

SECOND REGULAR SESSION

SENATE BILL NO. 1167

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR GANNON.

5736S.01I

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal sections 136.055, 302.178, and 302.181, RSMo, and to enact in lieu thereof three new sections relating to licenses issued by the department of revenue.

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

Section A. Sections 136.055, 302.178, and 302.181, RSMo,
2 are repealed and three new sections enacted in lieu thereof, to
3 be known as sections 136.055, 302.178, and 302.181, to read as
4 follows:

136.055. 1. **Except as provided in subsection 8 of**
2 **this section**, any person who is selected or appointed by the
3 state director of revenue as provided in subsection 2 of
4 this section to act as an agent of the department of
5 revenue, whose duties shall be the processing of motor
6 vehicle title and registration transactions and the
7 collection of sales and use taxes when required under
8 sections 144.070 and 144.440, and who receives no salary
9 from the department of revenue, shall be authorized to
10 collect from the party requiring such services additional
11 fees as compensation in full and for all services rendered
12 on the following basis:

13 (1) For each motor vehicle or trailer registration
14 issued, renewed or transferred, six dollars and twelve
15 dollars for those licenses sold or biennially renewed
16 pursuant to section 301.147;

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

(2) For each application or transfer of title, six dollars;

(3) For each instruction permit, nondriver license, chauffeur's, operator's or driver's license issued for a period of three years or less, six dollars and twelve dollars for licenses or instruction permits issued or renewed for a period exceeding three years;

(4) For each notice of lien processed, six dollars;

(5) Notary fee or electronic transmission per processing, two dollars.

2. The director of revenue shall award fee office contracts under this section through a competitive bidding process. The competitive bidding process shall give priority to organizations and entities that are exempt from taxation under Section 501(c)(3), 501(c)(6), or 501(c)(4), except those civic organizations that would be considered action organizations under 26 C.F.R. Section 1.501(c)(3)-1(c)(3), of the Internal Revenue Code of 1986, as amended, with special consideration given to those organizations and entities that reinvest a minimum of seventy-five percent of the net proceeds to charitable organizations in Missouri, and political subdivisions, including but not limited to, municipalities, counties, and fire protection districts. The director of the department of revenue may promulgate rules and regulations necessary to carry out the provisions of this subsection. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this subsection shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly

49 pursuant to chapter 536 to review, to delay the effective
50 date, or to disapprove and annul a rule are subsequently
51 held unconstitutional, then the grant of rulemaking
52 authority and any rule proposed or adopted after August 28,
53 2009, shall be invalid and void.

54 3. All fees collected by a tax-exempt organization may
55 be retained and used by the organization.

56 4. All fees charged shall not exceed those in this
57 section. The fees imposed by this section shall be
58 collected by all permanent offices and all full-time or
59 temporary offices maintained by the department of revenue.

60 5. Any person acting as agent of the department of
61 revenue for the sale and issuance of registrations,
62 licenses, and other documents related to motor vehicles
63 shall have an insurable interest in all license plates,
64 licenses, tabs, forms and other documents held on behalf of
65 the department.

66 6. The fees authorized by this section shall not be
67 collected by motor vehicle dealers acting as agents of the
68 department of revenue under section 32.095 or those motor
69 vehicle dealers authorized to collect and remit sales tax
70 under subsection 10 of section 144.070.

71 7. Notwithstanding any other provision of law to the
72 contrary, the state auditor may audit all records maintained
73 and established by the fee office in the same manner as the
74 auditor may audit any agency of the state, and the
75 department shall ensure that this audit requirement is a
76 necessary condition for the award of all fee office
77 contracts. No confidential records shall be divulged in
78 such a way to reveal personally identifiable information.

