

SENATE BILL NO. 1146

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR WASHINGTON.

5356S.01I

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal sections 194.210, 194.255, 194.265, 194.285, 194.290, 194.297, 194.299, 194.304, 301.020, and 302.171, RSMo, and to enact in lieu thereof ten new sections relating to organ donation, with an existing penalty provision.

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

Section A. Sections 194.210, 194.255, 194.265, 194.285,
2 194.290, 194.297, 194.299, 194.304, 301.020, and 302.171, RSMo,
3 are repealed and ten new sections enacted in lieu thereof, to
4 be known as sections 194.210, 194.255, 194.265, 194.285,
5 194.290, 194.297, 194.299, 194.304, 301.020, and 302.171, to
6 read as follows:

194.210. 1. Sections 194.210 to 194.294 may be cited
2 as the "Revised Uniform Anatomical Gift Act".

3 2. As used in sections 194.210 to 194.294, the
4 following terms mean:

5 (1) "Adult", an individual who is at least eighteen
6 years of age;

7 (2) "Agent", an individual:

8 (a) Authorized to make health-care decisions on the
9 principal's behalf by a power of attorney for health care; or

10 (b) Expressly authorized to make an anatomical gift on
11 the principal's behalf by any other record signed by the
12 principal;

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

13 (3) "Anatomical gift", a donation of all or part of a
14 human body to take effect after the donor's death for the
15 purposes of transplantation, therapy, research, or education;

16 (4) ["Cadaver procurement organization", an entity
17 lawfully established and operated for the procurement and
18 distribution of anatomical gifts to be used as cadavers or
19 cadaver tissue for appropriate education or research;

20 (5)] "Decedent", a deceased individual whose body or
21 part is or may be the source of an anatomical gift. The
22 term includes a stillborn infant but does not include an
23 unborn child as defined in section 1.205 or 188.015 if the
24 child has not died of natural causes;

25 [(6)] (5) "Disinterested witness", a witness other
26 than the spouse, child, parent, sibling, grandchild,
27 grandparent, or guardian of the individual who makes,
28 amends, revokes, or refuses to make an anatomical gift. The
29 term does not include a person to which an anatomical gift
30 could pass under section 194.255;

31 [(7)] (6) "Document of gift", a donor card or other
32 record used to make an anatomical gift. The term includes a
33 statement or symbol on a driver's license, identification
34 card, or donor registry;

35 [(8)] (7) "Donor", an individual whose body or part is
36 the subject of an anatomical gift provided that donor does
37 not include an unborn child as defined in section 1.205 or
38 section 188.015 if the child has not died of natural causes;

39 [(9)] (8) "Donor registry", a database that contains
40 records of anatomical gifts and amendments to or revocations
41 of anatomical gifts;

42 [(10)] (9) "Driver's license", a license or permit
43 issued by the department of revenue to operate a vehicle

44 whether or not conditions are attached to the license or
45 permit;

46 [(11)] (10) "Eye bank", a person that is licensed,
47 accredited, or regulated under federal or state law to
48 engage in the recovery, screening, testing, processing,
49 storage, or distribution of human eyes or portions of human
50 eyes;

51 [(12)] (11) "Guardian", a person appointed by a court
52 pursuant to chapter 475. The term does not include a
53 guardian ad litem;

54 [(13)] (12) "Hospital", a facility licensed as a
55 hospital under the laws of any state or a facility operated
56 as a hospital by the United States, a state, or a
57 subdivision of a state;

58 [(14)] (13) "Identification card", an identification
59 card issued by the department of revenue;

60 [(15)] (14) "Know", to have actual knowledge;

61 [(16)] (15) "Minor", an individual who is under
62 eighteen years of age;

63 [(17)] (16) "Organ procurement organization", [a
64 person] **an entity** designated by the United States Secretary
65 of Health and Human Services as an organ procurement
66 organization;

67 [(18)] (17) "Parent", a parent whose parental rights
68 have not been terminated;

69 [(19)] (18) "Part", an organ, an eye, or tissue of a
70 human being. The term does not include the whole body;

71 [(20)] (19) "Person", an individual, corporation,
72 business trust, estate, trust, partnership, limited
73 liability company, association, joint venture, public
74 corporation, government or governmental subdivision, agency,
75 or instrumentality, or any other legal or commercial entity;

76 [(21)] (20) "Physician", an individual authorized to
77 practice medicine or osteopathy under the laws of any state;

78 (21) "Potential donor", an individual whose body or
79 part is the subject of an anatomical gift, provided that
80 donor does not include an unborn child, as defined in
81 section 188.015, if the child has not died of natural causes;

82 (22) "Procurement organization", an eye bank, organ
83 procurement organization, [or] tissue bank, or an entity
84 lawfully established and operated for the procurement and
85 distribution of anatomical gifts to be used as donated
86 organs, donated tissues, or for appropriate scientific or
87 medical research;

