

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 280
99TH GENERAL ASSEMBLY

Reported from the Committee on Veterans and Military Affairs, March 2, 2017, with recommendation that the Senate Committee Substitute do pass.

1307S.02C

ADRIANE D. CROUSE, Secretary.

AN ACT

To repeal section 302.183, RSMo, and to enact in lieu thereof one new section relating to driver's licenses compliant with the federal REAL ID Act of 2015, with an emergency clause.

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

Section A. Section 302.183, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 302.183, to read as follows:

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

2. Any data derived from a person's application shall not be sold for commercial purposes to any other organization or any other state without the express permission of the applicant without a court order; except such information may be shared with a law enforcement agency, judge, prosecuting attorney, or officer of the court, or with another state for the limited purposes set out in section 302.600 or for conducting driver history checks in compliance with the Motor Carrier Safety Improvement Act, 49 U.S.C. 31309. The state of Missouri shall protect the privacy of its citizens when handling any written, digital, or electronic data, and shall not participate in any standardized identification system using driver's and nondriver's license records. For purposes of this subsection, "commercial purposes" does not include data used or compiled

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 solely to be used for, or obtained or compiled solely for purposes expressly allowed
19 under the Missouri or federal Drivers Privacy Protection Act.

20 **3. Subject to the provisions of this section**, the department of
21 revenue shall [not] amend procedures for applying for a driver's license or
22 identification card in order to comply with the goals [or] **and** standards of the
23 federal REAL ID Act of 2005, any rules or regulations promulgated under the
24 authority granted in such act, [or] **and** any requirements adopted by the
25 American Association of Motor Vehicle Administrators for furtherance of the act.

26 **4. The department of revenue shall issue driver's licenses or**
27 **identification cards that are compliant with the federal REAL ID Act**
28 **of 2005, as amended, to all applicants for driver's licenses or**
29 **identification cards unless an applicant requests a driver's license or**
30 **identification card that is not REAL ID compliant. Upon initial**
31 **application for a driver's license or identification card, the department**
32 **of revenue shall inform applicants of the option of being issued a REAL**
33 **ID compliant driver's license or identification card or a driver's license**
34 **or identification card that is not compliant with REAL ID. The**
35 **department shall inform all applicants:**

36 **(1) With regard to the REAL ID compliant driver's license or**
37 **identification:**

38 **(a) It is valid for official state purposes and for official federal**
39 **purposes as outlined in the federal REAL ID Act of 2005, as amended,**
40 **such as domestic air travel and seeking access to military bases and**
41 **most federal facilities;**

42 **(b) Electronic copies of source documents will be retained by the**
43 **department;**

44 **(c) The facial image capture will be retained by the department**
45 **even if a driver's license or identification is not issued; and**

46 **(d) Any other information the department deems necessary to**
47 **inform the applicant about the driver's license or identification under**
48 **the REAL ID Act;**

49 **(2) With regard to a driver's license or identification that is not**
50 **compliant with the REAL ID Act:**

51 **(a) It is valid for official state purposes, but it is not valid for**
52 **official federal purposes as outlined in the federal REAL ID Act of 2005,**
53 **as amended, such as domestic air travel and seeking access to military**
54 **bases and most federal facilities;**

55 **(b) Source documents will be verified but no copies of such**
56 **documents will be retained by the department unless permitted under**
57 **section 302.065;**

58 **(c) If a driver's license or identification is not issued, the facial**
59 **image capture will not be retained by the department; and**

60 **(d) Any other information the department deems necessary to**
61 **inform the applicant about the driver's license or identification.**

62 **5. Subsection 4 of this section shall be effective once the**
63 **department of revenue has been notified by the federal department of**
64 **homeland security that the department of revenue is able to issue**
65 **driver's licenses or identification cards that comply with the federal**
66 **REAL ID Act of 2005, as amended. Once the department of revenue is**
67 **so notified, it shall give notice of the same to the speaker of the house**
68 **of representatives, the president pro tempore of the senate, and the**
69 **revisor of statutes. The department of revenue shall then issue driver's**
70 **licenses and identifications in accordance with subsection 4 of this**
71 **section.**

72 **6. Except as necessary to carry out subsections 3 and 4 of this**
73 **section for the sole purpose of issuing a driver's license or**
74 **identification card that is compliant with the federal REAL ID Act of**
75 **2005, as amended, to an individual who requests it, [Any] biometric data**
76 **[previously] shall not be collected, obtained, or retained in connection with**
77 **motor vehicle registration or operation, the issuance or renewal of driver's**
78 **licenses, or the issuance or renewal of any identification cards by any department**
79 **or agency of the state charged with those activities [shall be retrieved and deleted**
80 **from all databases]. Any such biometric data collected as necessary to**
81 **carry out subsections 3 and 4 of this section for the sole purpose of**
82 **issuing a REAL ID compliant driver's license or identification to a**
83 **person who has requested such license or identification shall be**
84 **retained only for purposes of complying with the REAL ID Act and only**
85 **for so long as required for compliance with the REAL ID Act. For**
86 **purposes of this section, "biometric data" includes, but is not limited to:**

87 **(1) Facial feature pattern characteristics;**

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

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

91 **(4) Retinal scans, reading through the pupil to measure blood vessels**

92 lining the retina;

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

96 (6) Eye spacing;

97 (7) Characteristic gait or walk;

98 (8) DNA;

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

101 [5. No citizen of this state shall have his or her privacy compromised by
102 the state or agents of the state. The state shall within reason protect the
103 sovereignty of the citizens the state is entrusted to protect.]

104 **7. Except as necessary to carry out the provisions of subsections
105 3 and 4 of this section, the department of revenue shall not retain
106 copies, in any format, of source documents presented by individuals
107 applying for or holding driver's licenses or nondriver's licenses or use
108 technology to capture digital images of source documents so that the
109 images are capable of being retained in electronic storage in a
110 transferable format.**

111 **8. No citizen of this state shall have his or her privacy
112 compromised by the state or agents of the state. The state shall within
113 reason protect the sovereignty of the citizens the state is entrusted to
114 protect. Any data derived from a person's application shall not be sold
115 for commercial purposes to any other organization or any other state
116 without the express permission of the applicant without a court order;
117 except such information may be shared with a law enforcement agency,
118 judge, prosecuting attorney, or officer of the court, or with another
119 state for the limited purposes set out in section 302.600 or for
120 conducting driver history checks in compliance with the Motor Carrier
121 Safety Improvement Act, 49 U.S.C. 31309. The state of Missouri shall
122 protect the privacy of its citizens when handling any written, digital,
123 or electronic data, and shall not participate in any standardized
124 identification system using driver's and nondriver's license records
125 except as provided in this section.**

126 **9. If the federal REAL ID Act of 2005 is modified or repealed such
127 that driver's licenses and identification cards issued by this state that**

128 **are not compliant with the federal REAL ID Act of 2005 are once again**
129 **sufficient for federal identification purposes, the department shall not**
130 **issue a driver's license or identification card that complies with the**
131 **federal REAL ID Act of 2005 and shall securely destroy, within thirty**
132 **days, any source documents retained by the department for the purpose**
133 **of compliance with such act.**

Section B. Because the freedom of travel and ability to access federal
2 facilities is of paramount importance for Missouri citizens, section A of this act
3 is deemed necessary for the immediate preservation of the public health, welfare,
4 peace and safety, and is hereby declared to be an emergency act within the
5 meaning of the constitution, and section A of this act shall be in full force and
6 effect upon its passage and approval.

✓

Bill

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