



**STATE OF MISSOURI**  
**JOINT COMMITTEE ON ADMINISTRATIVE RULES**  
**CINDY KADLEC, DIRECTOR**

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April 11, 2013

**Hand Delivered**

Mr. Brian K. Long, Director  
Missouri Department of Revenue  
301 W. High Street  
Jefferson City, MO 65101

Re: Rules for Issuance of Driver or Nondriver License

Dear Director Long:

As you know, the Department of Revenue's ("Department") procedures relating to issuance of driver's licenses in Missouri has become a contentious issue this Legislative session. The Department's current rule concerning this topic is codified as **12 CSR 10-24.448 Documents Required for Issuance of a Driver or Nondriver License or Instruction Permit**. It is my belief that the Department is currently following a process that is contrary to what your current rule requires and, in fact, goes further than the rule indicates.

It has come to my attention that during the Appropriations hearings held April 10, 2013, that the Department's General Counsel, Trevor Bossert, made the statement that one of the reasons your rule has not been updated to reflect the current procedures of the Department in regard to treatment of documents required during the license issuance process, is that the "administrative burden" is too high. This line of reasoning is absolutely unacceptable. There is no exception contained in Chapter 536, RSMo. which exempts state agencies from promulgating rules if they simply feel that the "administrative burden" in doing so is too high. The Administrative Procedure Act, contained in Chapter 536, RSMo. very clearly requires promulgating of rules. Further, a rule is defined as

"each agency statement of general applicability that implements, interprets, or prescribes law or policy or that describes the organization, procedure or practice requirements of any agency."

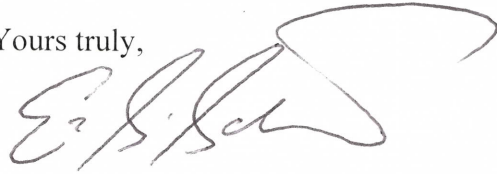
Clearly, the Department's procedure in specifying what documents citizens must produce to obtain a driver license and the treatment and/or sharing of those documents once provided would

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fall within that definition. Your avoidance of the finely wrought process of rulemaking established to protect the public from situations like this reeks of arrogance and is in violation of the law.

Therefore, I call on the Department to proceed with implementation of rules which actually reflect the Department's process in regard to driver's license issuance within 10 days of the date of this correspondence.

Yours truly,

A handwritten signature in black ink, appearing to read "Eric Schmitt". The signature is fluid and cursive, with a large, sweeping loop at the end.

Senator Eric Schmitt, Chair