

SENATE SUBSTITUTE  
FOR  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 151

AN ACT

To repeal sections 302.065, 302.183, 302.188, and 302.189, RSMo, and to enact in lieu thereof three new sections relating to forms of identification, with an emergency clause.

---

---

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

1           Section A. Sections 302.065, 302.183, 302.188, and 302.189,  
2 RSMo, are repealed and three new sections enacted in lieu  
3 thereof, to be known as sections 302.170, 302.188, and 1, to read  
4 as follows:

5           302.170. 1. As used in this section the following terms  
6 shall mean:

7           (1) "Biometric data", shall include, but not be limited to,  
8 the following:

9           (a) Facial feature pattern characteristics;

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

12           (c) Iris recognition data containing color or texture  
13 patterns or codes;

14           (d) Retinal scans, reading through the pupil to measure  
15 blood vessels lining the retina;

16           (e) Fingerprint, palm prints, hand geometry, measure of any

1 and all characteristics of biometric information, including shape  
2 and length of fingertips, or recording ridge pattern or fingertip  
3 characteristics;

4 (f) Eye spacing;

5 (g) Characteristic gait or walk;

6 (h) DNA;

7 (i) Keystroke dynamic, measuring pressure applied to key  
8 pads or other digital receiving devices;

9 (2) "Commercial purposes", shall not include data used or  
10 compiled solely to be used for, or obtained or compiled solely  
11 for purposes expressly allowed under Missouri law or the federal  
12 Drivers Privacy Protection Act;

13 (3) "Source documents", original or certified copies, where  
14 applicable, of documents presented by an applicant as required  
15 under 6 CFR Part 37 to the department of revenue to apply for a  
16 driver's license or nondriver's license. "Source documents"  
17 shall also include any documents required for the issuance of  
18 driver's licenses or nondriver's licenses by the department of  
19 revenue under the provisions of this chapter or accompanying  
20 regulations.

21 2. Except as provided in subsection 3 of this section and  
22 as required to carry out the provisions of subsection 4 of this  
23 section, the department of revenue shall not retain copies, in  
24 any format, of source documents presented by individuals applying  
25 for or holding driver's licenses or nondriver's licenses or use  
26 technology to capture digital images of source documents so that  
27 the images are capable of being retained in electronic storage in  
28 a transferable format.

1           3. The provisions of this section shall not apply to:

2           (1) Original application forms, which may be retained but  
3 not scanned except as provided in this section;

4           (2) Test score documents issued by state highway patrol  
5 driver examiners;

6           (3) Documents demonstrating lawful presence of any  
7 applicant who is not a citizen of the United States, including  
8 documents demonstrating duration of the person's lawful presence  
9 in the United States;

10           (4) Any document required to be retained under federal  
11 motor carrier regulations in Title 49, Code of Federal  
12 Regulations, including but not limited to documents required by  
13 federal law for the issuance of a commercial driver's license and  
14 a commercial driver instruction permit; and

15           (5) Any other document at the request of and for the  
16 convenience of the applicant where the applicant requests the  
17 department of revenue review alternative documents as proof  
18 required for issuance of a driver's license, nondriver's license,  
19 or instruction permit.

20           4. (1) The department of revenue shall amend procedures  
21 for applying for a driver's license or identification card in  
22 order to comply with the goals or standards of the federal REAL  
23 ID Act of 2005, any rules or regulations promulgated under the  
24 authority granted in such Act, or any requirements adopted by the  
25 American Association of Motor Vehicle Administrators for  
26 furtherance of the Act, unless such action conflicts with  
27 Missouri law.

