

FIRST REGULAR SESSION

# SENATE BILL NO. 200

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR HOUGH.

Pre-filed January 2, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

1215S.011

## AN ACT

To repeal sections 32.300 and 302.181, RSMo, and to enact in lieu thereof two new sections relating to licenses granted by the department of revenue.

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

Section A. Sections 32.300 and 302.181, RSMo, are repealed and two new  
2 sections enacted in lieu thereof, to be known as sections 32.300 and 302.181, to  
3 read as follows:

32.300. **1.** In a county where personal property tax records are accessible  
2 via computer, and when proof of motor vehicle liability insurance, safety  
3 inspections and emission inspections where required are verifiable by computer,  
4 the department of revenue shall design and implement a motor vehicle license  
5 renewal system which may be used through the department's internet website  
6 connection **or through a remote kiosk.** [The online license renewal system  
7 shall be available no later than January 1, 2002.] The department of revenue  
8 shall also design and implement an online system allowing the filing and  
9 payment of Missouri state taxes through the department's internet website  
10 connection. The online tax filing and payment system shall be available for the  
11 payment of Missouri state taxes for tax years beginning on or after January 1,  
12 2002.

13 **2. The department of revenue is hereby authorized to design and**  
14 **implement a remote driver's license renewal system which may be used**  
15 **through the department's internet website connection or through self-**  
16 **service terminals available at one or more locations throughout the**  
17 **state. Any remote driver's license renewal system implemented by the**  
18 **department shall be compliant with the provisions of the federal REAL**

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

19 **ID Act of 2005 (Public Law 108-13), as amended, the Commercial Motor**  
20 **Vehicle Safety Act of 1986 (Title XII of Public Law 99-570), as amended,**  
21 **the USA PATRIOT Act of 2001 (Title X of Public Law 107-56), as**  
22 **amended, and corresponding regulations. A remote driver's license**  
23 **renewal system shall be available no later than January 1, 2022.**

24 **3. Notwithstanding any provision of law to the contrary,**  
25 **applicants who have applied in person and received a driver's or**  
26 **nondriver's license in accordance with chapter 302 may apply for no**  
27 **more than one consecutive three-year or six-year license renewal**  
28 **remotely in accordance with this section. Remote application for**  
29 **renewal shall be made within six months before or after the expiration**  
30 **date of the license in accordance with section 302.173. Applicants for**  
31 **remote driver's license renewal in accordance with this section shall**  
32 **not be required to complete the vision test established under section**  
33 **302.175, and shall not be required to take the highway sign recognition**  
34 **test required under section 302.173, unless the department has**  
35 **technology that may be used remotely for either or both purposes.**

302.181. 1. The license issued pursuant to the provisions of sections  
2 302.010 to 302.340 shall be in such form as the director shall prescribe, but the  
3 license shall be a card made of plastic or other comparable material. All licenses  
4 shall be manufactured of materials and processes that will prohibit, as nearly as  
5 possible, the ability to reproduce, alter, counterfeit, forge, or duplicate any license  
6 without ready detection. All licenses shall bear the licensee's Social Security  
7 number, if the licensee has one, and if not, a notarized affidavit must be signed  
8 by the licensee stating that the licensee does not possess a Social Security  
9 number, or, if applicable, a certified statement must be submitted as provided in  
10 subsection 4 of this section. The license shall also bear the expiration date of the  
11 license, the classification of the license, the name, date of birth, residence address  
12 including the county of residence or a code number corresponding to such county  
13 established by the department, and brief description and colored photograph or  
14 digitized image of the licensee, and a facsimile of the signature of the  
15 licensee. The director shall provide by administrative rule the procedure and  
16 format for a licensee to indicate on the back of the license together with the  
17 designation for an anatomical gift as provided in section 194.240 the name and  
18 address of the person designated pursuant to sections 404.800 to 404.865 as the  
19 licensee's attorney in fact for the purposes of a durable power of attorney for

20 health care decisions. No license shall be valid until it has been so signed by the  
21 licensee. If any portion of the license is prepared by a private firm, any contract  
22 with such firm shall be made in accordance with the competitive purchasing  
23 procedures as established by the state director of the division of purchasing. For  
24 all licenses issued or renewed after March 1, 1992, the applicant's Social Security  
25 number shall serve as the applicant's license number. Where the licensee has no  
26 Social Security number, or where the licensee is issued a license without a Social  
27 Security number in accordance with subsection 4 of this section, the director shall  
28 issue a license number for the licensee and such number shall also include an  
29 indicator showing that the number is not a Social Security number.

30         2. All film involved in the production of photographs for licenses shall  
31 become the property of the department of revenue.

32         3. The license issued shall be carried at all times by the holder thereof  
33 while driving a motor vehicle, and shall be displayed upon demand of any officer  
34 of the highway patrol, or any police officer or peace officer, or any other duly  
35 authorized person, for inspection when demand is made therefor. Failure of any  
36 operator of a motor vehicle to exhibit his or her license to any duly authorized  
37 officer shall be presumptive evidence that such person is not a duly licensed  
38 operator.

39         4. The director of revenue shall issue a commercial or noncommercial  
40 driver's license without a Social Security number to an applicant therefor, who  
41 is otherwise qualified to be licensed, upon presentation to the director of a  
42 certified statement that the applicant objects to the display of the Social Security  
43 number on the license. The director shall assign an identification number, that  
44 is not based on a Social Security number, to the applicant which shall be  
45 displayed on the license in lieu of the Social Security number.

