

FIRST REGULAR SESSION

HOUSE BILL NO. 414

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES PEARCE (Sponsor), DAY, WILSON (130), FISHER, SWINGER, WILSON (119), RUESTMAN, DAUS, SATER, SANDER, WALLACE, WHORTON, MOORE AND HOLSMAN (Co-sponsors).

Read 1st time January 16, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

1263L.01I

AN ACT

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

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Section A. Section 302.171, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 302.171, to read as follows: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 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. A driver's license, nondriver's license, or instruction permit issued under this chapter

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.

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 provisions of this chapter that requires an applicant to provide
81 proof of lawful presence for renewal of a noncommercial driver's license, noncommercial
82 instruction permit, or nondriver's license, an applicant who is sixty-five years and older and who
83 was previously issued a Missouri noncommercial driver's license, noncommercial instruction
84 permit, or Missouri nondriver's license is exempt from showing proof of lawful presence.

85 **9. Notwithstanding any other provision of this chapter that requires an applicant**
86 **to provide proof of lawful presence for renewal of a noncommercial driver's license,**
87 **noncommercial instruction permit, or nondriver's license, an applicant who submits a**
88 **Certificate of Release or Discharge from Active Duty, DD Form 214, noting honorable**
89 **discharge shall be exempt from showing proof of lawful presence. If any federal law or**
90 **regulation prohibits or restricts such an exemption or would result in the loss of federal**
91 **funding for this state, the director of revenue shall apply for any federal waiver necessary**
92 **to allow veterans to utilize a Certificate of Release or Discharge from Active Duty in lieu**
93 **of the requirements for submission of a birth certificate.**

94 **10.** Notwithstanding any other provision of this chapter, if an applicant does not meet
95 the requirements of subsection 8 of this section and does not have the required documents to
96 prove lawful presence, the department may issue a one-year driver's license renewal. This
97 one-time renewal shall only be issued to an applicant who previously has held a Missouri
98 noncommercial driver's license, noncommercial instruction permit, or nondriver's license for a
99 period of fifteen years or more and who does not have the required documents to prove lawful
100 presence. After the expiration of the one-year period, no further renewal shall be provided
101 without the applicant producing proof of lawful presence.

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