

FIRST REGULAR SESSION

HOUSE BILL NO. 291

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE GRAHAM.

Read 1st time January 8, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

1090L.011

AN ACT

To repeal sections 194.210, 194.220, 194.230, 194.233, 194.240, 194.297, 194.300, 302.171 and 302.181, RSMo 2000, and to enact in lieu thereof fourteen new sections for the purpose of enacting the dedication to donation act.

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

Section A. Sections 194.210, 194.220, 194.230, 194.233, 194.240, 194.297, 194.300,
2 302.171 and 302.181, RSMo 2000, are repealed and fourteen new sections enacted in lieu
3 thereof, to be known as sections 194.210, 194.220, 194.230, 194.233, 194.240, 194.243,
4 194.245, 194.249, 194.266, 194.293, 194.297, 194.300, 302.171 and 302.181, to read as follows:

194.210. As used in sections 194.210 to [194.290] **194.307**, the following words and
2 terms mean:

3 (1) **"Anatomical donation" or "anatomical donor", a human body part donation**
4 **or a human body part donor;**

5 (2) "Bank or storage facility", a facility licensed, accredited, or approved [under]
6 **pursuant to** the laws of any state for storage of human bodies or parts thereof;

7 [(2)] (3) "Decedent", a deceased individual and includes a stillborn infant or fetus;

8 (4) **"Donee":**

9 (a) **Any hospital, surgeon, or physician, for medical or dental education, research,**
10 **advancement of medical or dental science, therapy, or transplantation; or**

11 (b) **Any accredited medical or dental school, college or university or the state**
12 **anatomical board for education, research, advancement of medical or dental science, or**
13 **therapy; or**

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

14 (c) Any bank, storage facility or OPO, for medical or dental education, research,
15 advancement of medical or dental science, therapy, or transplantation; or

16 (d) Any specified individual for therapy or transplantation needed by such
17 individual;

18 [(3)] (5) "Donor", an individual who makes a gift of all or part of his or her body;

19 (6) "Fund", the organ donor program fund established in section 194.297;

20 [(4)] (7) "Hospital", a hospital licensed, accredited, or approved [under] pursuant to the
21 laws of any state and includes a hospital operated by the United States government, a state, or
22 a subdivision thereof, although not required to be licensed [under] pursuant to state laws;

23 (8) "OPO", the federally certified organ procurement organizations for the state
24 of Missouri;

25 [(5)] (9) "Part", organs, tissues, eyes, bones, arteries, blood, other fluids and any other
26 portions of a human body;

27 [(6)] (10) "Person", an individual, corporation, government or governmental subdivision
28 or agency, business trust, estate, trust, partnership or association, or any other legal entity;

29 [(7)] (11) "Physician" or "surgeon", a physician or surgeon licensed or authorized to
30 practice [under] pursuant to the laws of any state;

31 [(8)] (12) "State" includes any state, district, commonwealth, territory, insular
32 possession, and any other area subject to the legislative authority of the United States of
33 America.

194.220. 1. Any individual of sound mind who is at least eighteen years of age may give
2 all or any part of his or her body for any purpose specified in section 194.230, the gift to take
3 effect upon death. Any individual who is a minor and at least sixteen years of age may
4 effectuate a gift for any purpose specified in section 194.230, provided parental or guardian
5 consent is deemed given. Parental or guardian consent shall be noted on the minor's donor
6 card, application for the donor's instruction permit or driver's license, or other document
7 of gift. An express gift that is not revoked by the donor before death is irrevocable, and the
8 donee shall be authorized to accept the gift without obtaining the consent of any other person.

9 2. Any of the following persons, in order of priority stated, when persons in prior classes
10 are not available at the time of death, and in the absence of actual knowledge of a gift by the
11 decedent [under] pursuant to subsection 1 of this section or actual notice of contrary indications
12 by the decedent [or of opposition by a member of the same or a prior class], may give all or any
13 part of the decedent's body for any purpose specified in section 194.230:

14 (1) An attorney in fact under a durable power of attorney that expressly refers to making
15 a gift of all or part of the principal's body [under] pursuant to the uniform anatomical gift act;

16 (2) The spouse;

- 17 (3) An adult son or daughter;
18 (4) Either parent;
19 (5) An adult brother or sister;
20 (6) A guardian of the person of the decedent at the time of his **or her** death;
21 (7) Any other person authorized or under obligation to dispose of the body.

