

SECOND REGULAR SESSION

HOUSE BILL NO. 2131

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KELLEY.

5615H.02I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 302.183, RSMo, and to enact in lieu thereof two new sections relating to optional nondriver's licenses that comply with the federal Real ID Act of 2005, with an emergency clause.

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

Section A. Section 302.183, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 302.068 and 302.183, to read as follows:

302.068. 1. Notwithstanding the provisions of section 302.183 or any other provision of law, the department of revenue shall give Missouri residents the option of a nondriver's license that is compliant with the federal Real ID Act of 2005. Nondriver's licenses meeting the more stringent requirements of this section shall be marked with a Real ID gold circle with a star cutout in the upper right-hand portion of the card. Any nondriver's license issued under this chapter that does not meet the requirements of this section shall include a heading reading "NOT FOR FEDERAL OFFICIAL USE".

2. To obtain a Real ID compliant nondriver's license, the applicant shall present proof of identity, social security number, and two proofs of address in person at the department of revenue or at a driver's license bureau.

3. The department of revenue shall issue all necessary rules and regulations for the administration of this section, including specific documentation requirements necessary for compliance with the federal Real ID Act of 2005. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are

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.

17 **nonseverable, and if any of the powers vested with the general assembly pursuant to**
18 **chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are**
19 **subsequently held unconstitutional, then the grant of rulemaking authority and any rule**
20 **proposed or adopted after August 28, 2016, shall be invalid and void.**

302.183. 1. Notwithstanding any provision of this chapter that requires an applicant to
2 provide reasonable proof of residence for issuance or renewal of a noncommercial driver's
3 license, noncommercial instruction permit, or a nondriver's license, an applicant shall not have
4 his or her privacy rights violated in order to obtain or renew a Missouri noncommercial driver's
5 license, noncommercial instruction permit, or a nondriver's license.

6 2. Any data derived from a person's application shall not be sold for commercial
7 purposes to any other organization or any other state without the express permission of the
8 applicant without a court order; except such information may be shared with a law enforcement
9 agency, judge, prosecuting attorney, or officer of the court, or with another state for the limited
10 purposes set out in section 302.600 or for conducting driver history checks in compliance with
11 the Motor Carrier Safety Improvement Act, 49 U.S.C. 31309. The state of Missouri shall
12 protect the privacy of its citizens when handling any written, digital, or electronic data, and shall
13 not participate in any standardized identification system using driver's and nondriver's license
14 records. For purposes of this subsection, "commercial purposes" does not include data used or
15 compiled solely to be used for, or obtained or compiled solely for purposes expressly allowed
16 under the Missouri or federal Drivers Privacy Protection Act.

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

22 4.] Any biometric data previously collected, obtained, or retained in connection with
23 motor vehicle registration or operation, the issuance or renewal of driver's licenses, or the
24 issuance or renewal of any identification cards by any department or agency of the state charged
25 with those activities shall be retrieved and deleted from all databases. For purposes of this
26 section, "biometric data" includes, but is not limited to:

27 (1) Facial feature pattern characteristics;

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

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

31 (4) Retinal scans, reading through the pupil to measure blood vessels lining the retina;

32 (5) Fingerprint, palm prints, hand geometry, measuring of any and all characteristics of
33 biometric information, including shape and length of fingertips or recording ridge pattern or
34 fingertip characteristics;

35 (6) Eye spacing;

36 (7) Characteristic gait or walk;

37 (8) DNA;

38 (9) Keystroke dynamics, measuring pressure applied to key pads or other digital
39 receiving devices.

40 [5.] 4. No citizen of this state shall have his or her privacy compromised by the state or
41 agents of the state. The state shall within reason protect the sovereignty of the citizens the state
42 is entrusted to protect.

Section B. Because immediate action is necessary to ensure Missouri citizens are able
2 to board aircraft or enter federal facilities where identification is required, section A of this act
3 is deemed necessary for the immediate preservation of the public health, welfare, peace, and
4 safety, and is hereby declared to be an emergency act within the meaning of the constitution, and
5 section A of this act shall be in full force and effect upon its passage and approval.

✓