



SRE

CONSULADO DE MÉXICO
EN DETROIT

**LAWS OF THE STATE THAT
GRANT DRIVER'S
LICENSES TO UNDOCUMENTED
IMMIGRANTS**

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STATE OF ILLINOIS

SB0957 Engrossed
AN ACT concerning transportation.

LRB097 04725 HEP 44764 b

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The State Finance Act is amended by adding Section 5.826 as follows:

(30 ILCS 105/5.826 new)

Sec. 5.826. The Driver Services Administration Fund.

Section 10. The Illinois Vehicle Code is amended by changing Sections 6-105.1 and 6-601 as follows:

(625 ILCS 5/6-105.1)

Sec. 6-105.1. Temporary visitor's driver's license.

(a) The Secretary of State may issue a temporary visitor's driver's license to a foreign national who (i) resides in this State, (ii) is ineligible to obtain a social security number, and (iii) presents to the Secretary documentation, issued by United States Citizenship and Immigration Services, authorizing the person's presence in this country.

(a-5) The Secretary of State may issue a temporary visitor's driver's license to an applicant who (i) has resided in this State for a period in excess of one year, (ii) is ineligible to obtain a social security number, and (iii) 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 issued by a consulate of that country as defined in Section 5 of the Consular Identification Document Act (5 ILCS 230/5).

(a-10) Applicants for a temporary visitor's driver's license who are under 18 years of age at the time of application shall be subject to the provisions of Sections 6-107 and 6-108 of this Code.

(b) A temporary visitor's driver's license issued under subsection (a) is valid for 3 years, or for the period of time the individual is authorized to remain in this country, whichever ends sooner. A temporary visitor's driver's license issued under subsection (a-5) shall be valid for a period of 3 years.

(b-5) A temporary visitor's driver's license issued under this Section may not be accepted for proof of the holder's identity. A temporary visitor's driver's license issued under this Section 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.

(c) The Secretary shall adopt rules for implementing this Section, including rules:

- (1) regarding the design and content of the temporary visitor's driver's license;
- 2) establishing criteria for proof of identification and residency of an individual applying under subsection(a-5);

(3) designating acceptable evidence that an applicant is not eligible for a social security number; and

(4) regarding the issuance of temporary visitor's instruction permits.

(d) Any person to whom the Secretary of State may issue a temporary visitor's driver's license shall be subject to any and all provisions of this Code and any and all implementing regulations issued by the Secretary of State to the same extent as any person issued a driver's license, unless otherwise provided in this Code or by administrative rule, including but not limited to the examination requirements in Section 6-109 as well as the mandatory insurance requirements and penalties set forth in Article VI of Chapter 7 of this Code.

(d-5) A temporary visitor's driver's license is invalid if the holder is unable to provide proof of liability insurance as required by Section 7-601 of this Code upon the request of a law enforcement officer, in which case the holder commits a violation of Section 6-101 of this Code.

(e) Temporary visitor's driver's licenses shall be issued from a central location after the Secretary of State has verified the information provided by the applicant.

(f) There is created in the State treasury a special fund to be known as the Driver Services Administration Fund. All fees collected for the issuance of temporary visitor's driver's licenses shall be deposited into the Fund. These funds shall, subject to appropriation, be used by the Office of the Secretary of State for costs related to the issuance of temporary visitor's driver's licenses, and other operational costs, including personnel, facilities, computer programming, and data transmission.

(Source: P.A. 93-752, eff. 1-1-05.)

(625 ILCS 5/6-601) (from Ch. 95 1/2, par. 6-601)

Sec. 6-601. Penalties.

(a) It is a petty offense for any person to violate any of the provisions of this Chapter unless such violation is by this Code or other law of this State declared to be a misdemeanor or a felony.

(b) General penalties. Unless another penalty is in this Code or other laws of this State, every person convicted of a petty offense for the violation of any provision of this Chapter shall be punished by a fine of not more than \$500.

(c) Unlicensed driving. Except as hereinafter provided a violation of Section 6-101 shall be:

1. A Class A misdemeanor if the person failed to obtain a driver's license or permit after expiration of a period of revocation.

2. A Class B misdemeanor if the person has been issued a driver's license or permit, which has expired, and if the period of expiration is greater than one year; or if the

person has never been issued a driver's license or permit, or is not qualified to obtain a driver's license or permit because of his age.

3. A petty offense if the person has been issued a temporary visitor's driver's license or permit and is unable to provide proof of liability insurance as provided in subsection (d-5) of Section 6-105.1.

If a licensee under this Code is convicted of violating Section 6-303 for operating a motor vehicle during a time when such licensee's driver's license was suspended under the provisions of Section 6-306.3, then such act shall be a petty offense (provided the licensee has answered the charge which was the basis of the suspension under Section 6-306.3), and there shall be imposed no additional like period of suspension as provided in paragraph (b) of Section 6-303. (Source: P.A. 96-607, eff. 8-24-09.)

Section 15. The Consular Identification Document Act is amended by changing Section 10 as follows:

(5 ILCS 230/10)

Sec. 10. Acceptance of consular identification document.

(a) When requiring members of the public to provide identification, each State agency and officer and unit of local government shall accept a consular identification document as valid identification of a person.

(b) A consular identification document shall be accepted for purposes of identification only and does not convey an independent right to receive benefits of any type.

(c) A consular identification document may not be accepted as identification for obtaining a driver's license, other than a temporary visitor's driver's license, or registering to vote.

(d) A consular identification document does not establish or indicate lawful U.S. immigration status and may not be viewed as valid for that purpose, nor does a consular identification document establish a foreign national's right to be in the United States or remain in the United States.

(e) The requirements of subsection (a) do not apply if:

(1) a federal law, regulation, or directive or a federal court decision requires a State agency or officer or a unit of local government to obtain different identification;

(2) a federal law, regulation, or directive preempts state regulation of identification requirements; or

(3) a State agency or officer or a unit of local government would be unable to comply with a condition imposed by a funding source which would cause the State agency or officer or unit of local government to lose funds from that source.

(f) Nothing in subsection (a) shall be construed to prohibit a State agency or officer or a unit of local government from:

(1) requiring additional information from persons in order to verify a current address or other facts that would enable the State agency or officer or unit of local government to fulfill its responsibilities, except that this paragraph (1) does not permit a State agency or officer or a unit of local government to require additional information solely in order to establish identification of the person when the consular identification document is the form of identification presented;

(2) requiring fingerprints for identification purposes under circumstances where the State agency or officer or unit of local government also requires fingerprints from persons who have a driver's license or Illinois Identification Card; or

(3) requiring additional evidence of identification if the State agency or officer or unit of local government reasonably believes that: (A) the consular identification document is forged, fraudulent, or altered; or (B) the holder does not appear to be the same person on the consular identification document.

(Source: P.A. 94-389, eff. 1-1-06.)

Section 99. Effective date. This Act takes effect 10 months after becoming law.

State of Maryland

ARTICLE TRANSPORTATION

16-122

(a) (1) Notwithstanding any other provision of this article, the Administration shall, subject to the provisions of this section, issue or renew an identification card, a moped operator's permit, or a license to drive that is not acceptable by federal agencies for official purposes determined by the Secretary of the United States Department of Homeland Security if an applicant:

- (i)
 1. Has an unresolved non-match described under § 16-121 of this subtitle;
 2. Meets the requirements concerning the non-match contained in regulations adopted by the Administration that are consistent with regulations adopted by the Secretary of the United States Department of Homeland Security; and
 3. Would be otherwise eligible under this article for the issuance or renewal of an identification card under § 12-301 of this article, a moped operator's permit under § 16-104.2 of this subtitle, or a license to drive under this title, but for the unresolved non-match; or
- (ii)
 1. Does not provide satisfactory documentary evidence that the applicant has lawful status or a valid Social Security number;
 2. Certifies that the applicant does not have a Social Security number;

3. In the case of an applicant who is not a current holder of an identification card under § 12–301 of this article, a moped operator’s permit under § 16–104.2 of this subtitle, or a license to drive issued under this subtitle, provides documentary evidence that the applicant, for each of the preceding 2 years, has:

a. Filed a Maryland income tax return; or

b. Resided in Maryland and been claimed as a dependent by an individual who has filed a Maryland income tax return; and

4. Would be otherwise eligible for issuance or renewal of an identification card under § 12–301 of this article, a moped operator’s permit under § 16–104.2 of this subtitle, or a license to drive issued under this subtitle, but for the absence of documentary evidence described in item 2 of this item.

(2) This subsection does not apply to any provision of law applicable to the issuance or renewal of a commercial driver’s license under this title.

(3) An identification card, a moped operator’s permit, or a license to drive that is issued under this subsection shall include a statement that the document may not be used to purchase a firearm.

(b) The Administration may require that an application for issuance or renewal of an identification card, a moped operator’s permit, or a license to drive under this section be made in person.

(c) A person may not be a holder of an identification card, a moped operator’s permit, or a license to drive issued or renewed under this section if the person is the holder of any other identification card, moped operator’s permit, or license to drive issued or renewed under this section or any other section of this article.

(d) Each identification card, moped operator’s permit, and license to drive issued or renewed in accordance with this section shall:

(1) Clearly state on its face and in its machine–readable zone that it is not acceptable by federal agencies for official purposes;

(2) Have a unique design or color indicator that clearly distinguishes it from the design or color of an identification card under § 12–301 of this article, a moped operator’s permit under § 16–115 of this subtitle, or any license to drive under any other section of this subtitle; and

(3) Be of the size and design that the Administration requires, tamperproof, to the extent possible, and contain:

(i) The name and address of the applicant;

(ii) The birth date of the applicant;

(iii) The gender of the applicant;

(iv) A description of the applicant;

(v) A color photograph of the applicant taken by the procedure that the Administration requires

(vi) The expiration date of the identification card, moped operator's permit, or license to drive;

(vii) The signature of the applicant; and

(viii) The signature and seal of the issuing agent.

(e) An identification card, a moped operator's permit, or a license to drive issued or renewed under this section shall expire at the end of a period that is equivalent to the expiration period applicable for an identification card under § 12-301 of this article, a moped operator's permit under § 16-115 of this subtitle, or a license to drive under this subtitle.

(f) Except as otherwise expressly provided by law, an identification card, a moped operator's permit, or a license to drive issued under this section may be used for any purpose as legal identification of the holder to whom the identification card, moped operator's permit, or license to drive is issued.

(g) The Administration may establish a fee for the issuance or renewal of an identification card, a moped operator's permit, or a license to drive issued or renewed under this section.

(h) Except as expressly provided in this section, this section does not limit the application of any other provision of this article to an identification card, a moped operator's permit, or a license to drive issued under this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect January 1, 2014

State of New Mexico

SENATE BILL 9

50th legislature - STATE OF NEW MEXICO - first session, 2011

INTRODUCED BY: Peter Wirth

FOR THE COURTS, CORRECTIONS AND JUSTICE COMMITTEE

An Act

Relating to motor vehicles; modifying requirements for licensing drivers under eighteen years of age; requiring eighteen months of driving with a provisional license; providing for an

additional thirty days of driving with an instruction permit or a provisional license for each traffic violation committed; including seat belt laws and the use of mobile phones to the list of violations that would delay the issuance of a provisional license or driver's license to a person under age eighteen; reconciling multiple amendments to the same section of law in laws 2007.

Be it enacted by the legislature of the state of New Mexico:

SECTION 1. Section 66-5-1.1 NMSA 1978 (being Laws 1999, Chapter 175, Section 1) is amended to read:

"66-5-1.1. DEFINITION.--As used in Sections 66-5-8 and 66-5-9 NMSA 1978, "traffic violation" means:

A. failure to obey traffic-control devices, as provided in Section 66-7-104 NMSA 1978;

B. failure to obey traffic-control signals, as provided in Section 66-7-105 NMSA 1978;

C. speeding, as provided in Section 66-7-301 NMSA 1978;

D. failure to yield, as provided in Sections 66-7-328 through 66-7-332.1 NMSA 1978;

E. child not in restraint device or seat belt, as provided in Section 66-7-369 NMSA 1978;

F. failure to properly fasten safety belt, as provided in Section 66-7-372 NMSA 1978;

G. homicide by vehicle, as provided in Section 66-8-101 NMSA 1978;

H. injury to pregnant woman by vehicle, as provided in Section 66-8-101.1 NMSA 1978;

I. driving while under the influence of intoxicating liquor or drugs, as provided in Section 66-8-102 NMSA 1978;

J. refusal to submit to chemical tests, as provided in Section 66-8-111 NMSA 1978;

K. reckless driving, as provided in Section 66-8-113 NMSA 1978;

L. careless driving, as provided in Section 66-8-114 NMSA 1978;

M. racing on highways, as provided in Section 66-8-115 NMSA 1978; or

N. using a mobile communication device while driving a motor vehicle. As used in this subsection:

(1) "driving" means being in actual physical control of a motor vehicle on a highway or street, except that "driving" does not include being lawfully parked; and

(2) "mobile communication device" means a wireless communication device that is designed to receive and transmit voice, text or image communication."

SECTION 2. Section 66-5-5 NMSA 1978 (being Laws 1978, Chapter 35, Section 227, as amended by Laws 2007, Chapter 316, Section 1 and by Laws 2007, Chapter 317, Section 1) is amended to read:

"66-5-5. Persons not to be licensed.--The division shall not issue a driver's license under the Motor Vehicle Code to any person:

A. who is under the age of eighteen years, except the division may, in its discretion, issue:

(1) an instruction permit to a person fifteen years of age or older who is enrolled in and attending or has completed a driver education course approved by the bureau that includes a DWI education and prevention component;

(2) a provisional license to a person fifteen years and six months of age or older:

(a) who has completed a driver education course approved by the bureau or offered by a public school that includes a DWI education and prevention component and has had an instruction permit for at least six months as provided in Section 66-5-8 NMSA 1978; and

(b) who has successfully completed a practice driving component;

(3) a driver's license to a person seventeen years of age or older:

(a) who has had a provisional license for at least an eighteen-month period immediately preceding the date of the application for the driver's license as provided in Section 66-5-9 NMSA 1978;

(b) who has complied with restrictions on that license; and

(c) who has not been adjudicated for an offense involving the use of alcohol or drugs during the eighteen-month period immediately preceding the application for the driver's license and who has no pending adjudications alleging an offense involving the use of alcohol or drugs at the time of application; and

(4) to a person thirteen years of age or older who passes an examination prescribed by the division, a license restricted to the operation of a motorcycle, provided:

(a) the motorcycle is not in excess of one hundred cubic centimeters displacement;

(b) no holder of an initial license may carry any other passenger while driving a motorcycle; and

(c) the director approves and certifies motorcycles as not in excess of one hundred cubic centimeters displacement and by rule provides for a method of identification of such motorcycles by all law enforcement officers;

B. whose license or driving privilege has been suspended or denied, during the period of suspension or denial, or to any person whose license has been revoked, except as provided in Section 66-5-32 NMSA 1978 and the Ignition Interlock Licensing Act;

C. who is an habitual user of narcotic drugs or alcohol or an habitual user of any drug to a degree that renders the person incapable of safely driving a motor vehicle;

D. who is four or more times convicted of driving a motor vehicle while under the influence of intoxicating liquor or narcotic drug regardless of whether the convictions are under the laws or ordinances of this state or any municipality or county of this state or under the laws or ordinances of any other state, the District of Columbia or any governmental subdivision thereof, except as provided in the Ignition Interlock Licensing Act. Five years from the date of the fourth conviction and every five years thereafter, the person may apply to any district court of this state for restoration of the license, and the court, upon good cause being shown, may order restoration of the license applied for; provided that the person has not been subsequently convicted of driving a motor vehicle while under the influence of intoxicating liquor or drugs. Upon issuance of the order of restoration, a certified copy shall immediately be forwarded to the division, and if the person is otherwise qualified for the license applied for, the four previous convictions shall not prohibit issuance of the license;

E. who was convicted on or after June 17, 2005 of driving a motor vehicle while under the influence of intoxicating liquor or drugs pursuant to the laws or ordinances of any other state, the District of Columbia or any governmental subdivision thereof, unless the person obtains an ignition interlock license as provided in the Ignition Interlock Licensing Act for a period of one year for a first conviction; a period of two years for a second conviction; a period of three years for a third conviction; or the remainder of the offender's life for a fourth or subsequent conviction, subject to a five-year review as provided in Subsection D of this section. Upon presentation of proof satisfactory to the division, the division may credit time spent by a person operating a motor vehicle with an ignition interlock or comparable device, as a condition of the person's sentence for a conviction in another jurisdiction pursuant to this subsection, against the ignition interlock time requirements imposed by this subsection. The division shall promulgate rules necessary for granting credit to persons who participate in comparable out-of-state programs following a conviction for driving a motor vehicle while under the influence of intoxicating liquor or drugs. The requirements of this subsection shall not apply to a person who applies for a driver's license ten years or more from the date of the person's last conviction, except for a person who is subject to lifetime driver's license revocation for a conviction in another jurisdiction pursuant to this subsection;

F. who has previously been afflicted with or who is suffering from any mental disability or disease that would render the person unable to drive a motor vehicle with safety upon the highways and who has not, at the time of application, been restored to health;

G. who is required by the Motor Vehicle Code to take an examination, unless the person has successfully passed the examination;

H. who is required under the laws of this state to deposit proof of financial responsibility and who has not deposited the proof;

I. when the director has good cause to believe that the operation of a motor vehicle on the highways by the person would be inimical to public safety or welfare; or

J. as a motorcycle driver who is less than eighteen years of age and who has not presented a certificate or other evidence of having successfully completed a motorcycle driver education program licensed or offered in conformance with rules of the bureau."

