

FIRST REGULAR SESSION

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 83

103RD GENERAL ASSEMBLY

1309S.02C

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 135.341, 136.055, 302.178, 302.181, 491.075, and 492.304, RSMo, and to enact in lieu thereof six new sections relating to child protection.

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

Section A. Sections 135.341, 136.055, 302.178, 302.181,
2 491.075, and 492.304, RSMo, are repealed and six new sections
3 enacted in lieu thereof, to be known as sections 135.341,
4 136.055, 302.178, 302.181, 491.075, and 492.304, to read as
5 follows:

135.341. 1. As used in this section, the following
2 terms shall mean:

3 (1) "CASA", an entity which receives funding from the
4 court-appointed special advocate fund established under
5 section 476.777, including an association based in this
6 state, affiliated with a national association, organized to
7 provide support to entities receiving funding from the court-
8 appointed special advocate fund;

9 (2) "Child advocacy centers", the regional child
10 assessment centers listed in subsection 2 of section
11 210.001, including an association based in this state,
12 affiliated with a national association, and organized to
13 provide support to entities listed in subsection 2 of
14 section 210.001;

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

15 (3) "Contribution", the amount of donation to a
16 qualified agency;

17 (4) "Crisis care center", entities contracted with
18 this state which provide temporary care for children whose
19 age ranges from birth through seventeen years of age whose
20 parents or guardian are experiencing an unexpected and
21 unstable or serious condition that requires immediate action
22 resulting in short-term care, usually three to five
23 continuous, uninterrupted days, for children who may be at
24 risk for child abuse, neglect, or in an emergency situation;

25 (5) "Department", the department of revenue;

26 (6) "Director", the director of the department of
27 revenue;

28 (7) "Qualified agency", CASA, child advocacy centers,
29 or a crisis care center;

30 (8) "Tax liability", the tax due under chapter 143
31 other than taxes withheld under sections 143.191 to 143.265.

32 2. For all tax years beginning on or after January 1,
33 2013, **and ending on or before December 31, 2024**, a tax
34 credit may be claimed in an amount equal to up to fifty
35 percent of a verified contribution to a qualified agency and
36 shall be named the champion for children tax credit. **For**
37 **all tax years beginning on or after January 1, 2025, a tax**
38 **credit may be claimed in an amount not to exceed seventy**
39 **percent of a verified contribution to a qualified agency.**

40 The minimum amount of any tax credit issued shall not be
41 less than fifty dollars and shall be applied to taxes due
42 under chapter 143, excluding sections 143.191 to 143.265.

43 **For all tax years beginning on or after January 1, 2025, a**
44 **taxpayer shall not be allowed to claim a tax credit pursuant**
45 **to this section in excess of fifty thousand dollars in any**
46 **tax year.** A contribution verification shall be issued to

47 the taxpayer by the agency receiving the contribution. Such
48 contribution verification shall include the taxpayer's name,
49 Social Security number, amount of tax credit, amount of
50 contribution, the name and address of the agency receiving
51 the credit, and the date the contribution was made. The tax
52 credit provided under this subsection shall be initially
53 filed for the year in which the verified contribution is
54 made.

55 3. The cumulative amount of the tax credits redeemed
56 shall not exceed one million dollars for all fiscal years
57 ending on or before June 30, 2019[, and]; one million five
58 hundred thousand dollars for all fiscal years beginning on
59 or after July 1, 2019, **and ending on or before June 30,**
60 **2025; and two million five hundred thousand dollars for all**
61 **fiscal years beginning on or after July 1, 2025.** The amount
62 available shall be equally divided among the three qualified
63 agencies: CASA, child advocacy centers, or crisis care
64 centers, to be used towards tax credits issued. In the
65 event tax credits claimed under one agency do not total the
66 allocated amount for that agency, the unused portion for
67 that agency will be made available to the remaining agencies
68 equally. In the event the total amount of tax credits
69 claimed for any one agency exceeds the amount available for
70 that agency, the amount redeemed shall and will be
71 apportioned equally to all eligible taxpayers claiming the
72 credit under that agency.

