

FIRST REGULAR SESSION

HOUSE BILL NO. 450

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE EGGLESTON.

1158H.021

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 194.225 and 302.171, RSMo, and to enact in lieu thereof two new sections relating to organ donors.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 194.225 and 302.171, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 194.225 and 302.171, to read as follows:

194.225. 1. A donor may make an anatomical gift:

(1) By authorizing a statement or symbol indicating that the donor has made an anatomical gift to be imprinted on the **face of the** donor's driver's license or identification card, **or by placing a donor symbol sticker authorized and issued by the department of health and senior services on the back of the donor's driver's license or identification card indicating that the donor has made an anatomical gift;**

(2) In a will;

(3) During a terminal illness or injury of the donor, by any form of communication addressed to at least two adults at least one of whom is a disinterested witness; or

(4) As provided in subsection 2 of this section.

2. A donor or other person authorized to make an anatomical gift under section 194.220 may make a gift by a donor card or other record signed by the donor or other person making the gift or by authorizing that a statement or symbol indicating that the donor has made an anatomical gift be included on a donor registry. If the donor or other person is physically unable to sign a record, the record may be signed by another individual at the direction of the donor or the other person and shall:

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.

17 (1) Be witnessed by at least two adults at least one of whom is a disinterested witness,
18 who have signed at the request of the donor or the other person; and

19 (2) State that it has been signed and witnessed as provided in subdivision (1) of
20 subsection 1 of this section.

21 3. Revocation, suspension, expiration, or cancellation of the driver's license or
22 identification card upon which an anatomical gift is indicated does not invalidate the gift.

23 4. An anatomical gift made by will takes effect upon the donor's death whether or not
24 the will is probated. Invalidation of the will after the donor's death does not invalidate the gift.

25 **5. The department of health and senior services shall include on its website**
26 **information about organ donation and a link where persons making an anatomical gift can**
27 **register. Once a person has registered as a donor on the website, the department of health**
28 **and senior services shall contact the department of revenue to determine whether the organ**
29 **donor symbol is printed on the front of the registrant's driver's license or identification**
30 **card. If the donor symbol does not appear on the front of the registrant's driver's license**
31 **or identification card, the department of health and senior services shall mail to the**
32 **registrant, through first class mail, a donor symbol sticker to be placed on the back of his**
33 **or her driver's license or identification card as provided under this section and section**
34 **302.171.**

35 **6. All state agencies and departments may provide a link on the homepage of their**
36 **website directing the public to the organ donation information and registration link on the**
37 **department of health and senior services website.**

302.171. 1. The director shall verify that an applicant for a driver's license is a Missouri
2 resident or national of the United States or a noncitizen with a lawful immigration status, and a
3 Missouri resident before accepting the application. The director shall not issue a driver's license
4 for a period that exceeds the duration of an applicant's lawful immigration status in the United
5 States. The director may establish procedures to verify the Missouri residency or United States
6 naturalization or lawful immigration status and Missouri residency of the applicant and establish
7 the duration of any driver's license issued under this section. An application for a license shall
8 be made upon an approved form furnished by the director. Every application shall state the full
9 name, Social Security number, age, height, weight, color of eyes, sex, residence, mailing address
10 of the applicant, and the classification for which the applicant has been licensed, and, if so, when
11 and by what state, and whether or not such license has ever been suspended, revoked, or
12 disqualified, and, if revoked, suspended or disqualified, the date and reason for such suspension,
13 revocation or disqualification and whether the applicant is making a one dollar donation to
14 promote an organ donation program as prescribed in subsection 2 of this section. A driver's
15 license, nondriver's license, or instruction permit issued under this chapter shall contain the

16 applicant's legal name as it appears on a birth certificate or as legally changed through marriage
17 or court order. No name change by common usage based on common law shall be permitted.
18 The application shall also contain such information as the director may require to enable the
19 director to determine the applicant's qualification for driving a motor vehicle; and shall state
20 whether or not the applicant has been convicted in this or any other state for violating the laws
21 of this or any other state or any ordinance of any municipality, relating to driving without a
22 license, careless driving, or driving while intoxicated, or failing to stop after an accident and
23 disclosing the applicant's identity, or driving a motor vehicle without the owner's consent. The
24 application shall contain a certification by the applicant as to the truth of the facts stated therein.
25 Every person who applies for a license to operate a motor vehicle who is less than twenty-one
26 years of age shall be provided with educational materials relating to the hazards of driving while
27 intoxicated, including information on penalties imposed by law for violation of the
28 intoxication-related offenses of the state. Beginning January 1, 2001, if the applicant is less than
29 eighteen years of age, the applicant must comply with all requirements for the issuance of an
30 intermediate driver's license pursuant to section 302.178. For persons mobilized and deployed
31 with the United States Armed Forces, an application under this subsection shall be considered
32 satisfactory by the department of revenue if it is signed by a person who holds general power of
33 attorney executed by the person deployed, provided the applicant meets all other requirements
34 set by the director.