SECTION 3. Section 66-5-8 NMSA 1978 (being Laws 1978, Chapter 35, Section 230, as amended) is amended to read:

"66-5-8. Provisional licenses--instruction permits--driver education students--temporary licenses.--

A. A person fifteen years and six months of age or older may apply to the division for a provisional license if the person:

(1) has completed a driver education course approved by the bureau that includes a DWI prevention and education component;

(2) has had an instruction permit for at least six months; provided that thirty days shall be added to the six months for each traffic violation committed during the time the person was driving with an instruction permit;

(3) has not been cited for a traffic violation that is pending at the time of application; and

(4) has successfully completed a practice driving component.

B. Successful completion of a practice driving component shall include not less than fifty hours of actual driving by the applicant, including not less than ten hours of night driving. An applicant for a provisional license who cannot drive at night due to low nighttime vision may be exempted from the night driving requirement of this subsection; provided that the applicant submits to the division an ophthalmologic or optometric report from a licensed ophthalmologist or optometrist who attests to the applicant's visual condition and its effect on the applicant's driving ability. The applicant's parent or guardian shall certify that the applicant has completed the practice driving component.

C. When operating a motor vehicle, a provisional licensee may be accompanied by not more than one passenger under the age of twenty-one who is not a member of the licensee's immediate family. A provisional license entitles the licensee, while having the license in the licensee's immediate possession, to operate a motor vehicle upon the public highways between the hours of 5:00 a.m. and midnight unless the provisional licensee is eligible for a license restricting driving to daylight hours. A provisional licensee may drive at any hour unless otherwise restricted as provided in this subsection if:

(1) accompanied by a licensed driver who is twenty-one years of age or older;

(2) required by family necessity as evidenced by a signed statement of a parent or guardian;

(3) required by medical necessity as evidenced by a signed statement from medical personnel;

(4) driving to and from work as evidenced by a signed statement from the licensee's employer;

(5) driving to and from school or a religious activity as evidenced by a signed statement of a school or religious official or a parent or guardian; or

(6) required due to a medical emergency.

D. A provisional license shall be in such form as to be readily distinguishable from an unrestricted driver's license and shall contain an indication that the licensee may drive without supervision.

E. A person fifteen years of age or older who is enrolled in and attending or has completed a driver education course approved by the bureau that includes a DWI prevention and education component may apply to the division for an instruction permit. The division, in its discretion after the applicant has successfully passed all parts of the examination other than the driving test, may issue to the applicant an instruction permit. This permit entitles the applicant, while having the permit in the applicant's immediate possession, to drive a motor vehicle upon the public highways when accompanied by a licensed driver who is twenty-one years of age or older, who has been licensed for at least three years in this state or in another state and who is occupying a seat beside the driver except in the event the permittee is operating a motorcycle.

F. A person fifteen years of age or older who is a student enrolled in and attending a driver education course that is approved by the bureau and that includes both a DWI education and prevention component and practice driving component may drive a motor vehicle on the highways of this state even though the person has not reached the legal age to be eligible for a driver's license or a provisional license. In completing the practice driving component, a person may only operate a motor vehicle on a public highway if:

(1) an approved instructor is occupying a seat beside the person; or

(2) a licensed driver who is twenty-one years of age or older and who has been licensed for at least three years in this state or another state is occupying a seat beside the person.

G. The division in its discretion may issue a temporary driver's permit to an applicant for a driver's license permitting the applicant to operate a motor vehicle while the division is completing its investigation and determination of all facts relative to the applicant's right to receive a driver's license. The permit shall be in [his] the applicant's immediate possession while operating a motor vehicle, and it shall be invalid when the applicant's license has been issued or for good cause has been refused.

H. A holder of an instruction permit for a motorcycle shall not carry any other passenger while operating a motorcycle."

SECTION 4. Section 66-5-9 NMSA 1978 (being Laws 1978, Chapter 35, Section 231, as amended) is amended to read:

"66-5-9. Application for license, temporary license, provisional license or instruction permit.—

A. An application for an instruction permit, provisional license or driver's license shall be made upon a form furnished by the department. An application shall be accompanied by the proper fee. For permits, provisional licenses or driver's licenses other than those issued pursuant to the New Mexico Commercial Driver's License Act, submission of a complete application with payment of the fee entitles the applicant to not more than three attempts to pass the examination within a period of six months from the date of application.

B. An application shall contain the full name, social security number or individual tax identification number, date of birth, sex and New Mexico residence address of the applicant and briefly describe the applicant and indicate whether the applicant has previously been licensed as a driver and, if so, when and by what state or country and whether any such license has ever been suspended or revoked or whether an application has ever been refused and, if so, the date of and reason for the suspension, revocation or refusal. 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.

C. An applicant shall indicate whether the applicant has been convicted of driving while under the influence of intoxicating liquor or drugs in this state or in any other jurisdiction. Failure to disclose any such conviction prevents the issuance of a driver's license, provisional license, temporary license or instruction permit for a period of one year if the failure to disclose is discovered by the department prior to issuance. If the nondisclosure is discovered by the department subsequent to issuance, the department shall revoke the driver's license, provisional license, temporary license or instruction permit for a period of one year. Intentional and willful failure to disclose, as required in this subsection, is a misdemeanor.

D. An applicant under eighteen years of age who is making an application for a first New Mexico driver's license shall submit evidence that the applicant has:

(1) successfully completed a driver education course approved by the bureau that included a DWI prevention and education component. The bureau may accept verification of driver education course completion from another state if the driver education course substantially meets the requirements of the bureau for a course offered in New Mexico;

(2) had a provisional license for at least the eighteen-month period immediately preceding the date of the application for the driver's license; provided

that thirty days shall be added to the eighteen-month period for each traffic violation committed during the time the person was driving with a provisional license;

(3) complied with restrictions on that license;

(4) not been cited for a traffic violation that is pending at the time of [his] application; and

(5) not been adjudicated for an offense involving the use of alcohol or drugs during the eighteen-month period immediately preceding the date of the application for the driver's license and that there are no pending adjudications alleging an offense involving the use of alcohol or drugs at the time of application.

E. An applicant eighteen years of age or over, but under twenty-five years of age, who is making an application to be granted a first New Mexico driver's license shall submit evidence with the application that the applicant has successfully completed a bureau-approved DWI prevention and education program.

F. An applicant twenty-five years of age or over who has been convicted of driving under the influence of intoxicating liquor or drugs and who is making an application to be granted a first New Mexico driver's license, shall submit evidence with the application that the applicant has successfully completed a bureau-approved DWI prevention and education program.

G. Whenever an application is received from a person previously licensed in another jurisdiction, the department may request a copy of the driver's record from the other jurisdiction. When received, the driver's record may become a part of the driver's record in this state with the same effect as though entered on the driver's record in this state in the original instance.

H. Whenever the department receives a request for a driver's record from another licensing jurisdiction, the record shall be forwarded without charge.

I. This section does not apply to driver's licenses issued pursuant to the New Mexico Commercial Driver's License Act."

State of Utah

53-3-207. License certificates or driving privilege cards issued to drivers by class of motor vehicle -- Contents -- Release of anatomical gift information -- Temporary licenses or driving privilege cards -- Minors' licenses, cards, and permits -- Violation.

(1) As used in this section:

(a) "Driving privilege" means the privilege granted under this chapter to drive a motor vehicle.

(b) "Governmental entity" means the state and its political subdivisions as defined in this Subsection (1).

(c) "Political subdivision" means any county, city, town, school district, public transit district, community development and renewal agency, special improvement or taxing district, local district, special service district, an entity created by an interlocal agreement adopted under Title 11, Chapter 13, Interlocal Cooperation Act, or other governmental subdivision or public corporation.

(d) "State" means this state, and includes any office, department, agency, authority, commission, board, institution, hospital, college, university, children's justice center, or other instrumentality of the state.

(2) (a) The division shall issue to every person privileged to drive a motor vehicle, a regular license certificate, a limited-term license certificate, or a driving privilege card indicating the type or class of motor vehicle the person may drive.

(b) A person may not drive a class of motor vehicle unless granted the privilege in that class.

(3) (a) Every regular license certificate, limited-term license certificate, or driving privilege card shall bear:

- (i) the distinguishing number assigned to the person by the division;
- (ii) the name, birth date, and Utah residence address of the person;
- (iii) a brief description of the person for the purpose of identification;
- (iv) any restrictions imposed on the license under Section 53-3-208;
- (v) a photograph of the person;
- (vi) a photograph or other facsimile of the person's signature;

(vii) an indication whether the person intends to make an anatomical gift under Title 26, Chapter 28, Revised Uniform Anatomical Gift Act, unless the driving privilege is extended under Subsection 53-3-214(3); and

(viii) except as provided in Subsection (3)(b), if the person states that the person is a veteran of the United States military on the application for a driver license in accordance with Section 53-3-205 and provides verification that the person was granted an honorable or general discharge from the United States Armed Forces, an indication that the person is a United States military veteran for a regular license certificate or limited-term license certificate issued on or after July 1, 2011.

(b) A regular license certificate or limited-term license certificate issued to any person younger than 21 years on a portrait-style format as required in Subsection (5)(b)(i) is not required to include an indication that the person is a United States military veteran under Subsection (3)(a)(viii).

(c) A new license certificate issued by the division may not bear the person's Social Security number.

(d) (i) The regular license certificate, limited-term license certificate, or driving privilege card shall be of an impervious material, resistant to wear, damage, and alteration.

(ii) Except as provided under Subsection (4)(b), the size, form, and color of the regular license certificate, limited-term license certificate, or driving privilege card shall be as prescribed by the commissioner.

(iii) The commissioner may also prescribe the issuance of a special type of limited regular license certificate, limited-term license certificate, or driving privilege card under Subsection 53-3-220(4).

(4) (a) (i) The division, upon determining after an examination that an applicant is mentally and physically qualified to be granted a driving privilege, may issue to an applicant a receipt for the fee if the applicant is eligible for a regular license certificate or limited-term license certificate.

(ii) (A) The division shall issue a temporary regular license certificate or temporary limited-term license certificate allowing the person to drive a motor vehicle while the division is completing its investigation to determine whether the person is entitled to be granted a driving privilege.

(B) A temporary regular license certificate or a temporary limited-term license certificate issued under this Subsection (4) shall be recognized and have the same rights and privileges as a regular license certificate or a limited-term license certificate.

(b) The temporary regular license certificate or temporary limited-term license certificate shall be in the person's immediate possession while driving a motor vehicle, and it is invalid when the person's regular license certificate or limited-term license certificate has been issued or when, for good cause, the privilege has been refused.

(c) The division shall indicate on the temporary regular license certificate or temporary limited-term license certificate a date after which it is not valid as a temporary license.

(d) (i) Except as provided in Subsection (4)(d)(ii), the division may not issue a temporary driving privilege card or other temporary permit to an applicant for a driving privilege card.

(ii) The division may issue a learner permit issued in accordance with Section 53-3-210.5 to an applicant for a driving privilege card.

(5) (a) The division shall distinguish learner permits, temporary permits, regular license certificates, limited-term license certificates, and driving privilege cards issued to any person younger than 21 years of age by use of plainly printed information or the use of a color or other means not used for other regular license certificates, limited-term license certificates, or driving privilege cards.

(b) The division shall distinguish a regular license certificate, limited-term license certificate, or driving privilege card issued to any person:

(i) younger than 21 years of age by use of a portrait-style format not used for other regular license certificates, limited-term license certificates, or driving privilege cards and by plainly printing the date the regular license certificate, limited-term license certificate, or driving privilege card holder is 21 years of age, which is the legal age for purchasing an alcoholic beverage or alcoholic product under Section 32B-4-403; and

(ii) younger than 19 years of age, by plainly printing the date the regular license certificate, limited-term license certificate, or driving privilege card holder is 19 years of age, which is the legal age for purchasing tobacco products under Section 76-10-104.

(6) The division shall distinguish a limited-term license certificate by clearly indicating on the document:

(a) that it is temporary; and

(b) its expiration date.

(7) (a) The division shall only issue a driving privilege card to a person whose privilege was obtained without providing evidence of lawful presence in the United States as required under Subsection 53-3-205(8).

(b) The division shall distinguish a driving privilege card from a license certificate by:

(i) use of a format, color, font, or other means; and

(ii) clearly displaying on the front of the driving privilege card a phrase substantially similar to "FOR DRIVING PRIVILEGES ONLY -- NOT VALID FOR IDENTIFICATION".

(8) The provisions of Subsection (5)(b) do not apply to a learner permit, temporary permit, temporary regular license certificate, temporary limited-term license certificate, or any other temporary permit.

(9) The division shall issue temporary license certificates of the same nature, except as to duration, as the license certificates that they temporarily replace, as are necessary to implement applicable provisions of this section and Section 53-3-223.

(10) (a) A governmental entity may not accept a driving privilege card as proof of personal identification.

(b) A driving privilege card may not be used as a document providing proof of a person's age for any government required purpose.

(11) A person who violates Subsection (2)(b) is guilty of a class C misdemeanor.

(12) Unless otherwise provided, the provisions, requirements, classes, endorsements, fees, restrictions, and sanctions under this code apply to a:

(a) driving privilege in the same way as a license or limited-term license issued under this chapter; and

(b) limited-term license certificate or driving privilege card in the same way as a regular license certificate issued under this chapter.

Amended by Chapter 85, 2014 General Session

State of Washington

RW 46.20.035

Proof of identity.

The department may not issue an identicard or a Washington state driver's license that is valid for identification purposes unless the applicant meets the identification requirements of subsection (1), (2), or (3) of this section.

(1) A driver's license or identicard applicant must provide the department with at least one of the following pieces of valid identifying documentation that contains the signature and a photograph of the applicant:

(a) A valid or recently expired driver's license or instruction permit that includes the date of birth of the applicant;

(b) A Washington state identicard or an identification card issued by another state;

(c) An identification card issued by the United States, a state, or an agency of either the United States or a state, of a kind commonly used to identify the members or employees of the government agency;

(d) A military identification card;

(e) A United States passport; or

(f) An immigration and naturalization service form.

(2) An applicant who is a minor may establish identity by providing an affidavit of the applicant's parent or guardian. The parent or guardian must accompany the minor and display or provide:

(a) At least one piece of documentation in subsection (1) of this section establishing the identity of the parent or guardian; and

(b) Additional documentation establishing the relationship between the parent or guardian and the applicant.

(3) A person unable to provide identifying documentation as specified in subsection (1) or (2) of this section may request that the department review other available documentation in order to ascertain identity. The department may waive the requirement if it finds that other documentation clearly establishes the identity of the applicant. Notwithstanding the requirements in subsection (2) of this section, the department shall issue an identicard to an applicant for whom it receives documentation pursuant to RCW 74.13.283.

(4) An identicard or a driver's license that includes a photograph that has been renewed by mail or by electronic commerce is valid for identification purposes if the applicant met the identification requirements of subsection (1), (2), or (3) of this section at the time of previous issuance.

(5) The form of an applicant's name, as established under this section, is the person's name of record for the purposes of this chapter.

(6) If the applicant is unable to prove his or her identity under this section, the department shall plainly label the license "not valid for identification purposes."
[2008 c 267 Â§ 8; 2004 c 249 Â§ 2; 1999 c 6 Â§ 8; 1998 c 41 Â§ 10; 1993 c 452 Â§ 1.]

Notes:

Intent -- 1999 c 6: See note following RCW 46.04.168.

Intent -- Construction -- Effective date -- 1998 c 41: See notes following RCW 46.20.265.
WAC 308-104-040

Driver's licenses for identification and identicards.

As provided by RCW 46.20.035, no identicard shall be issued, nor shall any Washington state driver's license be issued, other than as provided in RCW 46.20.035(5), unless the applicant has satisfied the department regarding his or her identity.