88 (23) "Prospective donor", an individual who is dead or
89 near death and has been determined by a procurement
90 organization to have a part that could be medically suitable
91 for transplantation, therapy, research, or education. The
92 term does not include an individual who has made a refusal;

93 (24) "Reasonably available", able to be contacted by a
94 procurement organization with reasonable effort and willing
95 and able to act in a timely manner consistent with existing
96 medical criteria necessary for the making of an anatomical
97 gift;

98 (25) "Recipient", an individual into whose body a
99 decedent's part has been or is intended to be transplanted;

100 (26) "Record", information that is inscribed on a
101 tangible medium or that is stored in an electronic or other
102 medium and is retrievable in perceivable form;

103 (27) "Refusal", a record created under section 194.235
104 that expressly states an intent to bar other persons from
105 making an anatomical gift of an individual's body or part;

106 (28) "Sign", with the present intent to authenticate
107 or adopt a record:

- 108 (a) To execute or adopt a tangible symbol; or
109 (b) To attach or logically associate with the record
110 an electronic symbol, sound, or process;
- 111 (29) "State", a state of the United States, the
112 District of Columbia, Puerto Rico, the United States Virgin
113 Islands, or any territory or insular possession subject to
114 the United States;
- 115 (30) "Technician", an individual determined to be
116 qualified to remove or process parts by an appropriate
117 organization that is licensed, accredited, or regulated
118 under federal or state law. The term includes an eye
119 enucleator;
- 120 (31) "Tissue", a portion of the human body other than
121 an organ or an eye. The term does not include blood unless
122 the blood is donated for purposes of research or education;
- 123 (32) "Tissue bank", a person that is licensed,
124 accredited, or regulated under federal or state law to
125 engage in the recovery, screening, testing, processing,
126 storage, or distribution of tissue;
- 127 (33) "Transplant hospital", a hospital that furnishes
128 organ transplants and other medical and surgical specialty
129 services required for the care of transplant patients.
- 194.255. 1. An anatomical gift may be made to the
2 following persons named in the document of gift:
- 3 (1) A hospital, accredited medical school, dental
4 school, college, university, or [organ] procurement
5 organization, [cadaver procurement organization,] or other
6 appropriate person for **appropriate scientific or medical**
7 research or education;
- 8 (2) Subject to subsection 2 of this section, an
9 individual designated by the person making the anatomical
10 gift if the individual is the recipient of the part; or

11 (3) An eye bank or tissue bank.

12 2. If an anatomical gift to an individual under
13 subdivision (2) of subsection 1 of this section cannot be
14 transplanted into the individual, the part passes in
15 accordance with subsection 7 of this section in the absence
16 of an express, contrary indication by the person making the
17 anatomical gift.

18 3. If an anatomical gift of one or more specific parts
19 or of all parts is made in a document of gift that does not
20 name a person described in subsection 1 of this section but
21 identifies the purpose for which an anatomical gift may be
22 used, the following rules apply:

23 (1) If the part is an eye and the gift is for the
24 purpose of transplantation or therapy, the gift passes to
25 the appropriate eye bank;

26 (2) If the part is tissue and the gift is for the
27 purpose of transplantation or therapy, the gift passes to
28 the appropriate tissue bank;

29 (3) If the part is an organ and the gift is for the
30 purpose of transplantation or therapy, the gift passes to
31 the appropriate organ procurement organization as custodian
32 of the organ;

33 (4) If the part is an organ, an eye, or tissue and the
34 gift is for the purpose of research or education, the gift
35 passes to the appropriate procurement organization.

36 4. For the purpose of subsection 3 of this section, if
37 there is more than one purpose of an anatomical gift set
38 forth in the document of gift but the purposes are not set
39 forth in any priority, the gift must be used for
40 transplantation or therapy if suitable. If the gift cannot
41 be used for transplantation or therapy, the gift may be used
42 for research or education.

43 5. If an anatomical gift of one or more specific parts
44 is made in a document of gift that does not name a person
45 described in subsection 1 of this section and does not
46 identify the purpose of the gift, the gift may be used only
47 for transplantation or therapy, and the gift passes in
48 accordance with subsection 7 of this section.

49 6. If a document of gift specifies only a general
50 intent to make an anatomical gift by words such as "donor",
51 "organ donor", or "body donor", or by a symbol or statement
52 of similar import, the gift may be used only for
53 transplantation or therapy, and the gift passes in
54 accordance with subsection 7 of this section.

55 7. For purposes of subsections 2, 5, and 6 of this
56 section, the following rules apply:

57 (1) If the part is an eye, the gift passes to the
58 appropriate eye bank;

59 (2) If the part is tissue, the gift passes to the
60 appropriate tissue bank;

61 (3) If the part is an organ, the gift passes to the
62 appropriate organ procurement organization as custodian of
63 the organ;

64 (4) If the gift is medically unsuitable for
65 transplantation or therapy, the gift may be used for
66 **appropriate scientific or medical** research or education and
67 pass to the appropriate procurement organization [or cadaver
68 procurement organization].

