

SECOND REGULAR SESSION

# HOUSE BILL NO. 1704

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES ST. ONGE (Sponsor), STORCH, MUNZLINGER, WHORTON, HOBBS, BIVINS, GUEST, MYERS, BEARDEN, JOHNSON (47), WASSON, WILSON (119), NANCE, SMITH (118), SMITH (14), SELF, COOPER (155), SCHAAF, ICET, NOLTE, SUTHERLAND, WRIGHT (159), ERVIN, BLACK, JACKSON, MAY, ROBB, DUSENBERG, SMITH (150), FLOOK, DEMPSEY, SILVEY, LEMBKE, JETTON, JONES, PRATT, WILSON (130), SCHAD, WALLACE, HENKE, WAGNER, LOWE (44), PARSON, WILDBERGER, SATER, BEHNEN, YAEGER, McGHEE, DAY, WETER, RUCKER, KINGERY, WELLS, GEORGE, WALSH, WOOD, QUINN, DETHROW, MEADOWS, WITTE, SCHLOTTACH, CORCORAN, DONNELLY, ZWEIFEL, SANDER, YOUNG, STEVENSON, NIEVES, FAITH, LAMPE, HARRIS (110), DIXON, DOUGHERTY, BOYKINS AND FRASER (Co-sponsors).

Read 1st time February 8, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4969L.011

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### AN ACT

To repeal section 302.171, RSMo, and to enact in lieu thereof one new section relating to proof of lawful presence for renewal of drivers' licenses.

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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Section A. Section 302.171, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 302.171, to read as follows: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. Beginning July 1, 2005, the director shall verify that an applicant for a driver's license is lawfully present in the United States before accepting the application. The director shall not issue a driver's license for a period that exceeds an applicant's lawful presence in the United States. The director may establish procedures to verify the lawful presence 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

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.

10 been suspended, revoked, or disqualified, and, if revoked, suspended or disqualified, the date and  
11 reason for such suspension, revocation or disqualification and whether the applicant is making  
12 a one dollar donation to promote an organ donation program as prescribed in subsection 2 of this  
13 section. A driver's license, nondriver's license, or instruction permit issued under this chapter  
14 shall contain the applicant's legal name as it appears on a birth certificate or as legally changed  
15 through marriage or court order. No name change by common usage based on common law shall  
16 be permitted. The application shall also contain such information as the director may require to  
17 enable the director to determine the applicant's qualification for driving a motor vehicle; and  
18 shall state whether or not the applicant has been convicted in this or any other state for violating  
19 the laws of this or any other state or any ordinance of any municipality, relating to driving  
20 without a license, careless driving, or driving while intoxicated, or failing to stop after an  
21 accident and disclosing the applicant's identity, or driving a motor vehicle without the owner's  
22 consent. The application shall contain a certification by the applicant as to the truth of the facts  
23 stated therein. Every person who applies for a license to operate a motor vehicle who is less than  
24 twenty-one years of age shall be provided with educational materials relating to the hazards of  
25 driving while intoxicated, including information on penalties imposed by law for violation of the  
26 intoxication-related offenses of the state. Beginning January 1, 2001, if the applicant is less than  
27 eighteen years of age, the applicant must comply with all requirements for the issuance of an  
28 intermediate driver's license pursuant to section 302.178.

29         2. An applicant for a license may make a donation of one dollar to promote an organ  
30 donor program. The director of revenue shall collect the donations and deposit all such  
31 donations in the state treasury to the credit of the organ donor program fund established in  
32 sections 194.297 to 194.304, RSMo. Moneys in the organ donor program fund shall be used  
33 solely for the purposes established in sections 194.297 to 194.304, RSMo, except that the  
34 department of revenue shall retain no more than one percent for its administrative costs. The  
35 donation prescribed in this subsection is voluntary and may be refused by the applicant for the  
36 license at the time of issuance or renewal of the license. The director shall make available an  
37 informational booklet or other informational sources on the importance of organ donations to  
38 applicants for licensure as designed by the organ donation advisory committee established in  
39 sections 194.297 to 194.304, RSMo. The director shall inquire of each applicant at the time the  
40 licensee presents the completed application to the director whether the applicant is interested in  
41 making the one dollar donation prescribed in this subsection and whether the applicant is  
42 interested in inclusion in the organ donor registry and shall also specifically inform the licensee  
43 of the ability to consent to organ donation by completing the form on the reverse of the license  
44 that the applicant will receive in the manner prescribed by subsection 6 of section 194.240,  
45 RSMo. The director shall notify the department of health and senior services of information

46 obtained from applicants who indicate to the director that they are interested in registry  
47 participation, and the department of health and senior services shall enter the complete name,  
48 address, date of birth, race, gender and a unique personal identifier in the registry established in  
49 subsection 1 of section 194.304, RSMo.

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

61         4. Beginning July 1, 2005, the director shall deny the driving privilege of any person who  
62 commits fraud or deception during the examination process or who makes application for an  
63 instruction permit, driver's license, or nondriver's license which contains or is substantiated with  
64 false or fraudulent information or documentation, or who knowingly conceals a material fact or  
65 otherwise commits a fraud in any such application. The period of denial shall be one year from  
66 the effective date of the denial notice sent by the director. The denial shall become effective ten  
67 days after the date the denial notice is mailed to the person. The notice shall be mailed to the  
68 person at the last known address shown on the person's driving record. The notice shall be  
69 deemed received three days after mailing unless returned by the postal authorities. No such  
70 individual shall reapply for a driver's examination, instruction permit, driver's license, or  
71 nondriver's license until the period of denial is completed. No individual who is denied the  
72 driving privilege under this section shall be eligible for a limited driving privilege issued under  
73 section 302.309.

74         5. All appeals of denials under this section shall be made as required by section 302.311.

75         6. The period of limitation for criminal prosecution under this section shall be extended  
76 under subdivision (1) of subsection 3 of section 556.036, RSMo.

77         7. The director may promulgate rules and regulations necessary to administer and enforce  
78 this section. No rule or portion of a rule promulgated pursuant to the authority of this section  
79 shall become effective unless it has been promulgated pursuant to chapter 536, RSMo.

80         **8. Notwithstanding any other provision of this chapter that requires an applicant**  
81 **to provide proof of lawful presence for renewal of a noncommercial driver's license,**

82 **noncommercial instruction permit, or nondriver's license, an applicant who is sixty-five**  
83 **years of age or older and who was previously issued a Missouri noncommercial driver's**  
84 **license, noncommercial instruction permit, or Missouri nondriver's license is exempt from**  
85 **showing proof of lawful presence.**

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