

FIRST REGULAR SESSION

SENATE BILL NO. 361

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR HUMMEL.

Read 1st time January 25, 2017, and ordered printed.

ADRIANE D. CROUSE, Secretary.

1525S.02I

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Section A. Section 302.183, RSMo, is repealed and one new section
2 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
2 an applicant to provide reasonable proof of residence for issuance or renewal of
3 a noncommercial driver's license, noncommercial instruction permit, or a
4 nondriver's license, an applicant shall not have his or her privacy rights violated
5 in order to obtain or renew a Missouri noncommercial driver's license,
6 noncommercial instruction permit, or a nondriver's license.

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

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

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. [Any] The department of revenue shall issue driver's licenses**
27 **or 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.**

30 **5. Except as necessary to carry out subsections 3 and 4 of this**
31 **section for the sole purpose of issuing a driver's license or**
32 **identification card that is compliant with the federal REAL ID Act of**
33 **2005, as amended,** biometric data [previously] **shall not be** collected, obtained,
34 or retained in connection with motor vehicle registration or operation, the
35 issuance or renewal of driver's licenses, or the issuance or renewal of any
36 identification cards by any department or agency of the state charged with those
37 activities [shall be retrieved and deleted from all databases]. **Any such**
38 **biometric data collected as necessary to carry out subsections 3 and 4**
39 **of this section for the sole purpose of issuing a REAL ID compliant**
40 **driver's license or identification to a person shall be retained only for**
41 **purposes of complying with the REAL ID Act and only for so long as**
42 **required for compliance with the REAL ID Act.** For purposes of this
43 section, "biometric data" includes, but is not limited to:

- 44 (1) Facial feature pattern characteristics;
- 45 (2) Voice data used for comparing live speech with a previously created
46 speech model of a person's voice;
- 47 (3) Iris recognition data containing color or texture patterns or codes;
- 48 (4) Retinal scans, reading through the pupil to measure blood vessels
49 lining the retina;
- 50 (5) Fingerprint, palm prints, hand geometry, measuring of any and all
51 characteristics of biometric information, including shape and length of fingertips
52 or recording ridge pattern or fingertip characteristics;
- 53 (6) Eye spacing;
- 54 (7) Characteristic gait or walk;

55 (8) DNA;

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

58 [5.] **6.** No citizen of this state shall have his or her privacy compromised
59 by the state or agents of the state. The state shall within reason protect the
60 sovereignty of the citizens the state is entrusted to protect.

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.

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Bill

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