by one of the following persons:**

56 (1) **A director or designee of a governmental or nonprofit agency that receives**
57 **public or private funding to provide services to homeless persons;**

58 (2) **A local education agency liaison for homeless children and youth designated**
59 **under 42 U.S.C. Section 11432(g)(1)(J)(ii), or a school social worker or counselor; or**

60 (3) **A licensed attorney representing the minor in any legal matter.**

302.178. 1. Any person between the ages of sixteen and eighteen years who is
2 qualified to obtain a license pursuant to sections 302.010 to 302.340 may apply for, and the
3 director shall issue, an intermediate driver's license entitling the applicant, while having such
4 license in his or her possession, to operate a motor vehicle of the appropriate class upon the
5 highways of this state in conjunction with the requirements of this section. An intermediate
6 driver's license shall be readily distinguishable from a license issued to those over the age of
7 eighteen. All applicants for an intermediate driver's license shall:

8 (1) Successfully complete the examination required by section 302.173;

9 (2) Pay the fee required by subsection 4 of this section;

10 (3) Have had a temporary instruction permit issued pursuant to subsection 1 of
11 section 302.130 for at least a six-month period or a valid license from another state; and

12 (4) Have a parent, grandparent, legal guardian, or, if the applicant is a participant in a
13 federal residential job training program, a driving instructor employed by a federal residential
14 job training program, sign the application stating that the applicant has completed at least
15 forty hours of supervised driving experience under a temporary instruction permit issued
16 pursuant to subsection 1 of section 302.130, or, if the applicant is an emancipated minor, the
17 person over twenty-one years of age who supervised such driving. For purposes of this
18 section, the term "emancipated minor" means a person who is at least sixteen years of age, but
19 less than eighteen years of age, who:

20 (a) Marries with the consent of the legal custodial parent or legal guardian pursuant to
21 section 451.080;

22 (b) Has been declared emancipated by a court of competent jurisdiction;

23 (c) Enters active duty in the Armed Forces;

24 (d) Has written consent to the emancipation from the custodial parent or legal
25 guardian; ~~or~~

26 (e) Through employment or other means provides for such person's own food, shelter
27 and other cost-of-living expenses; or

28 (f) **Qualifies as a homeless child or homeless youth, as defined in subsection 1 of**
29 **section 167.020, or as an unaccompanied youth as defined in 42 U.S.C. Section 11434a**
30 **(6), and whose status as such is verified as provided under subsection 10 of this section;**

31 (5) Have had no alcohol-related enforcement contacts as defined in section 302.525
32 during the preceding twelve months; and

33 (6) Have no nonalcoholic traffic convictions for which points are assessed pursuant to
34 section 302.302, within the preceding six months.

35 2. An intermediate driver's license grants the licensee the same privileges to operate
36 that classification of motor vehicle as a license issued pursuant to section 302.177, except that
37 no person shall operate a motor vehicle on the highways of this state under such an
38 intermediate driver's license between the hours of 1:00 a.m. and 5:00 a.m. unless
39 accompanied by a person described in subsection 1 of section 302.130; except the licensee
40 may operate a motor vehicle without being accompanied if the travel is to or from a school or
41 educational program or activity, a regular place of employment or in emergency situations as
42 defined by the director by regulation.

43 3. Each intermediate driver's license shall be restricted by requiring that the driver
44 and all passengers in the licensee's vehicle wear safety belts at all times. This safety belt
45 restriction shall not apply to a person operating a motorcycle. For the first six months after
46 issuance of the intermediate driver's license, the holder of the license shall not operate a motor
47 vehicle with more than one passenger who is under the age of nineteen who is not a member
48 of the holder's immediate family. As used in this subsection, an intermediate driver's license
49 holder's immediate family shall include brothers, sisters, stepbrothers or stepsisters of the
50 driver, including adopted or foster children residing in the same household of the intermediate
51 driver's license holder. After the expiration of the first six months, the holder of an
52 intermediate driver's license shall not operate a motor vehicle with more than three passengers
53 who are under nineteen years of age and who are not members of the holder's immediate
54 family. The passenger restrictions of this subsection shall not be applicable to any
55 intermediate driver's license holder who is operating a motor vehicle being used in
56 agricultural work-related activities.

57 4. Notwithstanding the provisions of section 302.177 to the contrary, the fee for an
58 intermediate driver's license shall be five dollars and such license shall be valid for a period of
59 two years. **Such fee shall be waived for any person qualifying as an emancipated minor
60 under subdivision (4) of subsection 1 of this section.**

61 5. Any intermediate driver's licensee accumulating six or more points in a twelve-
62 month period may be required to participate in and successfully complete a driver-
63 improvement program approved by the state highways and transportation commission. The
64 driver-improvement program ordered by the director of revenue shall not be used in lieu of
65 point assessment.

66 6. (1) An intermediate driver's licensee who has, for the preceding twelve-month
67 period, had no alcohol-related enforcement contacts, as defined in section 302.525 and no

68 traffic convictions for which points are assessed, upon reaching the age of eighteen years or
69 within the thirty days immediately preceding their eighteenth birthday may apply for and
70 receive without further examination, other than a vision test as prescribed by section 302.173,
71 a license issued pursuant to this chapter granting full driving privileges. Such person shall
72 pay the required fee for such license as prescribed in section 302.177.

