

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
**SENATE BILL NO. 252**  
**97TH GENERAL ASSEMBLY**

0626H.06C

D. ADAM CRUMBLISS, Chief Clerk

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**AN ACT**

To repeal sections 105.711, 136.055, 301.020, 301.3031, and 302.183, RSMo, and to enact in lieu thereof eight new sections relating to the department of revenue, with a penalty provision, and an emergency clause for certain sections.

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

Section A. Sections 105.711, 136.055, 301.020, 301.3031, and 302.183, RSMo, are  
2 repealed and eight new sections enacted in lieu thereof, to be known as sections 105.711,  
3 136.055, 301.020, 301.3031, 301.3033, 302.065, 302.183, and 302.189, to read as follows:

105.711. 1. There is hereby created a "State Legal Expense Fund" which shall consist  
2 of moneys appropriated to the fund by the general assembly and moneys otherwise credited to  
3 such fund pursuant to section 105.716.

4 2. Moneys in the state legal expense fund shall be available for the payment of any claim  
5 or any amount required by any final judgment rendered by a court of competent jurisdiction  
6 against:

7 (1) The state of Missouri, or any agency of the state, pursuant to section 536.050 or  
8 536.087 or section 537.600;

9 (2) Any officer or employee of the state of Missouri or any agency of the state, including,  
10 without limitation, elected officials, appointees, members of state boards or commissions, and  
11 members of the Missouri National Guard upon conduct of such officer or employee arising out  
12 of and performed in connection with his or her official duties on behalf of the state, or any  
13 agency of the state, provided that moneys in this fund shall not be available for payment of  
14 claims made under chapter 287;

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.

15 (3) (a) Any physician, psychiatrist, pharmacist, podiatrist, dentist, nurse, or other health  
16 care provider licensed to practice in Missouri under the provisions of chapter 330, 332, 334, 335,  
17 336, 337 or 338 who is employed by the state of Missouri or any agency of the state under formal  
18 contract to conduct disability reviews on behalf of the department of elementary and secondary  
19 education or provide services to patients or inmates of state correctional facilities on a part-time  
20 basis, and any physician, psychiatrist, pharmacist, podiatrist, dentist, nurse, or other health care  
21 provider licensed to practice in Missouri under the provisions of chapter 330, 332, 334, 335, 336,  
22 337, or 338 who is under formal contract to provide services to patients or inmates at a county  
23 jail on a part-time basis;

24 (b) Any physician licensed to practice medicine in Missouri under the provisions of  
25 chapter 334 and his professional corporation organized pursuant to chapter 356 who is employed  
26 by or under contract with a city or county health department organized under chapter 192 or  
27 chapter 205, or a city health department operating under a city charter, or a combined city-county  
28 health department to provide services to patients for medical care caused by pregnancy, delivery,  
29 and child care, if such medical services are provided by the physician pursuant to the contract  
30 without compensation or the physician is paid from no other source than a governmental agency  
31 except for patient co-payments required by federal or state law or local ordinance;

32 (c) Any physician licensed to practice medicine in Missouri under the provisions of  
33 chapter 334 who is employed by or under contract with a federally funded community health  
34 center organized under Section 315, 329, 330 or 340 of the Public Health Services Act (42  
35 U.S.C. 216, 254c) to provide services to patients for medical care caused by pregnancy, delivery,  
36 and child care, if such medical services are provided by the physician pursuant to the contract  
37 or employment agreement without compensation or the physician is paid from no other source  
38 than a governmental agency or such a federally funded community health center except for  
39 patient co-payments required by federal or state law or local ordinance. In the case of any claim  
40 or judgment that arises under this paragraph, the aggregate of payments from the state legal  
41 expense fund shall be limited to a maximum of one million dollars for all claims arising out of  
42 and judgments based upon the same act or acts alleged in a single cause against any such  
43 physician, and shall not exceed one million dollars for any one claimant;

44 (d) Any physician licensed pursuant to chapter 334 who is affiliated with and receives  
45 no compensation from a nonprofit entity qualified as exempt from federal taxation under Section  
46 501(c)(3) of the Internal Revenue Code of 1986, as amended, which offers a free health  
47 screening in any setting or any physician, nurse, physician assistant, dental hygienist, dentist, or  
48 other health care professional licensed or registered under chapter 330, 331, 332, 334, 335, 336,  
49 337, or 338 who provides health care services within the scope of his or her license or  
50 registration at a city or county health department organized under chapter 192 or chapter 205,