73 4. Prior to December thirty-first of each year, each
74 qualified agency shall apply to the department of social
75 services in order to verify their qualified agency status.
76 Upon a determination that the agency is eligible to be a
77 qualified agency, the department of social services shall
78 provide a letter of eligibility to such agency. No later

79 than February first of each year, the department of social
80 services shall provide a list of qualified agencies to the
81 department of revenue. All tax credit applications to claim
82 the champion for children tax credit shall be filed between
83 July first and April fifteenth of each fiscal year. A
84 taxpayer shall apply for the champion for children tax
85 credit by attaching a copy of the contribution verification
86 provided by a qualified agency to such taxpayer's income tax
87 return.

88 5. Any amount of tax credit which exceeds the tax due
89 or which is applied for and otherwise eligible for issuance
90 but not issued shall not be refunded but may be carried over
91 to any subsequent tax year, not to exceed a total of five
92 years.

93 6. Tax credits may not be assigned, transferred or
94 sold.

95 7. [(1)] In the event a **full or partial** credit
96 denial, due to [lack of available funds] **the cumulative**
97 **maximum amount of credits being redeemed for the fiscal**
98 **year, causes [a balance-due notice] an income tax balance**
99 **due** to be [generated by the department of revenue, or any
100 other redeeming agency] **owed to the state by the taxpayer,**
101 the taxpayer [will] **shall** not be held liable for any
102 **addition to tax, penalty, or interest on that income tax**
103 **balance due,** provided the balance is paid, or approved
104 payment arrangements have been made, within sixty days from
105 the **issuance of** notice of **credit** denial.

106 [(2) In the event the balance is not paid within sixty
107 days from the notice of denial, the remaining balance shall
108 be due and payable under the provisions of chapter 143.]

109 8. The department may promulgate such rules or
110 regulations as are necessary to administer the provisions of

111 this section. Any rule or portion of a rule, as that term
112 is defined in section 536.010, that is created under the
113 authority delegated in this section shall become effective
114 only if it complies with and is subject to all of the
115 provisions of chapter 536 and, if applicable, section
116 536.028. This section and chapter 536 are nonseverable and
117 if any of the powers vested with the general assembly
118 pursuant to chapter 536 to review, to delay the effective
119 date, or to disapprove and annul a rule are subsequently
120 held unconstitutional, then the grant of rulemaking
121 authority and any rule proposed or adopted after August 28,
122 2013, shall be invalid and void.

123 9. Pursuant to section 23.253, of the Missouri sunset
124 act:

125 (1) The program authorized under this section shall be
126 reauthorized as of [~~December 31, 2019~~] **August 28, 2025**, and
127 shall expire on December 31, [~~2025~~] **2031**, unless
128 reauthorized by the general assembly; and

129 (2) This section shall terminate on September first of
130 the calendar year immediately following the calendar year in
131 which the program authorized under this section is sunset;
132 and

133 (3) The provisions of this subsection shall not be
134 construed to limit or in any way impair the department's
135 ability to redeem tax credits authorized on or before the
136 date the program authorized under this section expires or a
137 taxpayer's ability to redeem such credits.

138 10. Beginning on March 29, 2013, any verified
139 contribution to a qualified agency made on or after January
140 1, 2013, shall be eligible for tax credits as provided by
141 this section.

136.055. 1. **Except as provided in subsection 8 of**
2 **this section**, any person who is selected or appointed by the
3 state director of revenue as provided in subsection 2 of
4 this section to act as an agent of the department of
5 revenue, whose duties shall be the processing of motor
6 vehicle title and registration transactions and the
7 collection of sales and use taxes when required under
8 sections 144.070 and 144.440, and who receives no salary
9 from the department of revenue, shall be authorized to
10 collect from the party requiring such services additional
11 fees as compensation in full and for all services rendered
12 on the following basis:

13 (1) For each motor vehicle or trailer registration
14 issued, renewed or transferred, six dollars and twelve
15 dollars for those licenses sold or biennially renewed
16 pursuant to section 301.147;

17 (2) For each application or transfer of title, six
18 dollars;

19 (3) For each instruction permit, nondriver license,
20 chauffeur's, operator's or driver's license issued for a
21 period of three years or less, six dollars and twelve
22 dollars for licenses or instruction permits issued or
23 renewed for a period exceeding three years;

24 (4) For each notice of lien processed, six dollars;

25 (5) Notary fee or electronic transmission per
26 processing, two dollars.

