

SECOND REGULAR SESSION

# HOUSE BILL NO. 2748

## 101ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE DOLL.

5705H.011

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To repeal section 302.171, RSMo, and to enact in lieu thereof one new section relating to the organ donor registry.

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

Section A. Section 302.171, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 302.171, to read as follows:

302.171. 1. The director shall verify that an applicant for a driver's license is a Missouri resident or national of the United States or a noncitizen with a lawful immigration status, and a Missouri resident before accepting the application. The director shall not issue a driver's license for a period that exceeds the duration of an applicant's lawful immigration status in the United States. The director may establish procedures to verify the Missouri residency or United States naturalization or lawful immigration status and Missouri residency of the applicant and establish the duration of any driver's license issued under this section. An application for a license shall be made upon an approved form furnished by the director. Every application shall state the full name, Social Security number, age, height, weight, color of eyes, sex, residence, mailing address of the applicant, and the classification for which the applicant has been licensed, and, if so, when and by what state, and whether or not such license has ever been suspended, revoked, or disqualified, and, if revoked, suspended or disqualified, the date and reason for such suspension, revocation or disqualification and whether the applicant is making a one dollar donation to promote an organ donation program as prescribed in subsection 2 **of this section**, to promote a blindness education, screening and treatment program as prescribed in subsection 3 **of this section**, or the Missouri medal of honor recipients fund prescribed in subsection 4 of this section. A driver's license,

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.

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 one dollar to promote an organ  
39 donor program. The director of revenue shall collect the donations and deposit all such  
40 donations in the state treasury to the credit of the organ donor program fund established in  
41 sections 194.297 to 194.304. Moneys in the organ donor program fund shall be used solely  
42 for the purposes established in sections 194.297 to 194.304 except that the department of  
43 revenue shall retain no more than one percent for its administrative costs. The donation  
44 prescribed in this subsection is voluntary and may be refused by the applicant for the license  
45 at the time of issuance or renewal of the license. The director shall make available an  
46 informational booklet or other informational sources on the importance of organ and tissue  
47 donations to applicants for licensure as designed by the organ donation advisory committee  
48 established in sections 194.297 to 194.304. The director shall inquire of each applicant at the  
49 time the licensee presents the completed application to the director whether the applicant is  
50 interested in making the one dollar donation prescribed in this subsection and whether the  
51 applicant ~~[is interested in inclusion in the]~~ **wants to be excluded from the** organ donor  
52 registry ~~[and shall also specifically inform the licensee of the ability to consent to organ~~  
53 ~~donation by placing a donor symbol sticker authorized and issued by the department of health~~  
54 ~~and senior services on the back of his or her driver's license or identification card as~~

55 ~~prescribed by subdivision (1) of subsection 1 of section 194.225].~~ **An applicant's assertion**  
56 **that he or she does not want to be excluded from the registry shall be considered consent**  
57 **for organ donation, for inclusion in the organ donor registry, and for purposes of**  
58 **sections 194.210 to 194.294.** A symbol may be placed on the front of the license or  
59 identification card indicating the applicant's ~~[desire to be listed]~~ **inclusion** in the registry ~~[at~~  
60 ~~the applicant's request at the time of his or her application for a driver's license or~~  
61 ~~identification card, or the].~~ **An applicant may instead request an organ donor sticker from the**  
62 **department of health and senior services by application on the department of health and senior**  
63 **services' website. Upon receipt of an organ donor sticker sent by the department of health and**  
64 **senior services, the applicant shall place the sticker on the back of his or her driver's license or**  
65 **identification card to indicate that he or she has made an anatomical gift. The director shall**  
66 **notify the department of health and senior services of information obtained from applicants**  
67 **who ~~[indicate to the director that they are interested in registry participation]~~ did not elect to**  
68 **be excluded from the registry,** and the department of health and senior services shall enter  
69 the complete name, address, date of birth, race, gender and a unique personal identifier in the  
70 registry established in subsection 1 of section 194.304. **Nothing in this subsection shall be**  
71 **construed to abridge a persons' right to abstain from participation in the organ donor**  
72 **program.**

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

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

92 the time the applicant presents the completed application to the director whether the applicant  
93 is interested in making the one dollar donation prescribed in this subsection.

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

107         6. All appeals of denials under this section shall be made as required by section  
108 302.311.

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

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

114         9. Notwithstanding any provision of this chapter that requires an applicant to provide  
115 proof of Missouri residency for renewal of a noncommercial driver's license, noncommercial  
116 instruction permit, or nondriver's license, an applicant who is sixty-five years and older and  
117 who was previously issued a Missouri noncommercial driver's license, noncommercial  
118 instruction permit, or Missouri nondriver's license is exempt from showing proof of Missouri  
119 residency.

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

126         11. Notwithstanding any other provision of this chapter, if an applicant does not meet  
127 the requirements of subsection 9 of this section and does not have the required documents to  
128 prove Missouri residency, United States naturalization, or lawful immigration status, the

129 department may issue a one-year driver's license renewal. This one-time renewal shall only  
130 be issued to an applicant who previously has held a Missouri noncommercial driver's license,  
131 noncommercial instruction permit, or nondriver's license for a period of fifteen years or more  
132 and who does not have the required documents to prove Missouri residency, United States  
133 naturalization, or lawful immigration status. After the expiration of the one-year period, no  
134 further renewal shall be provided without the applicant producing proof of Missouri  
135 residency, United States naturalization, or lawful immigration status.

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