28           (2) The department of revenue shall issue driver's licenses

1 or identification cards that are compliant with the federal REAL  
2 ID Act of 2005, as amended, to all applicants for driver's  
3 licenses or identification cards unless an applicant requests a  
4 driver's license or identification card that is not REAL ID  
5 compliant. Except as provided in subsection 3 of this section  
6 and as required to carry out the provisions of this subsection,  
7 the department of revenue shall not retain the source documents  
8 of individuals applying for driver's licenses or identification  
9 cards not compliant with REAL ID. Upon initial application for a  
10 driver's license or identification card, the department shall  
11 inform applicants of the option of being issued a REAL ID  
12 compliant driver's license or identification card or a driver's  
13 license or identification card that is not compliant with REAL  
14 ID. The department shall inform all applicants:

15 (a) With regard to the REAL ID compliant driver's license  
16 or identification card:

17 a. Such card is valid for official state purposes and for  
18 official federal purposes as outlined in the federal REAL ID Act  
19 of 2005, as amended, such as domestic air travel and seeking  
20 access to military bases and most federal facilities;

21 b. Electronic copies of source documents will be retained  
22 by the department and destroyed after the minimum time required  
23 for retention by the federal REAL ID Act of 2005, as amended;

24 c. The facial image capture will only be retained by the  
25 department if the application is finished and submitted to the  
26 department; and

27 d. Any other information the department deems necessary to  
28 inform the applicant about the REAL ID compliant driver's license

1 or identification card under the REAL ID Act;

2 (b) With regard to a driver's license or identification  
3 card that is not compliant with the REAL ID Act:

4 a. Such card is valid for official state purposes, but it  
5 is not valid for official federal purposes as outlined in the  
6 federal REAL ID Act of 2005, as amended, such as domestic air  
7 travel and seeking access to military bases and most federal  
8 facilities;

9 b. Source documents will be verified but no copies of such  
10 documents will be retained by the department unless permitted  
11 under subsection 3 of this section, except as necessary to  
12 process a request by a license or card holder or applicant;

13 c. Any other information the department deems necessary to  
14 inform the applicant about the driver's license or identification  
15 card.

16 5. Once the department of revenue is notified by the  
17 federal Department of Homeland Security that the department of  
18 revenue is able to issue driver's licenses or identification  
19 cards that comply with the federal REAL ID Act of 2005, as  
20 amended, it shall give notice of such ability to the speaker of  
21 the house of representatives, the president pro tempore of the  
22 senate, and the revisor of statutes.

23 6. The department of revenue shall not use, collect,  
24 obtain, share, or retain biometric data nor shall the department  
25 use biometric technology to produce a driver's license or  
26 nondriver's license or to uniquely identify licensees or license  
27 applicants. This subsection shall not apply to digital images  
28 nor licensee signatures required for the issuance of driver's

1 licenses and nondriver's licenses or to biometric data collected  
2 from employees of the department of revenue, employees of the  
3 office of administration who provide information technology  
4 support to the department of revenue, contracted license offices,  
5 and contracted manufacturers engaged in the production,  
6 processing, or manufacture of driver's licenses or identification  
7 cards in positions which require a background check in order to  
8 be compliant with the federal REAL ID Act or any rules or  
9 regulations promulgated under the authority of such Act. Except  
10 as otherwise provided by law, applicants' social security numbers  
11 shall not be stored in any database accessible by any other state  
12 or the federal government.

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

21 8. No citizen of this state shall have his or her privacy  
22 compromised by the state or agents of the state. The state shall  
23 within reason protect the sovereignty of the citizens the state  
24 is entrusted to protect. Any data derived from a person's  
25 application shall not be sold for commercial purposes to any  
26 other organization or any other state without the express  
27 permission of the applicant without a court order; except such  
28 information may be shared with a law enforcement agency, judge,

1 prosecuting attorney, or officer of the court, or with another  
2 state for the limited purposes set out in section 302.600 or for  
3 conducting driver history checks in compliance with the Motor  
4 Carrier Safety Improvement Act, 49 U.S.C. Section 31309. The  
5 state of Missouri shall protect the privacy of its citizens when  
6 handling any written, digital, or electronic data, and shall not  
7 participate in any standardized identification system using  
8 driver's and nondriver's license records except as provided in  
9 this section.