73 (2) If an intermediate driver's license expires on a Saturday, Sunday, or legal holiday,
74 such license shall remain valid for the five business days immediately following the
75 expiration date. In no case shall a licensee whose intermediate driver's license expires on a
76 Saturday, Sunday, or legal holiday be guilty of an offense of driving with an expired or invalid
77 driver's license if such offense occurred within five business days immediately following an
78 expiration date that occurs on a Saturday, Sunday, or legal holiday.

79 (3) The director of revenue shall deny an application for a full driver's license until
80 the person has had no traffic convictions for which points are assessed for a period of twelve
81 months prior to the date of application for license or until the person is eligible to apply for a
82 six-year driver's license as provided for in section 302.177, provided the applicant is
83 otherwise eligible for full driving privileges. An intermediate driver's license shall expire
84 when the licensee is eligible and receives a full driver's license as prescribed in subdivision
85 (1) of this section.

86 7. No person upon reaching the age of eighteen years whose intermediate driver's
87 license and driving privilege is denied, suspended, cancelled or revoked in this state or any
88 other state for any reason may apply for a full driver's license until such license or driving
89 privilege is fully reinstated. Any such person whose intermediate driver's license has been
90 revoked pursuant to the provisions of sections 302.010 to 302.540 shall, upon receipt of
91 reinstatement of the revocation from the director, pass the complete driver examination, apply
92 for a new license, and pay the proper fee before again operating a motor vehicle upon the
93 highways of this state.

94 8. A person shall be exempt from the intermediate licensing requirements if the
95 person has reached the age of eighteen years and meets all other licensing requirements.

96 9. Any person who violates any of the provisions of this section relating to
97 intermediate drivers' licenses or the provisions of section 302.130 relating to temporary
98 instruction permits is guilty of an infraction, and no points shall be assessed to his or her
99 driving record for any such violation.

100 10. **A person's status as a homeless child or youth or unaccompanied youth**
101 **under paragraph (f) of subdivision (4) of subsection 1 of this section shall be verified by**
102 **a letter signed by one of the following persons:**

103 (1) **A director or designee of a governmental or nonprofit agency that receives**
104 **public or private funding to provide services to homeless persons;**

105 **(2) A local education agency liaison for homeless children and youth designated**
106 **under 42 U.S.C. Section 11432(g)(1)(J)(ii), or a school social worker or counselor; or**

107 **(3) A licensed attorney representing the minor in any legal matter.**

108 **11.** Any rule or portion of a rule, as that term is defined in section 536.010, that is
109 created under the authority delegated in this section shall become effective only if it complies
110 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
111 This section and chapter 536 are nonseverable and if any of the powers vested with the
112 general assembly pursuant to chapter 536 to review, to delay the effective date or to
113 disapprove and annul a rule are subsequently held unconstitutional, then the grant of
114 rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid
115 and void.

302.181. 1. The license issued pursuant to the provisions of sections 302.010 to
2 302.340 shall be in such form as the director shall prescribe, but the license shall be a card
3 made of plastic or other comparable material. All licenses shall be manufactured of materials
4 and processes that will prohibit, as nearly as possible, the ability to reproduce, alter,
5 counterfeit, forge, or duplicate any license without ready detection. The license shall also
6 bear the expiration date of the license, the classification of the license, the name, date of birth,
7 residence address including the county of residence or a code number corresponding to such
8 county established by the department, and brief description and colored digitized image of the
9 licensee, and a facsimile of the signature of the licensee. The director shall provide by
10 administrative rule the procedure and format for a licensee to indicate on the back of the
11 license together with the designation for an anatomical gift as provided in section 194.240 the
12 name and address of the person designated pursuant to sections 404.800 to 404.865 as the
13 licensee's attorney in fact for the purposes of a durable power of attorney for health care
14 decisions. No license shall be valid until it has been so signed by the licensee. If any portion
15 of the license is prepared by a private firm, any contract with such firm shall be made in
16 accordance with the competitive purchasing procedures as established by the state director of
17 the division of purchasing.

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. **No fee shall be required or collected from**
48 **a homeless child or homeless youth, as defined in subsection 1 of section 167.020, or**
49 **unaccompanied youth, as defined in 42 U.S.C. Section 11434a(6), for a first nondriver's**
50 **license card issued under this subsection. Such person's status as a homeless child or**
51 **youth or unaccompanied youth shall be verified by a letter signed by one of the**
52 **following persons:**

53 (1) **A director or designee of a governmental or nonprofit agency that receives**
54 **public or private funding to provide services to homeless persons;**

55 (2) **A local education agency liaison for homeless children and youth designated**
56 **under 42 U.S.C. Section 11432(g)(1)(J)(ii), or a school social worker or counselor; or**

57 (3) **A licensed attorney representing the minor in any legal matter.**

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

63 (1) Present a form provided by the department of revenue requesting the applicant's
64 photograph be omitted from the license or nondriver's license due to religious affiliations.
65 The form shall be signed by the applicant and another member of the religious tenant
66 verifying the photograph or digital image exemption on the license or nondriver's license is
67 required as part of their religious affiliation. The required signatures on the prescribed form
68 shall be properly notarized;

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

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

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

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

88 10. (1) Notwithstanding any biometric data restrictions contained in section 302.170,
89 the department of revenue is hereby authorized to design and implement a secure digital
90 driver's license program that allows applicants applying for a driver's license in accordance
91 with this chapter to obtain a secure digital driver's license in addition to the physical card-
92 based license specified in this section.

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

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

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

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

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

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

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