

SECOND REGULAR SESSION

# HOUSE BILL NO. 2680

## 101ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE GRIFFITH.

5409H.011

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To repeal sections 194.210, 194.255, 194.265, 194.285, 194.290, 194.297, 194.299, 194.300, 194.304, 301.020, and 302.171, RSMo, and to enact in lieu thereof eleven new sections relating to organ donation.

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

Section A. Sections 194.210, 194.255, 194.265, 194.285, 194.290, 194.297, 194.299, 194.300, 194.304, 301.020, and 302.171, RSMo, are repealed and eleven new sections enacted in lieu thereof, to be known as sections 194.210, 194.255, 194.265, 194.285, 194.290, 194.297, 194.299, 194.300, 194.304, 301.020, and 302.171, to read as follows:

194.210. 1. Sections 194.210 to 194.294 may be cited as the "Revised Uniform Anatomical Gift Act".

2. As used in sections 194.210 to 194.294, the following terms mean:

(1) "Adult", an individual who is at least eighteen years of age;

(2) "Agent", an individual:

(a) Authorized to make health-care decisions on the principal's behalf by a power of attorney for health care; or

(b) Expressly authorized to make an anatomical gift on the principal's behalf by any other record signed by the principal;

(3) "Anatomical gift", a donation of all or part of a human body to take effect after the donor's death for the purposes of transplantation, therapy, research, or education;

(4) ~~["Cadaver procurement organization", an entity lawfully established and operated for the procurement and distribution of anatomical gifts to be used as cadavers or cadaver tissue for appropriate education or research;~~

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.

15           ~~(5)~~ "Decedent", a deceased individual whose body or part is or may be the source of  
16 an anatomical gift. The term includes a stillborn infant but does not include an unborn child  
17 as defined in section 1.205 or 188.015 if the child has not died of natural causes;

18           ~~(6)~~ (5) "Disinterested witness", a witness other than the spouse, child, parent,  
19 sibling, grandchild, grandparent, or guardian of the individual who makes, amends, revokes,  
20 or refuses to make an anatomical gift. The term does not include a person to which an  
21 anatomical gift could pass under section 194.255;

22           ~~(7)~~ (6) "Document of gift", a donor card or other record used to make an anatomical  
23 gift. The term includes a statement or symbol on a driver's license, identification card, or  
24 donor registry;

25           ~~(8)~~ (7) "Donor", an individual whose body or part is the subject of an anatomical  
26 gift provided that donor does not include an unborn child as defined in section 1.205 or  
27 section 188.015 if the child has not died of natural causes;

28           ~~(9)~~ (8) "Donor registry", a database that contains records of anatomical gifts and  
29 amendments to or revocations of anatomical gifts;

30           ~~(10)~~ (9) "Driver's license", a license or permit issued by the department of revenue  
31 to operate a vehicle whether or not conditions are attached to the license or permit;

32           ~~(11)~~ (10) "Eye bank", a person that is licensed, accredited, or regulated under  
33 federal or state law to engage in the recovery, screening, testing, processing, storage, or  
34 distribution of human eyes or portions of human eyes;

35           ~~(12)~~ (11) "Guardian", a person appointed by a court pursuant to chapter 475. The  
36 term does not include a guardian ad litem;

37           ~~(13)~~ (12) "Hospital", a facility licensed as a hospital under the laws of any state or a  
38 facility operated as a hospital by the United States, a state, or a subdivision of a state;

39           ~~(14)~~ (13) "Identification card", an identification card issued by the department of  
40 revenue;

41           ~~(15)~~ (14) "Know", to have actual knowledge;

42           ~~(16)~~ (15) "Minor", an individual who is under eighteen years of age;

43           ~~(17)~~ (16) "Organ procurement organization", ~~a person~~ **an entity** designated by the  
44 United States Secretary of Health and Human Services as an organ procurement organization;

45           ~~(18)~~ (17) "Parent", a parent whose parental rights have not been terminated;

46           ~~(19)~~ (18) "Part", an organ, an eye, or tissue of a human being. The term does not  
47 include the whole body;

48           ~~(20)~~ (19) "Person", an individual, corporation, business trust, estate, trust,  
49 partnership, limited liability company, association, joint venture, public corporation,  
50 government or governmental subdivision, agency, or instrumentality, or any other legal or  
51 commercial entity;

52           ~~[(21)]~~ **(20)** "Physician", an individual authorized to practice medicine or osteopathy  
53 under the laws of any state;

54           ~~[(22)]~~ **(21)** "Potential donor", **an individual whose body or part is the subject of**  
55 **an anatomical gift, except that the term "potential donor" shall not include an unborn**  
56 **child, as defined in section 1.205 or 188.015, if the child did not die of natural causes;**

57           **(22)** "Procurement organization", an eye bank, organ procurement organization, ~~[or]~~  
58 tissue bank, **or entity lawfully established and operated for the procurement and**  
59 **distribution of anatomical gifts to be used as donated organs or donated tissues or for**  
60 **appropriate scientific or medical research;**