51 a city health department operating under a city charter, or a combined city-county health  
52 department, or a nonprofit community health center qualified as exempt from federal taxation  
53 under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, if such services are  
54 restricted to primary care and preventive health services, provided that such services shall not  
55 include the performance of an abortion, and if such health services are provided by the health  
56 care professional licensed or registered under chapter 330, 331, 332, 334, 335, 336, 337, or 338  
57 without compensation. MO HealthNet or Medicare payments for primary care and preventive  
58 health services provided by a health care professional licensed or registered under chapter 330,  
59 331, 332, 334, 335, 336, 337, or 338 who volunteers at a free health clinic is not compensation  
60 for the purpose of this section if the total payment is assigned to the free health clinic. For the  
61 purposes of the section, "free health clinic" means a nonprofit community health center qualified  
62 as exempt from federal taxation under Section 501 (c)(3) of the Internal Revenue Code of 1987,  
63 as amended, that provides primary care and preventive health services to people without health  
64 insurance coverage for the services provided without charge. In the case of any claim or  
65 judgment that arises under this paragraph, the aggregate of payments from the state legal expense  
66 fund shall be limited to a maximum of five hundred thousand dollars, for all claims arising out  
67 of and judgments based upon the same act or acts alleged in a single cause and shall not exceed  
68 five hundred thousand dollars for any one claimant, and insurance policies purchased pursuant  
69 to the provisions of section 105.721 shall be limited to five hundred thousand dollars. Liability  
70 or malpractice insurance obtained and maintained in force by or on behalf of any health care  
71 professional licensed or registered under chapter 330, 331, 332, 334, 335, 336, 337, or 338 shall  
72 not be considered available to pay that portion of a judgment or claim for which the state legal  
73 expense fund is liable under this paragraph;

74 (e) Any physician, nurse, physician assistant, dental hygienist, or dentist licensed or  
75 registered to practice medicine, nursing, or dentistry or to act as a physician assistant or dental  
76 hygienist in Missouri under the provisions of chapter 332, 334, or 335, or lawfully practicing,  
77 who provides medical, nursing, or dental treatment within the scope of his license or registration  
78 to students of a school whether a public, private, or parochial elementary or secondary school or  
79 summer camp, if such physician's treatment is restricted to primary care and preventive health  
80 services and if such medical, dental, or nursing services are provided by the physician, dentist,  
81 physician assistant, dental hygienist, or nurse without compensation. In the case of any claim  
82 or judgment that arises under this paragraph, the aggregate of payments from the state legal  
83 expense fund shall be limited to a maximum of five hundred thousand dollars, for all claims  
84 arising out of and judgments based upon the same act or acts alleged in a single cause and shall  
85 not exceed five hundred thousand dollars for any one claimant, and insurance policies purchased

86 pursuant to the provisions of section 105.721 shall be limited to five hundred thousand dollars;  
87 or

88 (f) Any physician licensed under chapter 334, or dentist licensed under chapter 332,  
89 providing medical care without compensation to an individual referred to his or her care by a city  
90 or county health department organized under chapter 192 or 205, a city health department  
91 operating under a city charter, or a combined city-county health department, or nonprofit health  
92 center qualified as exempt from federal taxation under Section 501(c)(3) of the Internal Revenue  
93 Code of 1986, as amended, or a federally funded community health center organized under  
94 Section 315, 329, 330, or 340 of the Public Health Services Act, 42 U.S.C. Section 216, 254c;  
95 provided that such treatment shall not include the performance of an abortion. In the case of any  
96 claim or judgment that arises under this paragraph, the aggregate of payments from the state legal  
97 expense fund shall be limited to a maximum of one million dollars for all claims arising out of  
98 and judgments based upon the same act or acts alleged in a single cause and shall not exceed one  
99 million dollars for any one claimant, and insurance policies purchased under the provisions of  
100 section 105.721 shall be limited to one million dollars. Liability or malpractice insurance  
101 obtained and maintained in force by or on behalf of any physician licensed under chapter 334,  
102 or any dentist licensed under chapter 332, shall not be considered available to pay that portion  
103 of a judgment or claim for which the state legal expense fund is liable under this paragraph;

104 (4) Staff employed by the juvenile division of any judicial circuit;

105 (5) Any attorney licensed to practice law in the state of Missouri who practices law at  
106 or through a nonprofit community social services center qualified as exempt from federal  
107 taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, or through  
108 any agency of any federal, state, or local government, if such legal practice is provided by the  
109 attorney without compensation. In the case of any claim or judgment that arises under this  
110 subdivision, the aggregate of payments from the state legal expense fund shall be limited to a  
111 maximum of five hundred thousand dollars for all claims arising out of and judgments based  
112 upon the same act or acts alleged in a single cause and shall not exceed five hundred thousand  
113 dollars for any one claimant, and insurance policies purchased pursuant to the provisions of  
114 section 105.721 shall be limited to five hundred thousand dollars; [or]

