

SECOND REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 1109**  
**93RD GENERAL ASSEMBLY**

---

Reported from the Committee on Transportation, March 9, 2006, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

5351S.02C

TERRY L. SPIELER, Secretary.

---

**AN ACT**

To repeal section 302.171, RSMo, and to enact in lieu thereof one new section relating to proving lawful presence for purposes of obtaining a driver's license, with an emergency clause.

---

*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Section A. Section 302.171, RSMo, is repealed and one new section  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. Beginning July 1, 2005, the director shall verify that an  
2 applicant for a driver's license is lawfully present in the United States before  
3 accepting the application. The director shall not issue a driver's license for a  
4 period that exceeds an applicant's lawful presence in the United States. The  
5 director may establish procedures to verify the lawful presence of the applicant  
6 and establish the duration of any driver's license issued under this section. An  
7 application for a license shall be made upon an approved form furnished by the  
8 director. Every application shall state the full name, Social Security number, age,  
9 height, weight, color of eyes, sex, residence, mailing address of the applicant, and  
10 the classification for which the applicant has been licensed, and, if so, when and  
11 by what state, and whether or not such license has ever been suspended, revoked,  
12 or disqualified, and, if revoked, suspended or disqualified, the date and reason for  
13 such suspension, revocation or disqualification and whether the applicant is  
14 making a one dollar donation to promote an organ donation program as  
15 prescribed in subsection 2 of this section. A driver's license, nondriver's license,  
16 or instruction permit issued under this chapter shall contain the applicant's legal  
17 name as it appears on a birth certificate or as legally changed through marriage  
18 or court order. No name change by common usage based on common law shall be  
19 permitted. The application shall also contain such information as the director

20 may require to enable the director to determine the applicant's qualification for  
21 driving a motor vehicle; and shall state whether or not the applicant has been  
22 convicted in this or any other state for violating the laws of this or any other  
23 state or any ordinance of any municipality, relating to driving without a license,  
24 careless driving, or driving while intoxicated, or failing to stop after an accident  
25 and disclosing the applicant's identity, or driving a motor vehicle without the  
26 owner's consent. The application shall contain a certification by the applicant as  
27 to the truth of the facts stated therein. Every person who applies for a license to  
28 operate a motor vehicle who is less than twenty-one years of age shall be provided  
29 with educational materials relating to the hazards of driving while intoxicated,  
30 including information on penalties imposed by law for violation of the  
31 intoxication-related offenses of the state. Beginning January 1, 2001, if the  
32 applicant is less than eighteen years of age, the applicant must comply with all  
33 requirements for the issuance of an intermediate driver's license pursuant to  
34 section 302.178.

35         2. An applicant for a license may make a donation of one dollar to promote  
36 an organ donor program. The director of revenue shall collect the donations and  
37 deposit all such donations in the state treasury to the credit of the organ donor  
38 program fund established in sections 194.297 to 194.304, RSMo. Moneys in the  
39 organ donor program fund shall be used solely for the purposes established in  
40 sections 194.297 to 194.304, RSMo, except that the department of revenue shall  
41 retain no more than one percent for its administrative costs. The donation  
42 prescribed in this subsection is voluntary and may be refused by the applicant for  
43 the license at the time of issuance or renewal of the license. The director shall  
44 make available an informational booklet or other informational sources on the  
45 importance of organ donations to applicants for licensure as designed by the  
46 organ donation advisory committee established in sections 194.297 to 194.304,  
47 RSMo. The director shall inquire of each applicant at the time the licensee  
48 presents the completed application to the director whether the applicant is  
49 interested in making the one dollar donation prescribed in this subsection and  
50 whether the applicant is interested in inclusion in the organ donor registry and  
51 shall also specifically inform the licensee of the ability to consent to organ  
52 donation by completing the form on the reverse of the license that the applicant  
53 will receive in the manner prescribed by subsection 6 of section 194.240,  
54 RSMo. The director shall notify the department of health and senior services of  
55 information obtained from applicants who indicate to the director that they are

56 interested in registry participation, and the department of health and senior  
57 services shall enter the complete name, address, date of birth, race, gender and  
58 a unique personal identifier in the registry established in subsection 1 of section  
59 194.304, RSMo.

60         3. An applicant for a license may make a donation of one dollar to promote  
61 a blindness education, screening and treatment program. The director of revenue  
62 shall collect the donations and deposit all such donations in the state treasury to  
63 the credit of the blindness education, screening and treatment program fund  
64 established in section 192.935, RSMo. Moneys in the blindness education,  
65 screening and treatment program fund shall be used solely for the purposes  
66 established in section 192.935, RSMo, except that the department of revenue shall  
67 retain no more than one percent for its administrative costs. The donation  
68 prescribed in this subsection is voluntary and may be refused by the applicant for  
69 the license at the time of issuance or renewal of the license. The director shall  
70 inquire of each applicant at the time the licensee presents the completed  
71 application to the director whether the applicant is interested in making the one  
72 dollar donation prescribed in this subsection.

73         4. Beginning July 1, 2005, the director shall deny the driving privilege of  
74 any person who commits fraud or deception during the examination process or  
75 who makes application for an instruction permit, driver's license, or nondriver's  
76 license which contains or is substantiated with false or fraudulent information  
77 or documentation, or who knowingly conceals a material fact or otherwise  
78 commits a fraud in any such application. The period of denial shall be one year  
79 from the effective date of the denial notice sent by the director. The denial shall  
80 become effective ten days after the date the denial notice is mailed to the  
81 person. The notice shall be mailed to the person at the last known address shown  
82 on the person's driving record. The notice shall be deemed received three days  
83 after mailing unless returned by the postal authorities. No such individual shall  
84 reapply for a driver's examination, instruction permit, driver's license, or  
85 nondriver's license until the period of denial is completed. No individual who is  
86 denied the driving privilege under this section shall be eligible for a limited  
87 driving privilege issued under section 302.309.

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

90         6. The period of limitation for criminal prosecution under this section  
91 shall be extended under subdivision (1) of subsection 3 of section 556.036, RSMo.

92           7. The director may promulgate rules and regulations necessary to  
93 administer and enforce this section. No rule or portion of a rule promulgated  
94 pursuant to the authority of this section shall become effective unless it has been  
95 promulgated pursuant to chapter 536, RSMo.

96           **8. Notwithstanding any provisions of chapter 302 that require an**  
97 **applicant to provide proof of lawful presence for renewal of a**  
98 **noncommercial driver's license, noncommercial instruction permit, or**  
99 **nondriver's license, an applicant who is sixty-five years and older may**  
100 **use a previously issued Missouri noncommercial driver's license,**  
101 **Missouri noncommercial instruction permit, or Missouri nondriver's**  
102 **license as proof of lawful presence.**

          Section B. Because immediate action is necessary to ensure that  
2 Missouri's elderly citizens are able to traverse the highways of Missouri, section  
3 A of this act is deemed necessary for the immediate preservation of the public  
4 health, welfare, peace and safety, and is hereby declared to be an emergency act  
5 within the meaning of the constitution, and section A of this act shall be in full  
6 force and effect upon its passage and approval.

Bill ✓

Copy