

Introduction

Since 2008, Michigan has required applicants for driver's licenses and state identification to provide proof of U.S. citizenship or immigration status. This change was part of a series of post-9/11 changes, and has had significant consequences for all Michiganders who use the roads. Ten states, plus the District of Columbia, have already changed their laws to permit some form of legal driving without proof of immigration status.¹ States have chosen to restore access to driver's licenses irrespective of immigration status to address significant economic and public safety-related challenges posed by greatly-increased numbers of unlicensed drivers, including reductions the agricultural workforce, exclusion from the insurance market,

This report highlights the economic and safety benefits to all Michigan residents of expanding access to driver's licenses for all otherwise-eligible Michigan drivers. Section One describes the legal background, the federal REAL ID Act and states' relationship to it; Section Two explores potential benefits to the State of Michigan by allowing more individuals to be eligible for state driver's licenses and identification cards; and Section Three states specific recommended changes to Michigan law.

Section 1: Background

A. Background of Michigan Driver's Licenses & REAL ID Act Compliance

Prior to 2008, Michigan law contained no requirement that an applicant for a driver's license or state ID card needed a specific immigration or citizenship status in order to be eligible. Applicants did have to submit documents that were sufficient to prove identity and establish state residency. A 1995 Michigan Attorney General opinion concluded that there was no law precluding an "illegal alien" from establishing residence in Michigan.² The relevant statute defined a resident as: "[one who] resides in a settled or permanent home or domicile with the intention of remaining in this state," and it contained no reference to citizenship or immigration status.³ In December 2007, Attorney General Mike Cox issued a superseding opinion.⁴ The 2007 Attorney General opinion stated that an unauthorized immigrant cannot be considered a Michigan resident and, in fact, only a Lawful Permanent Resident, commonly called a "green card" holder, could be considered a Michigan resident under the law.⁵

The Secretary of State implemented the late-2007 AG opinion in early 2008 and excluded from eligibility tens of thousands of lawfully present noncitizens as well as all unlawfully present immigrants.⁶ To address the concerns raised by the sudden change in circumstances for so many individuals who relied on the ability to drive to live, work, and study in the state, often for many years at a time, the Michigan Legislature changed the statute in February of 2008 to specify that driver's license and state ID applicants

1 National Conference of State Legislatures, *States Offering Driver's Licenses to Immigrants* (2014). Available at: <http://www.ncsl.org/research/immigration/states-offering-driver-s-licenses-to-immigrants.aspx>

2 Attorney General Frank J. Kelly, Ability of an Illegal Alien to Obtain a Michigan Driver's License, Opinion No. 6883, (December 14, 1995). Available at: <http://www.ag.state.mi.us/opinion/datafiles/1990s/op06883.htm>

3 *Id.*

4 Attorney General Mike Cox, Permanent Residency Requirement for Driver's Licenses, Opinion No. 7210, (December 27, 2007). Available at: <http://www.ag.state.mi.us/opinion/datafiles/2000s/op10286.htm>

5 *Id.*

6 See, e.g. McFarland, Jodi, *Foreigners Pinched by Driver's License Law*, Saginaw News, (February 4, 2008) available at: <http://blog.mlive.com/saginawnews/2008/02/legal-immigrants-pinched-by-dr.html>.

who are not U.S. citizens must be “legally present” in the U.S., including both temporary and permanent forms of legal immigration status.⁷ The definition of “legally present” has been slightly changed by lawmakers since 2008, but at this point, it refers to federal law to determine who is “legally present.” Michigan law does not currently reflect the requirements of the federal “REAL ID Act.”⁸

In June 2012, the Obama Administration announced a program called Deferred Action for Childhood Arrivals (DACA), which grants temporary relief from deportation and employment authorization documents for young people who entered the U.S. as children and meet certain education and background requirements⁹ (These young people are often referred to as “DREAMers” because they would benefit from the federal DREAM Act if it were to become law.) Initially, Michigan Secretary of State Ruth Johnson indicated that the Department of State did not consider DACA beneficiaries to be “legally present” and would not issue driver’s licenses or state identification cards to them.¹⁰ However, after she was sued by a group of DACA beneficiaries and the federal government provided clarification about their legal presence, the Secretary of State reversed her decision and began issuing driver’s licenses and state IDs to DACA beneficiaries in February of 2013.¹¹

