

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR

SENATE BILL NO. 252

97TH GENERAL ASSEMBLY
2013

0626H.06T

AN ACT

To repeal sections 105.711, 301.067, 301.3031, and 302.183, RSMo, and to enact in lieu thereof nine new sections relating to the department of revenue, with a penalty provision, and an emergency clause for certain sections.

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

Section A. Sections 105.711, 301.067, 301.3031, and 302.183, RSMo, are
2 repealed and nine new sections enacted in lieu thereof, to be known as sections
3 105.711, 301.067, 301.3031, 301.3033, 302.065, 302.183, 302.189, 571.500, and 1,
4 to read as follows:

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

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

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

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

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

15 made under chapter 287;

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

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

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

51 (d) Any physician licensed pursuant to chapter 334 who is affiliated with
52 and receives no compensation from a nonprofit entity qualified as exempt from
53 federal taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as
54 amended, which offers a free health screening in any setting or any physician,
55 nurse, physician assistant, dental hygienist, dentist, or other health care
56 professional licensed or registered under chapter 330, 331, 332, 334, 335, 336,
57 337, or 338 who provides health care services within the scope of his or her
58 license or registration at a city or county health department organized under
59 chapter 192 or chapter 205, a city health department operating under a city
60 charter, or a combined city-county health department, or a nonprofit community
61 health center qualified as exempt from federal taxation under Section 501(c)(3)
62 of the Internal Revenue Code of 1986, as amended, if such services are restricted
63 to primary care and preventive health services, provided that such services shall
64 not include the performance of an abortion, and if such health services are
65 provided by the health care professional licensed or registered under chapter 330,
66 331, 332, 334, 335, 336, 337, or 338 without compensation. MO HealthNet or
67 Medicare payments for primary care and preventive health services provided by
68 a health care professional licensed or registered under chapter 330, 331, 332, 334,
69 335, 336, 337, or 338 who volunteers at a free health clinic is not compensation
70 for the purpose of this section if the total payment is assigned to the free health
71 clinic. For the purposes of the section, "free health clinic" means a nonprofit
72 community health center qualified as exempt from federal taxation under Section
73 501 (c)(3) of the Internal Revenue Code of 1987, as amended, that provides
74 primary care and preventive health services to people without health insurance
75 coverage for the services provided without charge. In the case of any claim or
76 judgment that arises under this paragraph, the aggregate of payments from the
77 state legal expense fund shall be limited to a maximum of five hundred thousand
78 dollars, for all claims arising out of and judgments based upon the same act or
79 acts alleged in a single cause and shall not exceed five hundred thousand dollars
80 for any one claimant, and insurance policies purchased pursuant to the provisions
81 of section 105.721 shall be limited to five hundred thousand dollars. Liability or
82 malpractice insurance obtained and maintained in force by or on behalf of any
83 health care professional licensed or registered under chapter 330, 331, 332, 334,
84 335, 336, 337, or 338 shall not be considered available to pay that portion of a
85 judgment or claim for which the state legal expense fund is liable under this
86 paragraph;

87 (e) Any physician, nurse, physician assistant, dental hygienist, or dentist
88 licensed or registered to practice medicine, nursing, or dentistry or to act as a
89 physician assistant or dental hygienist in Missouri under the provisions of
90 chapter 332, 334, or 335, or lawfully practicing, who provides medical, nursing,
91 or dental treatment within the scope of his license or registration to students of
92 a school whether a public, private, or parochial elementary or secondary school
93 or summer camp, if such physician's treatment is restricted to primary care and
94 preventive health services and if such medical, dental, or nursing services are
95 provided by the physician, dentist, physician assistant, dental hygienist, or nurse
96 without compensation. In the case of any claim or judgment that arises under
97 this paragraph, the aggregate of payments from the state legal expense fund shall
98 be limited to a maximum of five hundred thousand dollars, for all claims arising
99 out of and judgments based upon the same act or acts alleged in a single cause
100 and shall not exceed five hundred thousand dollars for any one claimant, and
101 insurance policies purchased pursuant to the provisions of section 105.721 shall
102 be limited to five hundred thousand dollars; or