69 8. An anatomical gift of an organ for transplantation
70 or therapy, other than an anatomical gift under subdivision
71 (2) of subsection 1 of this section, passes to the organ
72 procurement organization as custodian of the organ.

73 9. If an anatomical gift does not pass under
74 subsections 1 through 8 of this section or the decedent's

75 body or part is not used for transplantation, therapy,
76 research, or education, custody of the body or part passes
77 to the person under obligation to dispose of the body or
78 part.

79 10. A person may not accept an anatomical gift if the
80 person knows that the gift was not effectively made under
81 section 194.225 or 194.250 or if the person knows that the
82 decedent made a refusal under section 194.235 that was not
83 revoked. For purposes of this subsection, if a person knows
84 that an anatomical gift was made on a document of gift, the
85 person is deemed to know of any amendment or revocation of
86 the gift or any refusal to make an anatomical gift on the
87 same document of gift.

88 11. A person may not accept an anatomical gift if the
89 person knows that the gift is from the body of an executed
90 prisoner from another country.

91 12. Except as otherwise provided in subdivision (2) of
92 subsection 1 of this section, nothing in this act affects
93 the allocation of organs for transplantation or therapy.

194.265. 1. When a hospital refers an individual at
2 or near death to a procurement organization, the
3 organization shall make a reasonable search of any donor
4 registry and other applicable records that it knows exist
5 for the geographical area in which the individual resides to
6 ascertain whether the individual has made an anatomical gift.

7 2. A procurement organization must be allowed
8 reasonable access to information in the records of the
9 department of health and senior services and department of
10 revenue to ascertain whether an individual at or near death
11 is a donor.

12 3. When a hospital refers an individual at or near
13 death to a procurement organization, the organization may

14 conduct any reasonable examination necessary to ensure the
15 medical suitability of a part that is or could be the
16 subject of an anatomical gift for transplantation, therapy,
17 research, or education from a donor, **potential donor**, or a
18 prospective donor. During the examination period, measures
19 necessary to ensure the medical suitability of the part may
20 not be withdrawn unless the hospital or procurement
21 organization knows a contrary intent had or has been
22 expressed by the individual or an agent of the individual,
23 or if the individual is incapacitated and he or she has no
24 agent, knows a contrary intent has been expressed by any
25 person listed in section 194.245 having priority to make an
26 anatomical gift on behalf of the individual.

27 4. Unless prohibited by law other than sections
28 194.210 to 194.294, at any time after a donor's death, the
29 person to which a part passes under section 194.255 may
30 conduct any reasonable examination necessary to ensure the
31 medical suitability of the body or part for its intended
32 purpose.

33 5. Unless prohibited by law other than sections
34 194.210 to 194.294, an examination under subsection 3 or 4
35 of this section may include an examination of all medical
36 records of the donor, **potential donor**, or prospective donor.

37 6. Upon the death of a minor who was a donor or had
38 signed a refusal, unless a procurement organization knows
39 the minor is emancipated, the procurement organization shall
40 conduct a reasonable search for the parents of the minor and
41 provide the parents with an opportunity to revoke or amend
42 the anatomical gift or revoke a refusal.

43 7. Upon referral by a hospital under subsection 1 of
44 this section, a procurement organization shall make a
45 reasonable search for any person listed in section 194.245

46 having priority to make an anatomical gift on behalf of a
47 **donor, potential donor, or** prospective donor. If a
48 procurement organization receives information that an
49 anatomical gift to any other person was made, amended, or
50 revoked, it shall promptly advise the other person of all
51 relevant information.

52 8. Subject to subsection 9 of section 194.255 and
53 section 58.785, the rights of the person to which a part
54 passes under section 194.255 are superior to rights of all
55 others with respect to the part. The person may accept or
56 reject an anatomical gift in whole or in part. Subject to
57 the terms of the document of gift and this act, a person
58 that accepts an anatomical gift of an entire body may allow
59 embalming or cremation and use of remains in a funeral
60 service. If the gift is of a part, the person to which the
61 part passes under section 194.255, upon the death of the
62 donor and before embalming, burial, or cremation, shall
63 cause the part to be removed without unnecessary mutilation.

64 9. Neither the physician who attends the decedent
65 immediately prior to or at death nor the physician who
66 determines the time of the decedent's death may participate
67 in the procedures for removing or transplanting a part from
68 the decedent.

69 10. No physician who removes or transplants a part
70 from the decedent, or a procurement organization, shall have
71 primary responsibility for the health care treatment, or
72 health care decision-making for such individual's terminal
73 condition during the hospitalization for which the
74 individual becomes a donor.

75 11. A physician or technician may remove a donated
76 part from the body of a donor that the physician or
77 technician is qualified to remove.

194.285. 1. A person that acts in accordance with
2 sections 194.210 to 194.294 or with the applicable
3 anatomical gift law of another state that is not
4 inconsistent with the provisions of sections 194.210 to
5 194.294 or attempts without negligence and in good faith to
6 do so is not liable for the act in any civil action,
7 criminal, or administrative proceeding.