27 2. The director of revenue shall award fee office
28 contracts under this section through a competitive bidding
29 process. The competitive bidding process shall give
30 priority to organizations and entities that are exempt from
31 taxation under Section 501(c)(3), 501(c)(6), or 501(c)(4),
32 except those civic organizations that would be considered

33 action organizations under 26 C.F.R. Section 1.501 (c) (3)-
34 1(c) (3), of the Internal Revenue Code of 1986, as amended,
35 with special consideration given to those organizations and
36 entities that reinvest a minimum of seventy-five percent of
37 the net proceeds to charitable organizations in Missouri,
38 and political subdivisions, including but not limited to,
39 municipalities, counties, and fire protection districts.
40 The director of the department of revenue may promulgate
41 rules and regulations necessary to carry out the provisions
42 of this subsection. Any rule or portion of a rule, as that
43 term is defined in section 536.010, that is created under
44 the authority delegated in this subsection shall become
45 effective only if it complies with and is subject to all of
46 the provisions of chapter 536 and, if applicable, section
47 536.028. This section and chapter 536 are nonseverable and
48 if any of the powers vested with the general assembly
49 pursuant to chapter 536 to review, to delay the effective
50 date, or to disapprove and annul a rule are subsequently
51 held unconstitutional, then the grant of rulemaking
52 authority and any rule proposed or adopted after August 28,
53 2009, shall be invalid and void.

54 3. All fees collected by a tax-exempt organization may
55 be retained and used by the organization.

56 4. All fees charged shall not exceed those in this
57 section. The fees imposed by this section shall be
58 collected by all permanent offices and all full-time or
59 temporary offices maintained by the department of revenue.

60 5. Any person acting as agent of the department of
61 revenue for the sale and issuance of registrations,
62 licenses, and other documents related to motor vehicles
63 shall have an insurable interest in all license plates,

64 licenses, tabs, forms and other documents held on behalf of
65 the department.

66 6. The fees authorized by this section shall not be
67 collected by motor vehicle dealers acting as agents of the
68 department of revenue under section 32.095 or those motor
69 vehicle dealers authorized to collect and remit sales tax
70 under subsection 10 of section 144.070.

71 7. Notwithstanding any other provision of law to the
72 contrary, the state auditor may audit all records maintained
73 and established by the fee office in the same manner as the
74 auditor may audit any agency of the state, and the
75 department shall ensure that this audit requirement is a
76 necessary condition for the award of all fee office
77 contracts. No confidential records shall be divulged in
78 such a way to reveal personally identifiable information.

79 **8. The fees described in subsection 1 of this section**
80 **shall not be collected from any person who qualifies as a**
81 **homeless child or homeless youth, as defined in subsection 1**
82 **of section 167.020, or as an unaccompanied youth as defined**
83 **in 42 U.S.C. Section 11434a(6). Such person's status as a**
84 **homeless child or youth or unaccompanied youth shall be**
85 **verified by a letter signed by one of the following persons:**

86 (1) A director or designee of a governmental or
87 nonprofit agency that receives public or private funding to
88 provide services to homeless persons;

89 (2) A local education agency liaison for homeless
90 children and youth designated under 42 U.S.C. Section
91 11432(g)(1)(J)(ii), or a school social worker or counselor;
92 or

93 (3) A licensed attorney representing the minor in any
94 legal matter.