(1)(a) Except as provided in subsections (2) and (3) of this section, an applicant has not satisfied the identity requirements of RCW 46.20.035 unless he or she displays or provides the department with at least one of the following pieces of valid identifying documentation:

- (i) A valid or recently expired driver's license or instruction permit that contains the signature, date of birth, and a photograph of the applicant;
- (ii) A Washington state identicard or an identification card issued by another state that contains the signature and a photograph of the applicant;
- (iii) An identification card issued by the United States, a state, or an agency of either the United States or a state, of a kind commonly used to identify the members or employees of the government agency, that contains the signature and a photograph of the applicant;
- (iv) A military identification card that contains the signature and a photograph of the applicant;
- (v) A United States passport that contains the signature and a photograph of the applicant;
- (vi) An Immigration and Naturalization Service form that contains the signature and photograph of the applicant; or
- (vii) If the applicant is a minor, an affidavit of the applicant's parent or guardian where the parent or guardian displays or provides at least one piece of identifying documentation as specified in this subsection along with additional documentation establishing the relationship between the parent or guardian and the applicant.

(b) In addition to the valid identifying documentation listed in subsection (1)(a), the department may request supplemental identifying documentation, or may undertake an investigation to verify the validity of any documentation presented, in order to ascertain identity.

(2) An applicant unable to present a piece of identifying documentation listed in RCW 46.20.035 (1) or (2) may request that other identifying documentation be considered by the department in order to ascertain identity, as provided by RCW 46.20.035(3). The department may waive the requirement for a piece of valid identifying documentation listed in RCW 46.20.035 (1) or (2) if the applicant presents sufficient valid supporting documents found by the department to clearly establish the identity of the applicant. For purposes of this subsection, the department has found the following pieces of documentation to be sufficient to clearly establish identity:

- (a) A foreign country's passport, containing the signature and a photograph of the individual, that has with it a valid United States Immigration and Naturalization entry form (I-94);

- (b) An enrollment card issued by a federally recognized Indian tribe, containing the signature and a photograph of the individual, with one other supporting document;
 - (c) An identification card issued by the United States Bureau of Indian Affairs, containing the signature and a photograph of the individual, with one other supporting document;
 - (d) A written identification verification document completed by the Washington department of corrections; and
 - (e) A Washington city or county police employee identification card, containing the signature and a photograph of the individual, with one other supporting document;
- (3) If an applicant is unable to satisfy the department regarding his or her identity under subsections (1) or (2) of this section, he or she may request that the department review other documentation in order to ascertain identity, as provided by RCW 46.20.035(3).
- (a) If the licensing services representative assisting the applicant is unable to ascertain identity from the documents presented, the applicant shall be referred to an in-office document reviewer for further assistance. The in-office document reviewer will evaluate the applicant's documentation in order to determine whether identity can be clearly established.
 - (b) If the in-office document review cannot clearly establish an applicant's identity, and if requested by an applicant, a senior technician for the region in which the applicant is making application will evaluate the applicant's documentation in order to determine whether identity can be clearly established.
 - (c) If requested by the applicant, the senior technician shall refer the applicant to driver licensing headquarters staff for final determination whether identity can be clearly established.

[Statutory Authority: RCW 46.01.110. WSR 00-18-070, § 308-104-040, filed 9/1/00, effective 10/2/00; WSR 93-22-071, § 308-104-040, filed 11/1/93, effective 12/2/93; WSR 82-03-046 (Order 668 DOL), § 308-104-040, filed 1/19/82; Order 468-DOL, § 308-104-040, filed 12/30/77; Order 691101, § 308-104-040, filed 11/26/69.]

RCW 46.20.031

Ineligibility.

The department shall not issue a driver's license to a person:

- (1) Who is under the age of sixteen years;
- (2) Whose driving privilege has been withheld unless and until the department may authorize the driving privilege under RCW 46.20.311;
- (3) Who has been classified as an alcoholic, drug addict, alcohol abuser, or drug abuser by a program approved by the department of social and health services. The department may, however, issue a license if the person:
 - (a) Has been granted a deferred prosecution under chapter 10.05 RCW; or
 - (b) Is satisfactorily participating in or has successfully completed an alcohol or drug abuse treatment program approved by the department of social and health services and has established control of his or her alcohol or drug abuse problem;
- (4) Who has previously been adjudged to be mentally ill or insane, or to be incompetent due to a mental disability or disease. The department shall, however, issue a license to the person if he or she otherwise qualifies and:
 - (a) Has been restored to competency by the methods provided by law; or
 - (b) The superior court finds the person able to operate a motor vehicle with safety upon the highways during such incompetency;

- (5) Who has not passed the driver's licensing examination required by RCW 46.20.120 and 46.20.305, if applicable;
- (6) Who is required under the laws of this state to deposit proof of financial responsibility and who has not deposited such proof;
- (7) Who is unable to safely operate a motor vehicle upon the highways due to a physical or mental disability. The department's conclusion that a person is barred from licensing under this subsection must be reasonable and be based upon good and substantial evidence. This determination is subject to review by a court of competent jurisdiction.

[2002 c 279 § 3; 1999 c 6 § 7; 1995 c 219 § 1; 1993 c 501 § 2; 1985 c 101 § 1; 1977 ex.s. c 162 § 1; 1965 ex.s. c 121 § 4.]

Notes:

Intent -- 1999 c 6: See note following RCW 46.04.168.

Allowing unauthorized person to drive: RCW 46.16A.520, 46.20.024.

Juvenile driving privileges, alcohol or drug violations: RCW 66.44.365, 69.50.420.

State of Colorado
CHAPTER 402
MOTOR VEHICLES AND TRAFFIC REGULATION
SENATE BILL 13-251

BY SENATOR(S) Ulibarri and Morse, Aguilar, Carroll, Giron, Guzman, Heath, Hodge, Hudak, Johnston, Jones, Kefalas, Newell, Schwartz, Steadman, Tochtrop, Todd, Nicholson; also REPRESENTATIVE(S) Melton, Moreno, Salazar, Buckner, Duran, Foote, Garcia, Hullinghorst, Labuda, Pabon, Rosenthal, Ryden, Williams.

An act concerning documentary evidence needed for an individual to be issued an identity document by the department of revenue, and, in connection therewith, making an appropriation.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 42-2-104, amend (3) introductory portion and (3) (e); and add (6) as follows:

42-2-104. Licenses issued - denied. (3) The department shall not issue any A license to:

- (e) Any A person whose presence in the United States is in violation of federal immigration laws;
- (6) The department shall not issue a driver's license, minor driver's license, or instruction permit to an individual whose authorization to be present in the United States is temporary unless the individual applies under and complies with part 5 of this article.

SECTION 2. In Colorado Revised Statutes, 42-2-107, amend (1) (c) as follows:

42-2-107. Application for license or instruction permit - anatomical gifts - donations to Emily Maureen Ellen Keyes organ and tissue donation awareness fund - legislative declaration - repeal. (1) (c) The department may ~~SHALL~~ not issue a driver's or minor driver's license to any A person who is not lawfully present in the United States.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

SECTION 3. In Colorado Revised Statutes, 42-2-302, add (7) as follows:

42-2-302. Department may issue - limitations. (7) The department shall not issue an identification card to an individual whose authorization to be present in the united states is temporary unless the individual applies under and complies with part 5 of this article.

SECTION 4. In Colorado Revised Statutes, add part 5 to article 2 of title 42 as follows:

PART 5

Colorado road and community safety Act

42-2-501. Short title. This part 5 may be known and cited as the "Colorado road and community safety Act".

42-2-502. Legislative declaration.

the purpose of this part 5 is to authorize an individual to qualify for a driver's license, minor driver's license, instruction permit, or identification card despite the individual not being lawfully present or being temporarily lawfully present in the united states. this part 5 is not intended to change other qualifications, requirements, or consequences of holding the document under parts 1 to 3 of this article, article 7 of this title, or any other provision of law. the suspension or revocation of driving privileges, the required fees, financial responsibility requirements, rules of the road, administrative procedures and hearings, qualifications for a driver's license, violations and penalties, and other provisions that apply to driver's licenses, minor driver's licenses, instruction permits, and identification cards are not intended to be affected by this part 5.

42-2-503. Definitions. As used in this part 5, unless the context otherwise requires:

(1) "Identification document" means a driver's license, minor driver's license, instruction permit, or identification card issued by the department of revenue under parts 1 and 3 of this article.

(2) "proof of return filing" means the document issued under section 39-21-113 (4) (b), c.r.s., that certifies that the applicant filed a Colorado resident income tax return.

(3) "Temporarily present" means a person whose authority to lawfully remain in the united states is temporary and who qualifies for a temporary identification document card under pub.l. 109-13, division b, title ii, sec. 202 (c) (2) (c).

42-2-504. Applicability.

(1) This part 5. This part 5 applies to identification documents for individuals who are not citizens of the United States and who do not have permanent residency status.

(2) Other provisions. Parts 1 to 4 of this article and article 7 of this title apply to identification documents issued under this part 5, but this part 5 supercedes parts 1 to 3 of this article and article 7 of this title for identification documents issued in compliance with this part 5.

(3) Commercial driver's licenses. this part 5 does not authorize the issuance of a commercial driver's license or commercial driving learner's permit under part 4 of this article to a person who is not lawfully present in the united states.

42-2-505. Identification documents - individuals not lawfully present.

(1) Documents issued. An individual who is not lawfully present may apply for an identification document in accordance with this part 5. the department shall issue an identification document to an applicant who:

- (a) qualifies for the document applied for except for qualifications that conflict with this section; and
- (b) (i) signs an affidavit that the applicant is currently a resident and presents proof of return filing for the immediately preceding year and evidence of residence in colorado that conforms to the standards of pub.l. 109-13, division b, title ii, sec. 201 et seq. or any rules promulgated under pub.l. 109-13, division b, title ii, sec. 201 et seq.; or
 - (ii) signs an affidavit that the applicant has continuously been a resident in colorado for the immediately preceding twenty-four months and presents evidence of residence in colorado for the immediately preceding twenty-four months that conforms to the standards of pub.l.109-13, division b, title ii, sec. 201 et seq. or any rules promulgated under pub.l. 109-13, division b, title ii, sec. 201 et seq.; and
- (c) documents an individual taxpayer identification number issued by the united states internal revenue service;
- (d) affirms in an affidavit signed by the applicant that the applicant has applied to be lawfully present within the united states or will apply to be lawfully present as soon as the applicant is eligible; and
- (e) presents one of the following from the applicant's country of origin:
 - (i) a passport;
 - (ii) a consular identification card; or
 - (iii) a military identification document.

(2) Document contents.

(a) on an identification document issued under this section, the department shall place the phrase "not valid for federal identification, voting, or public benefit purposes" clearly displayed on the face and incorporated into the machine readable zone. The department may use a substantially similar phrase if required by federal law.

(b) the department shall design the identification document issued under this section to be distinguishable from another identification document issued under this article in compliance with federal law.

(3) graduated driver's license requirements. to be issued a minor driver's license under this section, an applicant who is under eighteen years of age must comply with section 42-2-104 (4).

42-2-506. Identification documents - individuals temporarily lawfully present.

(1) an individual who is temporarily present in the united states may apply for an identification document under this section. the department shall issue an identification document if:

- (a) the individual:
 - (i) qualifies for the document applied for except for qualifications that conflict with this section; and
 - (ii) produces documents that satisfy the department that the individual is lawfully present in the united states; and
- (b) the federal government confirms the individual's status, including electronically through the save or solve systems.

42-2-507. Taxpayer identification number - confidentiality.

The department shall keep the applicant's individual taxpayer identification number confidential and shall not place it on the applicant's document; except that this confidentiality requirement does not extend to the state child support enforcement agency, the department, or a court of competent jurisdiction when requesting information in the course of activities authorized under article 13 of title 26, c.r.s., or article 14 of title 14, c.r.s.

42-2-508. Fees - rule.

The department may promulgate a rule imposing an additional fee for issuance of a document issued under this part 5 to cover the direct and indirect cost of implementing this part 5.

42-2-509. Renewal.

an identification document issued under this part 5 expires three years after issuance. the holder of the document must apply for renewal to continue to hold a valid identification document.

42-2-510. Peace officers - arrest authority.

an immigration status violation is a federal offense. a peace officer is not authorized to arrest an individual merely for possessing an identification document issued under this part 5.

SECTION 5. In Colorado Revised Statutes, amend 24-72.1-103 as follows:

24-72.1-103. Identity documents - verifiable.

(1) Except as provided in subsection (3) of this section, a public entity that provides services shall not accept, rely upon, or utilize an identification document to provide services unless it is a secure and verifiable document.

(2) Except as provided in subsection (3) of this section, a public entity that is issuing an identification card, license, permit, or official document shall not authorize acceptance of an identification document, nor shall a public official acting in an official capacity accept an the holder's identification document before issuing such official documents, unless such the identification document is a secure and verifiable document.

(3)The department of revenue may issue a driver's license, minor driver's license, instruction permit, or identification card in accordance with part 5 of article 2 of title 42, c.r.s., but the license, permit, or card is not a secure and verifiable document.

SECTION 6. In Colorado Revised Statutes, 24-76.5-103, amend (4) (a) (I) as follows:

24-76.5-103. Verification of lawful presence - exceptions - reporting - rules.

(4) An agency or a political subdivision shall verify the lawful presence in the United States of each applicant eighteen years of age or older for federal public benefits or state or local public benefits by requiring the applicant to:

(a) Produce:

(i) A valid Colorado driver's license or a Colorado identification card issued pursuant to UNDER article 2 of title 42, C.R.S., UNLESS THE APPLICANT HOLDS A LICENSE OR CARD ISSUED UNDER PART 5 OF ARTICLE 2 OF TITLE 42, C.R.S.; or

SECTION 7. In Colorado Revised Statutes, 39-21-113, amend (4) (b) as follows:

39-21-113. Reports and returns - repeal - rule. (4) (b)

(i) Nothing in This section shall be construed to DOES NOT prohibit the delivery to a person or his or her duly authorized representative of a copy of any return or report filed in connection with his or her tax. Such copies THE COPY may be certified by the executive director of the department of revenue or the head of any A group, division, or subordinate department, as appointed by the executive director in accordance with article 35 of title 24, C.R.S., and when so certified shall be IS evidence equally with and in like manner as the originals and may be received USED by the courts of this state A COURT as evidence of the contents of the originals.

(ii) an individual or his or her duly authorized representative may also request proof of return filing for particular tax years. following request and payment of the applicable fee, the department shall provide proof of return filing for a period for which the taxpayer has filed a return and requested proof of return filing. the department shall include in the proof of filing:

(a) the individual's name;

(b) the individual's address as shown on the most recently filed return;

(c) the dates of the tax periods of the requested returns; and

(d) a statement as to whether the most recently filed return was filed as a resident of Colorado, or, if a part-year resident, the date the individual acquired or abandoned residency.

(iii) the department shall promulgate a rule establishing and charging a fee for the issuance of proof of return filing. to be valid, the charge must be based on the actual cost of issuing the proof of return filing.

SECTION 8. Appropriation.

(1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund, not otherwise appropriated, to the department of revenue, for the fiscal year beginning July 1, 2013, the sum of \$436,292, or so much thereof as may be necessary, to be allocated for the implementation of this act as follows:

(a) \$7,725 to the executive director's office for the purchase of legal services from the department of law;

(b) \$35,774 to the information technology division for the purchase of computer center services; and

(c) \$392,793 to the division of motor vehicles for contract services and document design.

(2) In addition to any other appropriation, there is hereby appropriated to the department of law, for the fiscal year beginning July 1, 2013, the sum of \$7,725 and 0.1 FTE, or so much thereof as may be necessary, for the provision of legal services for the department of revenue related to the implementation of this act. Said sum is from reappropriated funds received from the department of revenue out of the appropriation made in paragraph (a) of subsection (1) of this section.

(3) In addition to any other appropriation, there is hereby appropriated to the governor - lieutenant governor - state planning and budgeting, for the fiscal year beginning July 1, 2013, the sum of \$35,774, or so much thereof as may be necessary, for allocation to the office of information technology, for the provision of computer center services for the department of revenue related to the implementation of this act. Said sum is from reappropriated funds received from the department of revenue out of the appropriation made in paragraph (b) of subsection (1) of this section.

SECTION 9. Act subject to petition - effective date - applicability.

(1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2014 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to applications submitted on or after August 1, 2014. Approved: June 5, 2013

State of California

ASSEMBLY BILL NO. 60

Chapter 524

An act to amend, repeal, and add Sections 1653.5, 12800, 12801, and 12801.5 of, and to add Sections 12801.9, 12801.10, and 12801.11 to, the Vehicle Code, relating to driver's licenses.

[Approved by Governor October 03, 2013. Filed with Secretary of State October 03, 2013.]

LEGISLATIVE COUNSEL'S DIGEST

AB 60, Alejo. Driver's licenses: eligibility: required documentation.

