

SECOND REGULAR SESSION

HOUSE BILL NO. 2138

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE GREEN.

5758H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 302.183, RSMo, and to enact in lieu thereof one new section 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Section A. Section 302.183, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 302.183, to read as follows: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 law or **the** federal Drivers Privacy Protection Act of 1994.

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. [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. 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.

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