22 3. If the donee has actual notice of contrary indications by the decedent [or that a gift by
23 a member of a class is opposed by a member of the same or a prior class], the donee shall not
24 accept the gift. The persons authorized by subsection 2 of this section may make the gift after
25 or immediately before death.

26 4. A gift of all or part of a body authorizes any examination necessary to assure medical
27 acceptability of the gift for the purposes intended.

28 5. The rights of the donee created by the gift are paramount to the rights of others except
29 as provided by subsection 4 of section 194.270.

194.230. The following persons may become donees of gifts of bodies or parts thereof
2 for the purposes stated:

3 (1) Any hospital, surgeon, or physician, for medical or dental education, research,
4 advancement of medical or dental science, therapy, or transplantation; or

5 (2) Any accredited medical or dental school, college or university or the state anatomical
6 board for education, research, advancement of medical or dental science, or therapy; or

7 (3) Any bank [or], storage facility **or OPO**, for medical or dental education, research,
8 advancement of medical or dental science, therapy, or transplantation; or

9 (4) Any specified individual for therapy or transplantation needed by [him] **such**
10 **individual.**

194.233. 1. [The chief executive officer of each hospital in this state shall designate one
2 or more trained persons to request anatomical gifts which persons shall not be connected with
3 determination of death. The hospital official may designate a representative of an organ or tissue
4 procurement organization to request consent.

5 2. When there is a patient who is a suitable candidate for organ or tissue donation based
6 on hospital accepted criteria the designee shall request consent to a donation from the persons
7 authorized to give consent as specified in subdivision (1), (2), (3), (4), (5) or (6) of subsection
8 2 of section 194.220. The request shall be made in the order of priority stated in subsection 2
9 of section 194.220. When the hospital cannot, from available information, ascertain that the
10 patient has next-of-kin authorized to give consent as specified in subdivision (2), (3), (4), (5) or
11 (6) of subsection 2 of section 194.220, then the hospital shall notify and request consent to a
12 donation from a member of the class described in subdivision (7) of subsection 2 of section
13 194.220. Such notification to a member of the class described in subdivision (7) of subsection

14 2 of section 194.220 shall occur before death where practicable.

15 3. No request shall be required if the hospital designee has actual notice of a gift by the
16 decedent under subsection 1 of section 194.220 or actual notice of contrary indications by the
17 decedent.

18 4. Consent shall be obtained by the methods specified in section 194.240.

19 5. Where a donation is requested, the designee shall verify such request in the patient's
20 medical record. Such verification of request for organ donation shall include a statement to the
21 effect that a request for consent to an anatomical gift has been made, and shall further indicate
22 thereupon whether or not consent was granted, the name of the person granting or refusing the
23 consent, and his or her relationship to the decedent.

24 6. Upon the approval of the designated next of kin or other individual, as set forth in
25 subsection 2 of section 194.220, the hospital shall then notify an organ or tissue procurement
26 organization and cooperate in the procurement of the anatomical gift or gifts pursuant to
27 applicable provisions of sections 194.210 to 194.290.

28 7. No hospital shall have an obligation to retrieve the organ or tissue donated pursuant
29 to this section.] **At or near the time of death of any patient in a hospital, the attending
30 physician or hospital designee shall make contact with the OPO to determine the suitability
31 for organ, tissue and eye donation for any purpose specified pursuant to sections 194.210
32 to 194.307. Such contact and the disposition shall be noted in the patient's medical record.**

33 **2. The person designated by the hospital to contact the OPO shall have the
34 following information available:**

35 **(1) The patient's name and identifier number;**

36 **(2) The patient's age;**

37 **(3) Anticipated cause of death;**

38 **(4) Past medical history; and**

39 **(5) Other pertinent medical information.**

40 **3. The OPO, in consultation with the patient's attending physician, or such
41 physician's designee or the hospital's designee, shall determine suitability for donation.
42 Such determination shall be made prior to the initiation of any request of the persons
43 identified pursuant to section 194.220 for anatomical donation.**