61           (23) "Prospective donor", an individual who is dead or near death and has been  
62 determined by a procurement organization to have a part that could be medically suitable for  
63 transplantation, therapy, research, or education. The term does not include an individual who  
64 has made a refusal;

65           (24) "Reasonably available", able to be contacted by a procurement organization with  
66 reasonable effort and willing and able to act in a timely manner consistent with existing  
67 medical criteria necessary for the making of an anatomical gift;

68           (25) "Recipient", an individual into whose body a decedent's part has been or is  
69 intended to be transplanted;

70           (26) "Record", information that is inscribed on a tangible medium or that is stored in  
71 an electronic or other medium and is retrievable in perceivable form;

72           (27) "Refusal", a record created under section 194.235 that expressly states an intent  
73 to bar other persons from making an anatomical gift of an individual's body or part;

74           (28) "Sign", with the present intent to authenticate or adopt a record:

75           (a) To execute or adopt a tangible symbol; or

76           (b) To attach or logically associate with the record an electronic symbol, sound, or  
77 process;

78           (29) "State", a state of the United States, the District of Columbia, Puerto Rico, the  
79 United States Virgin Islands, or any territory or insular possession subject to the United  
80 States;

81           (30) "Technician", an individual determined to be qualified to remove or process parts  
82 by an appropriate organization that is licensed, accredited, or regulated under federal or state  
83 law. The term includes an eye enucleator;

84           (31) "Tissue", a portion of the human body other than an organ or an eye. The term  
85 does not include blood unless the blood is donated for purposes of research or education;

86           (32) "Tissue bank", a person that is licensed, accredited, or regulated under federal or  
87 state law to engage in the recovery, screening, testing, processing, storage, or distribution of  
88 tissue;

89 (33) "Transplant hospital", a hospital that furnishes organ transplants and other  
90 medical and surgical specialty services required for the care of transplant patients.

194.255. 1. An anatomical gift may be made to the following persons named in the  
2 document of gift:

3 (1) A hospital, accredited medical school, dental school, college, university, [~~or~~  
4 ~~organ~~] procurement organization, [~~cadaver procurement organization,~~] or other appropriate  
5 person for **appropriate scientific or medical** research or education;

6 (2) Subject to subsection 2 of this section, an individual designated by the person  
7 making the anatomical gift if the individual is the recipient of the part; or

8 (3) An eye bank or tissue bank.

9 2. If an anatomical gift to an individual under subdivision (2) of subsection 1 of this  
10 section cannot be transplanted into the individual, the part passes in accordance with  
11 subsection 7 of this section in the absence of an express, contrary indication by the person  
12 making the anatomical gift.

13 3. If an anatomical gift of one or more specific parts or of all parts is made in a  
14 document of gift that does not name a person described in subsection 1 of this section but  
15 identifies the purpose for which an anatomical gift may be used, the following rules apply:

16 (1) If the part is an eye and the gift is for the purpose of transplantation or therapy, the  
17 gift passes to the appropriate eye bank;

18 (2) If the part is tissue and the gift is for the purpose of transplantation or therapy, the  
19 gift passes to the appropriate tissue bank;

20 (3) If the part is an organ and the gift is for the purpose of transplantation or therapy,  
21 the gift passes to the appropriate organ procurement organization as custodian of the organ;

22 (4) If the part is an organ, an eye, or tissue and the gift is for the purpose of research  
23 or education, the gift passes to the appropriate procurement organization.

24 4. For the purpose of subsection 3 of this section, if there is more than one purpose of  
25 an anatomical gift set forth in the document of gift but the purposes are not set forth in any  
26 priority, the gift must be used for transplantation or therapy if suitable. If the gift cannot be  
27 used for transplantation or therapy, the gift may be used for research or education.

28 5. If an anatomical gift of one or more specific parts is made in a document of gift  
29 that does not name a person described in subsection 1 of this section and does not identify the  
30 purpose of the gift, the gift may be used only for transplantation or therapy, and the gift passes  
31 in accordance with subsection 7 of this section.

32 6. If a document of gift specifies only a general intent to make an anatomical gift by  
33 words such as "donor", "organ donor", or "body donor", or by a symbol or statement of  
34 similar import, the gift may be used only for transplantation or therapy, and the gift passes in  
35 accordance with subsection 7 of this section.

36 7. For purposes of subsections 2, 5, and 6 of this section, the following rules apply:

37 (1) If the part is an eye, the gift passes to the appropriate eye bank;

38 (2) If the part is tissue, the gift passes to the appropriate tissue bank;

39 (3) If the part is an organ, the gift passes to the appropriate organ procurement  
40 organization as custodian of the organ;

41 (4) If the gift is medically unsuitable for transplantation or therapy, the gift may be  
42 used for **appropriate scientific or medical** research or education and pass to the appropriate  
43 procurement organization [~~or cadaver procurement organization~~].