302.178. 1. Any person between the ages of sixteen
2 and eighteen years who is qualified to obtain a license
3 pursuant to sections 302.010 to 302.340 may apply for, and
4 the director shall issue, an intermediate driver's license
5 entitling the applicant, while having such license in his or
6 her possession, to operate a motor vehicle of the
7 appropriate class upon the highways of this state in
8 conjunction with the requirements of this section. An
9 intermediate driver's license shall be readily
10 distinguishable from a license issued to those over the age
11 of eighteen. All applicants for an intermediate driver's
12 license shall:

13 (1) Successfully complete the examination required by
14 section 302.173;

15 (2) Pay the fee required by subsection 4 of this
16 section;

17 (3) Have had a temporary instruction permit issued
18 pursuant to subsection 1 of section 302.130 for at least a
19 six-month period or a valid license from another state; and

20 (4) Have a parent, grandparent, legal guardian, or, if
21 the applicant is a participant in a federal residential job
22 training program, a driving instructor employed by a federal
23 residential job training program, sign the application
24 stating that the applicant has completed at least forty
25 hours of supervised driving experience under a temporary
26 instruction permit issued pursuant to subsection 1 of
27 section 302.130, or, if the applicant is an emancipated
28 minor, the person over twenty-one years of age who
29 supervised such driving. For purposes of this section, the
30 term "emancipated minor" means a person who is at least
31 sixteen years of age, but less than eighteen years of age,
32 who:

33 (a) Marries with the consent of the legal custodial
34 parent or legal guardian pursuant to section 451.080;

35 (b) Has been declared emancipated by a court of
36 competent jurisdiction;

37 (c) Enters active duty in the Armed Forces;

38 (d) Has written consent to the emancipation from the
39 custodial parent or legal guardian; [or]

40 (e) Through employment or other means provides for
41 such person's own food, shelter and other cost-of-living
42 expenses; or

43 **(f) Qualifies as a homeless child or homeless youth,**
44 **as defined in subsection 1 of section 167.020, or as an**
45 **unaccompanied youth as defined in 42 U.S.C. Section**
46 **11434a(6), and whose status as such is verified as provided**
47 **under subsection 10 of this section;**

48 (5) Have had no alcohol-related enforcement contacts
49 as defined in section 302.525 during the preceding twelve
50 months; and

51 (6) Have no nonalcoholic traffic convictions for which
52 points are assessed pursuant to section 302.302, within the
53 preceding six months.

54 2. An intermediate driver's license grants the
55 licensee the same privileges to operate that classification
56 of motor vehicle as a license issued pursuant to section
57 302.177, except that no person shall operate a motor vehicle
58 on the highways of this state under such an intermediate
59 driver's license between the hours of 1:00 a.m. and 5:00
60 a.m. unless accompanied by a person described in subsection
61 1 of section 302.130; except the licensee may operate a
62 motor vehicle without being accompanied if the travel is to
63 or from a school or educational program or activity, a

64 regular place of employment or in emergency situations as
65 defined by the director by regulation.

66 3. Each intermediate driver's license shall be
67 restricted by requiring that the driver and all passengers
68 in the licensee's vehicle wear safety belts at all times.
69 This safety belt restriction shall not apply to a person
70 operating a motorcycle. For the first six months after
71 issuance of the intermediate driver's license, the holder of
72 the license shall not operate a motor vehicle with more than
73 one passenger who is under the age of nineteen who is not a
74 member of the holder's immediate family. As used in this
75 subsection, an intermediate driver's license holder's
76 immediate family shall include brothers, sisters,
77 stepbrothers or stepsisters of the driver, including adopted
78 or foster children residing in the same household of the
79 intermediate driver's license holder. After the expiration
80 of the first six months, the holder of an intermediate
81 driver's license shall not operate a motor vehicle with more
82 than three passengers who are under nineteen years of age
83 and who are not members of the holder's immediate family.
84 The passenger restrictions of this subsection shall not be
85 applicable to any intermediate driver's license holder who
86 is operating a motor vehicle being used in agricultural work-
87 related activities.

88 4. Notwithstanding the provisions of section 302.177
89 to the contrary, the fee for an intermediate driver's
90 license shall be five dollars and such license shall be
91 valid for a period of two years. **Such fee shall be waived**
92 **for any person qualifying as an emancipated minor under**
93 **subdivision (4) of subsection 1 of this section.**

94 5. Any intermediate driver's licensee accumulating six
95 or more points in a twelve-month period may be required to

96 participate in and successfully complete a driver-
97 improvement program approved by the state highways and
98 transportation commission. The driver-improvement program
99 ordered by the director of revenue shall not be used in lieu
100 of point assessment.

