

# SENATE BILL NO. 921

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR NICOLA.

5681S.02I

KRISTINA MARTIN, Secretary

## AN ACT

To amend chapters 105, 302, and 407, RSMo, by adding thereto three new sections relating to protecting personal identifiable information.

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

Section A. Chapters 105, 302, and 407, RSMo, are amended  
2 by adding thereto three new sections, to be known as sections  
3 105.2000, 302.029, and 407.2102, to read as follows:

105.2000. 1. For purposes of this section, the  
2 following terms mean:

3 (1) "Digital form of identification", any name or  
4 number that may be used, alone or in conjunction with any  
5 other information, to identify a specific individual,  
6 including any of the following:

7 (a) Name, Social Security number, date of birth,  
8 official state or government-issued driver's license or  
9 identification number, alien registration number, government  
10 passport number, or employer or taxpayer identification  
11 number;

12 (b) Unique biometric data, such as fingerprint, voice  
13 print, retina or iris image, or other unique physical  
14 representation;

15 (c) Unique electronic identification number, address,  
16 or routing code; or

17 (d) Telecommunication identifying information or  
18 access device;

19 (2) "Minor", any person under eighteen years of age;

20 (3) "Parent", a biological, foster, or adoptive  
21 parent, a stepparent, or a legal guardian;

22 (4) "Personal data", any information relating to an  
23 identifiable natural person;

24 (5) "Place of public accommodation", the same meaning  
25 given to such term in section 213.010;

26 (6) "Public entity", the state of Missouri, any  
27 department, division, board, commission, or other  
28 instrumentality of the state, and any political subdivision  
29 of the state, including any school district or public  
30 institution of higher education.

31 2. A public entity shall not require any person to  
32 obtain or maintain any digital form of identification.

33 3. A public entity may offer the use of a digital form  
34 of identification when interacting with any person provided  
35 the person is not required to obtain or use such digital  
36 form of identification and a physical form of identification  
37 is offered and can be used in lieu of the digital form of  
38 identification.

39 4. (1) A person who has agreed to use a digital form  
40 of identification shall be permitted, upon request, to view,  
41 correct, remove, destroy, or restrict the usage of all  
42 personal data associated with the person's own  
43 identification.

44 (2) A person who has authorized the usage of any  
45 personal data associated with the person's digital form of  
46 identification for one purpose shall not be deemed  
47 authorization for any other purpose unless written consent  
48 is given by the person for each purpose.

49           (3) Personal data of any person may only be collected  
50 by a public entity for the purpose stated by the public  
51 entity and only upon the consent of each individual person,  
52 or in the case of a minor, only upon consent of a parent of  
53 the minor.

54           (4) Personal data of any person shall not be sold or  
55 transferred to any public or private entity without the  
56 consent of the person.

57           5. (1) A public entity shall not, with respect to any  
58 individual person, take any action or refuse to take any  
59 action based solely on the personal data of a person.

60           (2) A digital form of identification shall not be  
61 required by a public entity to enter any place of public  
62 accommodation.

63           6. Any person may bring a cause of action in a court  
64 of competent jurisdiction if the person alleges that a  
65 public entity has violated this section. A public entity  
66 found by a court to have violated this section shall be  
67 liable to the person affected for not more than one hundred  
68 fifty thousand dollars per occurrence.

69           7. This section shall not be construed to prohibit any  
70 public entity from complying with any lawful request from a  
71 law enforcement agency with respect to any person's personal  
72 data.

          302.029. 1. (1) No person shall be required to  
2 obtain a mobile driver's license.

3           (2) A driver's license, including a mobile driver's  
4 license, shall not be linked with any automated license  
5 plate reader in this state without the written consent of  
6 such person to whom the driver's license belongs.

7           2. For purposes of this section, the term "mobile  
8 driver's license" means a data file that is:

9           (1) Available on a mobile device that has connectivity  
10 to the internet through an application that allows the  
11 mobile device to download the data file from the department  
12 of revenue;

13           (2) Contains all of the same data elements visible on  
14 the face and back of the driver's license issued by the  
15 department of revenue; and

16           (3) Displays the current status of the driver's  
17 license.

          407.2102. 1. For purposes of this section, the  
2 following terms mean:

3           (1) "Digital form of identification", any name or  
4 number that may be used, alone or in conjunction with any  
5 other information, to identify a specific individual,  
6 including any of the following:

7           (a) Name, Social Security number, date of birth,  
8 official state or government-issued driver's license or  
9 identification number, alien registration number, government  
10 passport number, or employer or taxpayer identification  
11 number;

12           (b) Unique biometric data, such as fingerprint, voice  
13 print, retina or iris image, or other unique physical  
14 representation;

15           (c) Unique electronic identification number, address,  
16 or routing code; or

17           (d) Telecommunication identifying information or  
18 access device;

19           (2) "Personal data", any information relating to an  
20 identifiable natural person;

21           (3) "Private entity", any for-profit or not-for-profit  
22 organization, association, corporation, partnership, joint  
23 venture, limited partnership, limited liability partnership,

24 limited liability company, or other entity or business  
25 association, including all wholly owned subsidiaries,  
26 majority-owned subsidiaries, parent companies, or affiliates  
27 of those entities or business associations.

28       2. (1) A private entity may offer the use of a  
29 digital form of identification when interacting with any  
30 person. A person who has agreed to use a digital form of  
31 identification when interacting with a private entity shall  
32 be permitted, upon request, to view, correct, remove,  
33 destroy, or restrict the usage of all personal data  
34 associated with the person's own digital form of  
35 identification associated with the private entity.

36       (2) A person who has authorized the usage by a private  
37 entity of any personal data associated with the person's  
38 digital form of identification for one purpose shall not be  
39 deemed authorization for any other purpose unless written  
40 consent is given by the person for each purpose.

41       (3) Personal data of any person may only be collected  
42 by a private entity for the purpose stated by the private  
43 entity and only upon the consent of each individual person.

44       (4) Personal data of any person shall not be sold or  
45 transferred to any public or private entity without the  
46 consent of the person.

47       3. A private entity shall not, with respect to any  
48 individual person, take any action or refuse to take any  
49 action based solely on the personal data of a person.

50       4. Any person may bring a cause of action in a court  
51 of competent jurisdiction if the person alleges that a  
52 business entity has violated this section. A business  
53 entity found by a court to have violated this section shall  
54 be liable to the person affected for not more than one  
55 hundred fifty thousand dollars per occurrence.

56           5. This section shall not be construed to prohibit any  
57 business entity from complying with any lawful request from  
58 a law enforcement agency with respect to any person's  
59 personal data.

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