115 (6) Any social welfare board created under section 205.770 and the members and officers  
116 thereof upon conduct of such officer or employee while acting in his or her capacity as a board  
117 member or officer, and any physician, nurse, physician assistant, dental hygienist, dentist, or  
118 other health care professional licensed or registered under chapter 330, 331, 332, 334, 335, 336,  
119 337, or 338 who is referred to provide medical care without compensation by the board and who  
120 provides health care services within the scope of his or her license or registration as prescribed  
121 by the board; **or**

122           **(7) Any person who is selected or appointed by the state director of revenue under**  
123 **subsection 2 of section 136.055, to act as an agent of the department of revenue, to the**  
124 **extent that such agent's actions or inactions upon which such claim or judgment is based**  
125 **were performed in the course of the person's official duties as an agent of the department**  
126 **of revenue and in the manner required by state law or department of revenue rules.**

127           3. The department of health and senior services shall promulgate rules regarding contract  
128 procedures and the documentation of care provided under paragraphs (b), (c), (d), (e), and (f) of  
129 subdivision (3) of subsection 2 of this section. The limitation on payments from the state legal  
130 expense fund or any policy of insurance procured pursuant to the provisions of section 105.721,  
131 provided in subsection 7 of this section, shall not apply to any claim or judgment arising under  
132 paragraph (a), (b), (c), (d), (e), or (f) of subdivision (3) of subsection 2 of this section. Any claim  
133 or judgment arising under paragraph (a), (b), (c), (d), (e), or (f) of subdivision (3) of subsection  
134 2 of this section shall be paid by the state legal expense fund or any policy of insurance procured  
135 pursuant to section 105.721, to the extent damages are allowed under sections 538.205 to  
136 538.235. Liability or malpractice insurance obtained and maintained in force by any health care  
137 professional licensed or registered under chapter 330, 331, 332, 334, 335, 336, 337, or 338 for  
138 coverage concerning his or her private practice and assets shall not be considered available under  
139 subsection 7 of this section to pay that portion of a judgment or claim for which the state legal  
140 expense fund is liable under paragraph (a), (b), (c), (d), (e), or (f) of subdivision (3) of subsection  
141 2 of this section. However, a health care professional licensed or registered under chapter 330,  
142 331, 332, 334, 335, 336, 337, or 338 may purchase liability or malpractice insurance for coverage  
143 of liability claims or judgments based upon care rendered under paragraphs (c), (d), (e), and (f)  
144 of subdivision (3) of subsection 2 of this section which exceed the amount of liability coverage  
145 provided by the state legal expense fund under those paragraphs. Even if paragraph (a), (b), (c),  
146 (d), (e), or (f) of subdivision (3) of subsection 2 of this section is repealed or modified, the state  
147 legal expense fund shall be available for damages which occur while the pertinent paragraph (a),  
148 (b), (c), (d), (e), or (f) of subdivision (3) of subsection 2 of this section is in effect.

149           4. The attorney general shall promulgate rules regarding contract procedures and the  
150 documentation of legal practice provided under subdivision (5) of subsection 2 of this section.  
151 The limitation on payments from the state legal expense fund or any policy of insurance procured  
152 pursuant to section 105.721 as provided in subsection 7 of this section shall not apply to any  
153 claim or judgment arising under subdivision (5) of subsection 2 of this section. Any claim or  
154 judgment arising under subdivision (5) of subsection 2 of this section shall be paid by the state  
155 legal expense fund or any policy of insurance procured pursuant to section 105.721 to the extent  
156 damages are allowed under sections 538.205 to 538.235. Liability or malpractice insurance  
157 otherwise obtained and maintained in force shall not be considered available under subsection

158 7 of this section to pay that portion of a judgment or claim for which the state legal expense fund  
159 is liable under subdivision (5) of subsection 2 of this section. However, an attorney may obtain  
160 liability or malpractice insurance for coverage of liability claims or judgments based upon legal  
161 practice rendered under subdivision (5) of subsection 2 of this section that exceed the amount  
162 of liability coverage provided by the state legal expense fund under subdivision (5) of subsection  
163 2 of this section. Even if subdivision (5) of subsection 2 of this section is repealed or amended,  
164 the state legal expense fund shall be available for damages that occur while the pertinent  
165 subdivision (5) of subsection 2 of this section is in effect.