101 6. (1) An intermediate driver's licensee who has, for
102 the preceding twelve-month period, had no alcohol-related
103 enforcement contacts, as defined in section 302.525 and no
104 traffic convictions for which points are assessed, upon
105 reaching the age of eighteen years or within the thirty days
106 immediately preceding their eighteenth birthday may apply
107 for and receive without further examination, other than a
108 vision test as prescribed by section 302.173, a license
109 issued pursuant to this chapter granting full driving
110 privileges. Such person shall pay the required fee for such
111 license as prescribed in section 302.177.

112 (2) If an intermediate driver's license expires on a
113 Saturday, Sunday, or legal holiday, such license shall
114 remain valid for the five business days immediately
115 following the expiration date. In no case shall a licensee
116 whose intermediate driver's license expires on a Saturday,
117 Sunday, or legal holiday be guilty of an offense of driving
118 with an expired or invalid driver's license if such offense
119 occurred within five business days immediately following an
120 expiration date that occurs on a Saturday, Sunday, or legal
121 holiday.

122 (3) The director of revenue shall deny an application
123 for a full driver's license until the person has had no
124 traffic convictions for which points are assessed for a
125 period of twelve months prior to the date of application for
126 license or until the person is eligible to apply for a six-
127 year driver's license as provided for in section 302.177,

128 provided the applicant is otherwise eligible for full
129 driving privileges. An intermediate driver's license shall
130 expire when the licensee is eligible and receives a full
131 driver's license as prescribed in subdivision (1) of this
132 section.

133 7. No person upon reaching the age of eighteen years
134 whose intermediate driver's license and driving privilege is
135 denied, suspended, cancelled or revoked in this state or any
136 other state for any reason may apply for a full driver's
137 license until such license or driving privilege is fully
138 reinstated. Any such person whose intermediate driver's
139 license has been revoked pursuant to the provisions of
140 sections 302.010 to 302.540 shall, upon receipt of
141 reinstatement of the revocation from the director, pass the
142 complete driver examination, apply for a new license, and
143 pay the proper fee before again operating a motor vehicle
144 upon the highways of this state.

145 8. A person shall be exempt from the intermediate
146 licensing requirements if the person has reached the age of
147 eighteen years and meets all other licensing requirements.

148 9. Any person who violates any of the provisions of
149 this section relating to intermediate drivers' licenses or
150 the provisions of section 302.130 relating to temporary
151 instruction permits is guilty of an infraction, and no
152 points shall be assessed to his or her driving record for
153 any such violation.

154 10. **A person's status as a homeless child or youth or**
155 **unaccompanied youth under paragraph (f) of subdivision (4)**
156 **of subsection 1 of this section shall be verified by a**
157 **letter signed by one of the following persons:**

158 (1) A director or designee of a governmental or
159 nonprofit agency that receives public or private funding to
160 provide services to homeless persons;

161 (2) A local education agency liaison for homeless
162 children and youth designated under 42 U.S.C. Section
163 11432(g) (1) (J) (ii), or a school social worker or counselor;
164 or

165 (3) A licensed attorney representing the minor in any
166 legal matter.

167 11. Any rule or portion of a rule, as that term is
168 defined in section 536.010, that is created under the
169 authority delegated in this section shall become effective
170 only if it complies with and is subject to all of the
171 provisions of chapter 536 and, if applicable, section
172 536.028. This section and chapter 536 are nonseverable and
173 if any of the powers vested with the general assembly
174 pursuant to chapter 536 to review, to delay the effective
175 date or to disapprove and annul a rule are subsequently held
176 unconstitutional, then the grant of rulemaking authority and
177 any rule proposed or adopted after August 28, 2000, shall be
178 invalid and void.