103 (f) Any physician licensed under chapter 334, or dentist licensed under
104 chapter 332, providing medical care without compensation to an individual
105 referred to his or her care by a city or county health department organized under
106 chapter 192 or 205, a city health department operating under a city charter, or
107 a combined city-county health department, or nonprofit health center qualified
108 as exempt from federal taxation under Section 501(c)(3) of the Internal Revenue
109 Code of 1986, as amended, or a federally funded community health center
110 organized under Section 315, 329, 330, or 340 of the Public Health Services Act,
111 42 U.S.C. Section 216, 254c; provided that such treatment shall not include the
112 performance of an abortion. In the case of any claim or judgment that arises
113 under this paragraph, the aggregate of payments from the state legal expense
114 fund shall be limited to a maximum of one million dollars for all claims arising
115 out of and judgments based upon the same act or acts alleged in a single cause
116 and shall not exceed one million dollars for any one claimant, and insurance
117 policies purchased under the provisions of section 105.721 shall be limited to one
118 million dollars. Liability or malpractice insurance obtained and maintained in
119 force by or on behalf of any physician licensed under chapter 334, or any dentist
120 licensed under chapter 332, shall not be considered available to pay that portion
121 of a judgment or claim for which the state legal expense fund is liable under this
122 paragraph;

- 123 (4) Staff employed by the juvenile division of any judicial circuit;
- 124 (5) Any attorney licensed to practice law in the state of Missouri who
125 practices law at or through a nonprofit community social services center qualified
126 as exempt from federal taxation under Section 501(c)(3) of the Internal Revenue
127 Code of 1986, as amended, or through any agency of any federal, state, or local
128 government, if such legal practice is provided by the attorney without
129 compensation. In the case of any claim or judgment that arises under this
130 subdivision, the aggregate of payments from the state legal expense fund shall be
131 limited to a maximum of five hundred thousand dollars for all claims arising out
132 of and judgments based upon the same act or acts alleged in a single cause and
133 shall not exceed five hundred thousand dollars for any one claimant, and
134 insurance policies purchased pursuant to the provisions of section 105.721 shall
135 be limited to five hundred thousand dollars; [or]
- 136 (6) Any social welfare board created under section 205.770 and the
137 members and officers thereof upon conduct of such officer or employee while
138 acting in his or her capacity as a board member or officer, and any physician,
139 nurse, physician assistant, dental hygienist, dentist, or other health care
140 professional licensed or registered under chapter 330, 331, 332, 334, 335, 336,
141 337, or 338 who is referred to provide medical care without compensation by the
142 board and who provides health care services within the scope of his or her license
143 or registration as prescribed by the board; **or**
- 144 **(7) Any person who is selected or appointed by the state director**
145 **of revenue under subsection 2 of section 136.055, to act as an agent of**
146 **the department of revenue, to the extent that such agent's actions or**
147 **inactions upon which such claim or judgment is based were performed**
148 **in the course of the person's official duties as an agent of the**
149 **department of revenue and in the manner required by state law or**
150 **department of revenue rules.**
- 151 3. The department of health and senior services shall promulgate rules
152 regarding contract procedures and the documentation of care provided under
153 paragraphs (b), (c), (d), (e), and (f) of subdivision (3) of subsection 2 of this
154 section. The limitation on payments from the state legal expense fund or any
155 policy of insurance procured pursuant to the provisions of section 105.721,
156 provided in subsection 7 of this section, shall not apply to any claim or judgment
157 arising under paragraph (a), (b), (c), (d), (e), or (f) of subdivision (3) of subsection
158 2 of this section. Any claim or judgment arising under paragraph (a), (b), (c), (d),

159 (e), or (f) of subdivision (3) of subsection 2 of this section shall be paid by the
160 state legal expense fund or any policy of insurance procured pursuant to section
161 105.721, to the extent damages are allowed under sections 538.205 to
162 538.235. Liability or malpractice insurance obtained and maintained in force by
163 any health care professional licensed or registered under chapter 330, 331, 332,
164 334, 335, 336, 337, or 338 for coverage concerning his or her private practice and
165 assets shall not be considered available under subsection 7 of this section to pay
166 that portion of a judgment or claim for which the state legal expense fund is
167 liable under paragraph (a), (b), (c), (d), (e), or (f) of subdivision (3) of subsection
168 2 of this section. However, a health care professional licensed or registered under
169 chapter 330, 331, 332, 334, 335, 336, 337, or 338 may purchase liability or
170 malpractice insurance for coverage of liability claims or judgments based upon
171 care rendered under paragraphs (c), (d), (e), and (f) of subdivision (3) of subsection
172 2 of this section which exceed the amount of liability coverage provided by the
173 state legal expense fund under those paragraphs. Even if paragraph (a), (b), (c),
174 (d), (e), or (f) of subdivision (3) of subsection 2 of this section is repealed or
175 modified, the state legal expense fund shall be available for damages which occur
176 while the pertinent paragraph (a), (b), (c), (d), (e), or (f) of subdivision (3) of
177 subsection 2 of this section is in effect.

