

FIRST REGULAR SESSION

HOUSE BILL NO. 1032

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE GREEN.

2106H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 302.065, 302.177, 302.183, and 302.189, RSMo, and to enact in lieu thereof four new sections relating to compliance with the federal REAL ID Act of 2005.

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

Section A. Sections 302.065, 302.177, 302.183, and 302.189, RSMo, are repealed and
2 four new sections enacted in lieu thereof, to be known as sections 302.065, 302.177, 302.183,
3 and 302.189, to read as follows:

302.065. 1. Notwithstanding section 32.090 or any other provision of the law to the
2 contrary, and except as provided in subsection 4 of this section, the department of revenue shall
3 not retain copies, in any format, of source documents presented by individuals applying for or
4 holding driver's licenses or nondriver's licenses. The department of revenue shall not use
5 technology to capture digital images of source documents so that the images are capable of being
6 retained in electronic storage in a transferable format.

7 2. By December 31, 2013, the department of revenue shall securely destroy so as to make
8 irretrievable any source documents that have been obtained from driver's license or nondriver's
9 license applicants after September 1, 2012.

10 3. As long as the department of revenue has the authority to issue a concealed carry
11 endorsement, the department shall not retain copies of any certificate of qualification for a
12 concealed carry endorsement presented to the department for an endorsement on a driver's
13 license or nondriver's license under section 571.101. The department of revenue shall not use
14 technology to capture digital images of a certificate of qualification nor shall the department
15 retain digital or electronic images of such certificates. The department of revenue shall merely
16 verify whether the applicant for a driver's license or nondriver's license has presented a certificate

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 of qualification which will allow the applicant to obtain a concealed carry endorsement. By
18 December 31, 2013, the department of revenue shall securely destroy so as to make irretrievable
19 any copies of certificates of qualification that have been obtained from driver's license or
20 nondriver's license applicants.

21 4. The provisions of this section shall not apply to:

22 (1) Original application forms, which may be retained but not scanned;

23 (2) Test score documents issued by state highway patrol driver examiners;

24 (3) Documents demonstrating lawful presence of any applicant who is not a citizen of
25 the United States, including documents demonstrating duration of the person's lawful presence
26 in the United States; ~~and~~

27 (4) Any document required to be retained under federal motor carrier regulations in Title
28 49, Code of Federal Regulations, including but not limited to documents required by federal law
29 for the issuance of a commercial driver's license and a commercial driver instruction permit;
30 ~~and~~

31 (5) **Any document required to be retained under the federal REAL ID Act; and**

32 (6) Any other document at the request of and for the convenience of the applicant where
33 the applicant requests the department of revenue review alternative documents as proof required
34 for issuance of a driver's license, nondriver's license, or instruction permit.

35 5. As used in this section, the term "source documents" means original or certified
36 copies, where applicable, of documents presented by an applicant as required under 6 CFR Part
37 37 to the department of revenue to apply for a driver's license or nondriver's license. Source
38 documents shall also include any documents required for the issuance of driver's licenses or
39 nondriver's licenses by the department of revenue under the provisions of this chapter or
40 accompanying regulations.

41 6. Any person harmed or damaged by any violation of this section may bring a civil
42 action for damages, including noneconomic and punitive damages, as well as injunctive relief,
43 in the circuit court where that person resided at the time of the violation or in the circuit court
44 of Cole County to recover such damages from the department of revenue and any persons
45 participating in such violation. Sovereign immunity shall not be available as a defense for the
46 department of revenue in such an action. In the event the plaintiff prevails on any count of his
47 or her claim, the plaintiff shall be entitled to recover reasonable attorney fees from the
48 defendants.

302.177. 1. To all applicants for a license or renewal to transport persons or property
2 classified in section 302.015 who are at least twenty-one years of age and under the age of
3 seventy, and who submit a satisfactory application and meet the requirements of sections
4 302.010 to 302.605, the director shall issue or renew such license; except that no license shall

5 be issued if an applicant's license is currently suspended, cancelled, revoked, disqualified, or
6 deposited in lieu of bail. Such license shall expire on the applicant's birthday in the sixth year
7 of issuance, unless the license must be issued for a shorter period due to other requirements of
8 law or for transition or staggering of work as determined by the director. The license must be
9 renewed on or before the date of expiration, which date shall be shown on the license.

10 2. To all applicants for a license or renewal to transport persons or property classified
11 in section 302.015 who are less than twenty-one years of age or greater than sixty-nine years of
12 age, and who submit a satisfactory application and meet the requirements of sections 302.010
13 to 302.605, the director shall issue or renew such license; except that no license shall be issued
14 if an applicant's license is currently suspended, cancelled, revoked, disqualified, or deposited in
15 lieu of bail. Such license shall expire on the applicant's birthday in the third year of issuance,
16 unless the license must be issued for a shorter period due to other requirements of law or for
17 transition or staggering of work as determined by the director. The license must be renewed on
18 or before the date of expiration, which date shall be shown on the license. A license issued under
19 this section to an applicant who is over the age of sixty-nine and contains a school bus
20 endorsement shall not be issued for a period that exceeds one year.