166 5. All payments shall be made from the state legal expense fund by the commissioner  
167 of administration with the approval of the attorney general. Payment from the state legal expense  
168 fund of a claim or final judgment award against a health care professional licensed or registered  
169 under chapter 330, 331, 332, 334, 335, 336, 337, or 338, described in paragraph (a), (b), (c), (d),  
170 (e), or (f) of subdivision (3) of subsection 2 of this section, or against an attorney in subdivision  
171 (5) of subsection 2 of this section, shall only be made for services rendered in accordance with  
172 the conditions of such paragraphs. In the case of any claim or judgment against an officer or  
173 employee of the state or any agency of the state based upon conduct of such officer or employee  
174 arising out of and performed in connection with his or her official duties on behalf of the state  
175 or any agency of the state that would give rise to a cause of action under section 537.600, the  
176 state legal expense fund shall be liable, excluding punitive damages, for:

177 (1) Economic damages to any one claimant; and

178 (2) Up to three hundred fifty thousand dollars for noneconomic damages. The state legal  
179 expense fund shall be the exclusive remedy and shall preclude any other civil actions or  
180 proceedings for money damages arising out of or relating to the same subject matter against the  
181 state officer or employee, or the officer's or employee's estate. No officer or employee of the  
182 state or any agency of the state shall be individually liable in his or her personal capacity for  
183 conduct of such officer or employee arising out of and performed in connection with his or her  
184 official duties on behalf of the state or any agency of the state. The provisions of this subsection  
185 shall not apply to any defendant who is not an officer or employee of the state or any agency of  
186 the state in any proceeding against an officer or employee of the state or any agency of the state.  
187 Nothing in this subsection shall limit the rights and remedies otherwise available to a claimant  
188 under state law or common law in proceedings where one or more defendants is not an officer  
189 or employee of the state or any agency of the state.

190 6. The limitation on awards for noneconomic damages provided for in this subsection  
191 shall be increased or decreased on an annual basis effective January first of each year in  
192 accordance with the Implicit Price Deflator for Personal Consumption Expenditures as published  
193 by the Bureau of Economic Analysis of the United States Department of Commerce. The current

194 value of the limitation shall be calculated by the director of the department of insurance, financial  
195 institutions and professional registration, who shall furnish that value to the secretary of state,  
196 who shall publish such value in the Missouri Register as soon after each January first as  
197 practicable, but it shall otherwise be exempt from the provisions of section 536.021.

198         7. Except as provided in subsection 3 of this section, in the case of any claim or  
199 judgment that arises under sections 537.600 and 537.610 against the state of Missouri, or an  
200 agency of the state, the aggregate of payments from the state legal expense fund and from any  
201 policy of insurance procured pursuant to the provisions of section 105.721 shall not exceed the  
202 limits of liability as provided in sections 537.600 to 537.610. No payment shall be made from  
203 the state legal expense fund or any policy of insurance procured with state funds pursuant to  
204 section 105.721 unless and until the benefits provided to pay the claim by any other policy of  
205 liability insurance have been exhausted.

206         8. The provisions of section 33.080 notwithstanding, any moneys remaining to the credit  
207 of the state legal expense fund at the end of an appropriation period shall not be transferred to  
208 general revenue.

209         9. Any rule or portion of a rule, as that term is defined in section 536.010, that is  
210 promulgated under the authority delegated in sections 105.711 to 105.726 shall become effective  
211 only if it has been promulgated pursuant to the provisions of chapter 536. Nothing in this section  
212 shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28,  
213 1999, if it fully complied with the provisions of chapter 536. This section and chapter 536 are  
214 nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536  
215 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held  
216 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after  
217 August 28, 1999, shall be invalid and void.

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

8         (1) For each motor vehicle or trailer registration issued, renewed or transferred--three  
9 dollars and fifty cents and seven dollars for those licenses sold or biennially renewed pursuant  
10 to section 301.147;

11         (2) For each application or transfer of title--two dollars and fifty cents;

12 (3) For each instruction permit, nondriver license, chauffeur's, operator's or driver's  
13 license issued for a period of three years or less--two dollars and fifty cents and five dollars for  
14 licenses or instruction permits issued or renewed for a period exceeding three years;

15 (4) For each notice of lien processed--two dollars and fifty cents;

16 (5) No notary fee or other fee or additional charge shall be paid or collected except for  
17 electronic telephone transmission reception--two dollars.

18 2. The director of revenue shall award fee office contracts under this section through a  
19 competitive bidding process. The competitive bidding process shall give priority to  
20 organizations and entities that are exempt from taxation under Section 501(c)(3) or 501(c)(6) of  
21 the Internal Revenue Code of 1986, as amended, and political subdivisions, including but not  
22 limited to, municipalities, counties, and fire protection districts. The director of the department  
23 of revenue may promulgate rules and regulations necessary to carry out the provisions of this  
24 subsection. Any rule or portion of a rule, as that term is defined in section 536.010, that is  
25 created under the authority delegated in this subsection shall become effective only if it complies  
26 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.  
27 This section and chapter 536 are nonseverable and if any of the powers vested with the general  
28 assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and  
29 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and  
30 any rule proposed or adopted after August 28, 2009, shall be invalid and void.