44 8. An anatomical gift of an organ for transplantation or therapy, other than an  
45 anatomical gift under subdivision (2) of subsection 1 of this section, passes to the organ  
46 procurement organization as custodian of the organ.

47 9. If an anatomical gift does not pass under subsections 1 through 8 of this section or  
48 the decedent's body or part is not used for transplantation, therapy, research, or education,  
49 custody of the body or part passes to the person under obligation to dispose of the body or  
50 part.

51 10. A person may not accept an anatomical gift if the person knows that the gift was  
52 not effectively made under section 194.225 or 194.250 or if the person knows that the  
53 decedent made a refusal under section 194.235 that was not revoked. For purposes of this  
54 subsection, if a person knows that an anatomical gift was made on a document of gift, the  
55 person is deemed to know of any amendment or revocation of the gift or any refusal to make  
56 an anatomical gift on the same document of gift.

57 11. A person may not accept an anatomical gift if the person knows that the gift is  
58 from the body of an executed prisoner from another country.

59 12. Except as otherwise provided in subdivision (2) of subsection 1 of this section,  
60 nothing in this act affects the allocation of organs for transplantation or therapy.

194.265. 1. When a hospital refers an individual at or near death to a procurement  
2 organization, the organization shall make a reasonable search of any donor registry and other  
3 applicable records that it knows exist for the geographical area in which the individual resides  
4 to ascertain whether the individual has made an anatomical gift.

5 2. A procurement organization must be allowed reasonable access to information in  
6 the records of the department of health and senior services and department of revenue to  
7 ascertain whether an individual at or near death is a donor.

8 3. When a hospital refers an individual at or near death to a procurement organization,  
9 the organization may conduct any reasonable examination necessary to ensure the medical  
10 suitability of a part that is or could be the subject of an anatomical gift for transplantation,  
11 therapy, research, or education from a donor, a **potential donor**, or a prospective donor.  
12 During the examination period, measures necessary to ensure the medical suitability of the

13 part may not be withdrawn unless the hospital or procurement organization knows a contrary  
14 intent had or has been expressed by the individual or an agent of the individual, or if the  
15 individual is incapacitated and he or she has no agent, knows a contrary intent has been  
16 expressed by any person listed in section 194.245 having priority to make an anatomical gift  
17 on behalf of the individual.

18 4. Unless prohibited by law other than sections 194.210 to 194.294, at any time after  
19 a donor's death, the person to which a part passes under section 194.255 may conduct any  
20 reasonable examination necessary to ensure the medical suitability of the body or part for its  
21 intended purpose.

22 5. Unless prohibited by law other than sections 194.210 to 194.294, an examination  
23 under subsection 3 or 4 of this section may include an examination of all medical records of  
24 the donor, **potential donor**, or prospective donor.

25 6. Upon the death of a minor who was a donor or had signed a refusal, unless a  
26 procurement organization knows the minor is emancipated, the procurement organization  
27 shall conduct a reasonable search for the parents of the minor and provide the parents with an  
28 opportunity to revoke or amend the anatomical gift or revoke a refusal.

29 7. Upon referral by a hospital under subsection 1 of this section, a procurement  
30 organization shall make a reasonable search for any person listed in section 194.245 having  
31 priority to make an anatomical gift on behalf of a **donor, potential donor, or** prospective  
32 donor. If a procurement organization receives information that an anatomical gift to any other  
33 person was made, amended, or revoked, it shall promptly advise the other person of all  
34 relevant information.

35 8. Subject to subsection 9 of section 194.255 and section 58.785, the rights of the  
36 person to which a part passes under section 194.255 are superior to rights of all others with  
37 respect to the part. The person may accept or reject an anatomical gift in whole or in part.  
38 Subject to the terms of the document of gift and this act, a person that accepts an anatomical  
39 gift of an entire body may allow embalming or cremation and use of remains in a funeral  
40 service. If the gift is of a part, the person to which the part passes under section 194.255,  
41 upon the death of the donor and before embalming, burial, or cremation, shall cause the part  
42 to be removed without unnecessary mutilation.

43 9. Neither the physician who attends the decedent immediately prior to or at death nor  
44 the physician who determines the time of the decedent's death may participate in the  
45 procedures for removing or transplanting a part from the decedent.

46 10. No physician who removes or transplants a part from the decedent, or a  
47 procurement organization, shall have primary responsibility for the health care treatment, or  
48 health care decision-making for such individual's terminal condition during the  
49 hospitalization for which the individual becomes a donor.

50 11. A physician or technician may remove a donated part from the body of a donor  
51 that the physician or technician is qualified to remove.

194.285. 1. A person that acts in accordance with sections 194.210 to 194.294 or  
2 with the applicable anatomical gift law of another state that is not inconsistent with the  
3 provisions of sections 194.210 to 194.294 or attempts without negligence and in good faith to  
4 do so is not liable for the act in any civil action, criminal, or administrative proceeding.

5 2. Neither the person making an anatomical gift nor the donor's estate is liable for any  
6 injury or damage that results from the making or use of the gift.