 302.181. 1. The license issued pursuant to the
2 provisions of sections 302.010 to 302.340 shall be in such
3 form as the director shall prescribe, but the license shall
4 be a card made of plastic or other comparable material. All
5 licenses shall be manufactured of materials and processes
6 that will prohibit, as nearly as possible, the ability to
7 reproduce, alter, counterfeit, forge, or duplicate any
8 license without ready detection. The license shall also
9 bear the expiration date of the license, the classification
10 of the license, the name, date of birth, residence address
11 including the county of residence or a code number

12 corresponding to such county established by the department,
13 and brief description and colored digitized image of the
14 licensee, and a facsimile of the signature of the licensee.
15 The director shall provide by administrative rule the
16 procedure and format for a licensee to indicate on the back
17 of the license together with the designation for an
18 anatomical gift as provided in section 194.240 the name and
19 address of the person designated pursuant to sections
20 404.800 to 404.865 as the licensee's attorney in fact for
21 the purposes of a durable power of attorney for health care
22 decisions. No license shall be valid until it has been so
23 signed by the licensee. If any portion of the license is
24 prepared by a private firm, any contract with such firm
25 shall be made in accordance with the competitive purchasing
26 procedures as established by the state director of the
27 division of purchasing.

28 2. All digital images produced for licenses shall
29 become the property of the department of revenue.

30 3. The license issued shall be carried at all times by
31 the holder thereof while driving a motor vehicle, and shall
32 be displayed upon demand of any officer of the highway
33 patrol, or any police officer or peace officer, or any other
34 duly authorized person, for inspection when demand is made
35 therefor. Failure of any operator of a motor vehicle to
36 exhibit his or her license to any duly authorized officer
37 shall be presumptive evidence that such person is not a duly
38 licensed operator.

39 4. The director of revenue shall not issue a license
40 without a facial digital image of the license applicant,
41 except as provided pursuant to subsection 7 of this
42 section. A digital image of the applicant's full facial
43 features shall be taken in a manner prescribed by the

44 director. No digital image shall be taken wearing anything
45 which cloaks the facial features of the individual.

46 5. The department of revenue may issue a temporary
47 license or a full license without the photograph or with the
48 last photograph or digital image in the department's records
49 to members of the Armed Forces, except that where such
50 temporary license is issued it shall be valid only until the
51 applicant shall have had time to appear and have his or her
52 picture taken and a license with his or her photograph
53 issued.

54 6. The department of revenue shall issue upon request
55 a nondriver's license card containing essentially the same
56 information and photograph or digital image, except as
57 provided pursuant to subsection 7 of this section, as the
58 driver's license upon payment of six dollars. All
59 nondriver's licenses shall expire on the applicant's
60 birthday in the sixth year after issuance. A person who has
61 passed his or her seventieth birthday shall upon application
62 be issued a nonexpiring nondriver's license card.

63 Notwithstanding any other provision of this chapter, a
64 nondriver's license containing a concealed carry endorsement
65 shall expire three years from the date the certificate of
66 qualification was issued pursuant to section 571.101, as
67 section 571.101 existed prior to August 28, 2013. The fee
68 for nondriver's licenses issued for a period exceeding three
69 years is six dollars or three dollars for nondriver's
70 licenses issued for a period of three years or less. The
71 nondriver's license card shall be used for identification
72 purposes only and shall not be valid as a license. **No fee**
73 **shall be required or collected from a homeless child or**
74 **homeless youth, as defined in subsection 1 of section**
75 **167.020, or unaccompanied youth, as defined in 42 U.S.C.**

76 Section 11434a(6), for a first nondriver's license card
77 issued under this subsection. Such person's status as a
78 homeless child or youth or unaccompanied youth shall be
79 verified by a letter signed by one of the following persons:

80 (1) A director or designee of a governmental or
81 nonprofit agency that receives public or private funding to
82 provide services to homeless persons;

83 (2) A local education agency liaison for homeless
84 children and youth designated under 42 U.S.C. Section
85 11432(g) (1) (J) (ii), or a school social worker or counselor;
86 or

87 (3) A licensed attorney representing the minor in any
88 legal matter.