Michigan law does not currently provide driver’s licenses to individuals with no legal status, and many people who are U.S. citizens or in lawful immigration status have struggled to prove it or obtain verification. Significant delay may occur while the Secretary of State verifies certain categories of immigration documents with United States Citizenship and Immigration Services through their Systematic Alien Verification for Entitlements (SAVE) program and noncitizens who hold those status are unable to hold driver’s licenses during verification or reverification periods.

B. Background of REAL ID Act

Signed into law on May 11, 2005, the federal REAL ID Act provides that driver’s licenses and state IDs that do not meet the Act’s requirements will not be accepted for specifically defined federal purposes. Since the enactment of REAL ID, the Department of Homeland Security (DHS) has repeatedly extended the deadline by which state driver’s licenses must meet its criteria to be accepted for federal purposes.¹² Most recently, in December 2014, DHS extended the full compliance deadline to October 1, 2020.¹³ Until compliance is required, Michigan licenses and state ID may be used as identification for the specified federal purposes. Some of these federal purposes include accessing federal facilities, boarding federally-regulated commercial aircraft, and entering nuclear power plants.¹⁴

7 Michigan Legislature, Public Act 7 Of 2008 (Effective: 2/15/2008). Available at:

[https://www.legislature.mi.gov/\(S\(23egotfxeffsolt0obhi3\)\)/mileg.aspx?page=GetObject&objectName=2007-HB-4505](https://www.legislature.mi.gov/(S(23egotfxeffsolt0obhi3))/mileg.aspx?page=GetObject&objectName=2007-HB-4505)

8 See Department of Homeland Security website, <http://www.dhs.gov/real-id-enforcement-brief>

9 U.S. Citizenship and Immigration Services, Consideration of Deferred Action for Childhood Arrivals (DACA).

<http://www.uscis.gov/humanitarian/consideration-deferred-action-childhood-arrivals-daca>

10 Charlise Dewey, State will not grant driver’s licenses to DACA immigrants (2012).

<http://www.grbj.com/articles/74634-state-will-not-grant-drivers-licenses-to-daca-immigrants>

11 <http://www.michigandaily.com/opinion/02daily-immigration-reform07>

12 National Conference of State Legislatures, The History of Federal Requirements for State Issued Driver’s Licenses and Identification Cards (2013). <http://www.ncsl.org/research/transportation/history-behind-the-real-id-act.aspx>. See also <http://www.dhs.gov/real-id-faqs-states>

13 Minimum Standards for Driver’s Licenses and Identification Cards Acceptable by Federal Agencies for Official Purposes, 79 Fed. Reg. 248 (December 29, 2014).

14 Roy Maurer, DHS Extends REAL ID Compliance Dates to 2020 (2015).

<http://www.shrm.org/hrdisciplines/safetysecurity/articles/pages/dhs-extends-real-id.aspx>

C. Two-tiered States' Driver's Licenses

One of the REAL ID's requirements is that the applicant for a license must prove, and state agencies must verify, his or her U.S. citizenship or immigration status. However, states are not required to issue licenses that meet the Act's criteria nor must states exclusively issue licenses that meet the Act's criteria. If states decline to issue any form of REAL ID Act-compliant licenses, however, their residents must produce another identity document, such as a passport, or be subjected to additional screening for any of the specified federal purposes.¹⁵ In order to provide as many residents as possible with legally regulated access to the roads and access to government-issued identity documentation, many states have created two categories of driver's licenses and state identification: residents may either prove U.S. citizenship or immigration status and apply for an Act-compliant document which allows use for "federal" purposes, *or* residents may apply for a non-Act-compliant document for state and local purposes only. Residents unable to prove or verify citizenship or immigration status could choose the non-Act compliant license. In 2013, eight states and the District of Columbia followed other states in passing laws that enable residents to obtain driver's licenses and state identification cards regardless of their citizenship or immigration status.¹⁶

