

SECOND REGULAR SESSION

HOUSE BILL NO. 1676

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SEITZ.

4015H.01I

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 302.181, RSMo, and to enact in lieu thereof two new sections relating to digital identification.

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

Section A. Section 302.181, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 1.3055 and 302.181, to read as follows:

1.3055. 1. Notwithstanding the provisions of chapter 302 or any other law to the contrary concerning digital identification, the state shall not implement or enforce any laws requiring digital identification including, but not limited to:

(1) The development, deployment, or maintenance of any state-sponsored digital identification system;

(2) Any mandate requiring individuals to obtain or use digital identification to access public or private services, benefits, or facilities;

(3) The use of biometric data, as defined in section 302.170, as a requirement for identification or verification within state agencies or government contracts; or

(4) The sharing of an individual's digital identity data with federal agencies, international organizations, or private entities without the individual's explicit and informed consent.

2. For purposes of this section, "digital identification" means information stored on a digital network that may be accessed by a governmental or commercial entity and that serves as proof of the identity of an individual.

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

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.

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.

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~~
79 ~~302.170, the department of revenue is hereby authorized to design and implement a secure~~
80 ~~digital driver's license program that allows applicants applying for a driver's license in~~
81 ~~accordance with this chapter to obtain a secure digital driver's license in addition to the~~
82 ~~physical card-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 ~~canceled 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.]~~ The director of the department of revenue may promulgate rules as necessary for
96 the implementation of this section. Any rule or portion of a rule, as that term is defined in
97 section 536.010 that is created under the authority delegated in this section shall become
98 effective only if it complies with and is subject to all of the provisions of chapter 536 and, if
99 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the
100 powers vested with the general assembly pursuant to chapter 536 to review, to delay the
101 effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then
102 the grant of rulemaking authority and any rule proposed or adopted after August 28, 2020,
103 shall be invalid and void.

✓