

FIRST REGULAR SESSION

SENATE BILL NO. 241

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR STOFFER.

Read 1st time January 10, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

1294S.011

AN ACT

To repeal sections 302.171 and 302.181, RSMo, and to enact in lieu thereof two new sections relating to the implementation of the federal Real ID Act.

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

Section A. Sections 302.171 and 302.181, RSMo, are repealed and two new
2 sections enacted in lieu thereof, to be known as sections 302.171 and 302.181, to
3 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 this chapter that requires an
97 applicant to provide proof of lawful presence for renewal of a noncommercial
98 driver's license, noncommercial instruction permit, or nondriver's license, an
99 applicant who is sixty-five years and older and who was previously issued a
100 Missouri noncommercial driver's license, noncommercial instruction permit, or
101 Missouri nondriver's license is exempt from showing proof of lawful presence.

102 9. Notwithstanding any other provision of this chapter, if an applicant
103 does not meet the requirements of subsection 8 of this section and does not have
104 the required documents to prove lawful presence, the department may issue a
105 one-year driver's license renewal. This one-time renewal shall only be issued to
106 an applicant who previously has held a Missouri noncommercial driver's license,
107 noncommercial instruction permit, or nondriver's license for a period of fifteen
108 years or more and who does not have the required documents to prove lawful
109 presence. After the expiration of the one-year period, no further renewal shall be
110 provided without the applicant producing proof of lawful presence.

111 **10. Prior to the director accepting an application for a driver's**
112 **license, instruction permit, or nondriver's license, the applicant shall**
113 **be required to submit all necessary information and documentation**
114 **required by the federal Real ID Act, as included in the Emergency**
115 **Supplemental Appropriations Act for Defense, the Global War on**
116 **Terror, and Tsunami Relief Act, 2005, and regulations promulgated for**
117 **its implementation.**

302.181. 1. The license issued pursuant to the provisions of sections
2 302.010 to 302.340 shall be in such form as the director shall prescribe, but the
3 license shall be a card made of plastic or other comparable material. All licenses
4 shall be manufactured of materials and processes that will prohibit, as nearly as
5 possible, the ability to reproduce, alter, counterfeit, forge, or duplicate any license
6 without ready detection. All licenses shall bear the licensee's Social Security
7 number, if the licensee has one, and if not, a notarized affidavit must be signed
8 by the licensee stating that the licensee does not possess a Social Security
9 number, or, if applicable, a certified statement must be submitted as provided in
10 subsection 4 of this section. The license shall also bear the expiration date of the

11 license, the classification of the license, the name, date of birth, residence address
12 including the county of residence or a code number corresponding to such county
13 established by the department, and brief description and colored photograph or
14 digitized image of the licensee, and a facsimile of the signature of the
15 licensee. The director shall provide by administrative rule the procedure and
16 format for a licensee to indicate on the back of the license together with the
17 designation for an anatomical gift as provided in section 194.240, RSMo, the
18 name and address of the person designated pursuant to sections 404.800 to
19 404.865, RSMo, as the licensee's attorney in fact for the purposes of a durable
20 power of attorney for health care decisions. No license shall be valid until it has
21 been so signed by the licensee. If any portion of the license is prepared by a
22 private firm, any contract with such firm shall be made in accordance with the
23 competitive purchasing procedures as established by the state director of the
24 division of purchasing. For all licenses issued or renewed after March 1, 1992,
25 the applicant's Social Security number shall serve as the applicant's license
26 number. Where the licensee has no Social Security number, or where the licensee
27 is issued a license without a Social Security number in accordance with
28 subsection 4 of this section, the director shall issue a license number for the
29 licensee and such number shall also include an indicator showing that the
30 number is not a Social Security number.

31 2. All film involved in the production of photographs for licenses shall
32 become the property of the department of revenue.