8 2. Neither the person making an anatomical gift nor
9 the donor's estate is liable for any injury or damage that
10 results from the making or use of the gift.

11 3. In determining whether an anatomical gift has been
12 made, amended, or revoked under sections 194.210 to 194.294,
13 a person may rely upon representations of individuals listed
14 in subdivision (2), (3), (4), (5), (6), (7), or (8) of
15 subsection 1 of section 194.245 relating to the individual's
16 relationship to the donor, **potential donor**, or prospective
17 donor unless the person knows that representation is untrue.

194.290. 1. As used in this section, the following
2 terms mean:

3 (1) "Advance health-care directive", a power of
4 attorney for health care or a record signed or authorized by
5 a **donor, potential donor, or** prospective donor, containing
6 the [prospective] donor's direction concerning a health-care
7 decision for the [prospective] donor;

8 (2) "Declaration", a record, including but not limited
9 to a living will, or a do-not-resuscitate order, signed by a
10 **donor, potential donor, or** prospective donor specifying the
11 circumstances under which a life support system may be
12 withheld or withdrawn;

13 (3) "Health-care decision", any decision regarding the
14 health care of the **donor, potential donor, or** prospective
15 donor.

16 2. If a **donor, potential donor, or** prospective donor
17 has a declaration or advance health-care directive and the
18 terms of the declaration or directive and the express or
19 implied terms of a potential anatomical gift are in conflict
20 with regard to the administration of measures necessary to
21 ensure the medical suitability of a part for transplantation
22 or therapy, the [prospective] donor's attending physician
23 and [prospective] donor shall confer to resolve the
24 conflict. If the **donor, potential donor, or** prospective
25 donor is incapable of resolving the conflict, an agent
26 acting under the [prospective] donor's declaration or
27 directive or, if none or the agent is not reasonably
28 available, another person authorized by law to make health-
29 care decisions on behalf of the [prospective] donor shall
30 act for the donor to resolve the conflict. The conflict
31 must be resolved as expeditiously as possible. Information
32 relevant to the resolution of the conflict may be obtained
33 from the appropriate procurement organization and any other
34 person authorized to make an anatomical gift for the
35 prospective donor under section 194.245. Before the
36 resolution of the conflict, measures necessary to ensure the
37 medical suitability of an organ for transplantation or
38 therapy may not be withheld or withdrawn from the **donor,**
39 **potential donor, or** prospective donor if withholding or
40 withdrawing the measures is not contraindicated by
41 appropriate end-of-life care.

194.297. 1. There is established in the state
2 treasury the "Organ Donor Program Fund"[, which shall
3 consist of all moneys deposited by the director of revenue
4 pursuant to subsection 2 of section 302.171 and any other
5 moneys donated or appropriated to the fund]. **The state**
6 **treasurer shall credit to and deposit in the organ donor**

7 program fund all amounts received under sections 301.020,
8 301.3125, and subsection 2 of section 302.171, and any other
9 amounts which may be received from grants, gifts, bequests,
10 the federal government, or other sources granted or given.
11 Funds shall be used for implementing efforts that support or
12 provide organ, eye, and tissue donation education awareness,
13 recognition, training, and registry efforts unless
14 designated for a specific purpose as outlined in subsection
15 4 of this section. Funds may be used to support expenses
16 incurred by organ donation advisory committee members
17 pursuant to section 194.300.

18 2. The department of health and senior services may
19 pursue funding to support programmatic efforts and
20 initiatives as outlined in subsection 1 of this section.

21 3. The state treasurer shall invest any funds in
22 excess of five hundred thousand dollars in the organ donor
23 program fund not required for immediate disbursement or
24 program allocation in the same manner as surplus state funds
25 are invested under section 30.260. All earnings resulting
26 from the investment of money in the organ donor program fund
27 shall be credited to the organ donor program fund.

28 4. The organ donor program fund can accept gifts,
29 grants, appropriations, or contributions from any source,
30 public or private, including contributions from sections
31 301.020, 301.3125, and 302.171, and individuals, private
32 organizations and foundations, and bequests. Private
33 contributions, grants, and federal funds may be used and
34 expended by the department for such purposes as may be
35 specified in any requirements, terms, or conditions attached
36 thereto or, in the absence of any specific requirements,
37 terms, or conditions, as the department may determine for
38 purposes outlined in subsection 1 of this section.

39 5. **The acceptance and use of federal funds shall not**
40 **commit any state funds, nor place any obligation upon the**
41 **general assembly to continue the programs or activities**
42 **outlined in the federal fund award for which the federal**
43 **funds are available.**

44 6. The state treasurer shall administer the fund, and
45 the moneys in the fund shall be used solely, upon
46 appropriation, by the department [of health and senior
47 services, in consultation]. **The department may consult with**
48 **the organ donation advisory committee[, for implementation**
49 **of organ donation awareness programs in the manner**
50 **prescribed in subsection 2 of section 194.300] about the**
51 **implementation of programming and related expenditures.**

52 7. Notwithstanding the provisions of section 33.080 to
53 the contrary, moneys in the organ donor program fund at the
54 end of any biennium shall not be transferred to the credit
55 of the general revenue fund. There shall be no money
56 appropriated from general revenue to administer the fund in
57 the event the fund cannot sustain itself.