Section Two: Potential Benefits to the State of Michigan

A. Citizens may lack proof of citizenship

Immigrants are not the only individuals in Michigan who are currently harmed by our existing driver's license and identification restrictions. In addition to assisting noncitizens residing in Michigan, providing a non-Act-compliant form of driver's license would benefit U.S. citizens who cannot prove their citizenship. According to a 2006 study by the Brennan Center for Justice at New York University School of Law, as many as 7% of U.S. citizens nationwide did not have ready access to citizenship documents for a variety of reasons including older African Americans whose births were never registered due to discriminatory practices, U.S. citizens born abroad to American parents (common in military families), and foreign adoptees.¹⁷ Under current Michigan law, inability to prove citizenship results in inability to drive legally.

Advocates for successful prisoner reentry often cite lack of access to driver's licenses and state ID as an obstacle to successful prisoner reentry. While a 2008 Memorandum of Understanding between the Michigan Department of State and Michigan Department of Corrections allows a former prisoner's Department of Corrections ID to be used as an identity document, a prisoner must still have access to documents establishing proof of U.S. citizenship or immigration status to obtain a license under current law.¹⁸ Increasing access to driver's licenses could increase workforce participation by ex-offenders, and workforce participation is a key factor in reducing recidivism.¹⁹

15 National Immigration Law Center, *The REAL ID Act: Questions and Answers* (2015)

17 Brennan Center for Justice, *Citizens Without Proof*, (November 28, 2006). Available at: <http://www.brennancenter.org/analysis/citizens-without-proof>

18 *Memorandum of Understanding between the Michigan Department of State and the Michigan Department of Corrections Regarding Use of Prisoner Identification Cards for the Purpose of Applying for Driver's Licenses and Personal Identification Cards* (January 8, 2008), available at:

http://reentry.mplp.org/reentry/images/7/70/MOU_State_%26_MDOC-1.pdf

19 Christy A. Visher and Jeremy Travis, "Transitions from Prison to Community: Understanding Individual Pathways," *Annual Review of Sociology*, Vol. 29 (2003), pp. 89-113.

B. Insurance Savings to Consumers and Private Sector Profits

Michigan requires all individuals who want to register a car and get license plates to provide proof of insurance. Despite this, Detroit has one of the highest car insurance rates of all American cities, and Michiganders in general also pay relatively high rates.²⁰ An insurance pool widened by re-licensed undocumented immigrants would hold down premium costs for all Michigan residents. Costs accruing to all Michigan residents in the insurance market could be further mitigated by fewer claims originating with unlicensed uninsured drivers, which otherwise, would be paid for by insured drivers. Michigan insurance companies will also receive increased per capita revenues from the addition of new drivers required to purchase auto insurance.

C. Enhanced Public Safety

Michigan residents will be safer if drivers are licensed and insured irrespective of immigration status because some part of the population that is unlicensed due to inability to prove citizenship or immigration status still drives. Unlicensed drivers in general are five times more likely to be in a fatal crash as licensed drivers.²¹ Although drivers who have lost driver's licenses or cannot obtain them because they lack proof of citizenship or immigration status are not entirely representative of the overall unlicensed population, excluding them from driver's training, screening and testing means missing opportunities to address problems. Ensuring that all Michigan drivers are knowledgeable of traffic laws will decrease accidents, decrease the number of uninsured drivers who flee the scene of an accident, and consequently better the health and well-being of all Michigan residents. For example, since New Mexico began issuing non-status dependent driver's licenses in 2003, alcohol-related crashes decreased 32%, and traffic fatalities fell 23%.²² Licensing eligible individuals who cannot prove immigration status will also make communities safer in general. Studies show that by creating a more inclusive community and improving relations between immigrant communities and law enforcement, members of these communities will be more comfortable contacting the police to report and cooperate in the investigation of accidents and crimes.²³ Allowing regulated access to official identity documents to the broadest group of people also has the tendency to reduce the risk of corruption among government staff and discourage the production of fraudulent documents.