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

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

36 5. Any person acting as agent of the department of revenue for the sale and issuance of  
37 registrations, licenses, and other documents related to motor vehicles shall have an insurable  
38 interest in all license plates, licenses, tabs, forms and other documents held on behalf of the  
39 department.

40 6. The fees authorized by this section shall not be collected by motor vehicle dealers  
41 acting as agents of the department of revenue under section 32.095 or those motor vehicle dealers  
42 authorized to collect and remit sales tax under subsection 8 of section 144.070.

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

48           **8. The department of revenue shall indemnify and hold harmless any fee office for**  
49 **any liabilities, including attorney's fees, imposed upon such fee office in connection with**  
50 **or arising out of any action, suit, or proceeding if the fee office was acting in the course of**  
51 **its official duties and pursuant to state law or department of revenue regulations or rules.**

301.020. 1. Every owner of a motor vehicle or trailer, which shall be operated or driven  
2 upon the highways of this state, except as herein otherwise expressly provided, shall annually  
3 file, by mail or otherwise, in the office of the director of revenue, an application for registration  
4 on a blank to be furnished by the director of revenue for that purpose containing:

5           (1) A brief description of the motor vehicle or trailer to be registered, including the name  
6 of the manufacturer, the vehicle identification number, the amount of motive power of the motor  
7 vehicle, stated in figures of horsepower and whether the motor vehicle is to be registered as a  
8 motor vehicle primarily for business use as defined in section 301.010;

9           (2) The name, the applicant's identification number and address of the owner of such  
10 motor vehicle or trailer;

11           (3) The gross weight of the vehicle and the desired load in pounds if the vehicle is a  
12 commercial motor vehicle or trailer.

13           2. If the vehicle is a motor vehicle primarily for business use as defined in section  
14 301.010 and if such vehicle is five years of age or less, the director of revenue shall retain the  
15 odometer information provided in the vehicle inspection report, and provide for prompt access  
16 to such information, together with the vehicle identification number for the motor vehicle to  
17 which such information pertains, for a period of five years after the receipt of such information.  
18 This section shall not apply unless:

19           (1) The application for the vehicle's certificate of ownership was submitted after July 1,  
20 1989; and

21           (2) The certificate was issued pursuant to a manufacturer's statement of origin.

22           3. If the vehicle is any motor vehicle other than a motor vehicle primarily for business  
23 use, a recreational motor vehicle, motorcycle, motortricycle, bus or any commercial motor  
24 vehicle licensed for over twelve thousand pounds and if such motor vehicle is five years of age  
25 or less, the director of revenue shall retain the odometer information provided in the vehicle  
26 inspection report, and provide for prompt access to such information, together with the vehicle  
27 identification number for the motor vehicle to which such information pertains, for a period of  
28 five years after the receipt of such information. This subsection shall not apply unless:

29           (1) The application for the vehicle's certificate of ownership was submitted after July 1,  
30 1990; and

31           (2) The certificate was issued pursuant to a manufacturer's statement of origin.

32           4. If the vehicle qualifies as a reconstructed motor vehicle, motor change vehicle,  
33 specially constructed motor vehicle, non-USA-std motor vehicle, as defined in section 301.010,  
34 or prior salvage as referenced in section 301.573, the owner or lienholder shall surrender the  
35 certificate of ownership. The owner shall make an application for a new certificate of ownership,  
36 pay the required title fee, and obtain the vehicle examination certificate required pursuant to  
37 subsection 9 of section 301.190. If an insurance company pays a claim on a salvage vehicle as  
38 defined in section 301.010 and the owner retains the vehicle, as prior salvage, the vehicle shall  
39 only be required to meet the examination requirements under and pursuant to subsection 10 of  
40 section 301.190. Notarized bills of sale along with a copy of the front and back of the certificate  
41 of ownership for all major component parts installed on the vehicle and invoices for all essential  
42 parts which are not defined as major component parts shall accompany the application for a new  
43 certificate of ownership. If the vehicle is a specially constructed motor vehicle, as defined in  
44 section 301.010, two pictures of the vehicle shall be submitted with the application. If the  
45 vehicle is a kit vehicle, the applicant shall submit the invoice and the manufacturer's statement  
46 of origin on the kit. If the vehicle requires the issuance of a special number by the director of  
47 revenue or a replacement vehicle identification number, the applicant shall submit the required  
48 application and application fee. All applications required under this subsection shall be  
49 submitted with any applicable taxes which may be due on the purchase of the vehicle or parts.  
50 The director of revenue shall appropriately designate "Reconstructed Motor Vehicle", "Motor  
51 Change Vehicle", "Non-USA-Std Motor Vehicle", or "Specially Constructed Motor Vehicle" on  
52 the current and all subsequent issues of the certificate of ownership of such vehicle.

