

HCS HB 361 -- FEDERAL REAL ID ACT OF 2005

SPONSOR: Guest

COMMITTEE ACTION: Voted "do pass" by the Committee on Real ID and Personal Privacy by a vote of 10 to 0.

This substitute specifies that an applicant for a driver's license, nondriver's license, or instruction permit cannot have his or her privacy rights violated in order to obtain or renew a driver's license.

The Department of Revenue must amend procedures for applying for a driver's license or identification card in order to comply with the goals or standards of the federal REAL ID Act of 2005 and is prohibited from selling any data derived from a person's license or permit application for commercial purposes.

Any biometric data previously collected, obtained, or retained by any state department or agency responsible for motor vehicle registration or operation or the issuance or renewal of driver's licenses or identification cards must be retrieved and deleted from all databases.

Currently, the Department of Revenue must verify that an applicant for a driver's license is lawfully present in the United States before accepting the application, and the license cannot be issued for a period that exceeds the applicant's lawful presence. The substitute requires the department to verify that an applicant for a driver's license is a Missouri citizen or national of the United States or a noncitizen with lawful immigration status and a Missouri resident before accepting the application. The license cannot be issued for a period that exceeds the duration of the applicant's lawful immigration status.

For the renewal of a noncommercial driver's license, noncommercial instruction permit, or nondriver's license, a photocopy of an applicant's United States birth certificate along with another form of identification approved by the department, including any United States military identification or discharge papers, will be sufficient proof of Missouri citizenship, United States naturalization, or lawful immigration status.

If an applicant for the renewal of a noncommercial driver's license or instruction permit or a nondriver's license is not at least 65 years of age with a previously issued Missouri noncommercial license or instruction permit or nondriver's license or does not have the required documents to prove Missouri citizenship, United States naturalization, or lawful immigration

status but has held a Missouri noncommercial license or instruction permit or nondriver's license for at least 15 years, the department may issue a one-time only, one-year renewal license or permit.

FISCAL NOTE: No impact on state funds in FY 2010, FY 2011, and FY 2012.

PROPOSERS: Supporters say that the federal REAL ID Act of 2005 represents overreaching government control into the lives of Americans and is taking freedoms and civil liberties from Missourians. The act was passed as an amendment late at night on an unrelated bill for supplemental funding for the Iraq War and tsunami relief. The bill never had a hearing in the U. S. Senate. Because the act requires personal data to be shared within the state, between states, and globally, the risk of identification theft increases drastically. First amendment freedoms are also being eroded due to the lack of exemptions for religious exceptions for taking photographs or fingerprints of citizens.

Testifying for the bill were Representative Guest; Louise Diender; Catherine Bleish, Liberty Restoration Project; Bruce Summers; John Paul Fagot; Amy Bremer; Kevin L. Kobe; Glenn Nielsen, Missouri Libertarian Party; and American Civil Liberties Union of Eastern Missouri.

OPPOSERS: There was no opposition voiced to the committee.

OTHERS: Others testifying on the bill say that the implications of not implementing the federal REAL ID Act of 2005 include Missouri citizens not having access to federal courthouses or buildings and not being allowed to board airlines. The act is not a federal mandate. If Missouri chooses to not implement the act, many Missouri citizens will lose privileges.

Testifying on the bill were Department of Revenue; and State Highway Patrol.