7 3. In determining whether an anatomical gift has been made, amended, or revoked  
8 under sections 194.210 to 194.294, a person may rely upon representations of individuals  
9 listed in subdivision (2), (3), (4), (5), (6), (7), or (8) of subsection 1 of section 194.245  
10 relating to the individual's relationship to the donor, **potential donor**, or prospective donor  
11 unless the person knows that representation is untrue.

194.290. 1. As used in this section, the following terms mean:

2 (1) "Advance health-care directive", a power of attorney for health care or a record  
3 signed or authorized by a **donor, potential donor, or** prospective donor, containing the  
4 ~~[prospective]~~ donor's direction concerning a health-care decision for the ~~[prospective]~~ donor;

5 (2) "Declaration", a record, including but not limited to a living will, or a do-not-  
6 resuscitate order, signed by a **donor, potential donor, or** prospective donor specifying the  
7 circumstances under which a life support system may be withheld or withdrawn;

8 (3) "Health-care decision", any decision regarding the health care of the **donor,**  
9 **potential donor, or** prospective donor.

10 2. If a **donor, potential donor, or** prospective donor has a declaration or advance  
11 health-care directive and the terms of the declaration or directive and the express or implied  
12 terms of a potential anatomical gift are in conflict with regard to the administration of  
13 measures necessary to ensure the medical suitability of a part for transplantation or therapy,  
14 the ~~[prospective]~~ donor's attending physician and ~~[prospective]~~ donor shall confer to resolve  
15 the conflict. If the **donor, potential donor, or** prospective donor is incapable of resolving the  
16 conflict, an agent acting under the ~~[prospective]~~ donor's declaration or directive or, if none or  
17 the agent is not reasonably available, another person authorized by law to make health-care  
18 decisions on behalf of the ~~[prospective]~~ donor shall act for the donor to resolve the conflict.  
19 The conflict must be resolved as expeditiously as possible. Information relevant to the  
20 resolution of the conflict may be obtained from the appropriate procurement organization and  
21 any other person authorized to make an anatomical gift for the prospective donor under  
22 section 194.245. Before the resolution of the conflict, measures necessary to ensure the  
23 medical suitability of an organ for transplantation or therapy may not be withheld or

24 withdrawn from the **donor, potential donor, or** prospective donor if withholding or  
 25 withdrawing the measures is not contraindicated by appropriate end-of-life care.

194.297. 1. There is established in the state treasury the "Organ Donor Program  
 2 Fund"~~], which shall consist of all moneys deposited by the director of revenue pursuant to~~  
 3 ~~subsection 2 of section 302.171 and any other moneys donated or appropriated to the fund].~~  
 4 **The director of revenue shall credit to and deposit in the fund all amounts received**  
 5 **under subsection 8 of section 301.020, section 301.3125, and subsection 2 of section**  
 6 **302.171 and any other amounts that may be received from appropriations, grants, gifts,**  
 7 **bequests, the federal government, or any other source. Moneys in the fund shall be**  
 8 **expended in the manner set forth in section 194.299.**

9 2. The department of health and senior services may pursue funding to support  
 10 programmatic efforts and initiatives described in section 194.299.

11 3. The state treasurer shall invest any moneys in excess of five hundred thousand  
 12 dollars in the organ donor program fund not required for immediate disbursement or  
 13 program allocation in the same manner as surplus state funds are invested under section  
 14 30.260. All earnings resulting from the investment of moneys in the fund shall be  
 15 credited to the fund.

16 4. Private contributions, grants, and federal funds may be used and expended by  
 17 the department of health and senior services for such purposes as may be specified in  
 18 any requirements, terms, or conditions attached thereto or, in the absence of any specific  
 19 requirements, terms, or conditions, as the department determines under section 194.299.

20 5. The acceptance and use of federal funds shall not commit any state funds or  
 21 place any obligation upon the general assembly to continue the programs or activities  
 22 outlined in the federal fund award for which the federal funds are available.

23 6. The state treasurer shall administer the fund, and the moneys in the fund shall be  
 24 used solely, upon appropriation, by the department of health and senior services~~], in~~  
 25 ~~consultation]. The department may consult with the organ donation advisory committee],~~  
 26 ~~for implementation of organ donation awareness programs in the manner prescribed in~~  
 27 ~~subsection 2 of section 194.300] about implementation of programming and related~~  
 28 **expenditures.**

29 7. Notwithstanding the provisions of section 33.080 to the contrary, moneys in the  
 30 organ donor program fund at the end of any biennium shall not be transferred to the credit of  
 31 the general revenue fund. There shall be no money appropriated from general revenue to  
 32 administer the fund in the event the fund cannot sustain itself.