79 8. **The fees described in subsection 1 of this section**
80 **shall not be collected from any person who qualifies as a**

81 homeless child or homeless youth, as defined in subsection 1
82 of section 167.020, or as an unaccompanied youth as defined
83 in 42 U.S.C. Section 11434a(6). Such person's status as a
84 homeless child or youth or unaccompanied youth shall be
85 verified by a letter signed by one of the following persons:

86 (1) A director or designee of a governmental or
87 nonprofit agency that receives public or private funding to
88 provide services to homeless persons;

89 (2) A local education agency liaison for homeless
90 children and youth designated under 42 U.S.C. Section
91 11432(g)(1)(J)(ii); or

92 (3) A licensed attorney representing the minor in any
93 legal matter.

302.178. 1. Any person between the ages of sixteen
2 and eighteen years who is qualified to obtain a license
3 pursuant to sections 302.010 to 302.340 may apply for, and
4 the director shall issue, an intermediate driver's license
5 entitling the applicant, while having such license in his or
6 her possession, to operate a motor vehicle of the
7 appropriate class upon the highways of this state in
8 conjunction with the requirements of this section. An
9 intermediate driver's license shall be readily
10 distinguishable from a license issued to those over the age
11 of eighteen. All applicants for an intermediate driver's
12 license shall:

13 (1) Successfully complete the examination required by
14 section 302.173;

15 (2) Pay the fee required by subsection 4 of this
16 section;

17 (3) Have had a temporary instruction permit issued
18 pursuant to subsection 1 of section 302.130 for at least a
19 six-month period or a valid license from another state; and

(4) Have a parent, grandparent, legal guardian, or, if the applicant is a participant in a federal residential job training program, a driving instructor employed by a federal residential job training program, sign the application stating that the applicant has completed at least forty hours of supervised driving experience under a temporary instruction permit issued pursuant to subsection 1 of section 302.130, or, if the applicant is an emancipated minor, the person over twenty-one years of age who supervised such driving. For purposes of this section, the term "emancipated minor" means a person who is at least sixteen years of age, but less than eighteen years of age, who:

(a) Marries with the consent of the legal custodial parent or legal guardian pursuant to section 451.080;

(b) Has been declared emancipated by a court of competent jurisdiction;

(c) Enters active duty in the Armed Forces;

(d) Has written consent to the emancipation from the custodial parent or legal guardian; [or]

(e) Through employment or other means provides for such person's own food, shelter and other cost-of-living expenses; or

(f) Qualifies as a homeless child or homeless youth, as defined in subsection 1 of section 167.020, or as an unaccompanied youth as defined in 42 U.S.C. Section 11434a(6), and whose status as such is verified as provided under subsection 10 of this section;

(5) Have had no alcohol-related enforcement contacts as defined in section 302.525 during the preceding twelve months; and

51 (6) Have no nonalcoholic traffic convictions for which
52 points are assessed pursuant to section 302.302, within the
53 preceding six months.

54 2. An intermediate driver's license grants the
55 licensee the same privileges to operate that classification
56 of motor vehicle as a license issued pursuant to section
57 302.177, except that no person shall operate a motor vehicle
58 on the highways of this state under such an intermediate
59 driver's license between the hours of 1:00 a.m. and 5:00
60 a.m. unless accompanied by a person described in subsection
61 1 of section 302.130; except the licensee may operate a
62 motor vehicle without being accompanied if the travel is to
63 or from a school or educational program or activity, a
64 regular place of employment or in emergency situations as
65 defined by the director by regulation.

66 3. Each intermediate driver's license shall be
67 restricted by requiring that the driver and all passengers
68 in the licensee's vehicle wear safety belts at all times.
69 This safety belt restriction shall not apply to a person
70 operating a motorcycle. For the first six months after
71 issuance of the intermediate driver's license, the holder of
72 the license shall not operate a motor vehicle with more than
73 one passenger who is under the age of nineteen who is not a
74 member of the holder's immediate family. As used in this
75 subsection, an intermediate driver's license holder's
76 immediate family shall include brothers, sisters,
77 stepbrothers or stepsisters of the driver, including adopted
78 or foster children residing in the same household of the
79 intermediate driver's license holder. After the expiration
80 of the first six months, the holder of an intermediate
81 driver's license shall not operate a motor vehicle with more
82 than three passengers who are under nineteen years of age

83 and who are not members of the holder's immediate family.
84 The passenger restrictions of this subsection shall not be
85 applicable to any intermediate driver's license holder who
86 is operating a motor vehicle being used in agricultural work-
87 related activities.