178 4. The attorney general shall promulgate rules regarding contract
179 procedures and the documentation of legal practice provided under subdivision
180 (5) of subsection 2 of this section. The limitation on payments from the state
181 legal expense fund or any policy of insurance procured pursuant to section
182 105.721 as provided in subsection 7 of this section shall not apply to any claim
183 or judgment arising under subdivision (5) of subsection 2 of this section. Any
184 claim or judgment arising under subdivision (5) of subsection 2 of this section
185 shall be paid by the state legal expense fund or any policy of insurance procured
186 pursuant to section 105.721 to the extent damages are allowed under sections
187 538.205 to 538.235. Liability or malpractice insurance otherwise obtained and
188 maintained in force shall not be considered available under subsection 7 of this
189 section to pay that portion of a judgment or claim for which the state legal
190 expense fund is liable under subdivision (5) of subsection 2 of this
191 section. However, an attorney may obtain liability or malpractice insurance for
192 coverage of liability claims or judgments based upon legal practice rendered
193 under subdivision (5) of subsection 2 of this section that exceed the amount of
194 liability coverage provided by the state legal expense fund under subdivision (5)

195 of subsection 2 of this section. Even if subdivision (5) of subsection 2 of this
196 section is repealed or amended, the state legal expense fund shall be available for
197 damages that occur while the pertinent subdivision (5) of subsection 2 of this
198 section is in effect.

199 5. All payments shall be made from the state legal expense fund by the
200 commissioner of administration with the approval of the attorney
201 general. Payment from the state legal expense fund of a claim or final judgment
202 award against a health care professional licensed or registered under chapter 330,
203 331, 332, 334, 335, 336, 337, or 338, described in paragraph (a), (b), (c), (d), (e),
204 or (f) of subdivision (3) of subsection 2 of this section, or against an attorney in
205 subdivision (5) of subsection 2 of this section, shall only be made for services
206 rendered in accordance with the conditions of such paragraphs. In the case of
207 any claim or judgment against an officer or employee of the state or any agency
208 of the state based upon conduct of such officer or employee arising out of and
209 performed in connection with his or her official duties on behalf of the state or
210 any agency of the state that would give rise to a cause of action under section
211 537.600, the state legal expense fund shall be liable, excluding punitive damages,
212 for:

213 (1) Economic damages to any one claimant; and
214 (2) Up to three hundred fifty thousand dollars for noneconomic
215 damages. The state legal expense fund shall be the exclusive remedy and shall
216 preclude any other civil actions or proceedings for money damages arising out of
217 or relating to the same subject matter against the state officer or employee, or the
218 officer's or employee's estate. No officer or employee of the state or any agency
219 of the state shall be individually liable in his or her personal capacity for conduct
220 of such officer or employee arising out of and performed in connection with his or
221 her official duties on behalf of the state or any agency of the state. The
222 provisions of this subsection shall not apply to any defendant who is not an officer
223 or employee of the state or any agency of the state in any proceeding against an
224 officer or employee of the state or any agency of the state. Nothing in this
225 subsection shall limit the rights and remedies otherwise available to a claimant
226 under state law or common law in proceedings where one or more defendants is
227 not an officer or employee of the state or any agency of the state.

228 6. The limitation on awards for noneconomic damages provided for in this
229 subsection shall be increased or decreased on an annual basis effective January
230 first of each year in accordance with the Implicit Price Deflator for Personal

231 Consumption Expenditures as published by the Bureau of Economic Analysis of
232 the United States Department of Commerce. The current value of the limitation
233 shall be calculated by the director of the department of insurance, financial
234 institutions and professional registration, who shall furnish that value to the
235 secretary of state, who shall publish such value in the Missouri Register as soon
236 after each January first as practicable, but it shall otherwise be exempt from the
237 provisions of section 536.021.

238 7. Except as provided in subsection 3 of this section, in the case of any
239 claim or judgment that arises under sections 537.600 and 537.610 against the
240 state of Missouri, or an agency of the state, the aggregate of payments from the
241 state legal expense fund and from any policy of insurance procured pursuant to
242 the provisions of section 105.721 shall not exceed the limits of liability as
243 provided in sections 537.600 to 537.610. No payment shall be made from the
244 state legal expense fund or any policy of insurance procured with state funds
245 pursuant to section 105.721 unless and until the benefits provided to pay the
246 claim by any other policy of liability insurance have been exhausted.

