

SECOND REGULAR SESSION

SENATE BILL NO. 603

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR CALLAHAN.

Pre-filed December 1, 2005, and ordered printed.

TERRY L. SPIELER, Secretary.

3757S.011

AN ACT

To repeal section 302.171, RSMo, and to enact in lieu thereof one new section relating to exempting certain individuals from proving lawful presence in order to obtain a driver's license.

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Section A. Section 302.171, RSMo, is repealed and one new section
2 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
2 applicant for a driver's license is lawfully present in the United States before
3 accepting the application. The director shall not issue a driver's license for a
4 period that exceeds an applicant's lawful presence in the United States. The
5 director may establish procedures to verify the lawful presence of the applicant
6 and establish the duration of any driver's license issued under this section.

7 **2. Notwithstanding the provisions of subsection 1 of this section**
8 **to the contrary, an applicant for a driver's license or nondriver's**
9 **license born prior to January 1, 1941, shall not be required to submit**
10 **a birth certificate or other documents indicating proof of lawful**
11 **presence.**

12 **3.** An application for a license shall be made upon an approved form
13 furnished by the director. Every application shall state the full name, Social
14 Security number, age, height, weight, color of eyes, sex, residence, mailing
15 address of the applicant, and the classification for which the applicant has been
16 licensed, and, if so, when and by what state, and whether or not such license has
17 ever been suspended, revoked, or disqualified, and, if revoked, suspended or
18 disqualified, the date and reason for such suspension, revocation or

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 disqualification and whether the applicant is making a one dollar donation to
20 promote an organ donation program as prescribed in subsection [2] 4 of this
21 section. A driver's license, nondriver's license, or instruction permit issued under
22 this chapter shall contain the applicant's legal name as it appears on a birth
23 certificate or as legally changed through marriage or court order. No name
24 change by common usage based on common law shall be permitted. The
25 application shall also contain such information as the director may require to
26 enable the director to determine the applicant's qualification for driving a motor
27 vehicle; and shall state whether or not the applicant has been convicted in this
28 or any other state for violating the laws of this or any other state or any
29 ordinance of any municipality, relating to driving without a license, careless
30 driving, or driving while intoxicated, or failing to stop after an accident and
31 disclosing the applicant's identity, or driving a motor vehicle without the owner's
32 consent. The application shall contain a certification by the applicant as to the
33 truth of the facts stated therein. Every person who applies for a license to
34 operate a motor vehicle who is less than twenty-one years of age shall be provided
35 with educational materials relating to the hazards of driving while intoxicated,
36 including information on penalties imposed by law for violation of the
37 intoxication-related offenses of the state. Beginning January 1, 2001, if the
38 applicant is less than eighteen years of age, the applicant must comply with all
39 requirements for the issuance of an intermediate driver's license pursuant to
40 section 302.178.

41 [2.] 4. An applicant for a license may make a donation of one dollar to
42 promote an organ donor program. The director of revenue shall collect the
43 donations and deposit all such donations in the state treasury to the credit of the
44 organ donor program fund established in sections 194.297 to 194.304,
45 RSMo. Moneys in the organ donor program fund shall be used solely for the
46 purposes established in sections 194.297 to 194.304, RSMo, except that the
47 department of revenue shall retain no more than one percent for its
48 administrative costs. The donation prescribed in this subsection is voluntary and
49 may be refused by the applicant for the license at the time of issuance or renewal
50 of the license. The director shall make available an informational booklet or
51 other informational sources on the importance of organ donations to applicants
52 for licensure as designed by the organ donation advisory committee established
53 in sections 194.297 to 194.304, RSMo. The director shall inquire of each
54 applicant at the time the licensee presents the completed application to the

55 director whether the applicant is interested in making the one dollar donation
56 prescribed in this subsection and whether the applicant is interested in inclusion
57 in the organ donor registry and shall also specifically inform the licensee of the
58 ability to consent to organ donation by completing the form on the reverse of the
59 license that the applicant will receive in the manner prescribed by subsection 6
60 of section 194.240, RSMo. The director shall notify the department of health and
61 senior services of information obtained from applicants who indicate to the
62 director that they are interested in registry participation, and the department of
63 health and senior services shall enter the complete name, address, date of birth,
64 race, gender and a unique personal identifier in the registry established in
65 subsection 1 of section 194.304, RSMo.

66 [3.] 5. An applicant for a license may make a donation of one dollar to
67 promote a blindness education, screening and treatment program. The director
68 of revenue shall collect the donations and deposit all such donations in the state
69 treasury to the credit of the blindness education, screening and treatment
70 program fund established in section 192.935, RSMo. Moneys in the blindness
71 education, screening and treatment program fund shall be used solely for the
72 purposes established in section 192.935, RSMo, except that the department of
73 revenue shall retain no more than one percent for its administrative costs. The
74 donation prescribed in this subsection is voluntary and may be refused by the
75 applicant for the license at the time of issuance or renewal of the license. The
76 director shall inquire of each applicant at the time the licensee presents the
77 completed application to the director whether the applicant is interested in
78 making the one dollar donation prescribed in this subsection.

79 [4.] 6. Beginning July 1, 2005, the director shall deny the driving
80 privilege of any person who commits fraud or deception during the examination
81 process or who makes application for an instruction permit, driver's license, or
82 nondriver's license which contains or is substantiated with false or fraudulent
83 information or documentation, or who knowingly conceals a material fact or
84 otherwise commits a fraud in any such application. The period of denial shall be
85 one year from the effective date of the denial notice sent by the director. The
86 denial shall become effective ten days after the date the denial notice is mailed
87 to the person. The notice shall be mailed to the person at the last known address
88 shown on the person's driving record. The notice shall be deemed received three
89 days after mailing unless returned by the postal authorities. No such individual
90 shall reapply for a driver's examination, instruction permit, driver's license, or

91 nondriver's license until the period of denial is completed. No individual who is
92 denied the driving privilege under this section shall be eligible for a limited
93 driving privilege issued under section 302.309.

94 [5.] 7. All appeals of denials under this section shall be made as required
95 by section 302.311.

96 [6.] 8. The period of limitation for criminal prosecution under this section
97 shall be extended under subdivision (1) of subsection 3 of section 556.036, RSMo.

98 [7.] 9. The director may promulgate rules and regulations necessary to
99 administer and enforce this section. No rule or portion of a rule promulgated
100 pursuant to the authority of this section shall become effective unless it has been
101 promulgated pursuant to chapter 536, RSMo.

✓

Bill

Copy