194.299. The moneys in the organ donor program fund
2 shall be expended as follows:

3 (1) [Grants by] The department of health and senior
4 services [to] **may enter into contracts with** certified organ
5 procurement organizations, **other organizations, individuals,**
6 **and institutions** for **services furthering** the development and
7 implementation of organ donation awareness programs in this
8 state;

9 (2) **Education and awareness initiatives, donor family**
10 **recognition efforts, training, strategic planning efforts,**
11 **and registry initiatives;**

12 (3) Publication of informational pamphlets or booklets
13 by the department of health and senior services and the

14 advisory committee regarding organ donations and donations
15 to the organ donor program fund when obtaining or renewing a
16 license to operate a motor vehicle pursuant to subsection 2
17 of section 302.171;

18 [(3)] (4) Maintenance of a central registry of
19 **potential organ, eye, and tissue** donors pursuant to
20 subsection 1 of section 194.304; [and

21 (4)] (5) Implementation of organ donation awareness
22 programs in the secondary schools of this state by the
23 department of elementary and secondary education; **and**

24 (6) **Reimbursements for reasonable and necessary**
25 **expenses incurred by advisory committee members pursuant to**
26 **subsection 2 of section 194.300.**

194.304. 1. The department of revenue shall cooperate
2 with any donor registry that this state establishes,
3 contracts for, or recognizes for the purpose of transferring
4 to the donor registry all relevant information regarding a
5 donor's making, amendment to, or revocation of an anatomical
6 gift.

7 2. A first person consent organ and tissue donor
8 registry shall:

9 (1) Allow a donor, **potential donor, prospective donor,**
10 or other person authorized under section 194.220 to include
11 on the donor registry a statement or symbol that the donor
12 has made, amended, or revoked an anatomical gift;

13 (2) Be accessible to a procurement organization to
14 allow it to obtain relevant information on the donor
15 registry to determine, at or near death of the donor,
16 **potential donor, or [a] prospective donor, whether the donor**
17 **[or prospective donor]** has made, amended, or revoked an
18 anatomical gift; and

19 (3) Be accessible for purposes of subdivisions (1) and
20 (2) of this subsection seven days a week on a twenty-four-
21 hour basis.

22 3. Personally identifiable information on [a first
23 person consent organ and tissue] **the** donor registry about a
24 donor, **potential donor**, or prospective donor may not be used
25 or disclosed without the express consent of the donor[,
26 prospective donor,] or the person [that] **who** made the
27 anatomical gift for any purpose other than to determine, at
28 or near death of the donor [or a prospective donor], whether
29 the donor [or prospective donor] has made, amended, or
30 revoked an anatomical gift.

301.020. 1. Every owner of a motor vehicle or
2 trailer, which shall be operated or driven upon the highways
3 of this state, except as herein otherwise expressly
4 provided, shall annually file, by mail or otherwise, in the
5 office of the director of revenue, an application for
6 registration on a blank to be furnished by the director of
7 revenue for that purpose containing:

8 (1) A brief description of the motor vehicle or
9 trailer to be registered, including the name of the
10 manufacturer, the vehicle identification number, the amount
11 of motive power of the motor vehicle, stated in figures of
12 horsepower and whether the motor vehicle is to be registered
13 as a motor vehicle primarily for business use as defined in
14 section 301.010;

15 (2) The name, the applicant's identification number
16 and address of the owner of such motor vehicle or trailer;

17 (3) The gross weight of the vehicle and the desired
18 load in pounds if the vehicle is a commercial motor vehicle
19 or trailer.

20 2. If the vehicle is a motor vehicle primarily for
21 business use as defined in section 301.010 and if such
22 vehicle is ten years of age or less and has less than one
23 hundred fifty thousand miles on the odometer, the director
24 of revenue shall retain the odometer information provided in
25 the vehicle inspection report, and provide for prompt access
26 to such information, together with the vehicle
27 identification number for the motor vehicle to which such
28 information pertains, for a period of ten years after the
29 receipt of such information. This section shall not apply
30 unless:

31 (1) The application for the vehicle's certificate of
32 ownership was submitted after July 1, 1989; and

33 (2) The certificate was issued pursuant to a
34 manufacturer's statement of origin.

35 3. If the vehicle is any motor vehicle other than a
36 motor vehicle primarily for business use, a recreational
37 motor vehicle, motorcycle, motortricycle, autocycle, bus, or
38 any commercial motor vehicle licensed for over twelve
39 thousand pounds and if such motor vehicle is ten years of
40 age or less and has less than one hundred fifty thousand
41 miles on the odometer, the director of revenue shall retain
42 the odometer information provided in the vehicle inspection
43 report, and provide for prompt access to such information,
44 together with the vehicle identification number for the
45 motor vehicle to which such information pertains, for a
46 period of ten years after the receipt of such information.
47 This subsection shall not apply unless:

48 (1) The application for the vehicle's certificate of
49 ownership was submitted after July 1, 1990; and

50 (2) The certificate was issued pursuant to a
51 manufacturer's statement of origin.