44 **4. If the OPO determines that donation is not appropriate based on established
45 medical criteria, such determination shall be noted by hospital personnel in the patient's
46 record and no further action shall be necessary.**

47 **5. If the OPO determines that the patient is a suitable candidate for anatomical
48 donation, a request shall be initiated by informing the appropriate persons of the option
49 to donate organs, tissue or eyes. The request for anatomical donation shall be made by a**

50 representative of the OPO in consultation with the attending physician or the hospital
51 designee. In those cases where the attending physician desires to approach the family to
52 discuss organ or tissue donation, he or she may do so when accompanied by a
53 representative of the OPO. The person making the request shall ask persons pursuant to
54 section 194.220, whether the deceased had a validly executed donor card, will, other
55 document or gift, driver's license or identification card evidencing an anatomical gift. If
56 there is no such evidence of an anatomical gift, the person designated pursuant to section
57 194.220 shall be informed in accordance with sections 194.210 to 194.307 of the option to
58 donate organs, tissue or eyes.

59 **6. Within one year of the effective date of this section, each hospital in the state**
60 **shall develop and implement a protocol for referring potential anatomical donors as**
61 **provided in this section. The protocol shall require that, at or near the time of death of any**
62 **patient, the hospital shall contact by telephone the OPO to determine suitability for**
63 **anatomical donation of the potential donor. The protocol shall encourage discretion and**
64 **sensitivity to family circumstances and beliefs in all discussions regarding donations of**
65 **organs, tissue or eyes.**

66 **7. If the hospital staff advises the OPO that the hospital staff has received actual**
67 **notice that the decedent did not wish to be an anatomical donor, the gift of all or any part**
68 **of the decedent's body shall not be requested.**

69 **8. Death medical record reviews shall be performed in each hospital for the sole**
70 **purpose of determining anatomical donor potential at the hospital. The hospital may**
71 **perform the medical record review or may designate the OPO to conduct the review. If the**
72 **hospital chooses to conduct its own review, it shall do so in accordance with clinical**
73 **specifications and guidelines established by the OPO. If the hospital conducts the review,**
74 **the OPO shall provide the necessary training to hospital personnel conducting the review.**
75 **The hospital shall report the results of the review to the OPO no later than forty-five days**
76 **following the completion of the review. If the hospital designates the OPO to conduct the**
77 **review, the OPO shall provide the hospital with written assurance that the OPO shall**
78 **maintain the confidentiality of patient identifying information.**

194.240. 1. A gift of all or part of the body [under] **pursuant to** subsection 1 of section
2 194.220 may be made by will. The gift becomes effective upon the death of the testator without
3 waiting for probate. If the will is not probated, or if it is declared invalid for testamentary
4 purposes, the gift, to the extent that it has been acted upon in good faith, is nevertheless valid and
5 effective.

6 2. A gift of all or part of the body [under] **pursuant to** subsection 1 of section 194.220
7 may also be made by document other than a will. The gift becomes effective upon the death of

8 the donor. The document, which may be a card designed to be carried on the person, must be
9 signed by the donor in the presence of two witnesses who must sign the document in [his] **the**
10 **donor's** presence or before a notary or other official authorized to administer oaths generally.
11 If the donor cannot sign, the document may be signed for [him] **the donor** at [his] **the donor's**
12 direction and in [his] **the donor's** presence in the presence of two witnesses who must sign the
13 document in [his] **the donor's** presence. Delivery of the document of gift during the donor's
14 lifetime is not necessary to make the gift valid.

15 3. The gift may be made to a specified donee or without specifying a donee. If the latter,
16 the gift may be accepted by a physician as donee upon or following death. If the gift is made to
17 a specified donee who is not available at the time and place of death or if the gift cannot be
18 implemented, a physician upon or following death, in the absence of any expressed indication
19 that the donor desired otherwise, may accept the gift as donee. The physician who becomes a
20 donee [under] **pursuant to** this subsection shall not participate in the procedures for removing
21 or transplanting a part.