88 4. Notwithstanding the provisions of section 302.177
89 to the contrary, the fee for an intermediate driver's
90 license shall be five dollars and such license shall be
91 valid for a period of two years. **Such fee shall be waived**
92 **for any person qualifying as an emancipated minor under**
93 **subdivision (4) of subsection 1 of this section.**

94 5. Any intermediate driver's licensee accumulating six
95 or more points in a twelve-month period may be required to
96 participate in and successfully complete a driver-
97 improvement program approved by the state highways and
98 transportation commission. The driver-improvement program
99 ordered by the director of revenue shall not be used in lieu
100 of point assessment.

101 6. (1) An intermediate driver's licensee who has, for
102 the preceding twelve-month period, had no alcohol-related
103 enforcement contacts, as defined in section 302.525 and no
104 traffic convictions for which points are assessed, upon
105 reaching the age of eighteen years or within the thirty days
106 immediately preceding their eighteenth birthday may apply
107 for and receive without further examination, other than a
108 vision test as prescribed by section 302.173, a license
109 issued pursuant to this chapter granting full driving
110 privileges. Such person shall pay the required fee for such
111 license as prescribed in section 302.177.

112 (2) If an intermediate driver's license expires on a
113 Saturday, Sunday, or legal holiday, such license shall
114 remain valid for the five business days immediately

115 following the expiration date. In no case shall a licensee
116 whose intermediate driver's license expires on a Saturday,
117 Sunday, or legal holiday be guilty of an offense of driving
118 with an expired or invalid driver's license if such offense
119 occurred within five business days immediately following an
120 expiration date that occurs on a Saturday, Sunday, or legal
121 holiday.

122 (3) The director of revenue shall deny an application
123 for a full driver's license until the person has had no
124 traffic convictions for which points are assessed for a
125 period of twelve months prior to the date of application for
126 license or until the person is eligible to apply for a six-
127 year driver's license as provided for in section 302.177,
128 provided the applicant is otherwise eligible for full
129 driving privileges. An intermediate driver's license shall
130 expire when the licensee is eligible and receives a full
131 driver's license as prescribed in subdivision (1) of this
132 section.

133 7. No person upon reaching the age of eighteen years
134 whose intermediate driver's license and driving privilege is
135 denied, suspended, cancelled or revoked in this state or any
136 other state for any reason may apply for a full driver's
137 license until such license or driving privilege is fully
138 reinstated. Any such person whose intermediate driver's
139 license has been revoked pursuant to the provisions of
140 sections 302.010 to 302.540 shall, upon receipt of
141 reinstatement of the revocation from the director, pass the
142 complete driver examination, apply for a new license, and
143 pay the proper fee before again operating a motor vehicle
144 upon the highways of this state.

145 8. A person shall be exempt from the intermediate
146 licensing requirements if the person has reached the age of
147 eighteen years and meets all other licensing requirements.

148 9. Any person who violates any of the provisions of
149 this section relating to intermediate drivers' licenses or
150 the provisions of section 302.130 relating to temporary
151 instruction permits is guilty of an infraction, and no
152 points shall be assessed to his or her driving record for
153 any such violation.

154 10. **A person's status as a homeless child or youth or**
155 **unaccompanied youth under paragraph (f) of subdivision (4)**
156 **of subsection 1 of this section shall be verified by a**
157 **letter signed by one of the following persons:**

158 (1) **A director or designee of a governmental or**
159 **nonprofit agency that receives public or private funding to**
160 **provide services to homeless persons;**

161 (2) **A local education agency liaison for homeless**
162 **children and youth designated under 42 U.S.C. Section**
163 **11432(g) (1) (J) (ii); or**

164 (3) **A licensed attorney representing the minor in any**
165 **legal matter.**

166 11. Any rule or portion of a rule, as that term is
167 defined in section 536.010, that is created under the
168 authority delegated in this section shall become effective
169 only if it complies with and is subject to all of the
170 provisions of chapter 536 and, if applicable, section
171 536.028. This section and chapter 536 are nonseverable and
172 if any of the powers vested with the general assembly
173 pursuant to chapter 536 to review, to delay the effective
174 date or to disapprove and annul a rule are subsequently held
175 unconstitutional, then the grant of rulemaking authority and

176 any rule proposed or adopted after August 28, 2000, shall be
177 invalid and void.

