

FIRST REGULAR SESSION

# HOUSE BILL NO. 166

99TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE DAVIS.

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D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To repeal section 302.183, RSMo, and to enact in lieu thereof one new section relating to driver's licenses compliant with the federal REAL ID Act of 2015, with an emergency clause.

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

Section A. Section 302.183, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 302.183, to read as follows: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 issuance or 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 noncommercial driver's license, noncommercial instruction permit, or a nondriver'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. The state of Missouri shall protect the privacy of its citizens when handling any written, digital, or electronic data, and shall not participate in any standardized identification system using driver's and nondriver's license records. For purposes of this subsection, "commercial purposes" does not include data used or compiled solely to be used for, or obtained or compiled solely for purposes expressly allowed under the Missouri or federal Drivers Privacy Protection Act.

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

22           4. **The department of revenue shall issue driver's licenses or identification cards**  
23 **that are compliant with the federal REAL ID Act of 2005, as amended, to all applicants for**  
24 **driver's licenses or identification cards unless an applicant requests a driver's license or**  
25 **identification card that is not REAL ID compliant. Upon initial application for a driver's**  
26 **license or identification card, the department of revenue shall inform applicants of the**  
27 **option of being issued a REAL ID compliant driver's license or identification card or a**  
28 **driver's license or identification card that is not compliant with REAL ID. The department**  
29 **shall inform all applicants:**

30           (1) **With regard to the REAL ID compliant driver's license or identification:**

31           (a) **It is valid for official state purposes and for official federal purposes as outlined**  
32 **in the federal REAL ID Act of 2005, as amended, such as domestic air travel and seeking**  
33 **access to military bases and most federal facilities;**

34           (b) **Electronic copies of source documents will be retained by the department;**

35           (c) **The facial image capture will be retained by the department even if a driver's**  
36 **license or identification is not issued; and**

37           (d) **Any other information the department deems necessary to inform the applicant**  
38 **about the driver's license or identification under the REAL ID Act;**

39           (2) **With regard to a driver's license or identification that is not compliant with the**  
40 **REAL ID Act:**

41           (a) **It is valid for official state purposes, but it is not valid for official federal**  
42 **purposes as outlined in the federal REAL ID Act of 2005, as amended, such as domestic air**  
43 **travel and seeking access to military bases and most federal facilities;**

44           (b) **Source documents will be verified but no copies of such documents will be**  
45 **retained by the department unless permitted under section 302.065;**

46           (c) **If a driver's license or identification is not issued, the facial image capture will**  
47 **not be retained by the department; and**

48           (d) **Any other information the department deems necessary to inform the applicant**  
49 **about the driver's license or identification.**

50           5. **Subsection 4 of this section shall be effective once the department of revenue has**  
51 **been notified by the federal department of homeland security that the department of**  
52 **revenue is able to issue driver's licenses or identification cards that comply with the federal**  
53 **REAL ID Act of 2005, as amended. Once the department of revenue is so notified, it shall**

54 give notice of the same to the speaker of the house of representatives, the president pro  
55 tempore of the senate, and the revisor of statutes. The department of revenue shall then  
56 issue driver's licenses and identifications in accordance with subsection 4 of this section.

57 **6. Except as necessary to carry out subsections 3 and 4 of this section for the sole**  
58 **purpose of issuing a driver's license or identification card that is compliant with the federal**  
59 **REAL ID Act of 2005, as amended, to an individual who requests it, [Any] biometric data**  
60 **[previously] shall not be collected, obtained, or retained in connection with motor vehicle**  
61 **registration or operation, the issuance or renewal of driver's licenses, or the issuance or renewal**  
62 **of any identification cards by any department or agency of the state charged with those activities**  
63 **[shall be retrieved and deleted from all databases]. Any such biometric data collected as**  
64 **necessary to carry out subsections 3 and 4 for the sole purpose of issuing a REAL ID**  
65 **compliant driver's license or identification to a person who has requested such license or**  
66 **identification shall be retained only for purposes of complying with the REAL ID Act and**  
67 **only for so long as required for compliance with the REAL ID Act.** For purposes of this  
68 section, "biometric data" includes, but is not limited to:

- 69 (1) Facial feature pattern characteristics;  
70 (2) Voice data used for comparing live speech with a previously created speech model  
71 of a person's voice;  
72 (3) Iris recognition data containing color or texture patterns or codes;  
73 (4) Retinal scans, reading through the pupil to measure blood vessels lining the retina;  
74 (5) Fingerprint, palm prints, hand geometry, measuring of any and all characteristics of  
75 biometric information, including shape and length of fingertips or recording ridge pattern or  
76 fingertip characteristics;  
77 (6) Eye spacing;  
78 (7) Characteristic gait or walk;  
79 (8) DNA;  
80 (9) Keystroke dynamics, measuring pressure applied to key pads or other digital  
81 receiving devices.

82 ~~[5.]~~ 7. No citizen of this state shall have his or her privacy compromised by the state or  
83 agents of the state. The state shall within reason protect the sovereignty of the citizens the state  
84 is entrusted to protect.

Section B. Because the freedom of travel and ability to access federal facilities is of  
2 paramount importance for Missouri citizens, section A of this act is deemed necessary for the  
3 immediate preservation of the public health, welfare, peace and safety, and is hereby declared  
4 to be an emergency act within the meaning of the constitution, and section A of this act shall be  
5 in full force and effect upon its passage and approval.

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