21 3. To all other applicants for a license or renewal of a license who are at least twenty-one
22 years of age and under the age of seventy, and who submit a satisfactory application and meet
23 the requirements of sections 302.010 to 302.605, the director shall issue or renew such license;
24 except that no license shall be issued if an applicant's license is currently suspended, cancelled,
25 revoked, disqualified, or deposited in lieu of bail. Such license shall expire on the applicant's
26 birthday in the sixth year of issuance, unless the license must be issued for a shorter period due
27 to other requirements of law or for transition or staggering of work as determined by the director.
28 The license must be renewed on or before the date of expiration, which date shall be shown on
29 the license.

30 4. To all other applicants for a license or renewal of a license who are less than
31 twenty-one years of age or greater than sixty-nine years of age, and who submit a satisfactory
32 application and meet the requirements of sections 302.010 to 302.605, the director shall issue
33 or renew such license; except that no license shall be issued if an applicant's license is currently
34 suspended, cancelled, revoked, disqualified, or deposited in lieu of bail. Such license shall
35 expire on the applicant's birthday in the third year of issuance, unless the license must be issued
36 for a shorter period due to other requirements of law or for transition or staggering of work as
37 determined by the director. The license must be renewed on or before the date of expiration,
38 which date shall be shown on the license.

39 5. The fee for a license issued for a period which exceeds three years under subsection
40 1 of this section shall be thirty dollars.

41 6. The fee for a license issued for a period of three years or less under subsection 2 of
42 this section shall be fifteen dollars, except that the fee for a license issued for one year or less
43 which contains a school bus endorsement shall be five dollars, except renewal fees shall be
44 waived for applicants seventy years of age or older seeking school bus endorsements.

45 7. The fee for a license issued for a period which exceeds three years under subsection
46 3 of this section shall be fifteen dollars.

47 8. The fee for a license issued for a period of three years or less under subsection 4 of
48 this section shall be seven dollars and fifty cents.

49 9. **Notwithstanding any provision of this section or any other law, an additional fee**
50 **may be charged for REAL ID compliant driver's licenses and identification cards issued**
51 **under section 302.183 in an amount to be determined by the department of revenue, but**
52 **such fee shall not exceed the department's administrative costs in implementing a REAL**
53 **ID compliant system for license issuance.**

54 10. Beginning July 1, 2005, the director shall not issue a driver's license for a period that
55 exceeds an applicant's lawful presence in the United States. The director may establish
56 procedures to verify the lawful presence of the applicant and establish the duration of any driver's
57 license issued under this section.

58 ~~10.~~ 11. The director of revenue may adopt any rules and regulations necessary to carry
59 out the provisions of this section. No rule or portion of a rule promulgated pursuant to the
60 authority of this section shall become effective unless it has been promulgated pursuant to the
61 provisions of chapter 536.

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 law or the federal Drivers Privacy Protection Act of 1994.

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 **prior to August 28,**
23 **2017,** in connection with motor vehicle registration or operation, the issuance or renewal of
24 driver's licenses, or the issuance or renewal of any identification cards by any department or
25 agency of the state charged with those activities shall be retrieved and deleted from all databases.
26 For purposes of this 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.

302.189. 1. The department of revenue shall not use, collect, obtain, share, or retain
2 biometric data nor shall the department use biometric technology, including, but not limited to,
3 retinal scanning, facial recognition or fingerprint technology, to produce a driver's license or
4 nondriver's license or to uniquely identify licensees or license applicants for whatever purpose.
5 This section shall not apply to digital images nor licensee signatures required for the issuance
6 of driver's licenses and nondriver's license pursuant to section 302.181.

7 2. As used in this section, the term "biometric data" or "biometric technology" includes,
8 but is not limited to:

- 9 (1) Facial feature pattern characteristics;
- 10 (2) Voice data used for comparing live speech with a previously created speech model
- 11 of a person's voice;
- 12 (3) Iris recognition data containing color or texture patterns or codes;
- 13 (4) Retinal scans, reading through the pupil to measure blood vessels lining the retina;
- 14 (5) Fingerprints, palm prints, hand geometry, measuring of any and all characteristics
- 15 of biometric information, including shape and length of fingertips or recording ridge pattern or
- 16 fingertip characteristics;
- 17 (6) Eye spacing;
- 18 (7) Characteristic gait or walk;
- 19 (8) DNA; or
- 20 (9) Keystroke dynamics, measuring pressure applied to key pads or other digital
- 21 receiving devices.

22 **3. Nothing contained in this section shall prohibit the department from complying**

23 **with any requirement of the federal REAL ID Act and any rules and regulations**

24 **promulgated under the authority granted in such act.**

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