22 4. Notwithstanding the provisions of subsection 2 of section 194.270, the donor may
23 designate in his **or her** will, card, or other document of gift the surgeon or physician to carry out
24 the appropriate procedures. In the absence of a designation or if the designee is not available,
25 the donee or other person authorized to accept the gift may employ or authorize any surgeon or
26 physician to carry out the appropriate procedures. For the purpose of removing an eye or part
27 thereof, any medical technician employed by a hospital, physician or eye bank and acting under
28 supervision may perform the appropriate procedures. Any medical technician authorized to
29 perform such procedure shall successfully complete the course prescribed in section 194.295 for
30 embalmers.

31 5. Any gift by a person designated in subsection 2 of section 194.220 shall be made by
32 a document signed by him **or her** or made by his **or her** telegraphic, recorded telephonic, or
33 other recorded message.

34 6. A gift of part of the body [under] **pursuant to** subsection 1 of section 194.220 may
35 also be made by a statement on a form which shall be provided on the reverse side of all
36 Missouri motor vehicle licenses issued pursuant to chapter 302, RSMo. The statement to be
37 effective shall be signed by the owner of the license in the presence of two witnesses, who shall
38 sign the statement in the presence of the donor. Use of the form is prima facie evidence that the
39 owner of the license intended to make the anatomical gift, and there shall be no civil or criminal
40 liability for removal of any part of the body indicated on the form by a licensed physician or
41 surgeon, **or donee**. The gift becomes effective upon the death of the donor. Delivery of the
42 license during the donor's lifetime is not necessary to make the gift valid. The gift shall [become
43 invalidated upon expiration, cancellation, revocation, or suspension of the license, and the gift

44 must] be renewed upon renewal of each license. Pertinent medical information which may affect
45 the quality of the gift may be included in the statement of gift.

46 7. Any person eighteen years of age or older, or any person under the age of eighteen
47 with parental consent who indicates the desire to make an organ donation through any method
48 prescribed in this section may also contact the department of health when completing such form,
49 so that the information may be included in the registry maintained by the department pursuant
50 to subsection 1 of section 194.304. Failure to contact the department of health shall not be
51 construed to challenge the validity of the organ donation.

52 8. Organ procurement organizations and tissue banks may employ **procurement**
53 **coordinators and enucleators who may not be physicians or surgeons** to assist in the
54 [procurement] **recovery** of cadaveric organs and tissue for transplant or research. A **or**
55 **enucleator** coordinator who assists in the procurement of cadaveric organs or tissue for
56 transplantation or research must do so under the direction and supervision of a physician or
57 surgeon. With the exception of organ procurement surgery, this supervision may be indirect
58 supervision. For purposes of this subsection, the term "indirect supervision" means that a
59 physician or surgeon is responsible for the medical actions of the coordinator, that the
60 coordinator is acting under protocols expressly approved by a physician or surgeon, and that a
61 physician or surgeon is available, in person or by telephone, to provide medical direction,
62 consultation and advice in cases of organ and tissue donation and procurement.

63 9. The department of health shall collect information and publish an annual report which
64 shall include the number of organ and tissue donations made in the state, the number of organ
65 or tissue donations received by citizens of the state of Missouri, the number of organ or tissue
66 donations transported outside the state boundaries and the cost of such organ or tissue donations.

**194.243. 1. Beginning no later than January 1, 2001, the division of motor vehicle
2 and driver licensing shall modify the driver's license and identification card application
3 process and renewal system to:**

4 **(1) Obtain information from individuals over the age of eighteen regarding such
5 individual's consent to anatomical donation; and**

6 **(2) Allow persons under the age of eighteen to register as donors with parental
7 consent. The division shall include an inquiry on the application and renewal form to read
8 as follows:**

9 **"Do you wish to have the organ donor designation printed on your driver's
10 license?"**

11

12 **If an individual indicates his or her consent to anatomical donation, such consent shall be
13 noted on the front of the individual's driver's license or identification card with the word**

