

HCS SS SB 252 -- DEPARTMENT OF REVENUE

SPONSOR: Kraus (Richardson)

COMMITTEE ACTION: Voted "Do Pass" by the Committee on Government Oversight and Accountability by a vote of 6 to 0.

This substitute changes the laws regarding the Department of Revenue. In its major provisions, the substitute:

- (1) Adds fee agents appointed or selected by the department director to the list of persons covered under the State Legal Expense Fund, as long as the actions of the agent were in the official course of duty and in the manner required by state law or department rule;
- (2) Specifies that the department must indemnify and hold harmless any fee office for any liabilities, including attorney fees, in connection with or arising out of any action, suit, or proceeding if the fee office was acting in the course of its official duties and pursuant to state law or department regulations or rules;
- (3) Allows an applicant for registration of a vehicle to make a \$1 donation to the newly established World War I Memorial Trust Fund for the restoration, renovation, and maintenance of the Kansas City World War I museum. The Veterans Commission will administer the fund. The department may retain 1% for administrative costs;
- (4) Discontinues the \$10 voluntary contribution toward the World War II museum on military license plates as of August 28, 2013;
- (5) Prohibits the department from retaining copies, in any format, of source documents presented by an individual applying for or holding a driver's or nondriver's license. The department must not capture digital images of source documents that are capable of being retained in electronic storage in a transferable format;
- (6) Requires the department to securely destroy by December 31, 2013, any source documents that were obtained after September 1, 2012, from driver's or nondriver's license applicants;
- (7) Prohibits the department from retaining copies of any certificate of qualification for a concealed carry endorsement and from using technology to capture digital images of the certificate. The department must not retain digital or electronic images of the certificates, but verify whether the applicant has presented the certificate. The department is prohibited from keeping a list of endorsement holders and from keeping a holder's status in the department's computer system, and it must not implement or maintain

a system that allows a computer user to cross-reference or review the license holder's concealed carry status. By December 31, 2013, any copies of certificates of qualification that have been stored must be securely destroyed;

(8) Exempts any documents required to be retained under federal motor carrier regulations, including commercial driver's license and instruction permits;

(9) Defines "source documents" as original or certified copies of documents presented by an applicant as required under specified federal regulations and any documents required for the issuance, renewal, or replacement of driver's or nondriver's licenses by the department under Chapter 302, RSMo, or accompanying regulations;

(10) Requires the purging of state databases of all biometric data collected, obtained, or retained in connection with motor vehicle registrations, driver's licenses, and nondriver's licenses;

(11) Prohibits the department from using, collecting, obtaining, sharing, or retaining biometric data and from using biometric technology, including, but not limited to, retinal scanning, facial recognition or fingerprint technology, to produce a driver's or nondriver's license or to uniquely identify licensees or license applicants for any purpose, except digital images or licensee signatures required for driver's and nondriver's licenses; and

(12) Defines "biometric data" and "biometric technology" to include facial feature pattern recognition, voice data, iris recognition and retinal scans, fingerprints and other hand measurements, eye spacing, walk or gait, DNA and keystroke dynamics.

The bill contains an emergency clause for the provisions regarding the keeping of document by the department.

PROPOSERS: Supporters say that the privacy of data is a critical issue. In the case of concealed carry endorsements, it can be a safety issue as well.

Testifying for the bill were Senator Kraus; and Ward Cook, National World War I Museum.

OPPOSERS: Those who oppose the bill say that unintended consequences can result from a ban as opposed to the regulation of data gathering methods.

Testifying against the bill was MorphoTrust USA.