(1) Existing law requires the Department of Motor Vehicles (DMV) to require an applicant for an original driver's license or identification card to submit satisfactory proof that the applicant's presence in the United States is authorized under federal law. Existing law prohibits the department from issuing an original driver's license or identification card to a person who does not submit satisfactory proof that his or her presence in the United States is authorized under federal law.

This bill would require the department to issue an original driver's license to a person who is unable to submit satisfactory proof that the applicant's presence in the United States is authorized under federal law if he or she meets all other qualifications for licensure and provides satisfactory proof to the department of his or her identity and California residency. The bill would require the department to adopt emergency regulations, in consultation with appropriate interested parties, as prescribed, to implement those provisions, including identifying documents acceptable for the purposes of providing identity and California residency and procedures for verifying the authenticity of the documents. The bill would require the department to accept various types of documentation for this purpose. The bill would require a license issued pursuant to those provisions, including temporary licenses, to include on the front of the card a recognizable feature and a specified notice. The bill would authorize the department to modify these licenses if these licenses do not meet federal requirements. The bill would provide that information collected pursuant to those provisions is not a public record and shall not be disclosed by the department, except as required by law. This bill would make it a violation of law to discriminate against an individual because he or she holds or presents a license issued under these provisions. The bill would require, on or before January 1, 2018, the California Research Bureau to compile and submit to the Legislature and the Governor a report that, among other things, includes instances when these licenses are used to discriminate against an individual. The bill would provide that a person applying for a license pursuant to these provisions may be required to pay, only until June 30,

2017, an additional fee to offset the reasonable administrative costs of implementing these provisions. The bill would make other technical and conforming changes.

(2) Existing law requires the department to require an application for a driver's license to contain the applicant's social security number and any other number or identifier determined to be appropriate by the department. Existing law authorizes an applicant who provides satisfactory proof that his or her presence in the United States is authorized under federal law, but who is not eligible for a social security number, to receive an original driver's license if he or she meets all other requirements for licensure.

This bill would authorize an applicant who is unable to provide satisfactory proof that his or her presence in the United States is authorized under federal law to sign an affidavit attesting that he or she is both ineligible for a social security number and unable to submit satisfactory proof that his or her presence in the United States is authorized under federal law in lieu of submitting a social security number. The bill would prohibit the use of this information to consider an individual's citizenship or immigration status as a basis for a criminal investigation, arrest, or detention.

This bill would make these changes operative on January 1, 2015, or on the date the director of the department executes a specified declaration, whichever is sooner. The bill would make these provisions inoperative on the effective date of a final judicial determination made by any court of appellate jurisdiction that any of these provisions, or their application, are enjoined, found unconstitutional, or held invalid for any reason. The bill would require the department to post this information on its Internet Web site.

This bill would state that its provisions do not authorize an individual to apply for, or be issued, a commercial driver's license without submitting his or her social security account number with his or her application.

DIGEST KEY

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

BILL TEXT

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

(a) According to a report by the AAA Foundation for Traffic Safety, car crashes rank among the leading causes of death in the United States.

(b) Previous studies done by the foundation have found that approximately one in five fatal crashes in the United States involve an unlicensed or invalidly licensed driver.

(c) The California Department of Motor Vehicles, Licensing Operations Division, Research and Development Branch has stated that unlicensed driving is a major California safety problem.

(d) In a report titled, "Estimating the Exposure and Fatal Crash Rates of Suspended/Revoked and Unlicensed Drivers in California" published in Accident Analysis and Prevention, 29(1), the Department of Motor Vehicles estimates that 12 percent of the drivers on the road do not have valid driver's licenses.

(e) In the State of California, there are potentially 1.4 million drivers who are unlicensed and uninsured.

(f) It is our responsibility to ensure that all California drivers are properly trained, tested, and insured in order to make our roads safer.

(g) In order to meet the operative date established in this act, it is necessary for the California Department of Motor Vehicles to promulgate regulations pursuant to the emergency rulemaking process.

(h) The California Department of Motor Vehicles currently issues approximately 900,000 original driver's licenses annually, and estimates there will be an additional 1.4 million original driver's license applicants over a three year period under the provisions of this act.

(i) To provide services to this added volume of original driver license applicants, the California Department of Motor Vehicles must undertake significant and costly activities, including, among others, the hiring of additional temporary staff, the training of existing and additional temporary staff, and obtaining and preparing new temporary facilities to process the applications.

(j) The California Department Motor Vehicles must promulgate regulations to determine the appropriate documentation necessary to prove identity and California residency under the provisions of this act, and procedures for verifying the authenticity of the documentation.

(k) The California Department of Motor Vehicles must also modify driver licenses issued under this act to satisfy the requirements of Section 37.71 of Title 6 of the Code of Federal Regulations, adopted pursuant to paragraph (11) of subdivision (d) of Section 202 of the Real ID Act of 2005 (Public Law 109-13).

(l) Therefore, the California Department of Motor Vehicles may assess an additional fee to applicants applying under the provisions of this act in an amount sufficient to offset the reasonable costs of implementing the provisions of the act. If this additional fee is assessed, it shall be assessed only until June 30, 2017.

SEC. 2. The Legislature further finds and declares all of the following:

(a) The holder of a driver's license issued pursuant to Section 12801.9 shall not by reason of that driver's license be treated in a discriminatory manner pursuant to the Unruh Civil Rights Act (Section 51 of the Civil Code) or any other law.

(b) A driver's license issued pursuant to Section 12801.9 shall not be used as evidence of the holder's citizenship or immigration status, and shall not be used as a basis for a criminal investigation, arrest, or detention in circumstances where a person with a driver license that was not issued under Section 12801.9 would not be criminally investigated, arrested, or detained.

(c) The State of California is in the process of demonstrating its compliance with the requirements of the REAL ID Act of 2005 (Public Law 109-13).

SEC. 3. Section 1653.5 of the Vehicle Code is amended to read:

1653.5.

(a) Every form prescribed by the department for use by an applicant for the issuance or renewal by the department of a driver's license or identification card pursuant to Division 6 (commencing with Section 12500) shall contain a section for the applicant's social security account number.

(b) Every form prescribed by the department for use by an applicant for the issuance, renewal, or transfer of the registration or certificate of title to a vehicle shall contain a section for the applicant's driver's license or identification card number.

(c) A person who submits to the department a form that, pursuant to subdivision (a), contains a section for the applicant's social security account number, or pursuant to subdivision (b), the applicant's driver's license or identification card number, if any, shall furnish the appropriate number in the space provided.

(d) The department shall not complete an application that does not include the applicant's social security account number or driver's license or identification card number as required under subdivision (c).

(e) An applicant's social security account number shall not be included by the department on a driver's license, identification card, registration, certificate of title, or any other document issued by the department.

(f) Notwithstanding any other law, information regarding an applicant's social security account number, obtained by the department pursuant to this section, is not a public record and may not be disclosed by the department except for any of the following purposes:

(1) Responding to a request for information from an agency operating pursuant to, and carrying out the provisions of, Part A (Aid to Families with Dependent Children), or Part D (Child Support and Establishment of Paternity), of Subchapter IV of Chapter 7 of Title 42 of the United States Code.

(2) Implementation of Section 12419.10 of the Government Code.

(3) Responding to information requests from the Franchise Tax Board for the purpose of tax administration.

(g) This section shall become inoperative on January 1, 2015, or on the date that the director executes a declaration pursuant to Section 12801.11, whichever is sooner, and as of January 1, 2015, is repealed, unless a later enacted statute, that is enacted before January 1, 2015, deletes or extends that date.

SEC. 4. Section 1653.5 is added to the Vehicle Code, to read:

1653.5.

(a) Each form prescribed by the department for use by an applicant for the issuance or renewal by the department of a driver's license or identification card pursuant to Division 6 (commencing with Section 12500) shall contain a section for the applicant's social security account number.

(b) Each form prescribed by the department for use by an applicant for the issuance, renewal, or transfer of the registration or certificate of title to a vehicle shall contain a section for the applicant's driver's license or identification card number.

(c) Except as provided in Section 12801, a person who submits to the department a form that, pursuant to subdivision (a), contains a section for the applicant's social security account number, or pursuant to subdivision (b), the applicant's driver's license or identification card number, if any, shall furnish the appropriate number in the space provided.

(d) Except as provided in Section 12801, the department shall not complete an application that does not include the applicant's social security account number or driver's license or identification card number as required under subdivision (c).

(e) An applicant's social security account number shall not be included by the department on a driver's license, identification card, registration, certificate of title, or any other document issued by the department.

(f) Notwithstanding any other law, information regarding an applicant's social security account number, obtained by the department pursuant to this section, is not a public record and shall not be disclosed by the department except for any of the following purposes:

(1) Responding to a request for information from an agency operating pursuant to, and carrying out the provisions of, Part A (Aid to Families with Dependent Children), or Part D (Child Support and Establishment of Paternity), of Subchapter IV of Chapter 7 of Title 42 of the United States Code.

(2) Implementation of Section 12419.10 of the Government Code.

(3) Responding to information requests from the Franchise Tax Board for the purpose of tax administration.

(g) This section shall become operative on January 1, 2015, or on the date that the director executes a declaration pursuant to Section 12801.11, whichever is sooner.

(h) This section shall become inoperative on the effective date of a final judicial determination made by any court of appellate jurisdiction that any provision of the act that added this section, or its application, either in whole or in part, is enjoined, found unconstitutional, or held invalid for any reason. The department shall post this information on its Internet Web site.

SEC. 5. Section 1653.5 is added to the Vehicle Code, to read:

1653.5.

(a) Each form prescribed by the department for use by an applicant for the issuance or renewal by the department of a driver's license or identification card pursuant to Division 6 (commencing with Section 12500) shall contain a section for the applicant's social security account number.

(b) Each form prescribed by the department for use by an applicant for the issuance, renewal, or transfer of the registration or certificate of title to a vehicle shall contain a section for the applicant's driver's license or identification card number.

(c) A person who submits to the department a form that, pursuant to subdivision (a), contains a section for the applicant's social security account number, or pursuant to subdivision (b), the applicant's driver's license or identification card number, if any, shall furnish the appropriate number in the space provided.

(d) The department shall not complete an application that does not include the applicant's social security account number or driver's license or identification card number as required under subdivision (c).

(e) An applicant's social security account number shall not be included by the department on a driver's license, identification card, registration, certificate of title, or any other document issued by the department.

(f) Notwithstanding any other law, information regarding an applicant's social security account number, obtained by the department pursuant to this section, is not a public record and may not be disclosed by the department except for any of the following purposes:

(1) Responding to a request for information from an agency operating pursuant to, and carrying out the provisions of, Part A (Aid to Families with Dependent Children), or Part D (Child Support and Establishment of Paternity), of Subchapter IV of Chapter 7 of Title 42 of the United States Code.

(2) Implementation of Section 12419.10 of the Government Code.

(3) Responding to information requests from the Franchise Tax Board for the purpose of tax administration.

(g) This section shall become operative on the effective date of a final judicial determination made by any court of appellate jurisdiction that any provision of the act that added this section, or its application, either in whole or in part, is enjoined, found unconstitutional, or held invalid for any reason. The department shall post this information on its Internet Web site.

SEC. 6. Section 12800 of the Vehicle Code is amended to read:

12800. Every application for an original or a renewal of a driver's license shall contain all of the following information:

(a) The applicant's true full name, age, sex, mailing address, residence address, and social security account number.

(b) A brief description of the applicant for the purpose of identification.

(c) A legible print of the thumb or finger of the applicant.

(d) The type of motor vehicle or combination of vehicles the applicant desires to operate.

(e) Whether the applicant has ever previously been licensed as a driver and, if so, when and in what state or country and whether or not the license has been suspended or revoked and, if so, the date of and reason for the suspension or revocation.

(f) Whether the applicant has ever previously been refused a driver's license in this state and, if so, the date of and the reason for the refusal.

(g) Whether the applicant, within the last three years, has experienced, on one or more occasions, either a lapse of consciousness or an episode of marked confusion caused by a condition that may bring about recurrent lapses, or whether the applicant has a disease, disorder, or disability that affects his or her ability to exercise reasonable and ordinary control in operating a motor vehicle upon a highway.

(h) Whether the applicant understands traffic signs and signals.

(i) Whether the applicant has ever previously been issued an identification card by the department.

(j) Any other information that is necessary to enable the department to determine whether the applicant is entitled to a license under this code.

(k) This section shall become inoperative on January 1, 2015, or on the date that the director executes a declaration pursuant to Section 12801.11, whichever is sooner, and as of January 1, 2015, is repealed, unless a later enacted statute, that is enacted before January 1, 2015, deletes or extends that date.

SEC. 7. Section 12800 is added to the Vehicle Code, to read:

12800. Each application for an original or a renewal of a driver's license shall contain all of the following information:

(a) The applicant's true full name, age, sex, mailing address, residence address, and, except as provided in Section 12801, social security account number.

(b) A brief description of the applicant for the purpose of identification.

(c) A legible print of the thumb or finger of the applicant.

(d) The type of motor vehicle or combination of vehicles the applicant desires to operate.

(e) Whether the applicant has ever previously been licensed as a driver and, if so, when and in what state or country and whether or not the license has been suspended or revoked and, if so, the date of and reason for the suspension or revocation.

(f) Whether the applicant has ever previously been refused a driver's license in this state and, if so, the date of and the reason for the refusal.

(g) Whether the applicant, within the last three years, has experienced, on one or more occasions, either a lapse of consciousness or an episode of marked confusion caused by a condition that may bring about recurrent lapses, or whether the applicant has a disease, disorder, or disability that affects his or her ability to exercise reasonable and ordinary control in operating a motor vehicle upon a highway.

(h) Whether the applicant understands traffic signs and signals.

(i) Whether the applicant has ever previously been issued an identification card by the department.

(j) Any other information that is necessary to enable the department to determine whether the applicant is entitled to a license under this code.

(k) This section shall become operative on January 1, 2015, or on the date that the director executes a declaration pursuant to Section 12801.11, whichever is sooner.

(l) This section shall become inoperative on the effective date of a final judicial determination made by any court of appellate jurisdiction that any provision of the act that added this section, or its application, either in whole or in part, is enjoined, found unconstitutional, or held invalid for any reason. The department shall post this information on its Internet Web site.

SEC. 8. Section 12800 is added to the Vehicle Code, to read:

12800. Each application for an original or a renewal of a driver's license shall contain all of the following information:

(a) The applicant's true full name, age, sex, mailing address, residence address, and social security account number.

(b) A brief description of the applicant for the purpose of identification.

(c) A legible print of the thumb or finger of the applicant.

(d) The type of motor vehicle or combination of vehicles the applicant desires to operate.

(e) Whether the applicant has ever previously been licensed as a driver and, if so, when and in what state or country and whether or not the license has been suspended or revoked and, if so, the date of and reason for the suspension or revocation.

(f) Whether the applicant has ever previously been refused a driver's license in this state and, if so, the date of and the reason for the refusal.

(g) Whether the applicant, within the last three years, has experienced, on one or more occasions, either a lapse of consciousness or an episode of marked confusion caused by a condition that may bring about recurrent lapses, or whether the applicant has a disease, disorder, or disability that affects his or her ability to exercise reasonable and ordinary control in operating a motor vehicle upon a highway.

(h) Whether the applicant understands traffic signs and signals.

(i) Whether the applicant has ever previously been issued an identification card by the department.

(j) Any other information that is necessary to enable the department to determine whether the applicant is entitled to a license under this code.

(k) This section shall become operative on the effective date of a final judicial determination made by any court of appellate jurisdiction that any provision of the act that added this section, or its application, either in whole or in part, is enjoined, found unconstitutional, or held invalid for any reason. The department shall post this information on its Internet Web site.

SEC. 9. Section 12801 of the Vehicle Code is amended to read:

12801.

(a) Notwithstanding any other law, the department shall require an application for a driver's license to contain the applicant's social security account number and any other number or identifier determined to be appropriate by the department.

(b) Notwithstanding subdivision (a), an applicant who provides satisfactory proof that his or her presence in the United States is authorized under federal law, but who is not

eligible for a social security account number, is eligible to receive an original driver's license if he or she meets all other qualifications for licensure.

(c) Notwithstanding any other law, the social security account number collected on a driver's license application shall not be displayed on the driver's license including, but not limited to, inclusion on a magnetic tape or strip used to store data on the license.

(d) This section shall become inoperative on January 1, 2015, or on the date that the director executes a declaration pursuant to Section 12801.11, whichever is sooner, and as of January 1, 2015, is repealed, unless a later enacted statute, that is enacted before January 1, 2015, deletes or extends that date.

SEC. 10. Section 12801 is added to the Vehicle Code, to read:

12801.

(a) Except as provided in subdivisions (b) and (c) and Section 12801.9, the department shall require an application for a driver's license to contain the applicant's social security account number and any other number or identifier determined to be appropriate by the department.

