

FIRST REGULAR SESSION

SENATE BILL NO. 195

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR STOUFFER.

Read 1st time January 27, 2011, and ordered printed.

TERRY L. SPIELER, Secretary.

1217S.011

AN ACT

To repeal section 302.171, RSMo, and to enact in lieu thereof one new section relating to the issuance of driver's licenses and nondriver's licenses to noncitizens.

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Section A. Section 302.171, RSMo, is repealed and one new section
2 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
2 license is a Missouri resident or national of the United States or a noncitizen
3 with a lawful immigration status, and a Missouri resident before accepting the
4 application. The director shall not issue a driver's license for a period that
5 exceeds the duration of an applicant's lawful immigration status in the United
6 States. The director may establish procedures to verify the Missouri residency or
7 United States naturalization or lawful immigration status and Missouri residency
8 of the applicant and establish the duration of any driver's license issued under
9 this section. An application for a license shall be made upon an approved form
10 furnished by the director. Every application shall state the full name, Social
11 Security number, age, height, weight, color of eyes, sex, residence, mailing
12 address of the applicant, and the classification for which the applicant has been
13 licensed, and, if so, when and by what state, and whether or not such license has
14 ever been suspended, revoked, or disqualified, and, if revoked, suspended or
15 disqualified, the date and reason for such suspension, revocation or
16 disqualification and whether the applicant is making a one dollar donation to
17 promote an organ donation program as prescribed in subsection 2 of this section.
18 A driver's license, nondriver's license, or instruction permit issued under this
19 chapter shall contain the applicant's legal name as it appears on a birth

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

47 2. An applicant for a license may make a donation of one dollar to promote
48 an organ donor program. The director of revenue shall collect the donations and
49 deposit all such donations in the state treasury to the credit of the organ donor
50 program fund established in sections 194.297 to 194.304. Moneys in the organ
51 donor program fund shall be used solely for the purposes established in sections
52 194.297 to 194.304 except that the department of revenue shall retain no more
53 than one percent for its administrative costs. The donation prescribed in this
54 subsection is voluntary and may be refused by the applicant for the license at the
55 time of issuance or renewal of the license. The director shall make available an

56 informational booklet or other informational sources on the importance of organ
57 and tissue donations to applicants for licensure as designed by the organ donation
58 advisory committee established in sections 194.297 to 194.304. The director shall
59 inquire of each applicant at the time the licensee presents the completed
60 application to the director whether the applicant is interested in making the one
61 dollar donation prescribed in this subsection and whether the applicant is
62 interested in inclusion in the organ donor registry and shall also specifically
63 inform the licensee of the ability to consent to organ donation by completing the
64 form on the reverse of the license that the applicant will receive in the manner
65 prescribed by subdivision (1) of subsection 1 of section 194.225. A symbol shall
66 be placed on the front of the document indicating the applicant's desire to be
67 listed in the registry. The director shall notify the department of health and
68 senior services of information obtained from applicants who indicate to the
69 director that they are interested in registry participation, and the department of
70 health and senior services shall enter the complete name, address, date of birth,
71 race, gender and a unique personal identifier in the registry established in
72 subsection 1 of section 194.304.

73 3. An applicant for a license may make a donation of one dollar to promote
74 a blindness education, screening and treatment program. The director of revenue
75 shall collect the donations and deposit all such donations in the state treasury to
76 the credit of the blindness education, screening and treatment program fund
77 established in section 192.935. Moneys in the blindness education, screening and
78 treatment program fund shall be used solely for the purposes established in
79 section 192.935 except that the department of revenue shall retain no more than
80 one percent for its administrative costs. The donation prescribed in this
81 subsection is voluntary and may be refused by the applicant for the license at the
82 time of issuance or renewal of the license. The director shall inquire of each
83 applicant at the time the licensee presents the completed application to the
84 director whether the applicant is interested in making the one dollar donation
85 prescribed in this subsection.

86 4. Beginning July 1, 2005, the director shall deny the driving privilege of
87 any person who commits fraud or deception during the examination process or
88 who makes application for an instruction permit, driver's license, or nondriver's
89 license which contains or is substantiated with false or fraudulent information
90 or documentation, or who knowingly conceals a material fact or otherwise
91 commits a fraud in any such application. The period of denial shall be one year

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

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

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

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

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

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

121 10. Notwithstanding any other provision of this chapter, if an applicant
122 does not meet the requirements of subsection 8 of this section and does not have
123 the required documents to prove Missouri residency, United States
124 naturalization, or lawful immigration status, the department may issue a
125 one-year driver's license renewal. This one-time renewal shall only be issued to
126 an applicant who previously has held a Missouri noncommercial driver's license,
127 noncommercial instruction permit, or nondriver's license for a period of fifteen

128 years or more and who does not have the required documents to prove Missouri
129 residency, United States naturalization, or lawful immigration status. After the
130 expiration of the one-year period, no further renewal shall be provided without
131 the applicant producing proof of Missouri residency, United States naturalization,
132 or lawful immigration status.

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