10 9. Any person harmed or damaged by any violation of this  
11 section may bring a civil action for damages, including  
12 noneconomic and punitive damages, as well as injunctive relief,  
13 in the circuit court where that person resided at the time of the  
14 violation or in the circuit court of Cole County to recover such  
15 damages from the department of revenue and any persons  
16 participating in such violation. Sovereign immunity shall not be  
17 available as a defense for the department of revenue in such an  
18 action. In the event the plaintiff prevails on any count of his  
19 or her claim, the plaintiff shall be entitled to recover  
20 reasonable attorney fees from the defendants.

21 10. The department of revenue may promulgate rules  
22 necessary to implement the provisions of this section. Any rule  
23 or portion of a rule, as that term is defined in section 536.010  
24 that is created under the authority delegated in this section  
25 shall become effective only if it complies with and is subject to  
26 all of the provisions of chapter 536, and, if applicable, section  
27 536.028. This section and chapter 536 are nonseverable and if  
28 any of the powers vested with the general assembly pursuant to

1 chapter 536, to review, to delay the effective date, or to  
2 disapprove and annul a rule are subsequently held  
3 unconstitutional, then the grant of rulemaking authority and any  
4 rule proposed or adopted after August 28, 2017, shall be invalid  
5 and void.

6 11. Biometric data, digital images, source documents, and  
7 licensee signatures, or any copies of the same, required to be  
8 collected or retained to comply with the requirements of the  
9 federal REAL ID Act of 2005 shall be retained for no longer than  
10 the minimum duration required to maintain compliance, and  
11 immediately thereafter shall be securely destroyed so as to make  
12 them irretrievable.

13 12. No agency, department, or official of this state or of  
14 any political subdivision thereof shall use, collect, obtain,  
15 share, or retain radio frequency identification data from a REAL  
16 ID compliant driver's license or identification card issued by a  
17 state, nor use the same to uniquely identify any individual.

18 302.188. 1. A person may apply to the department of  
19 revenue to obtain a veteran designation on a driver's license or  
20 identification card issued under this chapter by providing:

21 (1) A United States Department of Defense discharge  
22 document, otherwise known as a DD Form 214, that shows a  
23 discharge status of "honorable" or "general under honorable  
24 conditions" that establishes the person's service in the Armed  
25 Forces of the United States; or

26 (2) A United States Uniformed Services Identification Card,  
27 otherwise known as a DD Form 2, that includes a discharge status  
28 of "retired" or "reserve retired" establishing the person's



1 service in the Armed Forces of the United States; [and] or

2 (3) A United States Department of Veterans Affairs photo  
3 identification card; or

4 (4) A discharge document WD AGO 53, WD AGO 55, WD AGO 53-  
5 55, NAVPERS 553, NAVMC 78 PD, NAVCG 553, or DD 215 form that  
6 shows a discharge status of "honorable" or "general under  
7 honorable conditions"; and

8 (5) Payment of the fee for the driver's license or  
9 identification card authorized under this chapter.

10 2. If the person is seeking a duplicate driver's license  
11 with the veteran designation and his or her driver's license has  
12 not expired, the fee shall be as provided under section 302.185.

13 3. The department of revenue may determine the appropriate  
14 placement of the veteran designation on the driver's licenses and  
15 identification cards authorized under this section and may  
16 promulgate the necessary rules for administration of this  
17 section.

18 4. Any rule or portion of a rule, as that term is defined  
19 in section 536.010, that is created under the authority delegated  
20 in this section shall become effective only if it complies with  
21 and is subject to all of the provisions of chapter 536 and if  
22 applicable, section 536.028. This section and chapter 536 are  
23 nonseverable and if any of the powers vested with the general  
24 assembly pursuant to chapter 536 to review, to delay the  
25 effective date, or to disapprove and annul a rule are  
26 subsequently held unconstitutional, then the grant of rulemaking  
27 authority and any rule proposed or adopted after August 28, 2012,  
28 shall be invalid and void.