(b) An applicant who provides satisfactory proof that his or her presence in the United States is authorized under federal law, but who is not eligible for a social security account number, is eligible to receive an original driver's license if he or she meets all other qualifications for licensure.

(c) (1) An applicant who is unable to provide satisfactory proof that his or her presence in the United States is authorized under federal law may sign an affidavit attesting that he or she is both ineligible for a social security account number and unable to submit satisfactory proof that his or her presence in the United States is authorized under federal law. This affidavit is not a public record.

(2) The submission of this affidavit shall be accepted by the department in lieu of a social security account number.

(3) This subdivision shall not apply to applications for a commercial driver's license. The department shall require all applications for a commercial driver's license to include the applicant's social security account number.

(4) Nothing in this section shall be used to consider an individual's citizenship or immigration status as a basis for a criminal investigation, arrest, or detention.

(d) The department shall not complete an application for a driver's license unless the applicant is in compliance with the requirements of subdivision (a), (b) or (c).

(e) Notwithstanding any other law, the social security account number collected on a driver's license application shall not be displayed on the driver's license including, but not limited to, inclusion on a magnetic tape or strip used to store data on the license.

(f) This section shall become operative on January 1, 2015, or on the date that the director executes a declaration pursuant to Section 12801.11, whichever is sooner.

(g) This section shall become inoperative on the effective date of a final judicial determination made by any court of appellate jurisdiction that any provision of the act that added this section, or its application, either in whole or in part, is enjoined, found unconstitutional, or held invalid for any reason. The department shall post this information on its Internet Web site.

SEC. 11. Section 12801 is added to the Vehicle Code, to read:

12801.

(a) Notwithstanding any other law, the department shall require an application for a driver's license to contain the applicant's social security account number and any other number or identifier determined to be appropriate by the department.

(b) Notwithstanding subdivision (a), an applicant who provides satisfactory proof that his or her presence in the United States is authorized under federal law, but who is not eligible for a social security account number, is eligible to receive an original driver's license if he or she meets all other qualifications for licensure.

(c) Notwithstanding any other law, the social security account number collected on a driver's license application shall not be displayed on the driver's license including, but not limited to, inclusion on a magnetic tape or strip used to store data on the license.

(d) This section shall become operative on the effective date of a final judicial determination made by any court of appellate jurisdiction that any provision of the act that added this section, or its application, either in whole or in part, is enjoined, found unconstitutional, or held invalid for any reason. The department shall post this information on its Internet Web site.

SEC. 12. Section 12801.5 of the Vehicle Code is amended to read:

12801.5.

(a) Notwithstanding any other law, the department shall require an applicant for an original driver's license or identification card to submit satisfactory proof that the applicant's presence in the United States is authorized under federal law.

(b) The department shall not issue an original driver's license or identification card to a person who does not submit satisfactory proof that the applicant's presence in the United States is authorized under federal law.

(c) The department shall adopt regulations to carry out the purposes of this section, including procedures for, but not limited to, (1) verifying that the applicant's presence in the United States is authorized under federal law, (2) issuance of a temporary license pending verification of the applicant's status, and (3) appeal hearings from a denial of a license, temporary license, or identification card.

(d) On January 10 of each year, the department shall submit a supplemental budget report to the Governor and the Legislature detailing the costs of verifying the citizenship or legal residency of applicants for driver's licenses and identification cards, in order for the state to request reimbursement from the federal government.

(e) Notwithstanding Section 40300 or any other law, a peace officer may not detain or arrest a person solely on the belief that the person is an unlicensed driver, unless the officer has reasonable cause to believe the person driving is under 16 years of age.

(f) The inability to obtain a driver's license pursuant to this section does not abrogate or diminish in any respect the legal requirement of every driver in this state to obey the motor vehicle laws of this state, including laws with respect to licensing, motor vehicle registration, and financial responsibility.

(g) This section shall become inoperative on January 1, 2015, or on the date that the director executes a declaration pursuant to Section 12801.11, whichever is sooner, and as of January 1, 2015, is repealed, unless a later enacted statute, that is enacted before January 1, 2015, deletes or extends that date.

SEC. 13. Section 12801.5 is added to the Vehicle Code, to read:

12801.5.

(a) Except as provided in Section 12801.9, the department shall require an applicant for an original driver's license or identification card to submit satisfactory proof that the applicant's presence in the United States is authorized under federal law.

(b) Except as provided in Section 12801.9, the department shall not issue an original driver's license or identification card to a person who does not submit satisfactory proof that the applicant's presence in the United States is authorized under federal law.

(c) The department shall adopt regulations to carry out the purposes of this section, including, but not limited to, procedures for (1) verifying that the applicant's presence in the United States is authorized under federal law, (2) issuance of a temporary license pending verification of the applicant's status, and (3) hearings to appeal a denial of a license, temporary license, or identification card.

(d) On January 10 of each year, the department shall submit a supplemental budget report to the Governor and the Legislature detailing the costs of verifying the citizenship or legal residency of applicants for driver's licenses and identification cards, in order for the state to request reimbursement from the federal government.

(e) Notwithstanding Section 40300 or any other law, a peace officer shall not detain or arrest a person solely on the belief that the person is an unlicensed driver, unless the officer has reasonable cause to believe the person driving is under 16 years of age.

(f) The inability of an individual to obtain a driver's license pursuant to this section does not abrogate or diminish in any respect the legal requirement of every driver in this state to obey the motor vehicle laws of this state, including laws with respect to licensing, motor vehicle registration, and financial responsibility.

(g) This section shall become operative on January 1, 2015, or on the date that the director executes a declaration pursuant to Section 12801.11, whichever is sooner.

(h) This section shall become inoperative on the effective date of a final judicial determination made by any court of appellate jurisdiction that any provision of the act that added this section, or its application, either in whole or in part, is enjoined, found unconstitutional, or held invalid for any reason. The department shall post this information on its Internet Web site.

SEC. 14. Section 12801.5 is added to the Vehicle Code, to read:

12801.5.

(a) Notwithstanding any other law, the department shall require an applicant for an original driver's license or identification card to submit satisfactory proof that the applicant's presence in the United States is authorized under federal law.

(b) The department shall not issue an original driver's license or identification card to a person who does not submit satisfactory proof that the applicant's presence in the United States is authorized under federal law.

(c) The department shall adopt regulations to carry out the purposes of this section, including, but not limited to, procedures for (1) verifying that the applicant's presence in the United States is authorized under federal law, (2) issuance of a temporary license pending verification of the applicant's status, and (3) hearings to appeal a denial of a license, temporary license, or identification card.

(d) On January 10 of each year, the department shall submit a supplemental budget report to the Governor and the Legislature detailing the costs of verifying the citizenship or legal residency of applicants for driver's licenses and identification cards, in order for the state to request reimbursement from the federal government.

(e) Notwithstanding Section 40300 or any other law, a peace officer shall not detain or arrest a person solely on the belief that the person is an unlicensed driver, unless the officer has reasonable cause to believe the person driving is under 16 years of age.

(f) The inability of an individual to obtain a driver's license pursuant to this section does not abrogate or diminish in any respect the legal requirement of every driver in this state to obey the motor vehicle laws of this state, including laws with respect to licensing, motor vehicle registration, and financial responsibility.

(g) This section shall become operative on the effective date of a final judicial determination made by any court of appellate jurisdiction that any provision of the act that added this section, or its application, either in whole or in part, is enjoined, found unconstitutional, or held invalid for any reason. The department shall post this information on its Internet Web site.

SEC. 15. Section 12801.9 is added to the Vehicle Code, to read:

12801.9.

(a) Notwithstanding Section 12801.5, the department shall issue an original driver's license to a person who is unable to submit satisfactory proof that the applicant's presence in the United States is authorized under federal law if he or she meets all other qualifications for licensure and provides satisfactory proof to the department of his or her identity and California residency.

(b) The department shall adopt emergency regulations to carry out the purposes of this section, including, but not limited to, procedures for (1) identifying documents acceptable for the purposes of proving identity and California residency, (2) procedures for verifying the authenticity of the documents, (3) issuance of a temporary license pending verification of any document's authenticity, and (4) hearings to appeal a denial of a license or temporary license.

(c) Emergency regulations adopted for purposes of establishing the documents acceptable to prove identity and residency pursuant to subdivision (b) shall be promulgated by the department in consultation with appropriate interested parties, in accordance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), including law enforcement representatives, immigrant rights representatives, labor representatives, and other stakeholders, which may include, but are not limited to, the California Highway Patrol, the California State Sheriffs' Association, and the California Police Chiefs Association. The department shall accept various types of documentation for this purpose, including, but not limited to, the following documents:

(1) A valid, unexpired consular identification document issued by a consulate from the applicant's country of citizenship, or a valid, unexpired passport from the applicant's country of citizenship.

(2) An original birth certificate, or other proof of age, as designated by the department.

(3) A home utility bill, lease or rental agreement, or other proof of California residence, as designated by the department.

(4) The following documents, which, if in a language other than English, shall be accompanied by a certified translation or an affidavit of translation into English:

(A) A marriage license or divorce certificate.

(B) A foreign federal electoral photo card issued on or after January 1, 1991.

(C) A foreign driver's license.

(5) A United States Department of Homeland Security Form I-589, Application for Asylum and for Withholding of Removal.

(6) An official school or college transcript that includes the applicant's date of birth, or a foreign school record that is sealed and includes a photograph of the applicant at the age the record was issued.

(7) A United States Department of Homeland Security Form I-20 or Form DS-2019.

(8) A deed or title to real property.

(9) A property tax bill or statement issued within the previous 12 months.

(10) An income tax return.

(d) (1) A license issued pursuant to this section, including a temporary license issued pursuant to Section 12506, shall include a recognizable feature on the front of the card, such as the letters "DP" instead of, and in the same font size as, the letters "DL," with no other distinguishable feature.

(2) The license shall bear the following notice: "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."

(3) The notice described in paragraph (2) shall be in lieu of the notice provided in Section 12800.5.

(e) If the United States Department of Homeland Security determines a license issued pursuant to this section does not satisfy the requirements of Section 37.71 of Title 6 of the Code of Federal Regulations, adopted pursuant to paragraph (11) of subdivision (d) of Section 202 of the Real ID Act of 2005 (Public Law 109-13), the department shall modify the license only to the extent necessary to satisfy the requirements of that section.

(f) Notwithstanding Section 40300 or any other law, a peace officer shall not detain or arrest a person solely on the belief that the person is an unlicensed driver, unless the officer has reasonable cause to believe the person driving is under 16 years of age.

(g) The inability to obtain a driver's license pursuant to this section does not abrogate or diminish in any respect the legal requirement of every driver in this state to obey the motor vehicle laws of this state, including laws with respect to licensing, motor vehicle registration, and financial responsibility.

(h) It shall be a violation of law, including, but not limited to, a violation of the Unruh Civil Rights Act (Section 51 of the Civil Code), to discriminate against an individual because he or she holds or presents a license issued under this section.

(i) Information collected pursuant to this section is not a public record and shall not be disclosed by the department, except as required by law.

(j) A license issued pursuant to this section shall not be used to consider an individual's citizenship or immigration status as a basis for a criminal investigation, arrest, or detention.

(k) On or before January 1, 2018, the California Research Bureau shall compile and submit to the Legislature and the Governor a report of any violations of subdivisions (h) and (j). Information pertaining to any specific individual shall not be provided in the report.

(l) In addition to the fees required by Section 14900, a person applying for an original license pursuant to this section may be required to pay an additional fee determined by the department that is sufficient to offset the reasonable administrative costs of implementing the provisions of the act that added this section. If this additional fee is assessed, it shall only apply until June 30, 2017.

(m) This section shall become operative on January 1, 2015, or on the date that the director executes a declaration pursuant to Section 12801.11, whichever is sooner.

(n) This section shall become inoperative on the effective date of a final judicial determination made by any court of appellate jurisdiction that any provision of the act that added this section, or its application, either in whole or in part, is enjoined, found unconstitutional, or held invalid for any reason. The department shall post this information on its Internet Web site.

SEC. 16. Section 12801.10 is added to the Vehicle Code, to read:

12801.10.

(a) Nothing in Section 1653.5, 12800, 12801, 12801.5, or 12801.9 authorizes an individual to apply for, or be issued, a commercial driver's license without the submission of his or her social security account number upon application.

(b) This section shall become operative on January 1, 2015, or on the date that the director executes a declaration pursuant to Section 12801.11, whichever is sooner.

(c) This section shall become inoperative on the effective date of a final judicial determination made by any court of appellate jurisdiction that any provision of the act that added this section, or its application, either in whole or in part, is enjoined, found unconstitutional, or held invalid for any reason. The department shall post this information on its Internet Web site.

SEC. 17. Section 12801.11 is added to the Vehicle Code, to read:

12801.11.

(a) If the director determines that the department is prepared to begin issuing driver's licenses pursuant to Section 12801.9 on a date sooner than January 1, 2015, the director shall execute a declaration stating that determination and date and, within five business days, provide a copy of that declaration to the appropriate fiscal and policy committees of the Legislature and to the Governor, and shall post this information on its Internet Web site.

(b) This section shall become inoperative on the effective date of a final judicial determination made by any court of appellate jurisdiction that any provision of the act that added this section, or its application, either in whole or in part, is enjoined, found unconstitutional, or held invalid for any reason. The department shall post this information on its Internet Web site.

State of Nevada

AN ACT relating to motor vehicles; providing for the issuance of a driver authorization card; establishing the contents of an application for a driver authorization card and certain instruction permits; establishing the information that must be contained on a driver authorization card and similarly obtained instruction permits; providing for the expiration and renewal of a driver authorization card; providing that certain provisions of state law which apply to drivers' licenses also apply to a driver authorization card and similarly obtained instruction permits; making an appropriation; providing penalties; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 481.063 is hereby amended to read as follows:
481.063

1. The Director may charge and collect reasonable fees for official publications of the Department and from persons making use of files and records of the Department or its various divisions for a private purpose. All money so collected must be deposited in the State Treasury for credit to the Motor Vehicle Fund.

2. Except as otherwise provided in subsection 6, the Director may release personal information, except a photograph, from a file or record relating to the driver's license, identification card, or title or registration of a vehicle of a person if the requester submits a written release from the person who holds a lien on the vehicle, or an agent of that person, or the person about whom the information is requested which is dated not more than 90 days before the date of the request. The written release must be in a form required by the Director.

3. Except as otherwise provided in subsections 2 and 4, the Director shall not release to any person who is not a representative of the Division of Welfare and Supportive Services of the Department of Health and Human Services or an officer, employee or agent of a law enforcement agency, an agent of the public defender's office or an agency of a local government which collects fines imposed for parking violations, who is not conducting an investigation pursuant to NRS 253.0415 or 253.220, who is not authorized to transact insurance pursuant to chapter 680A of NRS or who is not licensed as a private investigator pursuant to chapter 648 of NRS and conducting an investigation of an insurance claim:

(a) A list which includes license plate numbers combined with any other information in the records or files of the Department;

(b) The social security number of any person, if it is requested to facilitate the solicitation of that person to purchase a product or service; or

(c) The name, address, telephone number or any other personally identifiable information if the information is requested by the presentation of a license plate number.

→ When such personally identifiable information is requested of a law enforcement agency by the presentation of a license plate number, the law enforcement agency shall conduct an investigation regarding the person about whom information is being requested or, as soon as practicable, provide the requester with the requested information if the requester officially reports that the motor vehicle bearing that license plate was used in a violation of NRS 205.240, 205.345, 205.380 or 205.445.

4. If a person is authorized to obtain such information pursuant to a contract entered into with the Department and if such information is requested for the purpose of an advisory notice relating to a motor vehicle or the recall of a motor vehicle or for the purpose of providing information concerning the history of a vehicle, the Director may release:

(a) A list which includes license plate numbers combined with any other information in the records or files of the Department; or

(b) The name, address, telephone number or any other personally identifiable information if the information is requested by the presentation of a license plate number.

5. Except as otherwise provided in subsections 2, 4 and 6 and NRS 483.294, 483.855 and 483.937, the Director shall not release any personal information from a file or record relating to a driver's license, identification card, or title or registration of a vehicle.

6. Except as otherwise provided in paragraph (a) and subsection 7, if a person or governmental entity provides a description of the information requested and its proposed use and signs an affidavit to that effect, the Director may release any personal information, except a photograph, from a file or record relating to a driver's license, identification card, or title or registration of a vehicle for use:

(a) By any governmental entity, including, but not limited to, any court or law enforcement agency, in carrying out its functions, or any person acting on behalf of a

federal, state or local governmental agency in carrying out its functions. The personal information may include a photograph from a file or record relating to a driver's license, identification card, or title or registration of a vehicle.

