

HCS HB 787 -- DATA COLLECTED BY THE STATE AND ITS AGENTS
(Richardson)

COMMITTEE OF ORIGIN: Committee on Government Oversight and
Accountability

This substitute allows the Director of the Department of Revenue to require applications for the regulation and licensing of motor vehicles, watercraft, and mobile homes to include the applicant's unique identification number which is the applicant's driver's license number, non-driver's license number, or Social Security number. The number must be treated as personal, non-public information by the department.

The department is required to indemnify fee offices for any liability, including attorney fees, resulting from a legal action if the office was acting in the course of its official duties and pursuant to state law or department rules or regulations.

The department is prohibited from retaining copies, in any format, of source documents presented by an individual applying for or holding a driver's or nondriver's license, except the minimum copies necessary to comply with federal law on commercial driver's licenses. The department must not capture digital images of source documents that are capable of being retained in electronic storage in a transferable format. The department must not require the scanning of source documents for the issuance of a concealed carry weapon endorsement and must create an in-house process for printing endorsements to be available upon the request of the applicant.

The department must securely destroy any source documents that were obtained after August 28, 2012, from driver's or nondriver's license applicants. "Source documents" means original or certified copies of documents presented by an applicant as required under specified federal regulations and any documents required for the issuance, renewal, or replacement of driver's or nondriver's licenses by the department under Chapter 302, RSMo, or accompanying regulations.

A person who is harmed by a violation of this provision may bring a civil action for damages from the department and any violator, including noneconomic and punitive damages, and may ask for injunctive relief in the circuit court where the person resided at the time of the violation or in Cole County. Sovereign immunity is not available as a defense for the department. If the plaintiff prevails, he or she is entitled to attorney fees from the defendants.

A state agency, department, or contractor or agent working for the

state, is prohibited from constructing, maintaining, participating in, developing, enabling by providing or sharing records to, or cooperating or enabling the federal government in developing a database or record of the number or type of firearms, ammunition, or firearms accessories that a person possesses.

The substitute has an emergency clause.