53           5. Every insurance company that pays a claim for repair of a motor vehicle which as the  
54 result of such repairs becomes a reconstructed motor vehicle as defined in section 301.010 or that  
55 pays a claim on a salvage vehicle as defined in section 301.010 and the owner is retaining the  
56 vehicle shall in writing notify the owner of the vehicle, and in a first party claim, the lienholder  
57 if a lien is in effect, that he is required to surrender the certificate of ownership, and the  
58 documents and fees required pursuant to subsection 4 of this section to obtain a prior salvage  
59 motor vehicle certificate of ownership or documents and fees as otherwise required by law to  
60 obtain a salvage certificate of ownership, from the director of revenue. The insurance company  
61 shall within thirty days of the payment of such claims report to the director of revenue the name  
62 and address of such owner, the year, make, model, vehicle identification number, and license  
63 plate number of the vehicle, and the date of loss and payment.

64           6. Anyone who fails to comply with the requirements of this section shall be guilty of  
65 a class B misdemeanor.

66           7. An applicant for registration may make a donation of one dollar to promote a  
67 blindness education, screening and treatment program. The director of revenue shall collect the

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

77         8. An applicant for registration may make a donation of one dollar to promote an organ  
78 donor program. The director of revenue shall collect the donations and deposit all such  
79 donations in the state treasury to the credit of the organ donor program fund as established in  
80 sections 194.297 to 194.304. Moneys in the organ donor fund shall be used solely for the  
81 purposes established in sections 194.297 to 194.304, except that the department of revenue shall  
82 retain no more than one percent for its administrative costs. The donation prescribed in this  
83 subsection is voluntary and may be refused by the applicant for registration at the time of  
84 issuance or renewal. The director shall inquire of each applicant at the time the applicant  
85 presents the completed application to the director whether the applicant is interested in making  
86 the one dollar donation prescribed in this subsection.

87         **9. An applicant for registration may make a donation of one dollar to the World**  
88 **War I memorial trust fund established in section 301.3033. The director of revenue shall**  
89 **collect the donations and deposit all such donations in the state treasury to the credit of the**  
90 **World War I Memorial trust fund as established in section 301.3033. Donations shall be**  
91 **used for the sole purpose of restoration, renovation and maintenance of a museum or**  
92 **memorial or both dedicated to World War I in any home rule city with more than four**  
93 **hundred thousand inhabitants and located in more than one county, except that the**  
94 **department of revenue shall retain no more than one percent for its administrative costs.**  
95 **The donation prescribed in this subsection is voluntary and may be refused by the**  
96 **applicant for registration at the time of issuance or renewal. The director shall inquire of**  
97 **each applicant at the time the applicant presents the completed application to the director**  
98 **whether the applicant is interested in making the one dollar donation prescribed in this**  
99 **subsection.**

301.3031. 1. Whenever a vehicle owner pursuant to this chapter makes an application  
2 for a military license plate, the director of revenue shall notify the applicant that the applicant  
3 may make a voluntary contribution of ten dollars to the World War II memorial trust fund  
4 established pursuant to this section. The director shall transfer all contributions collected to the

5 state treasurer for credit to and deposit in the trust fund. **Beginning August 28, 2013, the**  
6 **director of revenue shall no longer collect the contribution authorized by this section.**

7         2. There is established in the state treasury the "World War II Memorial Trust Fund".  
8 The state treasurer shall credit to and deposit in the World War II memorial trust fund all  
9 amounts received pursuant to this section, and any other amounts which may be received from  
10 grants, gifts, bequests, the federal government, or other sources granted or given for purposes of  
11 this section.

12         3. The Missouri veterans' commission shall administer the trust fund. The trust fund shall  
13 be used to participate in the funding of the National World War II Memorial to be located at a  
14 site dedicated on November 11, 1995, on the National Mall in Washington, D.C.

15         4. The state treasurer shall invest moneys in the trust fund in the same manner as surplus  
16 state funds are invested pursuant to section 30.260. All earnings resulting from the investment  
17 of moneys in the trust fund shall be credited to the trust fund. The general assembly may  
18 appropriate moneys annually from the trust fund to the department of revenue to offset costs  
19 incurred for collecting and transferring contributions pursuant to subsection 1 of this section.  
20 The provisions of section 33.080 requiring all unexpended balances remaining in various state  
21 funds to be transferred and placed to the credit of the ordinary revenue fund of this state at the  
22 end of each biennium shall not apply to the trust fund.