(b) In connection with any civil, criminal, administrative or arbitration proceeding before any federal or state court, regulatory body, board, commission or agency, including, but not limited to, use for service of process, investigation in anticipation of litigation, and execution or enforcement of judgments and orders, or pursuant to an order of a federal or state court.

(c) In connection with matters relating to:

- (1) The safety of drivers of motor vehicles;
- (2) Safety and thefts of motor vehicles;
- (3) Emissions from motor vehicles;
- (4) Alterations of products related to motor vehicles;
- (5) An advisory notice relating to a motor vehicle or the recall of a motor vehicle;
- (6) Monitoring the performance of motor vehicles;
- (7) Parts or accessories of motor vehicles;
- (8) Dealers of motor vehicles; or
- (9) Removal of non owner records from the original records of motor vehicle manufacturers.

(d) By any insurer, self-insurer or organization that provides assistance or support to an insurer or self-insurer or its agents, employees or contractors, in connection with activities relating to the rating, underwriting or investigation of claims or the prevention of fraud.

(e) In providing notice to the owners of vehicles that have been towed, repossessed or impounded.

(f) By an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license who is employed by or has applied for employment with the employer.

(g) By a private investigator, private patrol officer or security consultant who is licensed pursuant to chapter 648 of NRS, for any use permitted pursuant to this section.

(h) By a reporter or editorial employee who is employed by or affiliated with any newspaper, press association or commercially operated, federally licensed radio or television station for a journalistic purpose. The Department may not make any inquiries regarding the use of or reason for the information requested other than whether the information will be used for a journalistic purpose.

(i) In connection with an investigation conducted pursuant to NRS 253.0415 or 253.220.

(j) In activities relating to research and the production of statistical reports, if the personal information will not be published or otherwise redisclosed, or used to contact any person.

(k) In the bulk distribution of surveys, marketing material or solicitations, if the Director has adopted policies and procedures to ensure that:

- (1) The information will be used or sold only for use in the bulk distribution of surveys, marketing material or solicitations;
 - (2) Each person about whom the information is requested has clearly been provided with an opportunity to authorize such a use;
- and
- (3) If the person about whom the information is requested

does not authorize such a use, the bulk distribution will not be directed toward that person.

7. Except as otherwise provided in paragraph (j) of subsection 6, a person who requests and receives personal information may sell or disclose that information only for a use permitted pursuant to subsection 6. Such a person shall keep and maintain for 5 years a record of:

(a) Each person to whom the information is provided; and

(b) The purpose for which that person will use the information. → The record must be made available for examination by the Department at all reasonable times upon request.

8. Except as otherwise provided in subsection 2, the Director may deny any use of the files and records if the Director reasonably believes that the information taken may be used for an unwarranted invasion of a particular person's privacy.

9. Except as otherwise provided in NRS 485.316, the Director shall not allow any person to make use of information retrieved from the system created pursuant to NRS 485.313 for a private purpose and shall not in any other way release any information retrieved from that system.

10. The Director shall not release any information relating to legal presence or any other information relating to or describing immigration status, nationality or citizenship from a file or record relating to a request for or the issuance of a license, identification card or title or registration of a vehicle to any person or to any federal, state or local governmental entity for any purpose relating to the enforcement of immigration laws.

11. The Director shall adopt such regulations as the Director deems necessary to carry out the purposes of this section. In addition, the Director shall, by regulation, establish a procedure whereby a person who is requesting personal information may establish an account with the Department to facilitate the person's ability to request information electronically or by written request if the person has submitted to the Department proof of employment or licensure, as applicable, and a signed and notarized affidavit acknowledging that the person:

(a) Has read and fully understands the current laws and regulations regarding the manner in which information from the Department's files and records may be obtained and the limited uses which are permitted;

(b) Understands that any sale or disclosure of information so obtained must be in accordance with the provisions of this section;

(c) Understands that a record will be maintained by the Department of any information he or she requests; and

(d) Understands that a violation of the provisions of this section is a criminal offense.

12. It is unlawful for any person to:

(a) Make a false representation to obtain any information from the files or records of the Department.

(b) Knowingly obtain or disclose any information from the files or records of the Department for any use not permitted by the provisions of this chapter.

13. As used in this section:

(a) "Information relating to legal presence" means information that may reveal whether a person is legally present in the United States, including, without limitation, whether the driver's license that a person possesses is a driver authorization card, whether the person applied for a driver's license pursuant to NRS 483.290 or section 5 of this act and the documentation used to prove name, age and residence that was provided by the person with his or her application for a driver's license.

(b) “Personal information” means information that reveals the identity of a person, including, without limitation, his or her photograph, social security number, individual taxpayer identification number, driver’s license number, identification card number, name, address, telephone number or information regarding a medical condition or disability. The term does not include the zip code of a person when separate from his or her full address, information regarding vehicular accidents or driving violations in which he or she has been involved or other information otherwise affecting his or her status as a driver.

(c) “Vehicle” includes, without limitation, an off-highway vehicle as defined in NRS 490.060.

Sec. 2. Chapter 483 of NRS is hereby amended by adding thereto the provisions set forth as sections 3, 4 and 5 of this act.

Sec. 3. “Driver authorization card” means a card obtained in accordance with section 5 of this act.

Sec. 4.

1. A person who wishes to obtain an instruction permit or a driver’s license may apply using the provisions of NRS 483.290 or section 5 of this act.

2. A person who wishes to apply for any restricted or limited license issued pursuant to this chapter may do so by:

(a) Submitting an application using the provisions of NRS 483.290 or section 5 of this act; and

(b) Fulfilling the requirements for the issuance of the restricted or limited license.

Sec. 5.

1. An application for an instruction permit or for a driver authorization card must:

(a) Be made upon a form furnished by the Department.

(b) Be verified by the applicant before a person authorized to administer oaths. Officers and employees of the Department may administer those oaths without charge.

(c) Be accompanied by the required fee.

(d) State the name, date of birth, sex and residence address of the applicant and briefly describe the applicant.

(e) State whether the applicant has theretofore been licensed as a driver, and, if so, when and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for the suspension, revocation or refusal.

(f) Include such other information as the Department may require to determine the competency and eligibility of the applicant.

2. Every applicant must furnish proof of his or her name and age by displaying an original or certified copy of:

(a) Any one of the following documents:

(1) A birth certificate issued by a state, a political subdivision of a state, the District of Columbia or any territory of the United States;

(2) A driver’s license issued by another state, the District of Columbia or any territory of the United States which is issued pursuant to the standards established by 6 C.F.R. Part 37, Subparts A to E, inclusive, and which contains a security mark approved by the United States Department of Homeland Security in accordance with 6 C.F.R. § 37.17;

(3) A passport issued by the United States Government;

- (4) A military identification card or military dependent identification card issued by any branch of the Armed Forces of the United States;
- (5) For persons who served in any branch of the Armed Forces of the United States, a report of separation;
- (6) A Certificate of Degree of Indian Blood issued by the United States Government;
- (7) A Certificate of Citizenship, Certificate of Naturalization, Permanent Resident Card or Temporary Resident Card issued by the United States Citizenship and Immigration Services of the Department of Homeland Security;
- (8) A Consular Report of Birth Abroad issued by the Department of State; or
- (9) Such other documentation as specified by the Department by regulation; or (b) Any two of the following documents:
 - (1) A driver's license issued by another state, the District of Columbia or any territory of the United States other than such a driver's license described in subparagraph (2) of paragraph (a);
 - (2) A passport issued by a foreign government;
 - (3) A birth certificate issued by a foreign government;
 - (4) A consular identification card issued by the Government of Mexico or a document issued by another government that the Department determines is substantially similar; or
 - (5) Any other proof acceptable to the Department.

→No document which is written in a language other than English may be accepted by the Department pursuant to this subsection unless it is accompanied by a verified translation of the document in the English language.

3. Every applicant must prove his or her residence in this State by displaying an original or certified copy of any two of the following documents:

- (a) A receipt from the rent or lease of a residence located in this State;
- (b) A record from a public utility for a service address located in this State which is dated within the previous 60 days;
- (c) A bank or credit card statement indicating a residential address located in this State which is dated within the previous 60 days;
- (d) A stub from an employment check indicating a residential address located in this State;
- (e) A document issued by an insurance company or its agent, including, without limitation, an insurance card, binder or bill, indicating a residential address located in this State;
- (f) A record, receipt of bill from a medical provider indicating a residential address located in this State; or
- (g) Any other document as prescribed by the Department by regulation.

4. Except as otherwise provided in subsection 5, a driver authorization card or instruction permit obtained in accordance with this section must:

- (a) Contain the same information as prescribed for a driver's license pursuant to NRS 483.340 and any regulations adopted pursuant thereto;
- (b) Be of the same design as a driver's license and contain only the minimum number of changes from that design that are necessary to comply with subsection 5; and
- (c) Be numbered from the same sequence of numbers as a driver's license.

5. A driver authorization card or instruction permit obtained in accordance with this section must comply with the requirements of section 202(d)(11) of the Real ID Act of 2005, Public Law 109- 13, Division B, Title II, 119 Stat. 302, 312-15, 49 U.S.C. § 30301 note.

6. Notwithstanding the provisions of NRS 483.380, every driver authorization card expires on the anniversary of its issuance or renewal. Every driver authorization card is renewable at any time before its expiration upon application and payment of the required fee. The Department may, by regulation, defer the expiration of the driver authorization card of a person who is on active duty in the Armed Forces of the United States upon such terms and conditions as it may prescribe. The Department may similarly defer the expiration of the driver authorization card of the spouse or dependent son or daughter of that person if the spouse or child is residing with the person.

7. A driver authorization card shall not be used to determine eligibility for any benefits, licenses or services issued or provided by this State or its political subdivisions.

8. Except as otherwise provided in this section or by specific statute, any provision of this title that applies to drivers' licenses shall be deemed to apply to a driver authorization card and an instruction permit obtained in accordance with this section.

Sec. 6. NRS 483.015 is hereby amended to read as follows:

483.015 Except as otherwise provided in NRS 483.330, the provisions of NRS 483.010 to 483.630, inclusive, and sections 3, 4 and 5 of this act apply only with respect to noncommercial drivers' licenses.

Sec. 7. NRS 483.020 is hereby amended to read as follows:

483.020 As used in NRS 483.010 to 483.630, inclusive, and sections 3, 4 and 5 of this act, unless the context otherwise requires, the words and terms defined in NRS 483.030 to 483.190, inclusive, and section 3 of this act have the meanings ascribed to them in those sections.

Sec. 8. NRS 483.083 is hereby amended to read as follows:

483.083 "License" means any driver's license or permit to operate a vehicle issued under or granted by the laws of this State, including:

1. Any temporary license;
2. Any instruction permit obtained in accordance with NRS 483.290; and
3. The future privilege to drive a vehicle by a person who does not hold a driver's license.

Sec. 9. NRS 483.290 is hereby amended to read as follows: 483.290

1. An application for an instruction permit or for a driver's license must:

- (a) Be made upon a form furnished by the Department.
- (b) Be verified by the applicant before a person authorized to administer oaths. Officers and employees of the Department may administer those oaths without charge.
- (c) Be accompanied by the required fee.
- (d) State the full legal name, date of birth, sex, address of principal residence and mailing address, if different from the address of principal residence, of the applicant and briefly describe the applicant.
- (e) State whether the applicant has theretofore been licensed as a driver, and, if so, when and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for the suspension, revocation or refusal.

- (f) Include such other information as the Department may require to determine the competency and eligibility of the applicant.
2. Every applicant must furnish proof of his or her full legal name and age by displaying an original or certified copy of the required documents as prescribed by regulation.
 3. The Department shall adopt regulations prescribing the documents an applicant may use to furnish proof of his or her full legal name and age to the Department.
 4. At the time of applying for a driver's license, an applicant may, if eligible, register to vote pursuant to NRS 293.524.
 5. Every applicant who has been assigned a social security number must furnish proof of his or her social security number by displaying:
 - (a) An original card issued to the applicant by the Social Security Administration bearing the social security number of the applicant; or
 - (b) Other proof acceptable to the Department, including, without limitation, records of employment or federal income tax returns.
 6. The Department may refuse to accept a driver's license issued by another state, the District of Columbia or any territory of the United States if the Department determines that the other state, the District of Columbia or the territory of the United States has less stringent standards than the State of Nevada for the issuance of a driver's license.
 7. With respect to any document presented by a person who was born outside of the United States to prove his or her full legal name and age, the Department:
 - (a) May, if the document has expired, refuse to accept the document or refuse to issue a driver's license to the person presenting the document, or both; and
 - (b) Shall issue to the person presenting the document a driver's license that is valid only during the time the applicant is authorized to stay in the United States, or if there is no definite end to the time the applicant is authorized to stay, the driver's license is valid for 1 year beginning on the date of issuance.
 8. The Administrator shall adopt regulations setting forth criteria pursuant to which the Department will issue or refuse to issue a driver's license in accordance with this section to a person who is a citizen of any state, the District of Columbia, any territory of the United States or a foreign country. The criteria pursuant to which the Department shall issue or refuse to issue a driver's license to a citizen of a foreign country must be based upon the purpose for which that person is present within the United States.
 9. Notwithstanding any other provision of this section, the Department shall not accept a consular identification card as proof of the age or identity of an applicant for an instruction permit or for a driver's license. As used in this subsection, "consular identification card" has the meaning ascribed to it in NRS 232.006.

Sec. 10. NRS 483.292 is hereby amended to read as follows:
483.292

1. When a person applies to the Department for an instruction permit or driver's license pursuant to NRS 483.290 or section 5 of this act, the Department shall inquire whether the person desires to declare that he or she is a veteran of the Armed Forces of the United States.
2. If the person desires to declare pursuant to subsection 1 that he or she is a veteran of the Armed Forces of the United States, the person shall provide evidence satisfactory to the Department that he or she has been honorably discharged from the Armed Forces of the United States.
3. If the person declares pursuant to subsection 1 that he or she is a veteran of the Armed Forces of the United States, the Department shall count the declaration and maintain it only numerically in a record kept by the Department for that purpose.

4. The Department shall, at least once each quarter:
- (a) Compile the aggregate number of persons who have, during the immediately preceding quarter, declared pursuant to subsection 1 that they are veterans of the Armed Forces of the United States; and
 - (b) Transmit that number to the Office of Veterans Services to be used for statistical purposes.

Sec. 11. NRS 483.620 is hereby amended to read as follows:

483.620 It is a misdemeanor for any person to violate any of the provisions of NRS 483.010 to 483.630, inclusive, and sections 3, 4 and 5 of this act, unless such violation is, by NRS 483.010 to 483.630, inclusive, and sections 3, 4 and 5 of this act, or other law of this State, declared to be a felony.

Sec. 12.

1. There is hereby appropriated from the State Highway Fund to the Department of Motor Vehicles the following sums to pay the costs of developing and issuing driver authorization cards and instruction permits pursuant to the provisions of this act:

For the Fiscal Year 2013-2014	\$739,110
For the Fiscal Year 2014-2015	\$893,852

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2014, and September 18, 2015, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State Highway Fund on or before September 19, 2014, and September 18, 2015, respectively.

Sec. 13.

1. This section becomes effective upon passage and approval.
2. Section 12 of this act becomes effective on July 1, 2013.
3. Sections 1 to 11, inclusive, of this act become effective:
 - (a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and
 - (b) On January 1, 2014, for all other purposes.

District of Columbia

To amend the District of Columbia Traffic Act, 1925, to allow for the issuance of a driver's license, permit, or identification card for District residents who cannot establish lawful presence in the United States.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Driver's Safety Amendment Act of 2013".

Sec. 2.

The District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-1401.01 passim), is amended as follows:

(a) Section 7(a)(1) (D.C. Official Code § 50-1401.01(a)(1)) is amended by adding a new subsection (A1) to read as follows:

“(A1) Starting in fiscal year 2016, an applicant for an operator’s permit shall pay an application fee of \$47, which may be increased or decreased by the Mayor

(b) Section 7(6)(b)(2) (D.C. Official Code § 50-1401(6)(b)(2) is amended by adding the following sentence at the end of the paragraph:

“This subsection shall not apply to an applicant eligible for a driver’s license, permit, or identification card pursuant to section 8(c).”

(c) A new section 8c is added to read as follows:

“(a) The Mayor, consistent with subsection (b) of this section, shall issue a driver’s license, permit, or identification card to an applicant who:

“(1) Has resided in the District of Columbia for longer than 6 months;

“(2) Is ineligible to obtain a social security number;

“(3) Has obtained an individual tax identification number (“ITIN”) issued by the Internal Revenue service; and

“(4) Is unable to present documentation issued by the United States Citizenship and Immigration Services authorizing the applicant’s presence in the United States.