Driver's licenses assist law enforcement officers to more quickly identify the drivers they stop and evaluate if there is a threat to the officer's safety, as well as check the driver's traffic and criminal record. Police can use their resources more efficiently when residents have identity documents with accurate data, as it can take significant resources to identify an individual who doesn't possess any government-issued identification.²⁴ In addition, the driver's license database is the largest law

20 Diane Bukowski, Michigan, Detroit Car Insurance Rates Highest in Nation (2014).

<http://voiceofdetroit.net/2014/02/10/michigan-detroit-car-insurance-rates-highest-in-nation/>

21 American Automobile Association Foundation, Unlicensed to Kill Research Update (2008), available at: <https://www.aaafoundation.org/sites/default/files/UnlicensedToKillResearchUpdate.pdf>

22 See "Driver's Licenses for All: Economic and Safety Benefits," Illinois Highway Safety Coalition (Nov. 17, 2012).

23 See, e.g., Police Foundation, *The Role of Local Police: Striking a Balance Between Immigration Enforcement and Civil Liberties*, (April 2009), available at <http://www.policefoundation.org/content/local-police-immigration-enforcement>

24 *Voices from Across the Country: Local Law Enforcement Officials Discuss the Challenges of Immigration Enforcement* (Police Executive Research Forum, 2012), www.policeforum.org/library/immigration/VoicesfromAcrosstheCountryonImmigrationEnforcement.pdf, p.

enforcement database in the country, providing vast personal information, including photographs, that is updated regularly as drivers renew their licenses. State driver's license databases are more complete than the IRS database, the Social Security database, or state birth certificate databases – it is thus an invaluable tool for police investigation. A more complete database benefits law enforcement.²⁵

D. Stronger Workforce Participation

Studies have found that individuals who lack the ability to obtain driver's licenses have more difficulty maintaining steady employment, as they do not always have access to public transportation or other transit opportunities. This makes it less attractive for job creators to want to hire these individuals, as well as more likely that employers will fire people who often show up late or miss work shifts. Having a driver's license enables job seekers to be able to drive at any time--whether planned in advance or spur of the moment. This affords people much more flexibility, allowing for advanced planning for work shifts and overall a greater ability to work more frequently. The approximately 150,000 unauthorized residents in Michigan play a large role in the farming, auto, and manufacturing industries.²⁶ By allowing this workforce to lawfully drive to and from work, they will be better workers by arriving to work consistently and on time.

F. Other Contributions to the Economy

In addition, having greater access to automobile transportation increases purchasing power and consumer activity.²⁷ Michigan residents who obtain driver's licenses will contribute to Michigan's economy by being able to accomplish everyday tasks that require transportation outside the home. These include going to the grocery store, visiting the doctor, dentist, and orthodontist, shopping at the mall, and even attending local community and religious establishments, such as church and holiday affairs. Having a valid driver's license allows people to engage in these activities without worrying about potential consequences or sacrificing other economic activities in their place. In addition, driver's licenses are often used as a standard form of identification for essential daily activities, such as cashing checks, renting an apartment, and purchasing various forms of insurance. Without a valid license, individuals and communities at large are prevented from participating in these economic activities that are both essential to a stable home as well as beneficial to the Michigan economy. The ability to obtain driver's licenses will also promote the purchase of automobiles, a historical and essential industry to the Michigan economy.

15.; National Immigration Law Center, "Why it Makes Law Enforcement Sense for All California Drivers to Be Eligible for Driver's Licenses," available at: <http://www.nilc.org/document.html?id=1036>.

25 Bruce Schneier, "Giving Drivers Licenses to Illegal Immigrants," *Schneier on Security*, Feb. 13, 2008, www.schneier.com/blog/archives/2008/02/giving_drivers.html; National Immigration Law Center, *Why it Makes Law Enforcement Sense for All California Drivers to Be Eligible for Driver's Licenses*, available at: <http://www.nilc.org/document.html?id=1036>.

26 See *With 150,000 undocumented residents, Michigan has stake in U.S. debate*, Detroit Free Press, May 28, 2013, available at www.archive.freep.com/article/20130528/NEWS06/305280014/undocumented-immigrants-michigan-economy.