302.181. 1. The license issued pursuant to the
2 provisions of sections 302.010 to 302.340 shall be in such
3 form as the director shall prescribe, but the license shall
4 be a card made of plastic or other comparable material. All
5 licenses shall be manufactured of materials and processes
6 that will prohibit, as nearly as possible, the ability to
7 reproduce, alter, counterfeit, forge, or duplicate any
8 license without ready detection. The license shall also
9 bear the expiration date of the license, the classification
10 of the license, the name, date of birth, residence address
11 including the county of residence or a code number
12 corresponding to such county established by the department,
13 and brief description and colored digitized image of the
14 licensee, and a facsimile of the signature of the licensee.
15 The director shall provide by administrative rule the
16 procedure and format for a licensee to indicate on the back
17 of the license together with the designation for an
18 anatomical gift as provided in section 194.240 the name and
19 address of the person designated pursuant to sections
20 404.800 to 404.865 as the licensee's attorney in fact for
21 the purposes of a durable power of attorney for health care
22 decisions. No license shall be valid until it has been so
23 signed by the licensee. If any portion of the license is
24 prepared by a private firm, any contract with such firm
25 shall be made in accordance with the competitive purchasing
26 procedures as established by the state director of the
27 division of purchasing.

28 2. All digital images produced for licenses shall
29 become the property of the department of revenue.

30 3. The license issued shall be carried at all times by
31 the holder thereof while driving a motor vehicle, and shall
32 be displayed upon demand of any officer of the highway
33 patrol, or any police officer or peace officer, or any other
34 duly authorized person, for inspection when demand is made
35 therefor. Failure of any operator of a motor vehicle to
36 exhibit his or her license to any duly authorized officer
37 shall be presumptive evidence that such person is not a duly
38 licensed operator.

39 4. The director of revenue shall not issue a license
40 without a facial digital image of the license applicant,
41 except as provided pursuant to subsection 7 of this
42 section. A digital image of the applicant's full facial
43 features shall be taken in a manner prescribed by the
44 director. No digital image shall be taken wearing anything
45 which cloaks the facial features of the individual.

46 5. The department of revenue may issue a temporary
47 license or a full license without the photograph or with the
48 last photograph or digital image in the department's records
49 to members of the Armed Forces, except that where such
50 temporary license is issued it shall be valid only until the
51 applicant shall have had time to appear and have his or her
52 picture taken and a license with his or her photograph
53 issued.

54 6. The department of revenue shall issue upon request
55 a nondriver's license card containing essentially the same
56 information and photograph or digital image, except as
57 provided pursuant to subsection 7 of this section, as the
58 driver's license upon payment of six dollars. All
59 nondriver's licenses shall expire on the applicant's
60 birthday in the sixth year after issuance. A person who has
61 passed his or her seventieth birthday shall upon application

be issued a nonexpiring nondriver's license card. Notwithstanding any other provision of this chapter, a nondriver's license containing a concealed carry endorsement shall expire three years from the date the certificate of qualification was issued pursuant to section 571.101, as section 571.101 existed prior to August 28, 2013. The fee for nondriver's licenses issued for a period exceeding three years is six dollars or three dollars for nondriver's licenses issued for a period of three years or less. The nondriver's license card shall be used for identification purposes only and shall not be valid as a license. **No fee shall be required or collected from a homeless child or homeless youth, as defined in subsection 1 of section 167.020, or unaccompanied youth, as defined in 42 U.S.C. Section 11434a(6), for a first nondriver's license card issued under this subsection. Such person's status as a homeless child or youth or unaccompanied youth shall be verified by a letter signed by one of the following persons:**

(1) A director or designee of a governmental or nonprofit agency that receives public or private funding to provide services to homeless persons;

(2) A local education agency liaison for homeless children and youth designated under 42 U.S.C. Section 11432(g)(1)(J)(ii); or

(3) A licensed attorney representing the minor in any legal matter.