“(b) To obtain a driver’s license or permit in accordance with subsection (a) of this section, an applicant shall:

“(1) Submit to the Department of Motor Vehicles a valid, unexpired foreign passport or foreign birth certificate from the applicant’s country of citizenship. If the passport or birth certificate is not in English it shall include a certified translation; and

“(2) Satisfy the applicable requirements of section 7 of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-1401.01), and sections 100 - 111 of Title 18 of the District of Columbia Municipal Regulations (18 DCMR § 100 et seq.); provided, that the Mayor shall not require persons applying for a driver’s license or permit under this section to provide a social security number or any further document to prove the absence of a social security number.

“(c) To obtain an identification card in accordance with subsection (a) of this section, an applicant shall meet the applicable requirements of section 112 of Title 18 of the District of Columbia Municipal Regulations (18 DCMR § 112).

“(d) A driver’s license or identification card issued under subsection (a) of this section shall be valid for 8 years. A driver’s permit or provisional permit shall be valid for the time period as set forth in sections 7(a)(2) and 7(a)(2A) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50.1401.01(a)(2) and (a)(2A)).

“(e) An individual who is issued a driver’s license or permit under this section shall have the equivalent authorization to operate a motor vehicle as provided in section 7 of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50- 1401.01), and shall be subject to all statutory and regulatory provisions pertaining to driver licensing and operation of a motor vehicle.”.

Sec. 3. Rules.

The Mayor may issue rules to implement this section. The proposed rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal

holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 45-day period, the proposed rules shall be deemed approved.

Sec. 4. Applicability.

This act shall apply as of May 1, 2014; provided, that the inclusion of its fiscal effect in an approved budget and financial plan has been certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

Sec. 6. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 7. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

State of Vermont

H.290

SHORT FORM

Introduced by Representative Browning of Arlington

Subject: Motor vehicles; driving privileges Statement of purpose of bill as introduced: This bill proposes to authorize the Commissioner of Motor Vehicles to issue driving privilege cards to Vermont residents unable to establish lawful presence in the United States, provided that applicants for driving privilege cards supply reliable proof of identity and residency and submit fingerprints. Any driving privilege card issued must clearly state on its face that it is not valid for identification purposes. Fingerprints shall be checked against state and regional criminal records databases to determine if the applicant has a felony conviction or is the subject of an outstanding arrest warrant. The U.S. Immigration and Customs Enforcement Agency shall be notified if the applicant has had a felony conviction, and the appropriate law enforcement agency shall be notified of any outstanding arrest warrant.

An act relating to driving privileges for undocumented Vermont residents
It is hereby enacted by the General Assembly of the State of Vermont:

State of Connecticut

AN ACT CONCERNING THE ISSUANCE OF MOTOR VEHICLE OPERATORS' LICENSES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) (Effective January 1, 2015) (a) As used in this section:

(1) "Primary proof of identity" means documentation indicating the identity of an applicant for a motor vehicle operator's license in the form of

(A) a valid foreign passport issued by an applicant's country of citizenship that is unexpired or expired for less than three years before an application for such motor vehicle operator's license,

(B) a valid, unexpired consular identification document issued by an applicant's country of citizenship, or

(C) a consular report of an applicant's birth in a foreign country.

(2) "Secondary proof of identity" means documentation indicating the identity of an applicant for a motor vehicle operator's license in the form of

(A) a valid, unexpired motor vehicle operator's license, with security features, issued by another state or country,

(B) a valid foreign voter registration card,

(C) a certified copy of a marriage certificate issued by any state or territory of the United States, or any political subdivision thereof, including any county, city or town,

(D) a certified school transcript, or

(E) a baptismal certificate or any similar document.

(3) "Proof of residency" means a piece of mail or electronic mail that includes an applicant's name and address, indicates that such applicant resides in the state and is dated, unless otherwise indicated, not earlier than ninety days before an application for a motor vehicle operator's license, from any two of the following sources:

(A) A bill from a bank or mortgage company, utility company, credit card company, doctor or hospital,

(B) a bank statement or bank transaction receipt showing the bank's name and mailing address,

(C) a preprinted pay stub,

(D) a property or excise tax bill dated not earlier than twelve months before such application,

(E) an annual benefits summary statement from the Social Security Administration or other pension or retirement plan dated not earlier than twelve months before such application,

(F) a Medicaid or Medicare benefit statement,

(G) a current homeowner's insurance or renter's insurance policy or motor vehicle insurance card or policy dated not earlier than twelve months before such application,

(H) a residential mortgage or similar loan contract, lease or rental contract showing signatures from all parties needed to execute the agreement dated not earlier than twelve months before such application,

(I) any postmarked mail,

(J) a change of address confirmation from the United States Postal Service indicating an applicant's current and prior address,

(K) a survey of an applicant's real property issued by a licensed surveyor, or

(L) any official school records showing enrollment.

(b) (1) Notwithstanding any provision of the general statutes or any regulation, the Commissioner of Motor Vehicles shall not decline to issue a motor vehicle operator's license to any applicant who meets the licensure requirements provided in section 14-36 of the general statutes but who cannot establish that he or she is legally present in the United States or does not have a Social Security number if such applicant

(A) submits proof of residency in the state,

(B) submits either two forms of primary proof of identity or one form of primary proof of identity and one form of secondary proof of identity, and

(C) files an affidavit with the commissioner attesting that such applicant has filed an application to legalize his or her immigration status or will file such an application as soon as he or she is eligible to do so. Any form of primary proof of identity, secondary proof of identity or proof of residency submitted to the commissioner that is in a language other than English shall be accompanied by a certified English translation of such document prepared by a translator approved by the commissioner.

(2) The commissioner shall not issue a motor vehicle operator's license under this section to any applicant who has been convicted of any felony in Connecticut.

(3) The commissioner shall administer a knowledge test to any such applicant after such applicant has submitted proof of residency and proof of identity that satisfy the requirements of this section. Not later than thirty days after such applicant has passed such knowledge test, the commissioner shall determine whether such applicant has been convicted of any felony in Connecticut by searching the electronic criminal record system maintained on the Internet web site of the Judicial Department for convictions matching such applicant's name and date of birth. If such applicant has not been convicted of any such felony, the commissioner shall mail the applicant an adult instruction permit or youth instruction permit. The commissioner shall not refund the application fee of any applicant who fails a knowledge test or has been convicted of any such felony.

(c) Any motor vehicle operator's license issued pursuant to this section shall include an indication on such license that such license shall not be acceptable for federal identification purposes.

(d) Any motor vehicle operator's license issued under this section shall expire from three to six years after the date of issuance and may be renewed every three years thereafter. The commissioner shall not renew any such operator's license unless the holder of such operator's license makes personal appearance and demonstrates proof of residency at the time of renewal.

(e) No motor vehicle operator's license issued pursuant to this section shall be used as identification for voting purposes.

(f) The commissioner shall place a restriction on each motor vehicle operator's license issued pursuant to this section, indicating that such motor vehicle operator's license is "for driving purposes only".

(g) The commissioner may adopt regulations in accordance with chapter 54 of the general statutes to implement the provisions of this section.

Sec. 2. Subsection (e) of section 14-36 of the general statutes is repealed and the following is substituted in lieu thereof (Effective January 1, 2015):

(e) (1) No motor vehicle operator's license shall be issued until (A) the applicant signs and files with the commissioner an application under oath, or made subject to penalties for false statement in accordance with section 53a-157b, and (B) the commissioner is satisfied that the applicant is sixteen years of age or older and is a suitable person to receive the license.

(2) Except any applicant described in section 1 of this act, an applicant for a new motor vehicle operator's license shall, in the discretion of the commissioner, file, with the application, a copy of such applicant's birth certificate or other prima facie evidence of date of birth and evidence of identity.

(3) Before granting a license to any applicant who has not previously held a Connecticut motor vehicle operator's license, or who has not operated a motor vehicle during the preceding two years, the commissioner shall require the applicant to demonstrate personally to the commissioner, a deputy or a motor vehicle inspector or an agent of the commissioner, in such manner as the commissioner directs, that the applicant is a proper person to operate motor vehicles of the class for which such applicant has applied, has sufficient knowledge of the mechanism of the motor vehicles to ensure their safe operation by him or her and has satisfactory knowledge of the laws concerning motor vehicles and the rules of the road. The knowledge test of an applicant for a class D motor vehicle operator's license may be administered in such form as the commissioner deems appropriate, including audio, electronic or written testing. Such knowledge test shall be administered in English, Spanish or any language spoken at home by at least one per cent of the state's population, according to statistics prepared by the United States Census Bureau, based on the most recent decennial census. If any such applicant has held a license from a state, territory or possession of the United States where a similar examination is required, or if any such applicant is a person honorably separated from the United States armed forces who applies within two years following the separation and who, prior to the separation, held a military operator's license for motor vehicles of the same class as that for which such applicant has applied, the commissioner may waive part or all of the examination. When the commissioner is satisfied as to the ability and competency of any applicant, the commissioner may issue to such applicant a license, either unlimited or containing such limitations as the commissioner deems advisable, and specifying the class of motor vehicles which the licensee is eligible to operate.

(4) If any applicant or operator license holder has any health problem which might affect such person's ability to operate a motor vehicle safely, the commissioner may require the applicant or license holder to demonstrate personally or otherwise establish that, notwithstanding such problem, such applicant or license holder is a proper person to operate a motor vehicle, and the commissioner may further require a certificate of such applicant's condition, signed by a medical authority designated by the commissioner, which certificate shall in all cases be treated as confidential by the commissioner. A license, containing such limitation as the commissioner deems advisable, may be issued or renewed in any case, but nothing in this section shall be construed to prevent the commissioner from refusing a license, either limited or unlimited, to any person or suspending a license of a person whom the

commissioner determines to be incapable of safely operating a motor vehicle. Consistent with budgetary allotments, each motor vehicle operator's license issued to or renewed by a deaf or hearing impaired person shall, upon the request of such person, indicate such impairment. Such person shall submit a certificate stating such impairment, in such form as the commissioner may require and signed by a licensed health care practitioner.

(5) The issuance of a motor vehicle operator's license to any applicant who is the holder of a license issued by another state shall be subject to the provisions of sections 14-111c and 14-111k.

Sec. 3. (Effective from passage)

(a) There is established a working group to examine methods to verify foreign documents submitted to the Department of Motor Vehicles by applicants applying for motor vehicle operators' licenses, pursuant to section 1 of this act, who cannot establish their legal presence in the United States and who do not have Social Security numbers. Such examination shall include, but not be limited to, a review of methods used for verification of foreign documents by other states and the federal government and an analysis of issues concerning the implementation of a foreign document verification process by the department.

(b) The working group shall consist of the following members:

- (1) One appointed by the speaker of the House of Representatives;
- (2) One appointed by the president pro tempore of the Senate;
- (3) One appointed by the majority leader of the House of Representatives;
- (4) One appointed by the majority leader of the Senate;
- (5) One appointed by the minority leader of the House of Representatives;
- (6) One appointed by the minority leader of the Senate; and
- (7) The Commissioner of Motor Vehicles, or the commissioner's designee.

(c) Not less than two members of the working group appointed under subdivisions (1) to (6), inclusive, of subsection (b) of this section shall have expertise in the evaluation and verification of foreign identification documents.

(d) All appointments to the working group shall be made not later than thirty days after the effective date of this section. Any vacancy shall be filled by the appointing authority.

(e) The speaker of the House of Representatives and the president pro tempore of the Senate shall select the chairpersons of the working group from among the members of the working group. Such chairpersons shall schedule the first meeting of the working group, which shall be held not later than sixty days after the effective date of this section.

(f) Not later than February 1, 2014, the working group shall prepare a report on its findings and recommendations. The working group shall terminate on the date that it prepares such report or February 1, 2014, whichever is later.

Approved June 6, 2013

State of Rhode Island

**RELATING TO MOTOR AND OTHER VEHICLES - OPERATORS' AND
CHAUFFEURS' LICENSES**

Introduced By: Representatives Williams, Valencia, Slater, and Diaz

Date Introduced: January 30, 2014
Referred To: House Judiciary
(Governor)

It is enacted by the General Assembly as follows:

SECTION 1. Section 31-10-26 of the General Laws in Chapter 31-10 entitled "Operators' and Chauffeurs' Licenses" is hereby amended to read as follows:

31-10-26. Issuance of license. –

(a) Licenses – Valid form of identification – The division of motor vehicles shall, upon payment of the required fee, issue to every qualifying applicant an operator's or chauffeur's license. The license shall be approximately two and one-half inches (2 1/2") wide and three and one-half inches (3 1/2") long and shall bear on it a distinguishing number assigned to the licensee, the full name, date of birth, residence address, brief description of the licensee, a photograph of the licensee, whether the licensee has indicated a desire to donate tissue or organs pursuant to the provisions of chapter 23-18.6.1 and either a space upon which the licensee shall write his or her usual signature with pen and ink or a facsimile of the signature of the licensee. No license shall be valid until it has been so signed by the licensee designated on it. A negative file of all photographs of licensees shall be maintained by the division of motor vehicles for a period of five (5) years. A license issued pursuant to this subsection (a) shall be a valid form of identification for federal or state purposes.

(b) Driving privilege license – Not valid form of identification. Subject to the requirements and limitations of § 31-10-49, the division of motor vehicles shall, upon payment of the required fee, issue to every qualifying applicant a driving privilege permit or driving privilege license. The license shall be approximately two and one-half (2 1/2") wide and three and one-half inches (3 1/2") long and shall bear on it a distinguishing number assigned to the licensee, the full name, date of birth, residence address, brief description of the licensee, a photograph of the licensee, whether the licensee has indicated a desire to donate tissue or organs pursuant to the provisions of § 23-18.6.1 and either a space upon which the licensee shall write his or her usual signature with pen and ink or a facsimile of the signature of the licensee. No driving privilege license shall be valid until it has been so signed by the licensee designated on it. The driving privilege license shall include a clear written indication on such license that it shall not be a valid form of identification for federal or state purposes. The driving privilege license shall be a different color than the license issued in § 31-10-26(a). The driving privilege permit shall be of a different design or color from the driving permit issued under §§ 31-10-6 and 31-10-26. A negative file of all photographs of licensees shall be maintained by the division of motor vehicles for a period of five (5) years. A driving privilege license holder shall not be eligible for a chauffeur endorsement pursuant to § 31-10-5. A driving privilege license or permit holder shall not be eligible for a first license or permanent license when renewing a driving privilege license or permit unless the applicant meets all of the requirements for a first license or permanent license including documentation to verify legal presence in the United States.

(c) The division of motor vehicles shall issue special licenses to those licensees who have indicated that they desire to donate tissue or organs, which conform to the provisions of the Rhode Island Anatomical Gift Act, chapter 23-18.6.1

(d) Any person who is a law enforcement officer, meaning any permanently employed member of the state, city, or town police departments, sheriffs and deputy sheriffs, members of the marshal's unit, capitol police, and the state fire marshal and deputy fire marshals of the

division of fire safety or a member of the department of attorney general, any permanently employed federal law enforcement officer assigned in Rhode Island, or any member of the United States Attorney's Office in Rhode Island or any employee of the R.I. department of corrections, as recommended by the director of the department of corrections, upon request of the applicant, shall be issued a license which contains the applicant's official business address in lieu of a residence address as required under the general provisions of this section.

(e) The license issued hereunder to a person applying for the first time shall be designated as a "first license". A first license shall be issued for a one year period after which time a permanent driver's license shall be issued according to this section.

(f) If an applicant for a license hereunder has been adjudicated for committing one moving motor vehicle violation, has been involved in one reportable motor vehicle accident, or both, he or she shall be summoned for a hearing before a judge of the traffic tribunal at which time the driving record will be reviewed. The traffic tribunal judge shall determine if the person should be granted an operator's license, be reissued a first license, or be denied a license to operate a motor vehicle in the state of Rhode Island.

(g) Any person who is under the age of twenty-one (21) years shall, upon payment of the required fee and upon meeting the qualifications for the receipt of an operator's or chauffeur's license, be issued a license which shall be readily distinguishable in color from those licenses issued to persons who are twenty-one (21) years of age or older. When a person under the age of twenty-one (21) years to whom a license has been issued and whose license is in full force and effect, attains his or her twenty-first birthday, he or she shall be entitled to receive a new license of the type issued to persons who are twenty-one (21) years or older from the administrator of the division of motor vehicles upon demand at no expense. Every person shall supply to the division of motor vehicles satisfactory proof of his or her date of birth.

(h) The division of motor vehicles shall issue special licenses upon the request of a licensee which conform to the provisions of the Rhode Island Anatomical Gift Act, chapter 23-15 18.6.1

(i) The division of motor vehicles shall note in an appropriate manner a restriction on any person's license who is prohibited from operating a motor vehicle that is not equipped with an ignition interlock system as provided in chapter 27 of this title.