194.299. The moneys in the organ donor program fund shall be expended as follows:

2 (1) ~~[Grants]~~ **Contracts that may be entered into** by the department of health and  
 3 senior services ~~[to]~~ **with** certified organ procurement organizations **and other organizations,**



4 **individuals, and institutions for services furthering** the development and implementation  
5 of organ donation awareness programs in this state;

6 (2) **Initiatives to increase education and awareness of organ, eye, and tissue**  
7 **donation; donor family recognition efforts; training and strategic planning efforts**  
8 **relating to organ, eye, and tissue donation; and donor registry initiatives;**

9 (3) Publication of informational pamphlets or booklets by the department of health  
10 and senior services and the advisory committee regarding organ donations and donations to  
11 the organ donor program fund when obtaining or renewing a license to operate a motor  
12 vehicle pursuant to subsection 2 of section 302.171;

13 ~~(3)~~ (4) Maintenance of a central registry of **potential organ, eye, and tissue** donors  
14 pursuant to subsection 1 of section 194.304; ~~and~~

15 ~~(4)~~ (5) Implementation of organ donation awareness programs in the secondary  
16 schools of this state by the department of elementary and secondary education; **and**

17 (6) **Reimbursements for reasonable and necessary expenses incurred by**  
18 **members of the organ donation advisory committee as described in subsection 2 of**  
19 **section 194.300.**

194.300. 1. There is established within the department of health and senior services  
2 the "Organ Donation Advisory Committee", which shall consist of the following members  
3 appointed by the governor with the advice and consent of the senate:

4 (1) Four representatives of organ and tissue procurement organizations;

5 (2) Four members representative of organ recipients, families of organ recipients,  
6 organ donors and families of organ donors;

7 (3) One health care representative from a hospital located in Missouri; and

8 (4) One representative of the department of health and senior services.

9 2. Members of the advisory committee shall receive no compensation for their  
10 services, but may be reimbursed for the reasonable and necessary expenses incurred in the  
11 performance of their duties out of ~~[appropriations made for that purpose]~~ **the organ donor**  
12 **program fund established in section 194.297.** Members shall serve for five year terms and  
13 shall serve at the pleasure of the governor.

194.304. 1. The department of revenue shall cooperate with any donor registry that  
2 this state establishes, contracts for, or recognizes for the purpose of transferring to the donor  
3 registry all relevant information regarding a donor's making, amendment to, or revocation of  
4 an anatomical gift.

5 2. A first person consent organ and tissue donor registry shall:

6 (1) Allow a donor, **potential donor, prospective donor,** or other person authorized  
7 under section 194.220 to include on the donor registry a statement or symbol that the donor  
8 has made, amended, or revoked an anatomical gift;

9 (2) Be accessible to a procurement organization to allow it to obtain relevant  
10 information on the donor registry to determine, at or near death of the donor, **a potential**  
11 **donor**, or a prospective donor, whether the donor [~~or prospective donor~~] has made, amended,  
12 or revoked an anatomical gift; and

13 (3) Be accessible for purposes of subdivisions (1) and (2) of this subsection seven  
14 days a week on a twenty-four-hour basis.

15 3. Personally identifiable information on [~~a first person consent organ and tissue~~] **the**  
16 donor registry about a donor, **potential donor**, or prospective donor may not be used or  
17 disclosed without the express consent of the donor[~~, prospective donor,~~] or the person that  
18 made the anatomical gift for any purpose other than to determine, at or near death of the  
19 donor [~~or a prospective donor~~], whether the donor [~~or prospective donor~~] has made, amended,  
20 or revoked an anatomical gift.

301.020. 1. Every owner of a motor vehicle or trailer, which shall be operated or  
2 driven upon the highways of this state, except as herein otherwise expressly provided, shall  
3 annually file, by mail or otherwise, in the office of the director of revenue, an application for  
4 registration on a blank to be furnished by the director of revenue for that purpose containing:

5 (1) A brief description of the motor vehicle or trailer to be registered, including the  
6 name of the manufacturer, the vehicle identification number, the amount of motive power of  
7 the motor vehicle, stated in figures of horsepower and whether the motor vehicle is to be  
8 registered as a motor vehicle primarily for business use as defined in section 301.010;

9 (2) The name, the applicant's identification number and address of the owner of such  
10 motor vehicle or trailer;

11 (3) The gross weight of the vehicle and the desired load in pounds if the vehicle is a  
12 commercial motor vehicle or trailer.

13 2. If the vehicle is a motor vehicle primarily for business use as defined in section  
14 301.010 and if such vehicle is ten years of age or less and has less than one hundred fifty  
15 thousand miles on the odometer, the director of revenue shall retain the odometer information  
16 provided in the vehicle inspection report, and provide for prompt access to such information,  
17 together with the vehicle identification number for the motor vehicle to which such  
18 information pertains, for a period of ten years after the receipt of such information. This  
19 section shall not apply unless:

20 (1) The application for the vehicle's certificate of ownership was submitted after July  
21 1, 1989; and

22 (2) The certificate was issued pursuant to a manufacturer's statement of origin.

