

SECOND REGULAR SESSION

SENATE BILL NO. 1109

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR GRIESHEIMER.

Read 1st time February 27, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

5351S.011

AN ACT

To repeal section 302.171, RSMo, and to enact in lieu thereof one new section relating to proving lawful presence for purposes of obtaining a driver's license, with an emergency clause.

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Section A. Section 302.171, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 302.171, to read as follows: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 shall contain the applicant's legal name as it appears on a birth certificate or as legally changed through marriage or court order. No name change by common usage based on common law shall be permitted. The application shall also contain such information as the director

20 may require to enable the director to determine the applicant's qualification for
21 driving a motor vehicle; and shall state whether or not the applicant has been
22 convicted in this or any other state for violating the laws of this or any other
23 state or any ordinance of any municipality, relating to driving without a license,
24 careless driving, or driving while intoxicated, or failing to stop after an accident
25 and disclosing the applicant's identity, or driving a motor vehicle without the
26 owner's consent. The application shall contain a certification by the applicant as
27 to the truth of the facts stated therein. Every person who applies for a license to
28 operate a motor vehicle who is less than twenty-one years of age shall be provided
29 with educational materials relating to the hazards of driving while intoxicated,
30 including information on penalties imposed by law for violation of the
31 intoxication-related offenses of the state. Beginning January 1, 2001, if the
32 applicant is less than eighteen years of age, the applicant must comply with all
33 requirements for the issuance of an intermediate driver's license pursuant to
34 section 302.178.

35 2. An applicant for a license may make a donation of one dollar to promote
36 an organ donor program. The director of revenue shall collect the donations and
37 deposit all such donations in the state treasury to the credit of the organ donor
38 program fund established in sections 194.297 to 194.304, RSMo. Moneys in the
39 organ donor program fund shall be used solely for the purposes established in
40 sections 194.297 to 194.304, RSMo, except that the department of revenue shall
41 retain no more than one percent for its administrative costs. The donation
42 prescribed in this subsection is voluntary and may be refused by the applicant for
43 the license at the time of issuance or renewal of the license. The director shall
44 make available an informational booklet or other informational sources on the
45 importance of organ donations to applicants for licensure as designed by the
46 organ donation advisory committee established in sections 194.297 to 194.304,
47 RSMo. The director shall inquire of each applicant at the time the licensee
48 presents the completed application to the director whether the applicant is
49 interested in making the one dollar donation prescribed in this subsection and
50 whether the applicant is interested in inclusion in the organ donor registry and
51 shall also specifically inform the licensee of the ability to consent to organ
52 donation by completing the form on the reverse of the license that the applicant
53 will receive in the manner prescribed by subsection 6 of section 194.240,
54 RSMo. The director shall notify the department of health and senior services of
55 information obtained from applicants who indicate to the director that they are

56 interested in registry participation, and the department of health and senior
57 services shall enter the complete name, address, date of birth, race, gender and
58 a unique personal identifier in the registry established in subsection 1 of section
59 194.304, RSMo.

60 3. An applicant for a license may make a donation of one dollar to promote
61 a blindness education, screening and treatment program. The director of revenue
62 shall collect the donations and deposit all such donations in the state treasury to
63 the credit of the blindness education, screening and treatment program fund
64 established in section 192.935, RSMo. Moneys in the blindness education,
65 screening and treatment program fund shall be used solely for the purposes
66 established in section 192.935, RSMo, except that the department of revenue shall
67 retain no more than one percent for its administrative costs. The donation
68 prescribed in this subsection is voluntary and may be refused by the applicant for
69 the license at the time of issuance or renewal of the license. The director shall
70 inquire of each applicant at the time the licensee presents the completed
71 application to the director whether the applicant is interested in making the one
72 dollar donation prescribed in this subsection.

73 4. Beginning July 1, 2005, the director shall deny the driving privilege of
74 any person who commits fraud or deception during the examination process or
75 who makes application for an instruction permit, driver's license, or nondriver's
76 license which contains or is substantiated with false or fraudulent information
77 or documentation, or who knowingly conceals a material fact or otherwise
78 commits a fraud in any such application. The period of denial shall be one year
79 from the effective date of the denial notice sent by the director. The denial shall
80 become effective ten days after the date the denial notice is mailed to the
81 person. The notice shall be mailed to the person at the last known address shown
82 on the person's driving record. The notice shall be deemed received three days
83 after mailing unless returned by the postal authorities. No such individual shall
84 reapply for a driver's examination, instruction permit, driver's license, or
85 nondriver's license until the period of denial is completed. No individual who is
86 denied the driving privilege under this section shall be eligible for a limited
87 driving privilege issued under section 302.309.

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

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

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

96 **8. Notwithstanding any provisions of chapter 302 that require an**
97 **applicant to provide proof of lawful presence for renewal of a**
98 **noncommercial driver's license, noncommercial instruction permit, or**
99 **nondriver's license, an applicant who is sixty-five years and older and**
100 **was previously issued a Missouri noncommercial driver's license,**
101 **noncommercial instruction permit, or Missouri nondriver's license is**
102 **exempt from showing proof of lawful presence.**

 Section B. Because immediate action is necessary to ensure that
2 Missouri's elderly citizens are able to traverse the highways of Missouri, section
3 A of this act is deemed necessary for the immediate preservation of the public
4 health, welfare, peace and safety, and is hereby declared to be an emergency act
5 within the meaning of the constitution, and section A of this act shall be in full
6 force and effect upon its passage and approval.

Bill ✓

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