

FIRST REGULAR SESSION

SENATE BILL NO. 37

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SILVEY.

Pre-filed December 1, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0557S.011

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 2005, 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Section A. Section 302.183, RSMo, is repealed and one new section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. The department of revenue shall [not] amend procedures for applying
21 for a driver's license or identification card in order to comply with the goals or
22 standards of the federal REAL ID Act of 2005, any rules or regulations
23 promulgated under the authority granted in such act, or any requirements
24 adopted by the American Association of Motor Vehicle Administrators for
25 furtherance of the act.

26 4. **The department of revenue shall issue a driver's license or**
27 **identification card that is not compliant with the federal REAL ID Act**
28 **of 2005 to those individuals who object to being issued a REAL ID**
29 **compliant driver's license or identification card, however, a driver's**
30 **license or identification card that is not compliant with REAL ID shall**
31 **not be valid for official federal purposes outlined by the federal REAL**
32 **ID Act of 2005. The department of revenue shall inform applicants of**
33 **the option of being issued a REAL ID compliant driver's license or**
34 **identification card or a driver's license or identification card that is**
35 **not compliant with REAL ID.**

36 5. Any biometric data previously collected, obtained, or retained in
37 connection with motor vehicle registration or operation, the issuance or renewal
38 of driver's licenses, or the issuance or renewal of any identification cards by any
39 department or agency of the state charged with those activities shall be retrieved
40 and deleted from all databases. For purposes of this section, "biometric data"
41 includes, but is not limited to:

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

55 digital receiving devices.

56 [5.] 6. No citizen of this state shall have his or her privacy compromised
57 by the state or agents of the state. The state shall within reason protect the
58 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.

✓

Bill

Copy