23 3. If the vehicle is any motor vehicle other than a motor vehicle primarily for business  
24 use, a recreational motor vehicle, motorcycle, motortricycle, autocycle, bus, or any  
25 commercial motor vehicle licensed for over twelve thousand pounds and if such motor

26 vehicle is ten years of age or less and has less than one hundred fifty thousand miles on the  
27 odometer, the director of revenue shall retain the odometer information provided in the  
28 vehicle inspection report, and provide for prompt access to such information, together with  
29 the vehicle identification number for the motor vehicle to which such information pertains,  
30 for a period of ten years after the receipt of such information. This subsection shall not apply  
31 unless:

32 (1) The application for the vehicle's certificate of ownership was submitted after July  
33 1, 1990; and

34 (2) The certificate was issued pursuant to a manufacturer's statement of origin.

35 4. If the vehicle qualifies as a reconstructed motor vehicle, motor change vehicle,  
36 specially constructed motor vehicle, non-USA-std motor vehicle, as defined in section  
37 301.010, or prior salvage as referenced in section 301.573, the owner or lienholder shall  
38 surrender the certificate of ownership. The owner shall make an application for a new  
39 certificate of ownership, pay the required title fee, and obtain the vehicle examination  
40 certificate required pursuant to subsection 9 of section 301.190. If an insurance company  
41 pays a claim on a salvage vehicle as defined in section 301.010 and the owner retains the  
42 vehicle, as prior salvage, the vehicle shall only be required to meet the examination  
43 requirements under subsection 10 of section 301.190. Notarized bills of sale along with a  
44 copy of the front and back of the certificate of ownership for all major component parts  
45 installed on the vehicle and invoices for all essential parts which are not defined as major  
46 component parts shall accompany the application for a new certificate of ownership. If the  
47 vehicle is a specially constructed motor vehicle, as defined in section 301.010, two pictures of  
48 the vehicle shall be submitted with the application. If the vehicle is a kit vehicle, the  
49 applicant shall submit the invoice and the manufacturer's statement of origin on the kit. If the  
50 vehicle requires the issuance of a special number by the director of revenue or a replacement  
51 vehicle identification number, the applicant shall submit the required application and  
52 application fee. All applications required under this subsection shall be submitted with any  
53 applicable taxes which may be due on the purchase of the vehicle or parts. The director of  
54 revenue shall appropriately designate "Reconstructed Motor Vehicle", "Motor Change  
55 Vehicle", "Non-USA-Std Motor Vehicle", or "Specially Constructed Motor Vehicle" on the  
56 current and all subsequent issues of the certificate of ownership of such vehicle.

57 5. Every insurance company that pays a claim for repair of a motor vehicle which as  
58 the result of such repairs becomes a reconstructed motor vehicle as defined in section 301.010  
59 or that pays a claim on a salvage vehicle as defined in section 301.010 and the owner is  
60 retaining the vehicle shall in writing notify the owner of the vehicle, and in a first party claim,  
61 the lienholder if a lien is in effect, that he is required to surrender the certificate of ownership,  
62 and the documents and fees required pursuant to subsection 4 of this section to obtain a prior

63 salvage motor vehicle certificate of ownership or documents and fees as otherwise required  
64 by law to obtain a salvage certificate of ownership, from the director of revenue. The  
65 insurance company shall within thirty days of the payment of such claims report to the  
66 director of revenue the name and address of such owner, the year, make, model, vehicle  
67 identification number, and license plate number of the vehicle, and the date of loss and  
68 payment.

69         6. Anyone who fails to comply with the requirements of this section shall be guilty of  
70 a class B misdemeanor.

71         7. An applicant for registration may make a donation of one dollar to promote a  
72 blindness education, screening and treatment program. The director of revenue shall collect  
73 the donations and deposit all such donations in the state treasury to the credit of the blindness  
74 education, screening and treatment program fund established in section 209.015. Moneys in  
75 the blindness education, screening and treatment program fund shall be used solely for the  
76 purposes established in section 209.015; except that the department of revenue shall retain no  
77 more than one percent for its administrative costs. The donation prescribed in this subsection  
78 is voluntary and may be refused by the applicant for registration at the time of issuance or  
79 renewal. The director shall inquire of each applicant at the time the applicant presents the  
80 completed application to the director whether the applicant is interested in making the one  
81 dollar donation prescribed in this subsection.

82         8. An applicant for registration may make a donation of **an amount not less than one**  
83 dollar to promote an organ donor program. The director of revenue shall collect the donations  
84 and deposit all such donations in the state treasury to the credit of the organ donor program  
85 fund as established in sections 194.297 to 194.304. Moneys in the organ donor fund shall be  
86 used solely for the purposes established in sections 194.297 to 194.304, except that the  
87 department of revenue shall retain no more than one percent for its administrative costs. The  
88 donation prescribed in this subsection is voluntary and may be refused by the applicant for  
89 registration at the time of issuance or renewal. The director shall inquire of each applicant at  
90 the time the applicant presents the completed application to the director whether the applicant  
91 is interested in making ~~the~~ **a contribution not less than one dollar** ~~[donation]~~ **as** prescribed  
92 in this subsection.