27 See Mary C. King, et al., *Assessment of the Socioeconomic Impacts of SB 1080 on Immigrant Groups* (Oregon Department of Transportation Research Section, June 2011), available at: www.oregon.gov/ODOT/TD/TP_RES/docs/reports/2011/sb1080.pdf (finding that as a result of not having a valid driver's license, unauthorized workers have trouble scheduling hours and accomplishing daily tasks, and reduced their large consumer purchases.)

Perhaps most significantly, Michigan’s agriculture industry depends on a mostly-immigrant workforce for steady, constant production and processing. This industry is particularly profitable in Western Michigan, which produces one-third of the state’s total agricultural sales--about \$1.5 billion of the regional economy. Since the 2008 changes in Michigan’s driver’s license law, Michigan agriculture industry groups have consistently complained of a shortage of agricultural workers in the state.²⁸ Michigan’s Migrant and Seasonal Farmworkers Workgroup (MSFW), a collaboration of state agencies and stakeholders created by the Michigan Civil Rights Commission, issued a report in March 2013 highlighting the work done over the past three years to improve the living and working conditions of migrant and season farmworkers in Michigan. One of the recommendations moving forward focuses on driver’s licenses. Specifically, the workgroup recommends improving the system in which migrant and seasonal farmworkers go about applying for licenses, as there still remains confusion over what individuals do or do not need to prove. The report makes it clear that access to driver’s licenses is extremely important for regular seasonal and migrant farmworkers’ ability to participate in the workforce.²⁹

G. Increased State Revenue

Michigan could generate significant license fee revenue from newly eligible driver’s license applicants. State revenues vehicle registrations and taxes on insurance premiums and car purchases would also likely see an increase. New Mexico, which expanded access to driver’s licenses in 2003, has thus far generated an estimated \$500 million in new revenue.³⁰

Section Three: Recommended Changes to Existing Michigan Law

Current Michigan law conditions driver’s license eligibility on proof of citizenship or proof of legal status in the United States. In order to come into eventual compliance with the REAL ID Act to allow the majority of Michigan residents to use Michigan licenses for federal purposes and to provide driver’s licenses to those without proof of citizenship or legal immigration status, the State of Michigan should:

1. Provide two forms of driver’s licenses: one for those with United States citizenship or proof of legal status (“standard operator’s license”); one for individuals without proof of legal status (“limited purpose operator’s license”);
2. Set standards for documentation required for the limited purpose operator’s license;
3. Set standard for documentation required for the standard operator’s license to come into compliance with the REAL ID Act;
4. Determine aesthetic differences between the standard operator’s license and the limited purpose operator’s license, including but not limited to: symbol(s) on the front of each license; disclaimer on back of limited purpose operator’s license (e.g., “This card is not acceptable for official federal

28 See, e.g., Michigan Farm Bureau policy position citing shortage of farmworkers and need for immigration reform, available at:

https://www.michfb.com/MI/Policy_and_Politics/Issues/Immigration_Reform_Quick_Facts/

29 The Migrant and Seasonal Farmworkers’ Workgroup report is available at www.michigan.gov/documents/mdcr/MSFW_Progress_Report_415366_7.pdf.

30 Erika Nava, *Share the Road: Allowing Eligible Undocumented Residents Access to Driver’s Licenses Makes Sense for New Jersey* (2014). Available at: <http://www.njpp.org/reports/share-the-road-allowing-eligible-undocumented-residents-access-to-drivers-licenses-makes-sense-for-new-jersey>

purposes. This license is issued only as a license to drive a motor vehicle. It does not establish eligibility for employment, voter registration, or public benefits”).

5. Increase penalties for providing fraudulent information to the Michigan Department of State, including fraudulent claims of state residency.