14 **"Organ Donor" and recorded in the individual's computer record with the division of**
15 **motor vehicle and driver licensing.**

16 **2. The OPO shall be given access to the donor information in subsection 1 of this**
17 **section twenty-four hours a day through the division's database. Notwithstanding any**
18 **other law to the contrary, the division is authorized to provide the OPO with the foregoing**
19 **donor information. The OPO shall not be assessed a fee or other charges for such access.**

20 **3. The donor designation on the driver's license or identification card shall be**
21 **deemed sufficient to satisfy all requirements for consent to organ and tissue donation.**

22 **4. Any person may request that his or her consent to anatomical donation by**
23 **validly executed donor card, will, other document or gift be included in such person's**
24 **computer record with the division of motor vehicle and driver licensing. The division may**
25 **promulgate rules and regulations to implement the provisions of this subsection. No rule**
26 **or portion of a rule promulgated pursuant to the authority of this section shall become**
27 **effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.**

194.245. Notwithstanding any other law to the contrary, if a validly executed donor
2 **card, advance health care directive, will, other document or gift, driver's license or**
3 **identification card evidencing an anatomical gift exists, consent at the time of death shall**
4 **not be necessary to render the gift valid.**

194.249. The department of revenue shall provide a space on the face of the state
2 **individual income tax return for the 2000 tax year and each year thereafter whereby an**
3 **individual may voluntarily designate a contribution of any amount desired to the organ**
4 **donor program fund established in section 194.297. The amount designated by an**
5 **individual on the state income tax return form shall be deducted from the tax refund to**
6 **which the individual is entitled or added to the individual's payment and shall not**
7 **constitute a charge against the income tax revenues due the state.**

194.266. 1. The following persons may make a reasonable search for a document
2 **of gift or other information identifying the bearer as an organ donor or as an individual**
3 **who has refused to make an anatomical gift:**

4 **(1) A law enforcement officer, firefighter, paramedic or other official emergency**
5 **rescuer finding an individual who the searcher believes is near death; and**

6 **(2) A hospital, upon the admission of an individual at or near the time of death, if**
7 **there is not immediately available any other source of such information.**

8 **2. Any law enforcement officer or other person listed in subsection 1 of this section**
9 **may conduct an administrative search of the individual's driver's license record with the**
10 **division of motor vehicle and driver's licensing to determine if the individual's**
11 **authorization for organ donation or refusal of organ donation.**

12 **3. A physical search pursuant to subsection 1 of this section may be conducted at**
13 **or near the time of death or hospital admission, and shall be limited to those personal**
14 **effects of the individual where a driver's license may be reasonably stored. Any**
15 **information, document, tangible objects or other items discovered during the search shall**
16 **be used solely for the purpose of ascertaining the individual's identity, notifying the**
17 **individual's next of kin, and determining whether the individual intends to make an**
18 **anatomical gift. In no event shall any such discovered material be admissible in any**
19 **subsequent criminal or civil proceeding, unless obtained pursuant to a lawful search on**
20 **other grounds.**

194.293. A hospital or physician who acts in good faith in accord with the terms of
2 **sections 194.210 to 194.307 shall not be liable for damages in any civil action or subject to**
3 **prosecution in any criminal proceeding for such act.**

 194.297. There is established in the state treasury the "Organ Donor Program Fund",
2 which shall consist of all moneys deposited by the director of revenue pursuant to **section**
3 **194.249 and** subsection 2 of section 302.171, RSMo, and any other moneys donated or
4 appropriated to the fund. The state treasurer shall administer the fund, and the moneys in the
5 fund shall be used solely, upon appropriation, by the department of health, in consultation with
6 the organ donation advisory committee, for implementation of organ donation awareness
7 programs in the manner prescribed in [subsection 2 of section 194.300] **section 194.302.**
8 Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the organ
9 donor program fund at the end of any biennium shall not be transferred to the credit of the
10 general revenue fund. There shall be no money appropriated from general revenue to administer
11 the fund in the event the fund cannot sustain itself.