89 7. If otherwise eligible, an applicant may receive a
90 driver's license or nondriver's license without a photograph
91 or digital image of the applicant's full facial features
92 except that such applicant's photograph or digital image
93 shall be taken and maintained by the director and not
94 printed on such license. In order to qualify for a license
95 without a photograph or digital image pursuant to this
96 section the applicant must:

97 (1) Present a form provided by the department of
98 revenue requesting the applicant's photograph be omitted
99 from the license or nondriver's license due to religious
100 affiliations. The form shall be signed by the applicant and
101 another member of the religious tenant verifying the
102 photograph or digital image exemption on the license or
103 nondriver's license is required as part of their religious
104 affiliation. The required signatures on the prescribed form
105 shall be properly notarized;

106 (2) Provide satisfactory proof to the director that
107 the applicant has been a United States citizen for at least

108 five years and a resident of this state for at least one
109 year, except that an applicant moving to this state
110 possessing a valid driver's license from another state
111 without a photograph shall be exempt from the one-year state
112 residency requirement. The director may establish rules
113 necessary to determine satisfactory proof of citizenship and
114 residency pursuant to this section;

115 (3) Applications for a driver's license or nondriver's
116 license without a photograph or digital image must be made
117 in person at a license office determined by the director.
118 The director is authorized to limit the number of offices
119 that may issue a driver's or nondriver's license without a
120 photograph or digital image pursuant to this section.

121 8. The department of revenue shall make available, at
122 one or more locations within the state, an opportunity for
123 individuals to have their full facial photograph taken by an
124 employee of the department of revenue, or their designee,
125 who is of the same sex as the individual being photographed,
126 in a segregated location.

127 9. Beginning July 1, 2005, the director shall not
128 issue a driver's license or a nondriver's license for a
129 period that exceeds an applicant's lawful presence in the
130 United States. The director may, by rule or regulation,
131 establish procedures to verify the lawful presence of the
132 applicant and establish the duration of any driver's license
133 or nondriver's license issued under this section.

134 10. (1) Notwithstanding any biometric data
135 restrictions contained in section 302.170, the department of
136 revenue is hereby authorized to design and implement a
137 secure digital driver's license program that allows
138 applicants applying for a driver's license in accordance
139 with this chapter to obtain a secure digital driver's

140 license in addition to the physical card-based license
141 specified in this section.

142 (2) A digital driver's license as described in this
143 subsection shall be accepted for all purposes for which a
144 license, as defined in section 302.010, is used.

145 (3) The department may contract with one or more
146 entities to develop the secure digital driver's license
147 system. The department or entity may develop a mobile
148 software application capable of being utilized through a
149 person's electronic device to access the person's secure
150 digital driver's license.

151 (4) The department shall suspend, disable, or
152 terminate a person's participation in the secure digital
153 driver's license program if:

154 (a) The person's driving privilege is suspended,
155 revoked, denied, withdrawn, or cancelled as provided in this
156 chapter; or

157 (b) The person reports that the person's electronic
158 device has been lost, stolen, or compromised.

159 11. The director of the department of revenue may
160 promulgate rules as necessary for the implementation of this
161 section. Any rule or portion of a rule, as that term is
162 defined in section 536.010 that is created under the
163 authority delegated in this section shall become effective
164 only if it complies with and is subject to all of the
165 provisions of chapter 536 and, if applicable, section
166 536.028. This section and chapter 536 are nonseverable and
167 if any of the powers vested with the general assembly
168 pursuant to chapter 536 to review, to delay the effective
169 date, or to disapprove and annul a rule are subsequently
170 held unconstitutional, then the grant of rulemaking

171 authority and any rule proposed or adopted after August 28,
172 2020, shall be invalid and void.