93         9. An applicant for registration may make a donation of one dollar to the Missouri  
94 medal of honor recipients fund. The director of revenue shall collect the donations and  
95 deposit all such donations in the state treasury to the credit of the Missouri medal of honor  
96 recipients fund as established in section 226.925. Moneys in the medal of honor recipients  
97 fund shall be used solely for the purposes established in section 226.925, except that the  
98 department of revenue shall retain no more than one percent for its administrative costs. The  
99 donation prescribed in this subsection is voluntary and may be refused by the applicant for

100 registration at the time of issuance or renewal. The director shall inquire of each applicant at  
101 the time the applicant presents the completed application to the director whether the applicant  
102 is interested in making the one dollar donation prescribed in this subsection.

302.171. 1. The director shall verify that an applicant for a driver's license is a  
2 Missouri resident or national of the United States or a noncitizen with a lawful immigration  
3 status, and a Missouri resident before accepting the application. The director shall not issue a  
4 driver's license for a period that exceeds the duration of an applicant's lawful immigration  
5 status in the United States. The director may establish procedures to verify the Missouri  
6 residency or United States naturalization or lawful immigration status and Missouri residency  
7 of the applicant and establish the duration of any driver's license issued under this section. An  
8 application for a license shall be made upon an approved form furnished by the director.  
9 Every application shall state the full name, Social Security number, age, height, weight, color  
10 of eyes, sex, residence, mailing address of the applicant, and the classification for which the  
11 applicant has been licensed, and, if so, when and by what state, and whether or not such  
12 license has ever been suspended, revoked, or disqualified, and, if revoked, suspended or  
13 disqualified, the date and reason for such suspension, revocation or disqualification and  
14 whether the applicant is making a [~~one dollar~~] donation to promote an organ donation  
15 program as prescribed in subsection 2 **of this section**, to promote a blindness education,  
16 screening and treatment program as prescribed in subsection 3 **of this section**, or the Missouri  
17 medal of honor recipients fund prescribed in subsection 4 of this section. A driver's license,  
18 nondriver's license, or instruction permit issued under this chapter shall contain the applicant's  
19 legal name as it appears on a birth certificate or as legally changed through marriage or court  
20 order. No name change by common usage based on common law shall be permitted. The  
21 application shall also contain such information as the director may require to enable the  
22 director to determine the applicant's qualification for driving a motor vehicle; and shall state  
23 whether or not the applicant has been convicted in this or any other state for violating the laws  
24 of this or any other state or any ordinance of any municipality, relating to driving without a  
25 license, careless driving, or driving while intoxicated, or failing to stop after an accident and  
26 disclosing the applicant's identity, or driving a motor vehicle without the owner's consent.  
27 The application shall contain a certification by the applicant as to the truth of the facts stated  
28 therein. Every person who applies for a license to operate a motor vehicle who is less than  
29 twenty-one years of age shall be provided with educational materials relating to the hazards of  
30 driving while intoxicated, including information on penalties imposed by law for violation of  
31 the intoxication-related offenses of the state. Beginning January 1, 2001, if the applicant is  
32 less than eighteen years of age, the applicant must comply with all requirements for the  
33 issuance of an intermediate driver's license pursuant to section 302.178. For persons  
34 mobilized and deployed with the United States Armed Forces, an application under this

35 subsection shall be considered satisfactory by the department of revenue if it is signed by a  
36 person who holds general power of attorney executed by the person deployed, provided the  
37 applicant meets all other requirements set by the director.

38         2. An applicant for a license may make a donation of **an amount not less than one**  
39 dollar to promote an organ donor program. The director of revenue shall collect the donations  
40 and deposit all such donations in the state treasury to the credit of the organ donor program  
41 fund established in sections 194.297 to 194.304. Moneys in the organ donor program fund  
42 shall be used solely for the purposes established in sections 194.297 to 194.304 except that  
43 the department of revenue shall retain no more than one percent for its administrative costs.  
44 The donation prescribed in this subsection is voluntary and may be refused by the applicant  
45 for the license at the time of issuance or renewal of the license. The director shall make  
46 available an informational booklet or other informational sources on the importance of organ  
47 and tissue donations to applicants for licensure as designed by the organ donation advisory  
48 committee established in sections 194.297 to 194.304. The director shall inquire of each  
49 applicant at the time the licensee presents the completed application to the director whether  
50 the applicant is interested in making the [~~one dollar~~] donation prescribed in this subsection  
51 and whether the applicant is interested in inclusion in the organ donor registry and shall also  
52 specifically inform the licensee of the ability to consent to organ donation by placing a donor  
53 symbol sticker authorized and issued by the department of health and senior services on the  
54 back of his or her driver's license or identification card as prescribed by subdivision (1) of  
55 subsection 1 of section 194.225. A symbol may be placed on the front of the license or  
56 identification card indicating the applicant's desire to be listed in the registry at the applicant's  
57 request at the time of his or her application for a driver's license or identification card, or the  
58 applicant may instead request an organ donor sticker from the department of health and senior  
59 services by application on the department of health and senior services' website. Upon receipt  
60 of an organ donor sticker sent by the department of health and senior services, the applicant  
61 shall place the sticker on the back of his or her driver's license or identification card to  
62 indicate that he or she has made an anatomical gift. The director shall notify the department  
63 of health and senior services of information obtained from applicants who indicate to the  
64 director that they are interested in registry participation, and the department of health and  
65 senior services shall enter the complete name, address, date of birth, race, gender and a unique  
66 personal identifier in the registry established in subsection 1 of section 194.304.

