

SECOND REGULAR SESSION

HOUSE BILL NO. 1752

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DUNN.

5176H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 302.171, RSMo, and to enact in lieu thereof one new section relating to organ donation.

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Section A. Section 302.171, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 302.171, to read as follows: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. The director shall verify that an applicant for a driver's license is a Missouri resident or national of the United States or a noncitizen with a lawful immigration status, and a Missouri resident before accepting the application. The director shall not issue a driver's license for a period that exceeds the duration of an applicant's lawful immigration status in the United States. The director may establish procedures to verify the Missouri residency or United States naturalization or lawful immigration status and Missouri residency 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.

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.

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 prescribed by subdivision (1) of subsection 1 of section 194.225. A
51 symbol shall be placed on the front of the document indicating the applicant's desire to be listed
52 in the registry]. **The department of revenue shall modify the driver's license application and**
53 **renewal process to advise all applicants that, at the time of applying for or renewing a**

54 **driver's license, the applicant shall be deemed to have consented to anatomical donation**
55 **of his or her organs and tissue upon the determination of the applicant's legal death unless**
56 **the applicant expressly elects not to be an organ and tissue donor. The department shall**
57 **provide the following statement and instructions at the time of application or renewal for**
58 **a driver's license:**

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60 **"You are automatically deemed to have consented to being an organ and tissue**
61 **donor and this designation will appear on your driver's license. If you do not want to be**
62 **considered an organ and tissue donor, you must elect to not be included on the organ donor**
63 **registry by inserting your initials on the line below.**

64 **At this time, I do not wish to be included on the organ donor registry."**

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66 **Unless an applicant responds that he or she does not want to be considered a possible**
67 **organ and tissue donor, the applicant shall be deemed to have consented to organ and**
68 **tissue donation. The consent is sufficient to satisfy all requirements necessary to evidence**
69 **the applicant's consent to anatomical donation of the applicant's organs and tissue. The**
70 **director shall notify the department of health and senior services of information obtained from**
71 **applicants who [indicate to the director that they are interested in registry participation] have not**
72 **opted out of the organ donor registry, and the department of health and senior services shall**
73 **enter the complete name, address, date of birth, race, gender and a unique personal identifier in**
74 **the registry established in subsection 1 of section 194.304.**

75 3. An applicant for a license may make a donation of one dollar to promote a blindness
76 education, screening and treatment program. The director of revenue shall collect the donations
77 and deposit all such donations in the state treasury to the credit of the blindness education,
78 screening and treatment program fund established in section 209.015. Moneys in the blindness
79 education, screening and treatment program fund shall be used solely for the purposes
80 established in section 209.015; except that the department of revenue shall retain no more than
81 one percent for its administrative costs. The donation prescribed in this subsection is voluntary
82 and may be refused by the applicant for the license at the time of issuance or renewal of the
83 license. The director shall inquire of each applicant at the time the licensee presents the
84 completed application to the director whether the applicant is interested in making the one dollar
85 donation prescribed in this subsection.

86 4. Beginning July 1, 2005, the director shall deny the driving privilege of any person who
87 commits fraud or deception during the examination process or who makes application for an
88 instruction permit, driver's license, or nondriver's license which contains or is substantiated with
89 false or fraudulent information or documentation, or who knowingly conceals a material fact or

90 otherwise commits a fraud in any such application. The period of denial shall be one year from
91 the effective date of the denial notice sent by the director. The denial shall become effective ten
92 days after the date the denial notice is mailed to the person. The notice shall be mailed to the
93 person at the last known address shown on the person's driving record. The notice shall be
94 deemed received three days after mailing unless returned by the postal authorities. No such
95 individual shall reapply for a driver's examination, instruction permit, driver's license, or
96 nondriver's license until the period of denial is completed. No individual who is denied the
97 driving privilege under this section shall be eligible for a limited driving privilege issued under
98 section 302.309.

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

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

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

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

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

115 10. Notwithstanding any other provision of this chapter, if an applicant does not meet
116 the requirements of subsection 8 of this section and does not have the required documents to
117 prove Missouri residency, United States naturalization, or lawful immigration status, the
118 department may issue a one-year driver's license renewal. This one-time renewal shall only be
119 issued to an applicant who previously has held a Missouri noncommercial driver's license,
120 noncommercial instruction permit, or nondriver's license for a period of fifteen years or more and
121 who does not have the required documents to prove Missouri residency, United States
122 naturalization, or lawful immigration status. After the expiration of the one-year period, no
123 further renewal shall be provided without the applicant producing proof of Missouri residency,
124 United States naturalization, or lawful immigration status.

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