

SECOND REGULAR SESSION

# HOUSE BILL NO. 1562

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES HENKE (Sponsor), KUESSNER, ZWEIFEL, LeVOTA, WALSH, WILDBERGER, YOUNG, DOUGHERTY, SKAGGS, WRIGHT-JONES, SCHAAF, YAEGER, CORCORAN, DARROUGH, MEADOWS, SPRENG, GEORGE, BURNETT, SWINGER, HARRIS (110), MEINERS, WILSON (119), FRASER, FAITH, AULL AND THRELKELD (Co-sponsors).

Read 1st time January 26, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4688L.011

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### AN ACT

To repeal section 302.171, RSMo, and to enact in lieu thereof one new section relating to exempting certain individuals from proving lawful presence in order to obtain a driver's license.

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

2 Section A. Section 302.171, RSMo, is repealed and one new section enacted in lieu  
3 thereof, to be known as section 302.171, to read as follows:

4 302.171. 1. Beginning July 1, 2005, the director shall verify that an applicant for a  
5 driver's license is lawfully present in the United States before accepting the application. The  
6 director shall not issue a driver's license for a period that exceeds an applicant's lawful presence  
7 in the United States. The director may establish procedures to verify the lawful presence of the  
8 applicant and establish the duration of any driver's license issued under this section.

9 **2. Notwithstanding the provisions of subsection 1 of this section to the contrary, an  
10 applicant for a driver's license or nondriver's license born prior to January 1, 1941, shall  
11 not be required to submit a birth certificate or other documents indicating proof of lawful  
12 presence.**

13 **3.** An application for a license shall be made upon an approved form furnished by the  
14 director. Every application shall state the full name, Social Security number, age, height, weight,  
15 color of eyes, sex, residence, mailing address of the applicant, and the classification for which

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.

13 the applicant has been licensed, and, if so, when and by what state, and whether or not such  
14 license has ever been suspended, revoked, or disqualified, and, if revoked, suspended or  
15 disqualified, the date and reason for such suspension, revocation or disqualification and whether  
16 the applicant is making a one dollar donation to promote an organ donation program as  
17 prescribed in subsection [2] 4 of this section. A driver's license, nondriver's license, or  
18 instruction permit issued under this chapter shall contain the applicant's legal name as it appears  
19 on a birth certificate or as legally changed through marriage or court order. No name change by  
20 common usage based on common law shall be permitted. The application shall also contain such  
21 information as the director may require to enable the director to determine the applicant's  
22 qualification for driving a motor vehicle; and shall state whether or not the applicant has been  
23 convicted in this or any other state for violating the laws of this or any other state or any  
24 ordinance of any municipality, relating to driving without a license, careless driving, or driving  
25 while intoxicated, or failing to stop after an accident and disclosing the applicant's identity, or  
26 driving a motor vehicle without the owner's consent. The application shall contain a certification  
27 by the applicant as to the truth of the facts stated therein. Every person who applies for a license  
28 to operate a motor vehicle who is less than twenty-one years of age shall be provided with  
29 educational materials relating to the hazards of driving while intoxicated, including information  
30 on penalties imposed by law for violation of the intoxication-related offenses of the state.  
31 Beginning January 1, 2001, if the applicant is less than eighteen years of age, the applicant must  
32 comply with all requirements for the issuance of an intermediate driver's license pursuant to  
33 section 302.178.

34 [2.] 4. An applicant for a license may make a donation of one dollar to promote an organ  
35 donor program. The director of revenue shall collect the donations and deposit all such  
36 donations in the state treasury to the credit of the organ donor program fund established in  
37 sections 194.297 to 194.304, RSMo. Moneys in the organ donor program fund shall be used  
38 solely for the purposes established in sections 194.297 to 194.304, RSMo, except that the  
39 department of revenue shall retain no more than one percent for its administrative costs. The  
40 donation prescribed in this subsection is voluntary and may be refused by the applicant for the  
41 license at the time of issuance or renewal of the license. The director shall make available an  
42 informational booklet or other informational sources on the importance of organ donations to  
43 applicants for licensure as designed by the organ donation advisory committee established in  
44 sections 194.297 to 194.304, RSMo. The director shall inquire of each applicant at the time the  
45 licensee presents the completed application to the director whether the applicant is interested in  
46 making the one dollar donation prescribed in this subsection and whether the applicant is  
47 interested in inclusion in the organ donor registry and shall also specifically inform the licensee  
48 of the ability to consent to organ donation by completing the form on the reverse of the license

49 that the applicant will receive in the manner prescribed by subsection 6 of section 194.240,  
50 RSMo. The director shall notify the department of health and senior services of information  
51 obtained from applicants who indicate to the director that they are interested in registry  
52 participation, and the department of health and senior services shall enter the complete name,  
53 address, date of birth, race, gender and a unique personal identifier in the registry established in  
54 subsection 1 of section 194.304, RSMo.

55 [3.] 5. An applicant for a license may make a donation of one dollar to promote a  
56 blindness education, screening and treatment program. The director of revenue shall collect the  
57 donations and deposit all such donations in the state treasury to the credit of the blindness  
58 education, screening and treatment program fund established in section 192.935, RSMo. Moneys  
59 in the blindness education, screening and treatment program fund shall be used solely for the  
60 purposes established in section 192.935, RSMo, except that the department of revenue shall  
61 retain no more than one percent for its administrative costs. The donation prescribed in this  
62 subsection is voluntary and may be refused by the applicant for the license at the time of issuance  
63 or renewal of the license. The director shall inquire of each applicant at the time the licensee  
64 presents the completed application to the director whether the applicant is interested in making  
65 the one dollar donation prescribed in this subsection.

66 [4.] 6. Beginning July 1, 2005, the director shall deny the driving privilege of any person  
67 who commits fraud or deception during the examination process or who makes application for  
68 an instruction permit, driver's license, or nondriver's license which contains or is substantiated  
69 with false or fraudulent information or documentation, or who knowingly conceals a material  
70 fact or otherwise commits a fraud in any such application. The period of denial shall be one year  
71 from the effective date of the denial notice sent by the director. The denial shall become  
72 effective ten days after the date the denial notice is mailed to the person. The notice shall be  
73 mailed to the person at the last known address shown on the person's driving record. The notice  
74 shall be deemed received three days after mailing unless returned by the postal authorities. No  
75 such individual shall reapply for a driver's examination, instruction permit, driver's license, or  
76 nondriver's license until the period of denial is completed. No individual who is denied the  
77 driving privilege under this section shall be eligible for a limited driving privilege issued under  
78 section 302.309.

79 [5.] 7. All appeals of denials under this section shall be made as required by section  
80 302.311.

81 [6.] 8. The period of limitation for criminal prosecution under this section shall be  
82 extended under subdivision (1) of subsection 3 of section 556.036, RSMo.

83 [7.] 9. The director may promulgate rules and regulations necessary to administer and  
84 enforce this section. No rule or portion of a rule promulgated pursuant to the authority of this  
85 section shall become effective unless it has been promulgated pursuant to chapter 536, RSMo.

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