State Statutes Allowing Driver Licensing Without Proof of Citizenship or Legal Residence

Washington, DC

DC ST § 50-1401.05

- Proof of identity, date of birth, and residency.
- Mayor shall not provide a social security number or any document to prove the absence of a social security number.
- An applicant shall include a certified translation of a document provided that is not in English.
- Aesthetics
 - Following on the face of the card and in its machine-readable zone in a font size no larger than the smallest font size otherwise appearing on the card: “Not valid for official federal purposes.”
 - The Mayor may incorporate different features but only if doing so would result in a card that appears more similar to regular license.
- License/permit/ID card issued under this section shall not be used to consider an individual's citizenship or immigration status, or as a basis for a criminal investigation, arrest, or detention.

Illinois

625 ILCS 5/6-105.1

- The Secretary of State may issue a temporary visitor's driver's license to an applicant who has:
 - resided in this State for a period in excess of one year,
 - is ineligible to obtain a social security number, and
 - is unable to present documentation issued by the United States Citizenship and Immigration Services authorizing the person's presence in this country.
- The applicant shall submit a valid unexpired passport from the applicant's country of citizenship or a valid unexpired consular identification document.
- Valid for 3 years.
- May not be accepted for proof of the holder's identity.
- Aesthetics
 - Shall contain a notice on its face, in capitalized letters, stating that the temporary visitor's driver's license may not be accepted for proof of identity.
 - The Secretary of State shall adopt rules for design.
- License invalid if unable to provide proof of liability insurance upon the request of a law enforcement officer.

Maryland

MD Code, Transportation, § 16-122

- Have to provide documentation for 2 years of a filed Maryland income tax return or evidence the applicant has resided in Maryland and been claimed as a dependant by an individual who has filed a Maryland income tax return.
- Aesthetics
 - Clearly state on its face and in its machine-readable zone that it is not acceptable by federal agencies for official purposes
 - Have a unique design or color indicator that clearly distinguishes it from the design or color of an identification card
- Expiration date similar to a normal license's expiration date.
- Not valid for federal identification purposes.

New Mexico

N. M. S. A. 1978, § 66 -5 -9

- For foreign nationals applying for driver's licenses, the secretary shall accept the individual taxpayer identification number as a substitute for a social security number regardless of immigration status.
- The secretary is authorized to establish by regulation other documents that may be accepted as a substitute for a social security number or an individual tax identification number.

California: Assembly Bill 60 (“AB 60”) (2013), see Cal. Veh. Code §§ 12801, 12801.9. Grants original driver’s licenses to applicants who have never received a social security number *and* who are not presently eligible for a social security number. Applicants must meet all other qualifications for licensure and provide proof of identity and California residency. The statute sets forth a non-exhaustive, enumerated list of acceptable documents for identity and residency purposes, and grants authority to the California Department of Motor Vehicles (“CA DMV”) to adopt emergency regulations specifying additional acceptable documentation. Original driver’s licenses issued pursuant to this program are required to have a small recognizable, distinguishing feature on the front (specifically, the letters “DP” replace the existing “DL”) and a disclaimer on the back (“This card is not acceptable for official federal purposes. This license is issued only as a license to drive a motor vehicle. It does not establish eligibility for employment, voter registration, or public benefits.”). The statute also: prohibits discrimination on the basis of holding a driver’s license issued pursuant to this program; prohibits the CA DMV from disclosing information obtained by applicants (including immigration-related information) except as required by law; prevents employers from disclosing applicant’s driver’s license information; and prevents driver’s licenses issued pursuant to this program from being used to consider an individual’s immigration status or as a basis for investigation or arrest.

Connecticut: House Bill 6495 (“HB 6495”) (2013), see Conn. Gen. Stat. Ann. §§ 14-36, 14-36m. Grants driver’s license to applicants who do not have proof of legal presence in the U.S. *or* who do not have a social security number. Applicants must submit proof of Connecticut residency and identity; acceptable residency and identity documents are defined by statute. Applicants must also submit an affidavit attesting that he/she has filed an immigration application *or* that he/she intends to file such application once eligible to do so. Applicants who have been convicted of felonies in Connecticut are not eligible for the license. Driver’s licenses issued pursuant to this section are required to contain a disclaimer that the license is not valid for federal identification purposes. This driver’s license may not be used for voting purposes and is “for driving purposes only.”

