HOUSE BILL NO. 570

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DOHRMAN.

0957H.01I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 302.065, 302.183, and 302.189, RSMo, and to enact in lieu thereof three new sections relating to 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Section A. Sections 302.065, 302.183, and 302.189, RSMo, are repealed and three new
2 sections enacted in lieu thereof, to be known as sections 302.065, 302.183, and 302.189, to read
3 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] 2** of this section, the department of revenue
3 shall not retain copies, in any format, of source documents presented by individuals applying for
4 or 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
8 make irretrievable any source documents that have been obtained from driver's license or
9 nondriver's 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 in order**
32 **to obtain a REAL ID compliant driver's license or nondriver's license; and**
33   **(6)** Any other document at the request of and for the convenience of the applicant where
34 the applicant requests the department of revenue review alternative documents as proof required
35 for issuance of a driver's license, nondriver's license, or instruction permit.
36   **[5.] 3.** As used in this section, the term "source documents" means original or certified
37 copies, where applicable, of documents presented by an applicant as required under 6 CFR Part
38 37 to the department of revenue to apply for a driver's license or nondriver's license. Source
39 documents shall also include any documents required for the issuance of driver's licenses or
40 nondriver's licenses by the department of revenue under the provisions of this chapter or
41 accompanying regulations.
42   **[6.] 4.** Any person harmed or damaged by any violation of this section may bring a civil
43 action for damages, including noneconomic and punitive damages, as well as injunctive relief,
44 in the circuit court where that person resided at the time of the violation or in the circuit court
45 of Cole County to recover such damages from the department of revenue and any persons
46 participating in such violation. Sovereign immunity shall not be available as a defense for the
47 department of revenue in such an action. In the event the plaintiff prevails on any count of his
48 or her claim, the plaintiff shall be entitled to recover reasonable attorney fees from the
49 defendants.
                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.

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**] and** standards of the federal

19 REAL ID Act of 2005, any rules or regulations promulgated under the authority granted in such

20 act, **[**or**] and** any requirements adopted by the American Association of Motor Vehicle

21 Administrators for furtherance of the act. **The department shall issue REAL ID compliant**

22 **driver's licenses or identification cards to all applicants as long as the REAL ID Act is in**

23 **effect, unless an applicant requests the issuance of a license or identification card that is**

24 **not REAL ID compliant.**

25   4. Any biometric data **[**previously**]** collected, obtained, or retained **prior to August 28,**

26 **2013,** in connection with motor vehicle registration or operation, the issuance or renewal of

27 driver's licenses, or the issuance or renewal of any identification cards by any department or

28 agency of the state charged with those activities shall be retrieved and deleted from all databases.

29 For purposes of this section, "biometric data" includes, but is not limited to:

30   (1) Facial feature pattern characteristics;

31   (2) Voice data used for comparing live speech with a previously created speech model

32 of a person's voice;

33   (3) Iris recognition data containing color or texture patterns or codes;

34   (4) Retinal scans, reading through the pupil to measure blood vessels lining the retina;

35   (5) Fingerprint, palm prints, hand geometry, measuring of any and all characteristics of

36 biometric information, including shape and length of fingertips or recording ridge pattern or

37 fingertip characteristics;

38   (6) Eye spacing;

39   (7) Characteristic gait or walk;

40   (8) DNA;

41   (9) Keystroke dynamics, measuring pressure applied to key pads or other digital

42   receiving devices.

43   5. No citizen of this state shall have his or her privacy compromised by the state or

44   agents of the state. The state shall within reason protect the sovereignty of the citizens the state

45   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 **or section 302.183**.

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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