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

250 9. Any rule or portion of a rule, as that term is defined in section 536.010,
251 that is promulgated under the authority delegated in sections 105.711 to 105.726
252 shall become effective only if it has been promulgated pursuant to the provisions
253 of chapter 536. Nothing in this section shall be interpreted to repeal or affect the
254 validity of any rule filed or adopted prior to August 28, 1999, if it fully complied
255 with the provisions of chapter 536. This section and chapter 536 are
256 nonseverable and if any of the powers vested with the general assembly pursuant
257 to chapter 536 to review, to delay the effective date, or to disapprove and annul
258 a rule are subsequently held unconstitutional, then the grant of rulemaking
259 authority and any rule proposed or adopted after August 28, 1999, shall be
260 invalid and void.

301.067. 1. For each trailer or semitrailer there shall be paid an annual fee
2 of seven dollars fifty cents, and in addition thereto such permit fee authorized by law
3 against trailers used in combination with tractors operated under the supervision of
4 the motor carrier and railroad safety division of the department of economic
5 development. The fees for tractors used in any combination with trailers or
6 semitrailers or both trailers and semitrailers (other than on passenger-carrying
7 trailers or semitrailers) shall be computed on the total gross weight of the vehicles in

8 the combination with load.

9 2. Any trailer or semitrailer may at the option of the registrant be registered
10 for a period of three years upon payment of a registration fee of twenty-two dollars
11 and fifty cents.

12 3. Any trailer **as defined in section 301.010** or semitrailer which is
13 operated coupled to a towing vehicle by a fifth wheel and kingpin assembly or by a
14 trailer converter dolly may, at the option of the registrant, be registered permanently
15 upon the payment of a registration fee of fifty-two dollars and fifty cents. The
16 permanent plate and registration fee is vehicle specific. The plate and the
17 registration fee paid is nontransferable and nonrefundable, except those covered
18 under the provisions of section 301.442.

301.3031. 1. Whenever a vehicle owner pursuant to this chapter makes
2 an application for a military license plate, the director of revenue shall notify the
3 applicant that the applicant may make a voluntary contribution of ten dollars to
4 the World War II memorial trust fund established pursuant to this section. The
5 director shall transfer all contributions collected to the state treasurer for credit
6 to and deposit in the trust fund. **Beginning August 28, 2013, the director of**
7 **revenue shall no longer collect the contribution authorized by this**
8 **section.**

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

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

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

27 to the trust fund.

301.3033. 1. Whenever a vehicle owner pursuant to this chapter
2 makes an application for a military license plate, the director of revenue
3 shall notify the applicant that the applicant may make a voluntary
4 contribution of ten dollars to the World War I memorial trust fund
5 established pursuant to this section. Whenever a vehicle owner pursuant
6 to this chapter makes an application for a license plate, other than a
7 military license plate previously described, the director of revenue shall
8 notify the applicant that the applicant may make a voluntary contribution
9 of one dollar to the World War I memorial trust fund established pursuant
10 to this section. The director shall transfer all contributions collected to the
11 state treasurer for credit to and deposit in the trust fund.

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

18 3. The Missouri veterans' commission shall administer the trust
19 fund established pursuant to this section. The trust fund shall be used
20 for the sole purpose of restoration, renovation, and maintenance of a
21 memorial or museum or both dedicated to World War I in any home
22 rule city with more than four hundred thousand inhabitants and
23 located in more than one county.

24 4. The state treasurer shall invest moneys in the trust fund in the
25 same manner as surplus state funds are invested pursuant to section
26 30.260. All earnings resulting from the investment of moneys in the
27 trust fund shall be credited to the trust fund. The general assembly
28 may appropriate moneys annually from the trust fund to the
29 department of revenue to offset costs incurred for collecting and
30 transferring contributions pursuant to subsection 1 of this section. The
31 provisions of section 33.080 requiring all unexpended balances
32 remaining in various state funds to be transferred and placed to the
33 credit of the general revenue fund of this state at the end of each
34 biennium shall not apply to the trust fund.

302.065. 1. Notwithstanding section 32.090 or any other provision
2 of the law to the contrary, and except as provided in subsection 4 of

3 this section, the department of revenue shall not retain copies, in any
4 format, of source documents presented by individuals applying for or
5 holding driver's licenses or nondriver's licenses. The department of
6 revenue shall not use technology to capture digital images of source
7 documents so that the images are capable of being retained in
8 electronic storage in a transferable format.