Colorado: Senate Bill 251 (“SB 251”) (2013), see Colo. Rev. Stat. Ann. § 42-2-505. Grants driver’s licenses to applicants not lawfully present in the U.S. Applicants must: sign an affidavit attesting to Colorado residency and provide proof of residency; apply for and provide proof of an individual taxpayer identification number (“ITIN”) issued by the U.S. IRS; sign an affidavit attesting that the applicant has applied for lawful presence or will do so as soon as eligible; *and* present one of three enumerated identity documents from the applicant’s country of origin (passport, consular ID card, or military ID card). A driver’s licenses issued pursuant to this section must clearly display the following disclaimer on its face: “Not valid for federal identification, voting, or public benefit purposes.”

Nevada: Senate Bill 303 (“SB 303”)(2013), see Nev. Rev. Stat. Ann. § 483.291, allows applicants, regardless of status, to obtain driver authorization cards (DACs) by providing foreign birth certificates or passports as proof of age and identity. Applicants must also prove their residency in the state, which can be done by providing two original or certified copies of documents such as a rent receipt or lease, a bank or credit card statement, an employment pay stub, among others. DACs are valid for one year and cost \$22.25 (plus an additional \$25 for testing). DACs appear identical to standard driver’s licenses, except it states “not valid for identification” in the top right and states “Driver Authorization Card” instead of “Driver License.” In addition to DACs and standard driver’s licenses, Nevada began issuing REAL-ID compliant licenses on November 12, 2014. SB 303 also prohibits the release of information relating to one’s legal status for purposes of enforcing immigration laws. See Nev. Rev. Stat. Ann. § 481.063.

Utah: Senate Bill 227 (“SB 227”)(2005), see Utah Code Ann. § 53-3-207 provides for the issuance of driving privilege cards for individuals who do not have proof of lawful presence. The card is not valid as proof of age for any government purpose and is valid for one year. To obtain a driving privilege card, applicants must submit fingerprints and a photograph conducted by the Bureau of Criminal Investigation or another applicable law enforcement agency. There is a \$25 licensing fee and fingerprinting costs \$25 as well. Applicants who do not have a social security number must present proof of residency for six months and provide a tax identification number. The card states “for driving privileges only” on it. After the enactment of the driving privilege card, Utah saw a decline in its uninsured rate, in alcohol-related car crashes, and in the number of fatal car crashes. The law also requires the Bureau or agency to notify DHS (through ICE) if the applicant has any felony convictions in her criminal history or if there is an outstanding arrest warrant. The Bureau or agency is also required to inform DHS if the applicant is subsequently convicted of a crime for which there was a warrant. See Utah Code Ann § 53-3-205.5.

Vermont: Senate Bill 38 (“S38”)(2013), see Vt. Stat. Ann. tit. 23, § 603, allows individuals unable to establish legal presence to obtain an “operator’s privilege card” or alternate identification card. Applicants must have proof of their name, date and place of birth, and Vermont residency. Proof of name and date and place of birth can be achieved through valid foreign passports and certified records of birth, marriage, or divorce. Proof of residency can be established with two pieces of mail received within 30 days with the applicant’s name and address on it, a vehicle title or registration, a bank statement, an insurance card or bill, state or federal tax documents, or medical health bills, receipts, or records. Vermont’s operator’s privilege card is also available to residents who can establish legal presence but who otherwise fail to comply with the REAL ID requirements. The operator privilege card states on its face that it is not valid for federal identification or official purposes. The card expires at midnight on the eve of the applicant’s second birthday following the date of issuance, or, if the applicant pays a fee, on the eve of the applicant’s fourth birthday following the card’s issuance.

Washington: House Bill 1444 (“H 1444”)(1993), see Wash. Rev. Code Ann. § 46.20.035, allows applicants for driver’s licenses or “identcards” who lack social security numbers to obtain licenses or cards with alternate documentation to prove Washington residency. Such documentation includes utility bills and tax identification numbers. Washington was the first state to provide licenses for undocumented individuals. It has a uniform license system.