

SECOND REGULAR SESSION

# HOUSE BILL NO. 1716

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES GUEST (Sponsor), RUESTMAN, TILLEY, TALBOY, McGHEE, HARRIS (110), FUNDERBURK, YATES, DAVIS, DOUGHERTY, SCHIEFFER, BAKER (123), PORTWOOD, WHORTON, NIEVES, LOW (39), SMITH (150), MEINERS, LOWE (44), WALLACE, WILSON (119), SWINGER, DARROUGH, ONDER, WELLS, WETER, DUSENBERG, COOPER (155), RUCKER, OXFORD, BROWN (50), MEADOWS, SCHAD, DAUS, STREAM, BIVINS AND NANCE (Co-sponsors).

Read 1st time January 17, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

4280L.02I

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### AN ACT

To amend chapter 302, RSMo, by adding thereto one new section relating to noncompliance with the federal REAL ID Act of 2005.

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

Section A. Chapter 302, RSMo, is amended by adding thereto one new section, to be known as section 302.183, to read as follows:

- 302.183. 1. Notwithstanding any provision of this chapter that requires an applicant to provide reasonable proof of residence for renewal of a noncommercial driver's license, noncommercial instruction permit, or a nondriver's license, an applicant shall not have his or her privacy rights violated in order to obtain or renew a Missouri driver's license.**
- 2. Any data derived from a person's application shall not be sold for commercial purposes to any other organization or any other state without the express permission of the applicant without a court order; except such information may be shared with a law enforcement agency, judge, prosecuting attorney, or officer of the court, or with another state for the limited purposes set out in section 302.600 or for conducting driver history checks in compliance with the Motor Carrier Safety Improvement Act, 49 U.S.C. 31309.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

12 The state of Missouri shall protect the privacy of its citizens when handling any written,  
13 digital, or electronic data, and shall not participate in any standardized identification  
14 system using driver's and nondriver's license records.

15 3. The department of revenue shall not amend procedures for applying for a  
16 driver's license or identification card in order to comply with the goals or standards of the  
17 federal Real ID Act of 2005, any rules or regulations promulgated under the authority  
18 granted in such act, or any requirements adopted by the American Association of Motor  
19 Vehicle Administrators for furtherance of the act.

20 4. The department of revenue shall not expand the motor vehicle records data it  
21 shares with other states, the federal government, or other agencies, or provide motor  
22 vehicle records data to any additional states, or state or federal agencies, unless authorized  
23 by statute.

24 5. No department or agency of the state charged with motor vehicle registration or  
25 operation, the issuance or renewal of driver's licenses, or the issuance or renewal of any  
26 identification cards shall collect, obtain, or retain any data in connection with activities  
27 related to compliance with the federal Real ID Act of 2005.

28 6. Any biometric data previously collected, obtained, or retained in connection with  
29 motor vehicle registration or operation, the issuance or renewal of driver's licenses, or the  
30 issuance or renewal of any identification cards by any department or agency of the state  
31 charged with those activities shall be retrieved and deleted from all databases. The  
32 provisions of this subsection shall not apply to any data collected, obtained, or retained for  
33 a purpose other than compliance with the federal Real ID Act of 2005. For purposes of this  
34 section, "biometric data" includes, but is not limited to:

35 (1) Facial feature pattern characteristics;

36 (2) Voice data used for comparing live speech with a previously created speech  
37 model of a person's voice;

38 (3) Iris recognition data containing color or texture patterns or codes;

39 (4) Retinal scans, reading through the pupil to measure blood vessels lining the  
40 retina.

41 7. No citizen of this state shall have his or her privacy compromised by the state or  
42 agents of the state. The state shall within reason protect the sovereignty of the citizens the  
43 state is entrusted to protect.

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