35 2. An applicant for a license may make a donation of one dollar to promote an organ
36 donor program. The director of revenue shall collect the donations and deposit all such
37 donations in the state treasury to the credit of the organ donor program fund established in
38 sections 194.297 to 194.304. Moneys in the organ donor program fund shall be used solely for
39 the purposes established in sections 194.297 to 194.304 except that the department of revenue
40 shall retain no more than one percent for its administrative costs. The donation prescribed in this
41 subsection is voluntary and may be refused by the applicant for the license at the time of issuance
42 or renewal of the license. The director shall make available an informational booklet or other
43 informational sources on the importance of organ and tissue donations to applicants for licensure
44 as designed by the organ donation advisory committee established in sections 194.297 to
45 194.304. The director shall inquire of each applicant at the time the licensee presents the
46 completed application to the director whether the applicant is interested in making the one dollar
47 donation prescribed in this subsection and whether the applicant is interested in inclusion in the
48 organ donor registry and shall also specifically inform the licensee of the ability to consent to
49 organ donation by ~~[completing the form on the reverse of the license that the applicant will~~
50 ~~receive in the manner]~~ **placing a donor symbol sticker authorized and issued by the**
51 **department of health and senior services on the back of his or her driver's license or**

52 **identification card** as prescribed by subdivision (1) of subsection 1 of section 194.225. A
53 symbol [~~shall~~] **may** be placed on the front of the [~~document~~] **license or identification card**
54 indicating the applicant's desire to be listed in the registry **at the applicant's request at the time**
55 **of his or her application for a driver's license or identification card, or the applicant may**
56 **instead request an organ donor sticker from the department of health and senior services**
57 **by application on the department of health and senior services's website. Upon receipt of**
58 **an organ donor sticker sent by the department of health and senior services, the applicant**
59 **shall place the sticker on the back of his or her driver's license or identification card to**
60 **indicate that he or she has made an anatomical gift.** The director shall notify the department
61 of health and senior services of information obtained from applicants who indicate to the director
62 that they are interested in registry participation, and the department of health and senior services
63 shall enter the complete name, address, date of birth, race, gender and a unique personal
64 identifier in the registry established in subsection 1 of section 194.304.

65 3. An applicant for a license may make a donation of one dollar to promote a blindness
66 education, screening and treatment program. The director of revenue shall collect the donations
67 and deposit all such donations in the state treasury to the credit of the blindness education,
68 screening and treatment program fund established in section 209.015. Moneys in the blindness
69 education, screening and treatment program fund shall be used solely for the purposes
70 established in section 209.015; except that the department of revenue shall retain no more than
71 one percent for its administrative costs. The donation prescribed in this subsection is voluntary
72 and may be refused by the applicant for the license at the time of issuance or renewal of the
73 license. The director shall inquire of each applicant at the time the licensee presents the
74 completed application to the director whether the applicant is interested in making the one dollar
75 donation prescribed in this subsection.

76 4. Beginning July 1, 2005, the director shall deny the driving privilege of any person who
77 commits fraud or deception during the examination process or who makes application for an
78 instruction permit, driver's license, or nondriver's license which contains or is substantiated with
79 false or fraudulent information or documentation, or who knowingly conceals a material fact or
80 otherwise commits a fraud in any such application. The period of denial shall be one year from
81 the effective date of the denial notice sent by the director. The denial shall become effective ten
82 days after the date the denial notice is mailed to the person. The notice shall be mailed to the
83 person at the last known address shown on the person's driving record. The notice shall be
84 deemed received three days after mailing unless returned by the postal authorities. No such
85 individual shall reapply for a driver's examination, instruction permit, driver's license, or
86 nondriver's license until the period of denial is completed. No individual who is denied the

87 driving privilege under this section shall be eligible for a limited driving privilege issued under
88 section 302.309.

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

90 6. The period of limitation for criminal prosecution under this section shall be extended
91 under subdivision (1) of subsection 3 of section 556.036.

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

95 8. Notwithstanding any provision of this chapter that requires an applicant to provide
96 proof of Missouri residency for renewal of a noncommercial driver's license, noncommercial
97 instruction permit, or nondriver's license, an applicant who is sixty-five years and older and who
98 was previously issued a Missouri noncommercial driver's license, noncommercial instruction
99 permit, or Missouri nondriver's license is exempt from showing proof of Missouri residency.

100 9. Notwithstanding any provision of this chapter, for the renewal of a noncommercial
101 driver's license, noncommercial instruction permit, or nondriver's license, a photocopy of an
102 applicant's United States birth certificate along with another form of identification approved by
103 the department of revenue, including, but not limited to, United States military identification or
104 United States military discharge papers, shall constitute sufficient proof of Missouri citizenship.

105 10. Notwithstanding any other provision of this chapter, if an applicant does not meet
106 the requirements of subsection 8 of this section and does not have the required documents to
107 prove Missouri residency, United States naturalization, or lawful immigration status, the
108 department may issue a one-year driver's license renewal. This one-time renewal shall only be
109 issued to an applicant who previously has held a Missouri noncommercial driver's license,
110 noncommercial instruction permit, or nondriver's license for a period of fifteen years or more and
111 who does not have the required documents to prove Missouri residency, United States
112 naturalization, or lawful immigration status. After the expiration of the one-year period, no
113 further renewal shall be provided without the applicant producing proof of Missouri residency,
114 United States naturalization, or lawful immigration status.

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