46         5. The director of revenue shall not issue a license without a facial  
47 photograph or digital image of the license applicant, except as provided pursuant  
48 to subsection 8 of this section. A photograph or digital image of the applicant's  
49 full facial features shall be taken in a manner prescribed by the director. No  
50 photograph or digital image will be taken wearing anything which cloaks the  
51 facial features of the individual.

52         6. The department of revenue may issue a temporary license or a full  
53 license without the photograph or with the last photograph or digital image in the  
54 department's records to members of the Armed Forces, except that where such  
55 temporary license is issued it shall be valid only until the applicant shall have

56 had time to appear and have his or her picture taken and a license with his or  
57 her photograph issued.

58           7. The department of revenue shall issue upon request a nondriver's  
59 license card containing essentially the same information and photograph or  
60 digital image, except as provided pursuant to subsection 8 of this section, as the  
61 driver's license upon payment of six dollars. All nondriver's licenses shall expire  
62 on the applicant's birthday in the sixth year after issuance. A person who has  
63 passed his or her seventieth birthday shall upon application be issued a  
64 nonexpiring nondriver's license card. Notwithstanding any other provision of this  
65 chapter, a nondriver's license containing a concealed carry endorsement shall  
66 expire three years from the date the certificate of qualification was issued  
67 pursuant to section 571.101, as section 571.101 existed prior to August 28,  
68 2013. The fee for nondriver's licenses issued for a period exceeding three years  
69 is six dollars or three dollars for nondriver's licenses issued for a period of three  
70 years or less. The nondriver's license card shall be used for identification  
71 purposes only and shall not be valid as a license.

72           8. If otherwise eligible, an applicant may receive a driver's license or  
73 nondriver's license without a photograph or digital image of the applicant's full  
74 facial features except that such applicant's photograph or digital image shall be  
75 taken and maintained by the director and not printed on such license. In order  
76 to qualify for a license without a photograph or digital image pursuant to this  
77 section the applicant must:

78           (1) Present a form provided by the department of revenue requesting the  
79 applicant's photograph be omitted from the license or nondriver's license due to  
80 religious affiliations. The form shall be signed by the applicant and another  
81 member of the religious tenant verifying the photograph or digital image  
82 exemption on the license or nondriver's license is required as part of their  
83 religious affiliation. The required signatures on the prescribed form shall be  
84 properly notarized;

85           (2) Provide satisfactory proof to the director that the applicant has been  
86 a United States citizen for at least five years and a resident of this state for at  
87 least one year, except that an applicant moving to this state possessing a valid  
88 driver's license from another state without a photograph shall be exempt from the  
89 one-year state residency requirement. The director may establish rules necessary  
90 to determine satisfactory proof of citizenship and residency pursuant to this  
91 section;

92 (3) Applications for a driver's license or nondriver's license without a  
93 photograph or digital image must be made in person at a license office  
94 determined by the director. The director is authorized to limit the number of  
95 offices that may issue a driver's or nondriver's license without a photograph or  
96 digital image pursuant to this section.

97 9. The department of revenue shall make available, at one or more  
98 locations within the state, an opportunity for individuals to have their full facial  
99 photograph taken by an employee of the department of revenue, or their designee,  
100 who is of the same sex as the individual being photographed, in a segregated  
101 location.

102 10. Beginning July 1, 2005, the director shall not issue a driver's license  
103 or a nondriver's license for a period that exceeds an applicant's lawful presence  
104 in the United States. The director may, by rule or regulation, establish  
105 procedures to verify the lawful presence of the applicant and establish the  
106 duration of any driver's license or nondriver's license issued under this section.

107 11. No rule or portion of a rule promulgated pursuant to the authority of  
108 this chapter shall become effective unless it is promulgated pursuant to the  
109 provisions of chapter 536.

110 **12. (1) Notwithstanding any provision of this section to the**  
111 **contrary, and notwithstanding the restrictions on biometric data in**  
112 **section 302.170, the department may design and implement a secure**  
113 **digital driver's license program that allows individuals applying for a**  
114 **driver's license to obtain a secure digital driver's license in addition to**  
115 **the card-based license specified in this section.**

116 **(2) A digital driver's license as described in this subsection shall**  
117 **be valid for all purposes for which a card-based license is valid.**

118 **(3) The department may contract with one or more entities to**  
119 **develop a secure digital driver's license system. The department or**  
120 **entity may develop a mobile software application capable of being**  
121 **utilized through a person's electronic device to access the person's**  
122 **digital driver's license.**

123 **(4) The department shall suspend, disable, or terminate a**  
124 **person's participation in the digital driver's license system if:**

125 **(a) The person's driving privilege is suspended, revoked, denied,**  
126 **withdrawn, or cancelled as provided in this chapter; or**

127 **(b) The person reports to the department that the person's**

128 electronic device has been lost, stolen, or compromised.

129           13. The department of revenue may promulgate rules as  
130 necessary to implement the provisions of this section. Any rule or  
131 portion of a rule, as that term is defined in section 536.010 that is  
132 created under the authority delegated in this section shall become  
133 effective only if it complies with and is subject to all of the provisions  
134 of chapter 536, and, if applicable, section 536.028. This section and  
135 chapter 536 are nonseverable and if any of the powers vested with the  
136 general assembly pursuant to chapter 536, to review, to delay the  
137 effective date, or to disapprove and annul a rule are subsequently held  
138 unconstitutional, then the grant of rulemaking authority and any rule  
139 proposed or adopted after August 28, 2019, shall be invalid and void.

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Bill

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