

HCS SS SB 252 -- DEPARTMENT OF REVENUE

This bill changes the laws regarding the Department of Revenue. In its main provisions, the bill:

(1) Adds a fee agent appointed or selected by the department director to the list of persons covered under the State Legal Expense Fund to the extent that the actions or inactions of the agent were in the course of the person's official duties and in the manner required by state law or department rules (Section 105.711, RSMo);

(2) Allows a trailer as defined in Section 301.010 to be registered permanently at the option of the registrant upon the payment of a \$52.50 fee (Section 301.067);

(3) Prohibits, beginning August 28, 2013, the department director from collecting the \$10 voluntary contribution to the World War II Memorial Trust Fund that an applicant for a military license plate is allowed to make (Section 301.3031);

(4) Requires the department director to notify an applicant for a military license plate that he or she may make a \$10 voluntary contribution and an applicant for any other license plate that he or she may make a \$1 voluntary contribution to the newly created World War I Memorial Trust Fund for the restoration, renovation, and maintenance of a memorial, museum, or both dedicated to World War I in Kansas City. The Missouri Veterans Commission will administer the fund (Section 301.3033);

(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 use technology to capture digital images of source documents so that the images are capable of being retained in electronic storage in a transferable format (Section 302.065.1);

(6) Requires, by December 31, 2013, the department to securely destroy so as to make irretrievable any source documents that were obtained after September 1, 2012, from driver's or nondriver's license applicants (Section 302.065.2);

(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 that will allow the applicant to obtain the endorsement. By December 31, 2013, the department must securely

destroy so as to make irretrievable any copies of certificates of qualification that have been obtained from driver's or nondriver's license applicants (Section 302.065.3);

(8) Allows the following documents to be retained by the department:

(a) Original application forms, which may be retained but not scanned;

(b) Test score documents issued by State Highway Patrol driver examiners;

(c) Documents demonstrating the lawful presence of an applicant who is not a United States citizen, including the documents demonstrating the duration of the person's lawful presence;

(d) A document required to be retained under federal motor carrier regulations, including commercial driver's license and instruction permits; and

(e) Any alternative document that the applicant requests the department to review as proof required for the issuance of a driver's or nondriver's license or instruction permit (Section 302.065.4);

(9) Specifies that "source documents" means 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 or accompanying regulations (Section 302.065.5);

(10) Allows a person who is harmed or damaged because the department retained a document to bring a civil action for damages against the department and any person participating in the violation, including noneconomic and punitive damages, as well as injunctive relief in the circuit court where the person resided at the time of the violation or in the Cole County Circuit Court. Sovereign immunity is not available as a defense for the department. If the plaintiff prevails, he or she is entitled to recover reasonable attorney fees from the defendants (Section 302.065.6);

(11) Repeals the provisions exempting any data collected, obtained, or retained for a purpose other than compliance with the federal REAL ID Act of 2005 from the requirement that any biometric data previously collected, obtained, or retained in connection with motor vehicle registrations or the issuance or renewal of driver's

licenses or any identification cards by any department or agency of the state charged with those activities from being retrieved and deleted from all databases (Section 302.183);

(12) 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 the issuance of driver's and nondriver's licenses (Section 302.189.1);

(13) Defines "biometric data" and "biometric technology" to include facial feature pattern recognition, voice data, iris recognition data and retinal scans, fingerprints and other hand measurements, eye spacing, walk or gait, DNA, or keystroke dynamics (Section 302.189.2);

(14) Prohibits a state agency, department, or contractor or agent working for the state from constructing, enabling by providing or sharing records to, maintaining, participating in, developing, cooperating, or enabling the federal government in developing a database or record of the number or type of firearms, ammunition, or firearms accessories that a person possesses (Section 571.500); and

(15) Prohibits a state agency from disclosing the statewide list of concealed carry endorsement or permit holders to the federal government. These provisions cannot be construed to restrict access to individual records by any criminal justice agency authorized to access the Missouri Uniform Law Enforcement System (Section 1).

The provisions of the bill regarding the retention of documents by the department in Sections 302.065, 302.183, 302.189, and 571.500 contain an emergency clause.