1       Section 1. In the event the state is required to provide a  
2 citizen with photo identification acceptable for election  
3 purposes, such identification shall be a nondriver identification  
4 card that is not compliant with the federal REAL ID Act of 2005.

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

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

21           3. As long as the department of revenue has the  
22 authority to issue a concealed carry endorsement, the  
23 department shall not retain copies of any certificate  
24 of qualification for a concealed carry endorsement  
25 presented to the department for an endorsement on a  
26 driver's license or nondriver's license under section  
27 571.101. The department of revenue shall not use  
28 technology to capture digital images of a certificate  
29 of qualification nor shall the department retain  
30 digital or electronic images of such certificates. The  
31 department of revenue shall merely verify whether the  
32 applicant for a driver's license or nondriver's license  
33 has presented a certificate of qualification which will  
34 allow the applicant to obtain a concealed carry  
35 endorsement. By December 31, 2013, the department of  
36 revenue shall securely destroy so as to make  
37 irretrievable any copies of certificates of  
38 qualification that have been obtained from driver's  
39 license or nondriver's license applicants.

40           4. The provisions of this section shall not apply  
41 to:

42           (1) Original application forms, which may be  
43 retained but not scanned;

44           (2) Test score documents issued by state highway  
45 patrol driver examiners;

46           (3) Documents demonstrating lawful presence of  
47 any applicant who is not a citizen of the United  
48 States, including documents demonstrating duration of

1 the person's lawful presence in the United States; and

2 (4) Any document required to be retained under  
3 federal motor carrier regulations in Title 49, Code of  
4 Federal Regulations, including but not limited to  
5 documents required by federal law for the issuance of a  
6 commercial driver's license and a commercial driver  
7 instruction permit; and

8 (5) Any other document at the request of and for  
9 the convenience of the applicant where the applicant  
10 requests the department of revenue review alternative  
11 documents as proof required for issuance of a driver's  
12 license, nondriver's license, or instruction permit.

13 5. As used in this section, the term "source  
14 documents" means original or certified copies, where  
15 applicable, of documents presented by an applicant as  
16 required under 6 CFR Part 37 to the department of  
17 revenue to apply for a driver's license or nondriver's  
18 license. Source documents shall also include any  
19 documents required for the issuance of driver's  
20 licenses or nondriver's licenses by the department of  
21 revenue under the provisions of this chapter or  
22 accompanying regulations.

23 6. Any person harmed or damaged by any violation  
24 of this section may bring a civil action for damages,  
25 including noneconomic and punitive damages, as well as  
26 injunctive relief, in the circuit court where that  
27 person resided at the time of the violation or in the  
28 circuit court of Cole County to recover such damages  
29 from the department of revenue and any persons  
30 participating in such violation. Sovereign immunity  
31 shall not be available as a defense for the department  
32 of revenue in such an action. In the event the  
33 plaintiff prevails on any count of his or her claim,  
34 the plaintiff shall be entitled to recover reasonable  
35 attorney fees from the defendants.]

36  
37 [302.183. 1. Notwithstanding any provision of  
38 this chapter that requires an applicant to provide  
39 reasonable proof of residence for issuance or renewal  
40 of a noncommercial driver's license, noncommercial  
41 instruction permit, or a nondriver's license, an  
42 applicant shall not have his or her privacy rights  
43 violated in order to obtain or renew a Missouri  
44 noncommercial driver's license, noncommercial  
45 instruction permit, or a nondriver's license.

46 2. Any data derived from a person's application  
47 shall not be sold for commercial purposes to any other  
48 organization or any other state without the express  
49 permission of the applicant without a court order;  
50 except such information may be shared with a law  
51 enforcement agency, judge, prosecuting attorney, or

1 officer of the court, or with another state for the  
2 limited purposes set out in section 302.600 or for  
3 conducting driver history checks in compliance with the  
4 Motor Carrier Safety Improvement Act, 49 U.S.C. 31309.  
5 The state of Missouri shall protect the privacy of its  
6 citizens when handling any written, digital, or  
7 electronic data, and shall not participate in any  
8 standardized identification system using driver's and  
9 nondriver's license records. For purposes of this  
10 subsection, "commercial purposes" does not include data  
11 used or compiled solely to be used for, or obtained or  
12 compiled solely for purposes expressly allowed under  
13 the Missouri or federal Drivers Privacy Protection Act.