491.075. 1. A statement made by a child under the age
2 of **[fourteen] eighteen**, or a vulnerable person, relating to
3 an offense under chapter 565, 566, 568 or 573, performed by
4 another, not otherwise admissible by statute or court rule,
5 is admissible in evidence in criminal proceedings in the
6 courts of this state as substantive evidence to prove the
7 truth of the matter asserted if:

8 (1) The court finds, in a hearing conducted outside
9 the presence of the jury that the time, content and
10 circumstances of the statement provide sufficient indicia of
11 reliability; and

12 (2) (a) The child or vulnerable person testifies at
13 the proceedings; or

14 (b) The child or vulnerable person is unavailable as a
15 witness; or

16 (c) The child or vulnerable person is otherwise
17 physically available as a witness but the court finds that
18 the significant emotional or psychological trauma which
19 would result from testifying in the personal presence of the
20 defendant makes the child or vulnerable person unavailable
21 as a witness at the time of the criminal proceeding.

22 2. Notwithstanding subsection 1 of this section or any
23 provision of law or rule of evidence requiring corroboration
24 of statements, admissions or confessions of the defendant,
25 and notwithstanding any prohibition of hearsay evidence, a
26 statement by a child when under the age of **[fourteen]**
27 **eighteen**, or a vulnerable person, who is alleged to be
28 victim of an offense under chapter 565, 566, 568 or 573 is
29 sufficient corroboration of a statement, admission or
30 confession regardless of whether or not the child or

31 vulnerable person is available to testify regarding the
32 offense.

33 3. A statement may not be admitted under this section
34 unless the prosecuting attorney makes known to the accused
35 or the accused's counsel his or her intention to offer the
36 statement and the particulars of the statement sufficiently
37 in advance of the proceedings to provide the accused or the
38 accused's counsel with a fair opportunity to prepare to meet
39 the statement.

40 4. Nothing in this section shall be construed to limit
41 the admissibility of statements, admissions or confessions
42 otherwise admissible by law.

43 5. For the purposes of this section, "vulnerable
44 person" shall mean a person who, as a result of an
45 inadequately developed or impaired intelligence or a
46 psychiatric disorder that materially affects ability to
47 function, lacks the mental capacity to consent, or whose
48 developmental level does not exceed that of an ordinary
49 child of fourteen years of age.

492.304. 1. In addition to the admissibility of a
2 statement under the provisions of section 492.303, the
3 visual and aural recording of a verbal or nonverbal
4 statement of a child when under the age of [fourteen who is
5 alleged to be a victim of] **eighteen, relating to** an offense
6 under the provisions of chapter 565, 566 [or], 568, **or 573,**
7 **if performed by another,** is admissible into evidence if:

8 (1) No attorney for either party was present when the
9 statement was made; except that, for any statement taken at
10 a state-funded child assessment center as provided for in
11 subsection 2 of section 210.001, an attorney representing
12 the state of Missouri in a criminal investigation may, as a
13 member of a multidisciplinary investigation team, observe

14 the taking of such statement, but such attorney shall not be
15 present in the room where the interview is being conducted;

16 (2) The recording is both visual and aural and is
17 recorded on film or videotape or by other electronic means;

18 (3) The recording equipment was capable of making an
19 accurate recording, the operator of the equipment was
20 competent, and the recording is accurate and has not been
21 altered;

22 (4) The statement was not made in response to
23 questioning calculated to lead the child to make a
24 particular statement or to act in a particular way;

25 (5) Every voice on the recording is identified;

26 (6) The person conducting the interview of the child
27 in the recording is present at the proceeding and available
28 to testify or be cross-examined by either party; and

29 (7) The defendant or the attorney for the defendant is
30 afforded an opportunity to view the recording before it is
31 offered into evidence.

32 2. If the child does not testify at the proceeding,
33 the visual and aural recording of a verbal or nonverbal
34 statement of the child shall not be admissible under this
35 section unless the recording qualifies for admission under
36 section 491.075.

37 3. If the visual and aural recording of a verbal or
38 nonverbal statement of a child is admissible under this
39 section and the child testifies at the proceeding, it shall
40 be admissible in addition to the testimony of the child at
41 the proceeding whether or not it repeats or duplicates the
42 child's testimony.

43 4. As used in this section, a nonverbal statement
44 shall be defined as any demonstration of the child by his or
45 her actions, facial expressions, demonstrations with a doll

46 or other visual aid whether or not this demonstration is
47 accompanied by words.

✓