52 4. If the vehicle qualifies as a reconstructed motor
53 vehicle, motor change vehicle, specially constructed motor
54 vehicle, non-USA-std motor vehicle, as defined in section
55 301.010, or prior salvage as referenced in section 301.573,
56 the owner or lienholder shall surrender the certificate of
57 ownership. The owner shall make an application for a new
58 certificate of ownership, pay the required title fee, and
59 obtain the vehicle examination certificate required pursuant
60 to subsection 9 of section 301.190. If an insurance company
61 pays a claim on a salvage vehicle as defined in section
62 301.010 and the owner retains the vehicle, as prior salvage,
63 the vehicle shall only be required to meet the examination
64 requirements under subsection 10 of section 301.190.
65 Notarized bills of sale along with a copy of the front and
66 back of the certificate of ownership for all major component
67 parts installed on the vehicle and invoices for all
68 essential parts which are not defined as major component
69 parts shall accompany the application for a new certificate
70 of ownership. If the vehicle is a specially constructed
71 motor vehicle, as defined in section 301.010, two pictures
72 of the vehicle shall be submitted with the application. If
73 the vehicle is a kit vehicle, the applicant shall submit the
74 invoice and the manufacturer's statement of origin on the
75 kit. If the vehicle requires the issuance of a special
76 number by the director of revenue or a replacement vehicle
77 identification number, the applicant shall submit the
78 required application and application fee. All applications
79 required under this subsection shall be submitted with any
80 applicable taxes which may be due on the purchase of the
81 vehicle or parts. The director of revenue shall
82 appropriately designate "Reconstructed Motor Vehicle",
83 "Motor Change Vehicle", "Non-USA-Std Motor Vehicle", or

84 "Specially Constructed Motor Vehicle" on the current and all
85 subsequent issues of the certificate of ownership of such
86 vehicle.

87 5. Every insurance company that pays a claim for
88 repair of a motor vehicle which as the result of such
89 repairs becomes a reconstructed motor vehicle as defined in
90 section 301.010 or that pays a claim on a salvage vehicle as
91 defined in section 301.010 and the owner is retaining the
92 vehicle shall in writing notify the owner of the vehicle,
93 and in a first party claim, the lienholder if a lien is in
94 effect, that he is required to surrender the certificate of
95 ownership, and the documents and fees required pursuant to
96 subsection 4 of this section to obtain a prior salvage motor
97 vehicle certificate of ownership or documents and fees as
98 otherwise required by law to obtain a salvage certificate of
99 ownership, from the director of revenue. The insurance
100 company shall within thirty days of the payment of such
101 claims report to the director of revenue the name and
102 address of such owner, the year, make, model, vehicle
103 identification number, and license plate number of the
104 vehicle, and the date of loss and payment.

105 6. Anyone who fails to comply with the requirements of
106 this section shall be guilty of a class B misdemeanor.

107 7. An applicant for registration may make a donation
108 of one dollar to promote a blindness education, screening
109 and treatment program. The director of revenue shall
110 collect the donations and deposit all such donations in the
111 state treasury to the credit of the blindness education,
112 screening and treatment program fund established in section
113 209.015. Moneys in the blindness education, screening and
114 treatment program fund shall be used solely for the purposes
115 established in section 209.015; except that the department

116 of revenue shall retain no more than one percent for its
117 administrative costs. The donation prescribed in this
118 subsection is voluntary and may be refused by the applicant
119 for registration at the time of issuance or renewal. The
120 director shall inquire of each applicant at the time the
121 applicant presents the completed application to the director
122 whether the applicant is interested in making the one dollar
123 donation prescribed in this subsection.

124 8. An applicant for registration may make a donation
125 of **an amount not less than** one dollar to promote an organ
126 donor program. The director of revenue shall collect the
127 donations and deposit all such donations in the state
128 treasury to the credit of the organ donor program fund as
129 established in sections 194.297 to 194.304. Moneys in the
130 organ donor fund shall be used solely for the purposes
131 established in sections 194.297 to 194.304, except that the
132 department of revenue shall retain no more than one percent
133 for its administrative costs. The donation prescribed in
134 this subsection is voluntary and may be refused by the
135 applicant for registration at the time of issuance or
136 renewal. The director shall inquire of each applicant at
137 the time the applicant presents the completed application to
138 the director whether the applicant is interested in making
139 **[the] a contribution not less than** one dollar **[donation] as**
140 prescribed in this subsection.