14 3. The department of revenue shall not amend  
15 procedures for applying for a driver's license or  
16 identification card in order to comply with the goals  
17 or standards of the federal REAL ID Act of 2005, any  
18 rules or regulations promulgated under the authority  
19 granted in such act, or any requirements adopted by the  
20 American Association of Motor Vehicle Administrators  
21 for furtherance of the act.

22 4. Any biometric data previously collected,  
23 obtained, or retained in connection with motor vehicle  
24 registration or operation, the issuance or renewal of  
25 driver's licenses, or the issuance or renewal of any  
26 identification cards by any department or agency of the  
27 state charged with those activities shall be retrieved  
28 and deleted from all databases. For purposes of this  
29 section, "biometric data" includes, but is not limited  
30 to:

- 31 (1) Facial feature pattern characteristics;
- 32 (2) Voice data used for comparing live speech  
33 with a previously created speech model of a person's  
34 voice;
- 35 (3) Iris recognition data containing color or  
36 texture patterns or codes;
- 37 (4) Retinal scans, reading through the pupil to  
38 measure blood vessels lining the retina;
- 39 (5) Fingerprint, palm prints, hand geometry,  
40 measuring of any and all characteristics of biometric  
41 information, including shape and length of fingertips  
42 or recording ridge pattern or fingertip  
43 characteristics;
- 44 (6) Eye spacing;
- 45 (7) Characteristic gait or walk;
- 46 (8) DNA;
- 47 (9) Keystroke dynamics, measuring pressure  
48 applied to key pads or other digital receiving devices.

49 5. No citizen of this state shall have his or her  
50 privacy compromised by the state or agents of the  
51 state. The state shall within reason protect the

1 sovereignty of the citizens the state is entrusted to  
2 protect.]

3  
4 [302.189. 1. The department of revenue shall not  
5 use, collect, obtain, share, or retain biometric data  
6 nor shall the department use biometric technology,  
7 including, but not limited to, retinal scanning, facial  
8 recognition or fingerprint technology, to produce a  
9 driver's license or nondriver's license or to uniquely  
10 identify licensees or license applicants for whatever  
11 purpose. This section shall not apply to digital  
12 images nor licensee signatures required for the  
13 issuance of driver's licenses and nondriver's license  
14 pursuant to section 302.181.

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

- 18 (1) Facial feature pattern characteristics;
- 19 (2) Voice data used for comparing live speech  
20 with a previously created speech model of a person's  
21 voice;
- 22 (3) Iris recognition data containing color or  
23 texture patterns or codes;
- 24 (4) Retinal scans, reading through the pupil to  
25 measure blood vessels lining the retina;
- 26 (5) Fingerprints, palm prints, hand geometry,  
27 measuring of any and all characteristics of biometric  
28 information, including shape and length of fingertips  
29 or recording ridge pattern or fingertip  
30 characteristics;
- 31 (6) Eye spacing;
- 32 (7) Characteristic gait or walk;
- 33 (8) DNA; or
- 34 (9) Keystroke dynamics, measuring pressure  
35 applied to key pads or other digital receiving  
36 devices.]

37  
38 Section B. Because the freedom of travel and ability to  
39 access federal facilities is of paramount importance for Missouri  
40 citizens, section A of this act is deemed necessary for the  
41 immediate preservation of the public health, welfare, peace and  
42 safety, and is hereby declared to be an emergency act within the  
43 meaning of the constitution, and section A of this act shall be  
44 in full force and effect upon its passage and approval.