**301.3033. 1. There is established in the state treasury the "World War I Memorial**  
2 **Trust Fund". The state treasurer shall credit to and deposit in the World War I memorial**  
3 **trust fund all amounts received pursuant to subsection 9 of section 301.020, and any other**  
4 **amounts which may be received from grants, gifts, bequests, the federal government, or**  
5 **other sources granted or given for purposes of this section.**

6         2. **The Missouri veterans' commission shall administer the trust fund established**  
7 **pursuant to this section. The trust fund shall be used for the sole purpose of restoration,**  
8 **renovation, and maintenance of a memorial or museum or both dedicated to World War**  
9 **I in any home rule city with more than four hundred thousand inhabitants and located in**  
10 **more than one county.**

11         3. **The state treasurer shall invest moneys in the trust fund in the same manner as**  
12 **surplus state funds are invested pursuant to section 30.260. All earnings resulting from the**  
13 **investment of moneys in the trust fund shall be credited to the trust fund. The general**  
14 **assembly may appropriate moneys annually from the trust fund to the department of**  
15 **revenue to offset costs incurred for collecting and transferring contributions pursuant to**  
16 **subsection 9 of section 301.020. The provisions of section 33.080 requiring all unexpended**  
17 **balances remaining in various state funds to be transferred and placed to the credit of the**

18 general revenue fund of this state at the end of each biennium shall not apply to the trust  
19 fund.

202.065. 1. Notwithstanding section 32.090 or any other provision of the law to the  
2 contrary, and except as provided in subsection 4 of this section, the department of revenue  
3 shall not retain copies, in any format, of source documents presented by individuals  
4 applying for or holding driver's licenses or nondriver's licenses. The department of  
5 revenue shall not use technology to capture digital images of source documents so that the  
6 images are capable of being retained in electronic storage in a transferable format.

7 2. By December 31, 2013, the department of revenue shall securely destroy so as to  
8 make irretrievable any source documents that have been obtained from driver's license or  
9 nondriver's license applicants after September 1, 2012.

10 3. As long as the department of revenue has the authority to issue a concealed carry  
11 endorsement, the department shall not retain copies of any certificate of qualification for  
12 a concealed carry endorsement presented to the department for an endorsement on a  
13 driver's license or nondriver's license under section 571.101. The department of revenue  
14 shall not use technology to capture digital images of a certificate of qualification nor shall  
15 the department retain digital or electronic images of such certificates. The department of  
16 revenue shall merely verify whether the applicant for a driver's license or nondriver's  
17 license has presented a certificate of qualification which will allow the applicant to obtain  
18 a concealed carry endorsement. The department of revenue shall not compile or retain a  
19 list of driver's license or nondriver's license applicants who have been issued concealed  
20 carry endorsements. An applicant's status as a holder of a certificate of qualification or a  
21 concealed carry endorsement shall not be retained in the department's computer  
22 information systems nor shall the department of revenue implement or maintain a  
23 computer information system that allows its employees, agents, or other computer users  
24 to cross-reference and review, using the name of driver's license holder or nondriver's  
25 license holder, any driver's license holder or nondriver's license holder's status as a holder  
26 of a certificate of qualification or a concealed carry endorsement. By December 31, 2013,  
27 the department of revenue shall securely destroy so as to make irretrievable any copies of  
28 certificates of qualification that have been obtained from driver's license or nondriver's  
29 license applicants.

30 4. The provisions of this section shall not apply to any document required to be  
31 retained under federal motor carrier regulations in Title 49, Code of Federal Regulations,  
32 including but not limited to documents required by federal law for the issuance of a  
33 commercial driver's license and a commercial driver instruction permit.

34           **5. As used in this section, the term "source documents" means original or certified**  
35 **copies, where applicable, of documents presented by an applicant as required under 6 CFR**  
36 **Part 37 to the department of revenue to apply for a driver's license or nondriver's license.**  
37 **Source documents shall also include any documents required for the issuance, renewal, or**  
38 **replacement of driver's licenses or nondriver's licenses by the department of revenue under**  
39 **the provisions of this chapter or accompanying regulations.**

          302.183. 1. Notwithstanding any provision of this chapter that requires an applicant to  
2 provide reasonable proof of residence for issuance or renewal of a noncommercial driver's  
3 license, noncommercial instruction permit, or a nondriver's license, an applicant shall not have  
4 his or her privacy rights violated in order to obtain or renew a Missouri noncommercial driver's  
5 license, noncommercial instruction permit, or a nondriver's license.