141 9. An applicant for registration may make a donation
142 of one dollar to the Missouri medal of honor recipients
143 fund. The director of revenue shall collect the donations
144 and deposit all such donations in the state treasury to the
145 credit of the Missouri medal of honor recipients fund as
146 established in section 226.925. Moneys in the medal of
147 honor recipients fund shall be used solely for the purposes

148 established in section 226.925, except that the department
149 of revenue shall retain no more than one percent for its
150 administrative costs. The donation prescribed in this
151 subsection is voluntary and may be refused by the applicant
152 for registration at the time of issuance or renewal. The
153 director shall inquire of each applicant at the time the
154 applicant presents the completed application to the director
155 whether the applicant is interested in making the one dollar
156 donation prescribed in this subsection.

302.171. 1. The director shall verify that an
2 applicant for a driver's license is a Missouri resident or
3 national of the United States or a noncitizen with a lawful
4 immigration status, and a Missouri resident before accepting
5 the application. The director shall not issue a driver's
6 license for a period that exceeds the duration of an
7 applicant's lawful immigration status in the United States.
8 The director may establish procedures to verify the Missouri
9 residency or United States naturalization or lawful
10 immigration status and Missouri residency of the applicant
11 and establish the duration of any driver's license issued
12 under this section. An application for a license shall be
13 made upon an approved form furnished by the director. Every
14 application shall state the full name, Social Security
15 number, age, height, weight, color of eyes, sex, residence,
16 mailing address of the applicant, and the classification for
17 which the applicant has been licensed, and, if so, when and
18 by what state, and whether or not such license has ever been
19 suspended, revoked, or disqualified, and, if revoked,
20 suspended or disqualified, the date and reason for such
21 suspension, revocation or disqualification and whether the
22 applicant is making a one **or more** dollar donation to promote
23 an organ donation program as prescribed in subsection 2 **of**

24 **this section**, to promote a blindness education, screening
25 and treatment program as prescribed in subsection 3 **of this**
26 **section**, or the Missouri medal of honor recipients fund
27 prescribed in subsection 4 of this section. A driver's
28 license, nondriver's license, or instruction permit issued
29 under this chapter shall contain the applicant's legal name
30 as it appears on a birth certificate or as legally changed
31 through marriage or court order. No name change by common
32 usage based on common law shall be permitted. The
33 application shall also contain such information as the
34 director may require to enable the director to determine the
35 applicant's qualification for driving a motor vehicle; and
36 shall state whether or not the applicant has been convicted
37 in this or any other state for violating the laws of this or
38 any other state or any ordinance of any municipality,
39 relating to driving without a license, careless driving, or
40 driving while intoxicated, or failing to stop after an
41 accident and disclosing the applicant's identity, or driving
42 a motor vehicle without the owner's consent. The
43 application shall contain a certification by the applicant
44 as to the truth of the facts stated therein. Every person
45 who applies for a license to operate a motor vehicle who is
46 less than twenty-one years of age shall be provided with
47 educational materials relating to the hazards of driving
48 while intoxicated, including information on penalties
49 imposed by law for violation of the intoxication-related
50 offenses of the state. Beginning January 1, 2001, if the
51 applicant is less than eighteen years of age, the applicant
52 must comply with all requirements for the issuance of an
53 intermediate driver's license pursuant to section 302.178.
54 For persons mobilized and deployed with the United States
55 Armed Forces, an application under this subsection shall be

56 considered satisfactory by the department of revenue if it
57 is signed by a person who holds general power of attorney
58 executed by the person deployed, provided the applicant
59 meets all other requirements set by the director.

60 2. An applicant for a license may make a donation of
61 **an amount not less than** one dollar to promote an organ donor
62 program. The director of revenue shall collect the
63 donations and deposit all such donations in the state
64 treasury to the credit of the organ donor program fund
65 established in sections 194.297 to 194.304. Moneys in the
66 organ donor program fund shall be used solely for the
67 purposes established in sections 194.297 to 194.304 except
68 that the department of revenue shall retain no more than one
69 percent for its administrative costs. The donation
70 prescribed in this subsection is voluntary and may be
71 refused by the applicant for the license at the time of
72 issuance or renewal of the license. The director shall make
73 available an informational booklet or other informational
74 sources on the importance of organ and tissue donations to
75 applicants for licensure as designed by the organ donation
76 advisory committee established in sections 194.297 to
77 194.304. The director shall inquire of each applicant at
78 the time the licensee presents the completed application to
79 the director whether the applicant is interested in making
80 the one **or more** dollar donation prescribed in this
81 subsection and whether the applicant is interested in
82 inclusion in the organ donor registry and shall also
83 specifically inform the licensee of the ability to consent
84 to organ donation by placing a donor symbol sticker
85 authorized and issued by the department of health and senior
86 services on the back of his or her driver's license or
87 identification card as prescribed by subdivision (1) of

88 subsection 1 of section 194.225. A symbol may be placed on
89 the front of the license or identification card indicating
90 the applicant's desire to be listed in the registry at the
91 applicant's request at the time of his or her application
92 for a driver's license or identification card, or the
93 applicant may instead request an organ donor sticker from
94 the department of health and senior services by application
95 on the department of health and senior services' website.
96 Upon receipt of an organ donor sticker sent by the
97 department of health and senior services, the applicant
98 shall place the sticker on the back of his or her driver's
99 license or identification card to indicate that he or she
100 has made an anatomical gift. The director shall notify the
101 department of health and senior services of information
102 obtained from applicants who indicate to the director that
103 they are interested in registry participation, and the
104 department of health and senior services shall enter the
105 complete name, address, date of birth, race, gender and a
106 unique personal identifier in the registry established in
107 subsection 1 of section 194.304.

