

SECOND REGULAR SESSION

# HOUSE BILL NO. 2076

## 103RD GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVE PHELPS.

4474H.011

JOSEPH ENGLER, Chief Clerk

---

### AN ACT

To repeal section 302.171, RSMo, and to enact in lieu thereof one new section relating to sex designation on 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Section A. Section 302.171, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 302.171, to read as follows: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. 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 or more dollar donation to promote an organ donation program as prescribed in subsection 2 of this section, to promote a blindness education, screening and treatment program as prescribed in subsection 3 of this section, or the Missouri medal of honor recipients fund prescribed in subsection 4 of this section. A driver's license,

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 nondriver's license, or instruction permit issued under this chapter shall contain the applicant's  
19 legal name as it appears on a birth certificate or as legally changed through marriage or court  
20 order. No name change by common usage based on common law shall be permitted. The  
21 application shall also contain such information as the director may require to enable the  
22 director to determine the applicant's qualification for driving a motor vehicle; and shall state  
23 whether or not the applicant has been convicted in this or any other state for violating the laws  
24 of this or any other state or any ordinance of any municipality, relating to driving without a  
25 license, careless driving, or driving while intoxicated, or failing to stop after an accident and  
26 disclosing the applicant's identity, or driving a motor vehicle without the owner's consent.  
27 The application shall contain a certification by the applicant as to the truth of the facts stated  
28 therein. Every person who applies for a license to operate a motor vehicle who is less than  
29 twenty-one years of age shall be provided with educational materials relating to the hazards of  
30 driving while intoxicated, including information on penalties imposed by law for violation of  
31 the intoxication-related offenses of the state. Beginning January 1, 2001, if the applicant is  
32 less than eighteen years of age, the applicant must comply with all requirements for the  
33 issuance of an intermediate driver's license pursuant to section 302.178. For persons  
34 mobilized and deployed with the United States Armed Forces, an application under this  
35 subsection shall be considered satisfactory by the department of revenue if it is signed by a  
36 person who holds general power of attorney executed by the person deployed, provided the  
37 applicant meets all other requirements set by the director.

38       2. An applicant for a license may make a donation of an amount not less than one  
39 dollar to promote an organ donor program. The director of revenue shall collect the donations  
40 and deposit all such donations in the state treasury to the credit of the organ donor program  
41 fund established in sections 194.297 to 194.304. Moneys in the organ donor program fund  
42 shall be used solely for the purposes established in sections 194.297 to 194.304 except that  
43 the department of revenue shall retain no more than one percent for its administrative costs.  
44 The donation prescribed in this subsection is voluntary and may be refused by the applicant  
45 for the license at the time of issuance or renewal of the license. The director shall make  
46 available an informational booklet or other informational sources on the importance of organ  
47 and tissue donations to applicants for licensure as designed by the organ donation advisory  
48 committee established in sections 194.297 to 194.304. The director shall inquire of each  
49 applicant at the time the licensee presents the completed application to the director whether  
50 the applicant is interested in making the one or more dollar donation prescribed in this  
51 subsection and whether the applicant is interested in inclusion in the organ donor registry and  
52 shall also specifically inform the licensee of the ability to consent to organ donation by  
53 placing a donor symbol sticker authorized and issued by the department of health and senior  
54 services on the back of his or her driver's license or identification card as prescribed by

55 subdivision (1) of subsection 1 of section 194.225. A symbol may be placed on the front of  
56 the license or identification card indicating the applicant's desire to be listed in the registry at  
57 the applicant's request at the time of his or her application for a driver's license or  
58 identification card, or the applicant may instead request an organ donor sticker from the  
59 department of health and senior services by application on the department of health and senior  
60 services' website. Upon receipt of an organ donor sticker sent by the department of health and  
61 senior services, the applicant shall place the sticker on the back of his or her driver's license or  
62 identification card to indicate that he or she has made an anatomical gift. The director shall  
63 notify the department of health and senior services of information obtained from applicants  
64 who indicate to the director that they are interested in registry participation, and the  
65 department of health and senior services shall enter the complete name, address, date of birth,  
66 race, gender and a unique personal identifier in the registry established in subsection 1 of  
67 section 194.304.