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

13 3. As long as the department of revenue has the authority to
14 issue a concealed carry endorsement, the department shall not retain
15 copies of any certificate of qualification for a concealed carry
16 endorsement presented to the department for an endorsement on a
17 driver's license or nondriver's license under section 571.101. The
18 department of revenue shall not use technology to capture digital
19 images of a certificate of qualification nor shall the department retain
20 digital or electronic images of such certificates. The department of
21 revenue shall merely verify whether the applicant for a driver's license
22 or nondriver's license has presented a certificate of qualification which
23 will allow the applicant to obtain a concealed carry endorsement. By
24 December 31, 2013, the department of revenue shall securely destroy so
25 as to make irretrievable any copies of certificates of qualification that
26 have been obtained from driver's license or nondriver's license
27 applicants.

28 4. The provisions of this section shall not apply to:

29 (1) Original application forms, which may be retained but not
30 scanned;

31 (2) Test score documents issued by state highway patrol driver
32 examiners;

33 (3) Documents demonstrating lawful presence of any applicant who
34 is not a citizen of the United States, including documents demonstrating
35 duration of the person's lawful presence in the United States; and

36 (4) Any document required to be retained under federal motor
37 carrier regulations in Title 49, Code of Federal Regulations, including
38 but not limited to documents required by federal law for the issuance
39 of a commercial driver's license and a commercial driver instruction

40 permit; and

41 (5) Any other document at the request of and for the convenience
42 of the applicant where the applicant requests the department of
43 revenue review alternative documents as proof required for issuance
44 of a driver license, nondriver license, or instruction permit.

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

53 6. Any person harmed or damaged by any violation of section 302.065
54 may bring a civil action for damages, including non-economic and punitive
55 damages, as well as injunctive relief, in the circuit court where that person
56 resided at the time of the violation or in the circuit court or the circuit
57 court of Cole County to recover such damages from the department of
58 revenue and any persons participating in such violation. Sovereign
59 immunity shall not be available as a defense for the department of revenue
60 in such an action. In the event the plaintiff prevails on any count of his or
61 her claim, the plaintiff shall be entitled to recover reasonable attorney fees
62 from the defendants.

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

7 2. Any data derived from a person's application shall not be sold for
8 commercial purposes to any other organization or any other state without the
9 express permission of the applicant without a court order; except such
10 information may be shared with a law enforcement agency, judge, prosecuting
11 attorney, or officer of the court, or with another state for the limited purposes set
12 out in section 302.600 or for conducting driver history checks in compliance with
13 the Motor Carrier Safety Improvement Act, 49 U.S.C. 31309. The state of
14 Missouri shall protect the privacy of its citizens when handling any written,

15 digital, or electronic data, and shall not participate in any standardized
16 identification system using driver's and nondriver's license records. For purposes
17 of this subsection, "commercial purposes" does not include data used or compiled
18 solely to be used for, or obtained or compiled solely for purposes expressly allowed
19 under the Missouri or federal Drivers Privacy Protection Act.

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

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

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

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

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

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

(1) Facial feature pattern characteristics;

(2) Voice data used for comparing live speech with a previously created speech model of a person's voice;

(3) Iris recognition data containing color or texture patterns or codes;

(4) Retinal scans, reading through the pupil to measure blood vessels lining the retina;

(5) Fingerprints, palm prints, hand geometry, measuring of any and all characteristics of biometric information, including shape and length of fingertips or recording ridge pattern or fingertip characteristics;

(6) Eye spacing;

(7) Characteristic gait or walk;

(8) DNA; or

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

571.500. No state agency or department, or contractor or agent working for the state, shall construct, enable by providing or sharing records to, maintain, participate in, or develop, or cooperate or enable the federal government in developing, a database or record of the number or type of firearms, ammunition, or firearms accessories that an individual possesses.

Section 1. Notwithstanding any other state law to the contrary, no state agency shall disclose to the federal government the statewide list of persons who have obtained a concealed carry endorsement or permit. Nothing in this section shall be construed to restrict access to individual records by any criminal justice agency authorized to access the Missouri

6 uniform law enforcement system.

2 Section B. Because of the need to ensure that the privacy of Missouri citizens
3 is protected and not violated by the agencies of this state, the enactment of sections
4 302.065, 302.189 and 571.500 and the repeal and reenactment of section 302.183 of
5 this act is deemed necessary for the immediate preservation of the public health,
6 welfare, peace and safety, and is hereby declared to be an emergency act within the
7 meaning of the constitution, and the enactment of sections 302.065, 302.189 and
8 571.500 and the repeal and reenactment of section 302.183 of this act shall be in full
force and effect upon its passage and approval.

Unofficial ✓

Bill

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