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

- 4 (1) [Four representatives of organ and tissue procurement organizations;
5 (2)] **Two current representatives from each federally certified OPO;**
6 **(2) One current representative from an eye bank;**
7 **(3)** Four members representative of organ recipients, families of organ recipients, organ
8 donors and families of organ donors;
9 [(3)] **(4)** One health care representative from [a hospital located in Missouri; and] **the**
10 **Missouri Hospital Association;**
11 [(4)] **(5)** One representative of the department of health; **and**
12 **(6) One representative of the department of revenue.**
13 2. Members of the advisory committee shall receive no compensation for their services,

14 but may be reimbursed for the reasonable and necessary expenses incurred in the performance
15 of their duties out of appropriations made for that purpose. Members shall serve for five year
16 terms and shall serve at the pleasure of the governor.

302.171. 1. Application for a license shall be made upon an approved form furnished
2 by the director. Every application shall state the full name, Social Security number, age, height,
3 weight, color of eyes, sex, residence, mailing address of the applicant, and the classification for
4 which the applicant has been licensed, and, if so, when and by what state, and whether or not
5 such license has ever been suspended, revoked, or disqualified, and, if revoked, suspended or
6 disqualified, the date and reason for such suspension, revocation or disqualification and whether
7 the applicant is making a [one-dollar] **two-dollar** donation to promote an organ donation
8 program as prescribed in subsection 2 of this section. The application shall also contain such
9 information as the director may require to enable the director to determine the applicant's
10 qualification for driving a motor vehicle; and shall state whether or not the applicant has been
11 convicted in this or any other state for violating the laws of this or any other state or any
12 ordinance of any municipality, relating to driving without a license, careless driving, or driving
13 while intoxicated, or failing to stop after an accident and disclosing the applicant's identity, or
14 driving a motor vehicle without the owner's consent. The application shall contain a certification
15 by the applicant as to the truth of the facts stated therein. Every person who applies for a license
16 to operate a motor vehicle who is less than twenty-one years of age shall be provided with
17 educational materials relating to the hazards of driving while intoxicated, including information
18 on penalties imposed by law for violation of the intoxication-related offenses of the state.
19 Beginning January 1, 2001, if the applicant is less than eighteen years of age, the applicant must
20 comply with all requirements for the issuance of an intermediate driver's license pursuant to
21 section 302.178.

22 2. An applicant for a license may make a donation of [one dollar] **two dollars** to promote
23 an organ donor program. The director of revenue shall collect the donations and deposit all such
24 donations in the state treasury to the credit of the organ donor program fund established in
25 sections 194.297 to 194.304, RSMo. Moneys in the organ donor program fund shall be used
26 solely for the purposes established in sections 194.297 to 194.304, RSMo, except that the
27 department of revenue shall retain no more than one percent for its administrative costs. The
28 donation prescribed in this subsection is voluntary and may be refused by the applicant for the
29 license at the time of issuance or renewal of the license. The director shall make available an
30 informational booklet or other informational sources on the importance of organ donations to
31 applicants for licensure as designed by the organ donation advisory committee established in
32 sections 194.297 to 194.304, RSMo. The director shall inquire of each applicant at the time the
33 licensee presents the completed application to the director whether the applicant is interested in

34 making the one-dollar donation prescribed in this subsection and whether the applicant is
35 interested in making an organ donation and shall also specifically inform the licensee of the
36 ability to make an organ donation by completing the form on the reverse of the license that the
37 applicant will receive in the manner prescribed by subsection 6 of section 194.240, RSMo. The
38 director shall notify the department of health of information obtained from applicants who
39 indicate to the director that they are interested in making organ donations, and the department
40 of health shall enter the complete name, address, date of birth, race, gender and a unique personal
41 identifier in the registry established in subsection 1 of section 194.304, RSMo.

42 3. An applicant for a license may make a donation of one dollar to promote a blindness
43 education, screening and treatment program. The director of revenue shall collect the donations
44 and deposit all such donations in the state treasury to the credit of the blindness education,
45 screening and treatment program fund established in section 192.935, RSMo. Moneys in the
46 blindness education, screening and treatment program fund shall be used solely for the purposes
47 established in section 192.935, RSMo, except that the department of revenue shall retain no more
48 than one percent for its administrative costs. The donation prescribed in this subsection is
49 voluntary and may be refused by the applicant for the license at the time of issuance or renewal
50 of the license. The director shall inquire of each applicant at the time the licensee presents the
51 completed application to the director whether the applicant is interested in making the one- dollar
52 donation prescribed in this subsection.