7. If otherwise eligible, an applicant may receive a driver's license or nondriver's license without a photograph or digital image of the applicant's full facial features except that such applicant's photograph or digital image shall be taken and maintained by the director and not printed on such license. In order to qualify for a license

94 without a photograph or digital image pursuant to this
95 section the applicant must:

96 (1) Present a form provided by the department of
97 revenue requesting the applicant's photograph be omitted
98 from the license or nondriver's license due to religious
99 affiliations. The form shall be signed by the applicant and
100 another member of the religious tenant verifying the
101 photograph or digital image exemption on the license or
102 nondriver's license is required as part of their religious
103 affiliation. The required signatures on the prescribed form
104 shall be properly notarized;

105 (2) Provide satisfactory proof to the director that
106 the applicant has been a United States citizen for at least
107 five years and a resident of this state for at least one
108 year, except that an applicant moving to this state
109 possessing a valid driver's license from another state
110 without a photograph shall be exempt from the one-year state
111 residency requirement. The director may establish rules
112 necessary to determine satisfactory proof of citizenship and
113 residency pursuant to this section;

114 (3) Applications for a driver's license or nondriver's
115 license without a photograph or digital image must be made
116 in person at a license office determined by the director.
117 The director is authorized to limit the number of offices
118 that may issue a driver's or nondriver's license without a
119 photograph or digital image pursuant to this section.

120 8. The department of revenue shall make available, at
121 one or more locations within the state, an opportunity for
122 individuals to have their full facial photograph taken by an
123 employee of the department of revenue, or their designee,
124 who is of the same sex as the individual being photographed,
125 in a segregated location.

126 9. Beginning July 1, 2005, the director shall not
127 issue a driver's license or a nondriver's license for a
128 period that exceeds an applicant's lawful presence in the
129 United States. The director may, by rule or regulation,
130 establish procedures to verify the lawful presence of the
131 applicant and establish the duration of any driver's license
132 or nondriver's license issued under this section.

133 10. (1) Notwithstanding any biometric data
134 restrictions contained in section 302.170, the department of
135 revenue is hereby authorized to design and implement a
136 secure digital driver's license program that allows
137 applicants applying for a driver's license in accordance
138 with this chapter to obtain a secure digital driver's
139 license in addition to the physical card-based license
140 specified in this section.

141 (2) A digital driver's license as described in this
142 subsection shall be accepted for all purposes for which a
143 license, as defined in section 302.010, is used.

144 (3) The department may contract with one or more
145 entities to develop the secure digital driver's license
146 system. The department or entity may develop a mobile
147 software application capable of being utilized through a
148 person's electronic device to access the person's secure
149 digital driver's license.

150 (4) The department shall suspend, disable, or
151 terminate a person's participation in the secure digital
152 driver's license program if:

153 (a) The person's driving privilege is suspended,
154 revoked, denied, withdrawn, or cancelled as provided in this
155 chapter; or

156 (b) The person reports that the person's electronic
157 device has been lost, stolen, or compromised.

158 11. The director of the department of revenue may
159 promulgate rules as necessary for the implementation of this
160 section. Any rule or portion of a rule, as that term is
161 defined in section 536.010 that is created under the
162 authority delegated in this section shall become effective
163 only if it complies with and is subject to all of the
164 provisions of chapter 536 and, if applicable, section
165 536.028. This section and chapter 536 are nonseverable and
166 if any of the powers vested with the general assembly
167 pursuant to chapter 536 to review, to delay the effective
168 date, or to disapprove and annul a rule are subsequently
169 held unconstitutional, then the grant of rulemaking
170 authority and any rule proposed or adopted after August 28,
171 2020, shall be invalid and void.

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