33 3. The license issued shall be carried at all times by the holder thereof
34 while driving a motor vehicle, and shall be displayed upon demand of any officer
35 of the highway patrol, or any police officer or peace officer, or any other duly
36 authorized person, for inspection when demand is made therefor. Failure of any
37 operator of a motor vehicle to exhibit his or her license to any duly authorized
38 officer shall be presumptive evidence that such person is not a duly licensed
39 operator.

40 4. The director of revenue shall issue a commercial or noncommercial
41 driver's license without a Social Security number to an applicant therefor, who
42 is otherwise qualified to be licensed, upon presentation to the director of a
43 certified statement that the applicant objects to the display of the Social Security
44 number on the license. The director shall assign an identification number, that
45 is not based on a Social Security number, to the applicant which shall be
46 displayed on the license in lieu of the Social Security number.

47 5. The director of revenue shall not issue a license without a facial
48 photograph or digital image of the license applicant, except as provided pursuant
49 to subsection 8 of this section. A photograph or digital image of the applicant's
50 full facial features shall be taken in a manner prescribed by the director. No
51 photograph or digital image will be taken wearing anything which cloaks the
52 facial features of the individual.

53 6. The department of revenue may issue a temporary license or a full
54 license without the photograph or with the last photograph or digital image in the
55 department's records to members of the armed forces, except that where such
56 temporary license is issued it shall be valid only until the applicant shall have
57 had time to appear and have his or her picture taken and a license with his or
58 her photograph issued.

59 7. The department of revenue shall issue upon request a nondriver's
60 license card containing essentially the same information and photograph or
61 digital image, except as provided pursuant to subsection 8 of this section, as the
62 driver's license upon payment of six dollars. All nondriver's licenses shall expire
63 on the applicant's birthday in the sixth year after issuance. A person who has
64 passed his or her seventieth birthday shall upon application be issued a
65 nonexpiring nondriver's license card. The nondriver's license card shall be used
66 for identification purposes only and shall not be valid as a license.

67 8. If otherwise eligible, an applicant may receive a driver's license or
68 nondriver's license without a photograph or digital image of the applicant's full
69 facial features except that such applicant's photograph or digital image shall be
70 taken and maintained by the director and not printed on such license. In order
71 to qualify for a license without a photograph or digital image pursuant to this
72 section the applicant must:

73 (1) Present a form provided by the department of revenue requesting the
74 applicant's photograph be omitted from the license or nondriver's license due to
75 religious affiliations. The form shall be signed by the applicant and another
76 member of the religious tenant verifying the photograph or digital image
77 exemption on the license or nondriver's license is required as part of their
78 religious affiliation. The required signatures on the prescribed form shall be
79 properly notarized;

80 (2) Provide satisfactory proof to the director that the applicant has been
81 a U.S. citizen for at least five years and a resident of this state for at least one
82 year, except that an applicant moving to this state possessing a valid driver's

83 license from another state without a photograph, shall be exempt from the
84 one-year state residency requirement. The director may establish rules necessary
85 to determine satisfactory proof of citizenship and residency pursuant to this
86 section;

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

92 9. The department of revenue shall make available, at one or more
93 locations within the state, an opportunity for individuals to have their full facial
94 photograph taken by an employee of the department of revenue, or their designee,
95 who is of the same sex as the individual being photographed, in a segregated
96 location.

97 10. Beginning July 1, 2005, the director shall not issue a driver's license
98 or a nondriver's license for a period that exceeds an applicant's lawful presence
99 in the United States. The director may, by rule or regulation, establish
100 procedures to verify the lawful presence of the applicant and establish the
101 duration of any driver's license or nondriver's license issued under this section.

102 11. No rule or portion of a rule promulgated pursuant to the authority of
103 this chapter shall become effective unless it is promulgated pursuant to the
104 provisions of chapter 536, RSMo.

105 **12. The director shall ensure all driver's licenses, instruction**
106 **permits, and nondriver's licenses are issued in accordance with the**
107 **federal Real ID Act, as included in the Emergency Supplemental**
108 **Appropriations Act for Defense, the Global War on Terror, and Tsunami**
109 **Relief Act, 2005, and regulations promulgated for its implementation.**

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