302.181. 1. The license issued pursuant to the provisions of sections 302.010 to 302.340
2 shall be in such form as the director shall prescribe, but the license shall be a card made of plastic
3 or other comparable material. All licenses shall be manufactured of materials and processes that
4 will prohibit, as nearly as possible, the ability to reproduce, alter, counterfeit, forge or duplicate
5 any license without ready detection. All licenses shall bear the licensee's Social Security number,
6 if the licensee has one, and if not, a notarized affidavit must be signed by the licensee stating that
7 the licensee does not possess a Social Security number, or, if applicable, a certified statement
8 must be submitted as provided in subsection 4 of this section. The license shall also bear the
9 expiration date of the license, the classification of the license, the name, date of birth, residence
10 address including the county of residence or a code number corresponding to such county
11 established by the department, and brief description and colored photograph of the licensee, and
12 a facsimile of the signature of the licensee. The director shall provide by administrative rule the
13 procedure and format for a licensee to indicate on the back of the license together with the
14 designation for an anatomical gift as provided in section 194.240, RSMo, the name and address
15 of the person designated pursuant to sections 404.800 to 404.865, RSMo, as the licensee's
16 attorney in fact for the purposes of a durable power of attorney for health care decisions. No
17 license shall be valid until it has been so signed by the licensee. If any portion of the license is

18 prepared by a private firm, any contract with such firm shall be made in accordance with the
19 competitive purchasing procedures as established by the state director of the division of
20 purchasing. For all licenses issued or renewed after March 1, 1992, the applicant's Social
21 Security number shall serve as the applicant's license number. Where the licensee has no Social
22 Security number, or where the licensee is issued a license without a Social Security number in
23 accordance with subsection 4 of this section, the director shall issue a license number for the
24 licensee and such number shall also include an indicator showing that the number is not a Social
25 Security number.

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

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

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

40 5. The director of revenue shall issue a license without the photograph to an applicant
41 therefor, who is otherwise qualified to be licensed, upon presentation to the director of a
42 statement on forms prescribed and made available by the department of revenue which states that
43 the applicant is a member of a specified religious denomination which prohibits photographs of
44 members as being contrary to its religious tenets. The license shall state thereon that no
45 photograph is required because of the religious affiliation of the licensee. The director of
46 revenue shall establish guidelines and furnish to each circuit court such forms as the director
47 deems necessary to comply with this subsection. The circuit court shall not charge or receive any
48 fee or court cost for the performance of any duty or act pursuant to this subsection.

49 6. The department of revenue may issue a temporary license without the photograph to
50 out-of-state applicants and members of the armed forces, except that where such temporary
51 license is issued it shall be valid only until the applicant shall have had time to appear and have
52 his or her picture taken and a license with his or her photograph issued.

53 7. The department of revenue shall issue upon request a nondriver's license card

54 containing essentially the same information as the driver's license upon payment of six dollars
55 if the applicant is under the age of sixty-five. An applicant who is sixty-five years of age or older
56 may purchase a nondriver's license card without a photograph for one dollar or a nondriver's
57 license card with a photograph for six dollars. All nondriver's licenses shall expire on the
58 applicant's birthday in the sixth year after issuance. A person who has passed his or her
59 seventieth birthday shall upon application be issued a nonexpiring nondriver's license card. The
60 nondriver's license card shall be used for identification purposes only and shall not be valid as
61 a license. **The director shall provide by administrative rule the procedure and format for**
62 **an applicant to indicate a designation for an anatomical gift as provided in section 194.240,**
63 **RSMo, on the back of the nondriver's license card.**

64 8. No rule or portion of a rule promulgated pursuant to the authority of this chapter shall
65 become effective unless it is promulgated pursuant to the provisions of chapter 536, RSMo.