108 3. An applicant for a license may make a donation of
109 one dollar to promote a blindness education, screening and
110 treatment program. The director of revenue shall collect
111 the donations and deposit all such donations in the state
112 treasury to the credit of the blindness education, screening
113 and treatment program fund established in section 209.015.
114 Moneys in the blindness education, screening and treatment
115 program fund shall be used solely for the purposes
116 established in section 209.015; except that the department
117 of revenue shall retain no more than one percent for its
118 administrative costs. The donation prescribed in this
119 subsection is voluntary and may be refused by the applicant

120 for the license at the time of issuance or renewal of the
121 license. The director shall inquire of each applicant at
122 the time the licensee presents the completed application to
123 the director whether the applicant is interested in making
124 the one dollar donation prescribed in this subsection.

125 4. An applicant for registration may make a donation
126 of one dollar to the Missouri medal of honor recipients
127 fund. The director of revenue shall collect the donations
128 and deposit all such donations in the state treasury to the
129 credit of the Missouri medal of honor recipients fund as
130 established in section 226.925. Moneys in the medal of
131 honor recipients fund shall be used solely for the purposes
132 established in section 226.925, except that the department
133 of revenue shall retain no more than one percent for its
134 administrative costs. The donation prescribed in this
135 subsection is voluntary and may be refused by the applicant
136 for registration at the time of issuance or renewal. The
137 director shall inquire of each applicant at the time the
138 applicant presents the completed application to the director
139 whether the applicant is interested in making the one dollar
140 donation prescribed in this subsection.

141 5. Beginning July 1, 2005, the director shall deny the
142 driving privilege of any person who commits fraud or
143 deception during the examination process or who makes
144 application for an instruction permit, driver's license, or
145 nondriver's license which contains or is substantiated with
146 false or fraudulent information or documentation, or who
147 knowingly conceals a material fact or otherwise commits a
148 fraud in any such application. The period of denial shall
149 be one year from the effective date of the denial notice
150 sent by the director. The denial shall become effective ten
151 days after the date the denial notice is mailed to the

152 person. The notice shall be mailed to the person at the
153 last known address shown on the person's driving record.
154 The notice shall be deemed received three days after mailing
155 unless returned by the postal authorities. No such
156 individual shall reapply for a driver's examination,
157 instruction permit, driver's license, or nondriver's license
158 until the period of denial is completed. No individual who
159 is denied the driving privilege under this section shall be
160 eligible for a limited driving privilege issued under
161 section 302.309.

162 6. All appeals of denials under this section shall be
163 made as required by section 302.311.

164 7. The period of limitation for criminal prosecution
165 under this section shall be extended under subdivision (1)
166 of subsection 3 of section 556.036.

167 8. The director may promulgate rules and regulations
168 necessary to administer and enforce this section. No rule
169 or portion of a rule promulgated pursuant to the authority
170 of this section shall become effective unless it has been
171 promulgated pursuant to chapter 536.

172 9. Notwithstanding any provision of this chapter that
173 requires an applicant to provide proof of Missouri residency
174 for renewal of a noncommercial driver's license,
175 noncommercial instruction permit, or nondriver's license, an
176 applicant who is sixty-five years and older and who was
177 previously issued a Missouri noncommercial driver's license,
178 noncommercial instruction permit, or Missouri nondriver's
179 license is exempt from showing proof of Missouri residency.

180 10. Notwithstanding any provision of this chapter, for
181 the renewal of a noncommercial driver's license,
182 noncommercial instruction permit, or nondriver's license, a
183 photocopy of an applicant's United States birth certificate

184 along with another form of identification approved by the
185 department of revenue, including, but not limited to, United
186 States military identification or United States military
187 discharge papers, shall constitute sufficient proof of
188 Missouri citizenship.

189 11. Notwithstanding any other provision of this
190 chapter, if an applicant does not meet the requirements of
191 subsection 9 of this section and does not have the required
192 documents to prove Missouri residency, United States
193 naturalization, or lawful immigration status, the department
194 may issue a one-year driver's license renewal. This one-
195 time renewal shall only be issued to an applicant who
196 previously has held a Missouri noncommercial driver's
197 license, noncommercial instruction permit, or nondriver's
198 license for a period of fifteen years or more and who does
199 not have the required documents to prove Missouri residency,
200 United States naturalization, or lawful immigration status.
201 After the expiration of the one-year period, no further
202 renewal shall be provided without the applicant producing
203 proof of Missouri residency, United States naturalization,
204 or lawful immigration status.

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