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

79         4. An applicant for registration may make a donation of one dollar to the Missouri  
80 medal of honor recipients fund. The director of revenue shall collect the donations and  
81 deposit all such donations in the state treasury to the credit of the Missouri medal of honor  
82 recipients fund as established in section 226.925. Moneys in the medal of honor recipients  
83 fund shall be used solely for the purposes established in section 226.925, except that the  
84 department of revenue shall retain no more than one percent for its administrative costs. The  
85 donation prescribed in this subsection is voluntary and may be refused by the applicant for  
86 registration at the time of issuance or renewal. The director shall inquire of each applicant at  
87 the time the applicant presents the completed application to the director whether the applicant  
88 is interested in making the one dollar donation prescribed in this subsection.

89         5. Beginning July 1, 2005, the director shall deny the driving privilege of any person  
90 who commits fraud or deception during the examination process or who makes application  
91 for an instruction permit, driver's license, or nondriver's license which contains or is

92 substantiated with false or fraudulent information or documentation, or who knowingly  
93 conceals a material fact or otherwise commits a fraud in any such application. The period of  
94 denial shall be one year from the effective date of the denial notice sent by the director. The  
95 denial shall become effective ten days after the date the denial notice is mailed to the person.  
96 The notice shall be mailed to the person at the last known address shown on the person's  
97 driving record. The notice shall be deemed received three days after mailing unless returned  
98 by the postal authorities. No such individual shall reapply for a driver's examination,  
99 instruction permit, driver's license, or nondriver's license until the period of denial is  
100 completed. No individual who is denied the driving privilege under this section shall be  
101 eligible for a limited driving privilege issued under section 302.309.

102         6. All appeals of denials under this section shall be made as required by section  
103 302.311.

104         7. The period of limitation for criminal prosecution under this section shall be  
105 extended under subdivision (1) of subsection 3 of section 556.036.

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

109         9. Notwithstanding any provision of this chapter that requires an applicant to provide  
110 proof of Missouri residency for renewal of a noncommercial driver's license, noncommercial  
111 instruction permit, or nondriver's license, an applicant who is sixty-five years and older and  
112 who was previously issued a Missouri noncommercial driver's license, noncommercial  
113 instruction permit, or Missouri nondriver's license is exempt from showing proof of Missouri  
114 residency.

115         10. Notwithstanding any provision of this chapter, for the renewal of a  
116 noncommercial driver's license, noncommercial instruction permit, or nondriver's license, a  
117 photocopy of an applicant's United States birth certificate along with another form of  
118 identification approved by the department of revenue, including, but not limited to, United  
119 States military identification or United States military discharge papers, shall constitute  
120 sufficient proof of Missouri citizenship.

121         11. Notwithstanding any other provision of this chapter, if an applicant does not meet  
122 the requirements of subsection 9 of this section and does not have the required documents to  
123 prove Missouri residency, United States naturalization, or lawful immigration status, the  
124 department may issue a one-year driver's license renewal. This one-time renewal shall only  
125 be issued to an applicant who previously has held a Missouri noncommercial driver's license,  
126 noncommercial instruction permit, or nondriver's license for a period of fifteen years or more  
127 and who does not have the required documents to prove Missouri residency, United States  
128 naturalization, or lawful immigration status. After the expiration of the one-year period, no

129 further renewal shall be provided without the applicant producing proof of Missouri  
130 residency, United States naturalization, or lawful immigration status.

131 **12. Notwithstanding any other provision of law to the contrary, in order to**  
132 **obtain a driver's license, nondriver's license, or instruction permit issued under this**  
133 **chapter denoting a sex other than an applicant's biological sex assigned at birth, the**  
134 **applicant shall provide an amended birth certificate that reflects the sex designation**  
135 **requested.**

✓