67         3. An applicant for a license may make a donation of one dollar to promote a  
68 blindness education, screening and treatment program. The director of revenue shall collect  
69 the donations and deposit all such donations in the state treasury to the credit of the blindness  
70 education, screening and treatment program fund established in section 209.015. Moneys in  
71 the blindness education, screening and treatment program fund shall be used solely for the

72 purposes established in section 209.015; except that the department of revenue shall retain no  
73 more than one percent for its administrative costs. The donation prescribed in this subsection  
74 is voluntary and may be refused by the applicant for the license at the time of issuance or  
75 renewal of the license. The director shall inquire of each applicant at the time the licensee  
76 presents the completed application to the director whether the applicant is interested in  
77 making the one dollar donation prescribed in this subsection.

78 4. An applicant for registration may make a donation of one dollar to the Missouri  
79 medal of honor recipients fund. The director of revenue shall collect the donations and  
80 deposit all such donations in the state treasury to the credit of the Missouri medal of honor  
81 recipients fund as established in section 226.925. Moneys in the medal of honor recipients  
82 fund shall be used solely for the purposes established in section 226.925, except that the  
83 department of revenue shall retain no more than one percent for its administrative costs. The  
84 donation prescribed in this subsection is voluntary and may be refused by the applicant for  
85 registration at the time of issuance or renewal. The director shall inquire of each applicant at  
86 the time the applicant presents the completed application to the director whether the applicant  
87 is interested in making the one dollar donation prescribed in this subsection.

88 5. Beginning July 1, 2005, the director shall deny the driving privilege of any person  
89 who commits fraud or deception during the examination process or who makes application  
90 for an instruction permit, driver's license, or nondriver's license which contains or is  
91 substantiated with false or fraudulent information or documentation, or who knowingly  
92 conceals a material fact or otherwise commits a fraud in any such application. The period of  
93 denial shall be one year from the effective date of the denial notice sent by the director. The  
94 denial shall become effective ten days after the date the denial notice is mailed to the person.  
95 The notice shall be mailed to the person at the last known address shown on the person's  
96 driving record. The notice shall be deemed received three days after mailing unless returned  
97 by the postal authorities. No such individual shall reapply for a driver's examination,  
98 instruction permit, driver's license, or nondriver's license until the period of denial is  
99 completed. No individual who is denied the driving privilege under this section shall be  
100 eligible for a limited driving privilege issued under section 302.309.

101 6. All appeals of denials under this section shall be made as required by section  
102 302.311.

103 7. The period of limitation for criminal prosecution under this section shall be  
104 extended under subdivision (1) of subsection 3 of section 556.036.

105 8. The director may promulgate rules and regulations necessary to administer and  
106 enforce this section. No rule or portion of a rule promulgated pursuant to the authority of this  
107 section shall become effective unless it has been promulgated pursuant to chapter 536.

108           9. Notwithstanding any provision of this chapter that requires an applicant to provide  
109 proof of Missouri residency for renewal of a noncommercial driver's license, noncommercial  
110 instruction permit, or nondriver's license, an applicant who is sixty-five years and older and  
111 who was previously issued a Missouri noncommercial driver's license, noncommercial  
112 instruction permit, or Missouri nondriver's license is exempt from showing proof of Missouri  
113 residency.

114           10. Notwithstanding any provision of this chapter, for the renewal of a  
115 noncommercial driver's license, noncommercial instruction permit, or nondriver's license, a  
116 photocopy of an applicant's United States birth certificate along with another form of  
117 identification approved by the department of revenue, including, but not limited to, United  
118 States military identification or United States military discharge papers, shall constitute  
119 sufficient proof of Missouri citizenship.

120           11. Notwithstanding any other provision of this chapter, if an applicant does not meet  
121 the requirements of subsection 9 of this section and does not have the required documents to  
122 prove Missouri residency, United States naturalization, or lawful immigration status, the  
123 department may issue a one-year driver's license renewal. This one-time renewal shall only  
124 be issued to an applicant who previously has held a Missouri noncommercial driver's license,  
125 noncommercial instruction permit, or nondriver's license for a period of fifteen years or more  
126 and who does not have the required documents to prove Missouri residency, United States  
127 naturalization, or lawful immigration status. After the expiration of the one-year period, no  
128 further renewal shall be provided without the applicant producing proof of Missouri  
129 residency, United States naturalization, or lawful immigration status.

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