6           2. Any data derived from a person's application shall not be sold for commercial  
7 purposes to any other organization or any other state without the express permission of the  
8 applicant without a court order; except such information may be shared with a law enforcement  
9 agency, judge, prosecuting attorney, or officer of the court, or with another state for the limited  
10 purposes set out in section 302.600 or for conducting driver history checks in compliance with  
11 the Motor Carrier Safety Improvement Act, 49 U.S.C. 31309. The state of Missouri shall protect  
12 the privacy of its citizens when handling any written, digital, or electronic data, and shall not  
13 participate in any standardized identification system using driver's and nondriver's license  
14 records. For purposes of this subsection, "commercial purposes" does not include data used or  
15 compiled solely to be used for, or obtained or compiled solely for purposes expressly allowed  
16 under the Missouri or federal Drivers Privacy Protection Act.

17           3. The department of revenue shall not amend procedures for applying for a driver's  
18 license or identification card in order to comply with the goals or standards of the federal REAL  
19 ID Act of 2005, any rules or regulations promulgated under the authority granted in such act, or  
20 any requirements adopted by the American Association of Motor Vehicle Administrators for  
21 furtherance of the act.

22           4. Any biometric data previously collected, obtained, or retained in connection with  
23 motor vehicle registration or operation, the issuance or renewal of driver's licenses, or the  
24 issuance or renewal of any identification cards by any department or agency of the state charged  
25 with those activities shall be retrieved and deleted from all databases. [The provisions of this  
26 subsection shall not apply to any data collected, obtained, or retained for a purpose other than  
27 compliance with the federal REAL ID Act of 2005.] For purposes of this section, "biometric  
28 data" includes, but is not limited to:

29           (1) Facial feature pattern characteristics;

- 30 (2) Voice data used for comparing live speech with a previously created speech model  
31 of a person's voice;
- 32 (3) Iris recognition data containing color or texture patterns or codes;
- 33 (4) Retinal scans, reading through the pupil to measure blood vessels lining the retina;
- 34 (5) Fingerprint, palm prints, hand geometry, measuring of any and all characteristics of  
35 biometric information, including shape and length of fingertips or recording ridge pattern or  
36 fingertip characteristics;
- 37 (6) Eye spacing;
- 38 (7) Characteristic gait or walk;
- 39 (8) DNA;
- 40 (9) Keystroke dynamics, measuring pressure applied to key pads or other digital  
41 receiving devices.

42 5. No citizen of this state shall have his or her privacy compromised by the state or  
43 agents of the state. The state shall within reason protect the sovereignty of the citizens the state  
44 is entrusted to protect.

**302.189. 1. The department of revenue shall not use, collect, obtain, share, or retain  
2 biometric data nor shall the department use biometric technology, including, but not  
3 limited to, retinal scanning, facial recognition or fingerprint technology, to produce a  
4 driver's license or nondriver's license or to uniquely identify licensees or license applicants  
5 for whatever purpose. This section shall not apply to digital images nor licensee signatures  
6 required for the issuance of driver's licenses and nondriver's license pursuant to section  
7 302.181.**

8 **2. As used in this section, the term "biometric data" or biometric technology"**  
9 **includes, but is not limited to:**

- 10 **(1) Facial feature pattern characteristics;**
- 11 **(2) Voice data used for comparing live speech with a previously created speech  
12 model of a person's voice;**
- 13 **(3) Iris recognition data containing color or texture patterns or codes;**
- 14 **(4) Retinal scans, reading through the pupil to measure blood vessels lining the  
15 retina;**
- 16 **(5) Fingerprints, palm prints, hand geometry, measuring of any and all  
17 characteristics of biometric information, including shape and length of fingertips or  
18 recording ridge pattern or fingertip characteristics;**
- 19 **(6) Eye spacing;**
- 20 **(7) Characteristic gait or walk;**
- 21 **(8) DNA; or**

22           **(9) Keystroke dynamics, measuring pressure applied to key pads or other digital**  
23 **receiving devices.**

          Section B. Because of the need to ensure that the privacy of Missouri citizens is  
2 protected and not violated by the agencies of this state, the enactment of sections 302.065 and  
3 302.189 and the repeal and reenactment of section 302.183 of this act is deemed necessary for  
4 the immediate preservation of the public health, welfare, peace and safety, and is hereby declared  
5 to be an emergency act within the meaning of the constitution, and the enactment of sections  
6 302.065 and 302.189 and the repeal and reenactment of section 302.183 of this act shall be in  
7 full force and effect upon its passage and approval.

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