

SENATE SUBSTITUTE
FOR
SENATE BILL NO. 252

AN ACT

To repeal section 302.183, and to enact in lieu thereof three new sections relating to the receipt, collection, and retention of certain information related to the issuance and renewal of driver's licenses and nondriver's licenses by the department of revenue, with an emergency clause.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

1 Section A. Section 302.183, RSMo, is repealed and three new
2 sections enacted in lieu thereof, to be known as sections
3 302.065, 302.183, and 302.189, to read as follows:

4 302.065. 1. Notwithstanding section 32.090 or any other
5 provision of the law to the contrary, and except as provided in
6 subsection 4 of this section, the department of revenue shall not
7 retain copies, in any format, of source documents presented by
8 individuals applying for or holding driver's licenses or
9 nondriver's licenses. The department of revenue shall not use
10 technology to capture digital images of source documents so that
11 the images are capable of being retained in electronic storage in
12 a transferable format.

13 2. By December 31, 2013, the department of revenue shall
14 securely destroy so as to make irretrievable any source documents
15 that have been obtained from driver's license or nondriver's
16 license applicants after September 1, 2012.

17 3. The department of revenue shall not retain copies of any

certificate of qualification for a concealed carry endorsement presented to the department for an endorsement on a driver's license or nondriver's license under section 571.101. The department of revenue shall not use technology to capture digital images of a certificate of qualification nor shall the department retain digital or electronic images of such certificates. The department of revenue shall merely verify whether the applicant for a driver's license or nondriver's license has presented a certificate of qualification which will allow the applicant to obtain a concealed carry endorsement. The department of revenue shall not compile or retain a list of driver's license or nondriver's license applicants who have been issued concealed carry endorsements. An applicant's status as a holder of a certificate of qualification or a concealed carry endorsement shall not be retained in the department's computer information systems nor shall the department of revenue implement or maintain a computer information system that allows its employees, agents, or other computer users to cross-reference and review, using the name of driver's license holder or nondriver's license holder, any driver's license holder or nondriver's license holder's status as a holder of a certificate of qualification or a concealed carry endorsement. By December 31, 2013, the department of revenue shall securely destroy so as to make irretrievable any copies of certificates of qualification that have been obtained from driver's license or nondriver's license applicants.

4. The provisions of this section shall not apply to any document required to be retained under federal motor carrier

1 regulations in Title 49, Code of Federal Regulations.

2 5. As used in this section, the term "source documents"
3 means original or certified copies, where applicable, of
4 documents presented by an applicant as required under 6 CFR Part
5 37 to the department of revenue to apply for a driver's license
6 or nondriver's license. Source documents shall also include any
7 documents required for the issuance, renewal, or replacement of
8 driver's licenses or nondriver's licenses by the department of
9 revenue under the provisions of this chapter or accompanying
10 regulations.

11 302.183. 1. Notwithstanding any provision of this chapter
12 that requires an applicant to provide reasonable proof of
13 residence for issuance or renewal of a noncommercial driver's
14 license, noncommercial instruction permit, or a nondriver's
15 license, an applicant shall not have his or her privacy rights
16 violated in order to obtain or renew a Missouri noncommercial
17 driver's license, noncommercial instruction permit, or a
18 nondriver's license.

19 2. Any data derived from a person's application shall not
20 be sold for commercial purposes to any other organization or any
21 other state without the express permission of the applicant
22 without a court order; except such information may be shared with
23 a law enforcement agency, judge, prosecuting attorney, or officer
24 of the court, or with another state for the limited purposes set
25 out in section 302.600 or for conducting driver history checks in
26 compliance with the Motor Carrier Safety Improvement Act, 49
27 U.S.C. 31309. The state of Missouri shall protect the privacy of
28 its citizens when handling any written, digital, or electronic

1 data, and shall not participate in any standardized
2 identification system using driver's and nondriver's license
3 records. For purposes of this subsection, "commercial purposes"
4 does not include data used or compiled solely to be used for, or
5 obtained or compiled solely for purposes expressly allowed under
6 the Missouri or federal Drivers Privacy Protection Act.

7 3. The department of revenue shall not amend procedures for
8 applying for a driver's license or identification card in order
9 to comply with the goals or standards of the federal REAL ID Act
10 of 2005, any rules or regulations promulgated under the authority
11 granted in such act, or any requirements adopted by the American
12 Association of Motor Vehicle Administrators for furtherance of
13 the act.

14 4. Any biometric data previously collected, obtained, or
15 retained in connection with motor vehicle registration or
16 operation, the issuance or renewal of driver's licenses, or the
17 issuance or renewal of any identification cards by any department
18 or agency of the state charged with those activities shall be
19 retrieved and deleted from all databases. [The provisions of
20 this subsection shall not apply to any data collected, obtained,
21 or retained for a purpose other than compliance with the federal
22 REAL ID Act of 2005.] For purposes of this section, "biometric
23 data" includes, but is not limited to:

- 24 (1) Facial feature pattern characteristics;
- 25 (2) Voice data used for comparing live speech with a
26 previously created speech model of a person's voice;
- 27 (3) Iris recognition data containing color or texture
28 patterns or codes;

1 (4) Retinal scans, reading through the pupil to measure
2 blood vessels lining the retina;

3 (5) Fingerprint, palm prints, hand geometry, measuring of
4 any and all characteristics of biometric information, including
5 shape and length of fingertips or recording ridge pattern or
6 fingertip characteristics;

7 (6) Eye spacing;

8 (7) Characteristic gait or walk;

9 (8) DNA;

10 (9) Keystroke dynamics, measuring pressure applied to key
11 pads or other digital receiving devices.

12 5. No citizen of this state shall have his or her privacy
13 compromised by the state or agents of the state. The state shall
14 within reason protect the sovereignty of the citizens the state
15 is entrusted to protect.

16 302.189. 1. The department of revenue shall not use,
17 collect, obtain, share, or retain biometric data nor shall the
18 department use biometric technology, including, but not limited
19 to, retinal scanning, facial recognition or fingerprint
20 technology, to produce a driver's license or nondriver's license
21 or to uniquely identify licensees or license applicants for
22 whatever purpose. This section shall not apply to digital images
23 nor licensee signatures that are required for the issuance of
24 driver's licenses and nondriver's license pursuant to section
25 302.181.

26 2. As used in this section, the term "biometric data" or
27 biometric technology" includes, but is not limited to:

28 (1) Facial feature pattern characteristics;

1 (2) Voice data used for comparing live speech with a
2 previously created speech model of a person's voice;

3 (3) Iris recognition data containing color or texture
4 patterns or codes;

5 (4) Retinal scans, reading through the pupil to measure
6 blood vessels lining the retina;

7 (5) Fingerprint, palm prints, hand geometry, measuring of
8 any and all characteristics of biometric information, including
9 shape and length of fingertips or recording ridge pattern or
10 fingertip characteristics;

11 (6) Eye spacing;

12 (7) Characteristic gait or walk;

13 (8) DNA;

14 (9) Keystroke dynamics, measuring pressure applied to key
15 pads or other digital receiving devices.

16 Section B. Because of the need to ensure that the privacy
17 of Missouri citizens is protected and not violated by the
18 agencies of this state, section A of this act is deemed necessary
19 for the immediate preservation of the public health, welfare,
20 peace and safety, and is hereby declared to be an emergency act
21 within the meaning of the constitution, and section A of this act
22 shall be in full force and effect upon its passage and approval.