(j) Any personal digitized information contained within an operator's or chauffeur's license shall be limited to:

(a) the licensee's name, age, date of birth, address, gender, physical description such as weight, height, hair color and eye color, signature and organ donor status; and

(b) the license number, commercial endorsements, expiration date, issue date, restriction and class.

(k) Except to the extent an entity is authorized to renew drivers' licenses, or except for financial institutions engaged in the verification of information for financial transactions, nongovernmental entities shall not have access to any digitized information contained in an operator or chauffeur's license other than the licensee's name, age, date of birth, signature, and photographic image, and the license's expiration date; nor shall they store, record or retain any such information obtained through a digital reading device. Access to digitized information by such entities shall be solely for the purpose of determining the age of an individual for a transaction, right or privilege available by law only to persons of a certain age.

(l) To the extent that nongovernmental entities shall have access to the digitized information stored on an operator's or chauffeur's license, the entity shall be civilly liable for the unauthorized access to, or retention or use of, such information by its agents or persons acting in the name of the entity.

(m) The division of motor vehicles shall collect from applicants and licensees their social security numbers and tax identification numbers only to the extent required by federal law. Such numbers shall not be included, either digitally or visually, on the operator's or chauffeur's license.

SECTION 2. Chapter 31-10 of the general laws entitled, "Operators' and Chauffeurs' Licenses" is hereby amended by adding the following section thereto:

31-10-49. Driving Privilege Licenses and driving privilege permits. –

(a) In order to ensure that drivers are knowledgeable of traffic safety laws and the safe operation of a motor vehicle, the division of motor vehicles is authorized to issue driving privilege licenses and driving privilege permits to any applicant who meets the licensure requirements of this chapter, but cannot establish that he or she is legally present in the United States or does not have a Social Security number; provided, however, such applicant shall submit the following forms of identification:

(1) Any one of the following:

(i) A foreign birth certificate;

(ii) A valid foreign passport that is unexpired or expired for less than three (3) years before the application for a license including a certified translation if the document is not in English; or

(iii) A valid, unexpired consular identification document issued by an applicant's country of citizenship; and

(2) Any one of the following additional forms of identity:

(i) A certified court record;

(ii) A valid driver's license or state ID issued by another state or US Territory;

(iii) An employee ID;

(iv) A certified school record; or

(v) An INS Form 1-94; and

(3) Proof of residency as set forth in the rules and regulations to be promulgated by division of motor vehicles; and

(4) An individual tax payer identification number in order to comply with §§ 31-2-23 and 31 31-3-6.1.

(b) For purposes of this title the term "license" shall include the "driving privilege license," and "permit" shall include "driving privilege permit" as defined by this section, and all examinations, education

requirements, residency requirements, penalties and all other provisions or a license shall also apply to the driving privilege license.

(c) The division of motor vehicles shall not issue or renew a driving privilege license to

any applicant who has been convicted of any felony in Rhode Island, with determination to be made pursuant to rules and regulations to be promulgated by the division of motor vehicles.

(d) The driving privilege permit and the driving privilege license shall not be a valid form of federal or state identification and shall not be used as identification for voting purposes.

(e) The applicant for a driving privilege permit and the driving privilege license shall be required to comply with all other Rhode Island laws and applicable rules and regulations.

(f) The division of motor vehicles may adopt rules and regulations to implement the provisions of this section.

SECTION 3. This act shall take effect on July 1, 2015.

State of Nebraska

LEGISLATIVE BILL 623

Introduced by Nordquist, 7; Baker, 30; Campbell, 25; Howard, 9; Mello, 5; Schumacher, 22.

Read first time January 21, 2015

Committee: Transportation and Telecommunications

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act;

to amend section 60-484.04, Revised Statutes Cumulative Supplement, 2014; to state findings and intent; to change provisions relating to evidence of lawful status; to repeal the original section; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 60-484.04, Revised Statutes Cumulative Supplement, 2014, is amended to read:

60-484.04

(1) The Legislature finds and declares that section 202(c) (2)(B)(i) through (ix) of the federal REAL ID Act of 2005, Public Law 109-13, enumerated categories of individuals who

may demonstrate lawful status for the purpose of eligibility for a federally secure motor vehicle operator's license or state identification card. The Legislature further finds and declares that it was the intent of the Legislature in 2011 to adopt the enumerated categories by the passage of Laws 2011, LB 215. The Legislature declares that the passage of this legislative bill is for the limited purpose of reaffirming the original legislative intent of Laws 2011, LB 215. Except as provided in section 60-4,144 with respect to operators of commercial motor vehicles, before being issued any other type of operator's license or a state identification card under the Motor Vehicle Operator's License Act, the department shall require an applicant to present valid documentary evidence that he or she has lawful status in the United States as enumerated in section 202(c)(2)(B)(i) through (ix) of the federal REAL ID Act of 2005, Public Law 109-13. Lawful status may be shown by:

- (a) A valid, unexpired United States passport;
 - (b) A certified copy of a birth certificate filed with a state office of vital statistics or equivalent agency in the individual's state of birth;
 - (c) A Consular Report of Birth Abroad (CRBA) issued by the United States Department of State, Form FS-240, DS-1350, or FS-545;
 - (d) A valid, unexpired Permanent Resident Card (Form I-551) issued by the United States Department of Homeland Security or United States Citizenship and Immigration Services;
 - (e) An unexpired employment authorization document (EAD) issued by the United States Department of Homeland Security, Form I-766 or Form I-688B;
 - (f) An unexpired foreign passport with a valid, unexpired United States visa affixed accompanied by the approved I-94 form documenting the applicant's most recent admittance into the United States;
 - (g) A Certificate of Naturalization issued by the United States Department of Homeland Security, Form N-550 or Form N-570;
 - (h) A Certificate of Citizenship, Form N-560 or Form N-561, issued by the United States Department of Homeland Security;
 - (i) A driver's license or identification card issued in compliance with the standards established by the REAL ID Act of 2005, Public Law 109-13, division B, section 1, 119 Stat. 302; or
 - (j) Such other documents as the director may approve.
- (2) (a) If an applicant presents one of the documents listed under subdivision (1)(a), (b), (c), (d), (g), or (h) of this section, the verification of the applicant's identity in the manner prescribed in section 60-484 will also provide satisfactory evidence of lawful status.
- (b) If the applicant presents one of the identity documents listed under subdivision (1)(e), (f), or (i) of this section, the verification of the identity documents

does not provide satisfactory evidence of lawful status. The applicant must also present a second document from subsection (1) of this section or documentation issued by the United States Department of Homeland Security or other federal agencies demonstrating that by the United States Citizenship and Immigration Services has granted the applicant lawful status as enumerated in section 202(c)(2)(B)(i) through (ix) of the federal REAL ID Act of 2005, Public Law 109-13.

(3) An applicant may present other documents as designated by the director as proof of lawful status as enumerated in section 202(c)(2)(B) (i) through (ix) of the federal REAL ID Act of 2005, Public Law 109-13. Any documents accepted shall be recorded according to a written exceptions process established by the director.

Sec. 2. Original section 60-484.04, Revised Statutes Cumulative Supplement, 2014, is repealed.

Sec. 3. Since an emergency exists, this act takes effect when passed and approved according to law.

State of Delaware

DELAWARE STATE SENATE

148th GENERAL ASSEMBLY

SENATE BILL NO. 59

§ 2711. Application for license.

Section 1. Amend § 2711, Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

(a) Every application for an operator's license shall be made on an application form furnished by the Department. The original application shall be verified by the applicant before a person authorized to administer oaths.

(b) Every application shall state the name, social security number, if eligible, date of birth, sex and residence address of the applicant and whether or not the applicant has previously been licensed as an operator, and, if so, when and by what state and whether or not such license has ever been suspended or revoked and, if so, the date of and reason for such suspension or revocation.

(c) Regardless of the age of the applicant, the Division shall require evidence satisfactory to the Division of the applicant's name, date of birth, sex, and Delaware residence address.

(d) Any applicant who is able to provide satisfactory documentary evidence of all information described in subsection (c) of this section except for legal presence in the United States, may be eligible for a Class D license or a Class D temporary instruction permit valid for driving privileges only, hereinafter referred to as a driving privilege card or permit. Federal law prohibits any person from being eligible for a commercial driver license without providing satisfactory documentary evidence of legal presence in the United States.

(1) A driving privilege card or permit applicant must also provide the Division with satisfactory documentary evidence that the applicant, for each of the preceding two years, has:

a. Filed a Delaware income tax return; or

b. Resided in Delaware and been claimed as a dependent by an individual who has filed a Delaware income tax return.

(2) A driving privilege card or permit applicant must have completed the procedures required under § 8595, Title 11.

(3) A driving privilege card or permit shall not be considered a valid form of identification for any purpose.

(4) Every applicant for or holder of a driving privilege card or permit under this section shall be subject to all of the provisions of this and any other title that apply to applicants and holders of Class D driver licenses, Class D temporary instruction permits, and Level 1 Learner Permits.

(5) Notwithstanding any provision to the contrary, to ensure the public trust of the Delaware undocumented population that will utilize the driving privilege card for its intended purposes, all personal identifiable information collected during the application process shall be kept confidential, except in connection with purposes or procedures that would equally apply to applicants under subsection (c) of this section.

(e) (1) Any male applicant who applies for an instruction permit or driver's license or a renewal of any such permit or license and who is at least 18 years of age but less than 26 years of age shall be registered in compliance with the requirements of § 3 of the "Military Selective Service Act", 50 U.S.C. App. § 453, as amended.

(2) The Department shall forward in an electronic format the necessary personal information of the applicants identified in this subsection to the selective service system. The applicant's signature on the application shall serve as an indication that the applicant either has already registered with the selective service system or that he is authorizing the Department to forward to the selective service system the necessary information for such registration. The Department shall notify the applicant at the time of application that his signature constitutes consent to registration with the selective service system, if he is not already registered.

Section 2. Amend § 2715, Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2715. Driver license renewal cycle; fees; photograph.

(a) Upon receipt of the application and a fee of \$40 and after such examination as provided in this chapter, the Secretary may issue, at the Secretary's discretion, a motor vehicle driver's license which shall expire and be renewable on the eighth anniversary date of the birth of the applicant next following the date of its issuance unless the birth date is February 29, in which event the license shall expire and be renewable on February 28 every eighth year. A permanent resident foreign national may be issued a full 8-year driver's license. However, a driver's license issued to a temporary foreign national must be limited to the period of time that the temporary foreign national is authorized to be in the United States.

(b) Upon receipt of the application and a fee of \$20 and after such examination as provided in this chapter, the Secretary may issue, at the Secretary's discretion, a driving privilege card issued in accordance with § 2711 of this title, which shall expire and be renewable on the fourth anniversary date of the birth of the applicant next following the date of its issuance unless the birth date is February 29, in which event the driving privilege card shall expire and be renewable on February 28 every fourth year.

(c) On or near the date of expiration of a motor vehicle driver's license, each licensee shall appear at 1 of the Department's offices and be photographed by the Department of

Transportation. Upon approval by the Director of the Division of Motor Vehicles, in the Director's discretion, the requirement for this appearance may be waived if circumstances prevent the licensee from appearing on or near the time of renewal.

(d) A late fee of \$1.15 shall be assessed in addition to the renewal fee for every person whose driver's license has expired.

(e) Notwithstanding subsections (a), (b), and (c) of this section, the Secretary may issue driver licenses for less than 8 years until December 12, 2016, so the number of renewals can be more evenly distributed over an 8-year period. If a driver license is issued for less than 8 years pursuant to this section, the fee shall be calculated at \$5.00 per year.

(f) Notwithstanding the length of issuance and fees as stated in this subsection, the length of issuance and fees for commercial motor vehicle driver's licenses as required in Chapter 26 of this title shall be as required in § 2611 of this title.

Section 3. Amend § 2718, Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2718. Information on licenses.

(a) Every license shall bear thereon the distinguishing number assigned to the licensee and shall contain the name, age, residential address and a brief description of the licensee for the purpose of identification and shall have a space for the signature of the licensee. Every license shall also bear thereon a photograph of the licensee. Upon approval by the Director of the Division of Motor Vehicles, in the Director's discretion, the requirement for a photograph may be waived, if circumstances prevent the licensee from appearing on or near the time of renewal. The licensee's social security number is used for identification purposes and shall be maintained in the Division of Motor Vehicle's record system. In addition to the information described in this section, a driving privilege card or permit issued in accordance with § 2711 of this title shall be unique in design and bear on its face the phrase "Driving Privilege Only", and the phrase "Not Valid For Identification".

(b) The Division of Motor Vehicles shall provide a method for permitting a person making application for a license or identification card, or for renewal thereof, to have designated thereon that such person is a donor pursuant to subchapter II, Chapter 27 of Title 16, the Uniform Anatomical Gift Act.

(1) Upon such designation, the Division of Motor Vehicles shall in a manner prescribed by the Division make a suitable notation upon the license or identification card indicating that the person is a donor.

(2) The designation shall constitute sufficient legal authority for the removal of a body or part thereof upon the person's death and the designation shall be removed only upon written notice to the Division by the donor.

(3) At the time the donor authorizes the designation to appear on the donor's license or identification card, the donor shall be notified that the designation can be removed only upon written notice to the Division.

(4) For purposes of this section, license shall not include any temporary license.

(c) The Division of Motor Vehicles shall provide a method for permitting a person applying for a license or identification card, or for renewal thereof, to have designated thereon that such person has a medical condition which may require special attention.

(1) Upon such designation, the Division of Motor Vehicles shall in a manner prescribed by the Division make a suitable notation upon the license or identification

card indicating that such person has a medical condition which may require special attention.

(2) At the time the licensee authorizes the designation to appear on the licensee's license or identification card, the licensee shall be notified that the designation can be removed only upon written notice to the Division.

(3) For purposes of this subsection, license shall not include any temporary license.

(4) No designation shall be noted upon the license or identification card of any person under 18 years of age unless written permission of the parents or guardian is granted.

(5) For the purposes of this subsection "medical condition" shall include the execution of a pre-hospital advanced care directive pursuant to § 9706(h) of Title 16.

(d) A driver's license applicant or holder of a driver's license shall provide the Division with the applicant's or holder's social security number if eligible. This shall take place at the time of renewal of such driver's license or at the time a new license is issued to the applicant for any reason.

(e) If an applicant is required to register as a sex offender pursuant to § 4120 of Title 11, as amended, for a felony conviction the sentencing court shall take possession of the driver's license and shall tender to the person being sentenced a temporary license, directing that the person report to the Division of Motor Vehicle for a replacement driver's license with the following code under restrictions: Y indicating sex offender. The person shall tender to the Division of Motor Vehicle a fee of \$5.00 for the replacement license. Upon a person being removed from the registration requirement, the Division of Motor Vehicle shall issue a license without the sex offender code printed upon the license at no charge. The sentencing court shall forward to the Division all licenses that it receives, along with a copy of the sentencing order.

(f) Failure to comply with subsection (e) of this section within 30 days of a qualifying felony conviction pursuant to § 4120 of Title 11 will result in the suspension of driving privileges by the Division of Motor Vehicles.

Section 4. Amend Chapter 85, Title 11 by making deletions as shown by strike through and insertions as shown by underline as follows:

Subchapter X. Driving Privilege Cards.

§ 8593. Definitions.

For purposes of this subchapter:

(1) "Applicant" shall mean a prospective driving privilege card holder.

(2) "Driving privilege card" shall mean a card issued pursuant to § 2711(d) of Title 21 of the Delaware Code, to undocumented immigrants who are not eligible for a Delaware driver's license.

§ 8594. Authority of the State Bureau of Identification.

This subchapter is intended for use by an applicant for a driving privilege card who may or may not have sufficient identification or documentation to prove his or her identity, pursuant to the procedures established in § 8595 of this title. The State Bureau of Identification, hereinafter referred to as "Bureau," shall facilitate the criminal background check of applicants. The Bureau is hereby authorized to promulgate such reasonable forms, fees, and regulations as may be necessary or desirable to effectuate the provisions of this subchapter.

§ 8595. Application process.

(a) The applicant shall appear at the Bureau during regular hours of business, and shall inform the Bureau of the applicant's desire to avail himself or herself of the procedure set forth in this section.

(1) The applicant shall produce identification documentation. Acceptable documentation shall include the following, with other documentation to be evaluated on a case-by-case basis:

- a. A birth certificate;
- b. A foreign passport;
- c. A foreign driver's license; or
- d. School Identification that includes a photograph.

(2) The applicant will sign an affidavit attesting to his or her identity. The affidavit will inform the applicant that if any of the information provided is proven to be false the applicant could be prosecuted under § 907 of this title.

(3) The applicant shall be required to submit fingerprints and other necessary information in order for the Bureau to run a search of state and federal criminal databases. This search shall include:

- a. A review of the applicant's criminal history record to determine if the applicant has an alias linked to fingerprints on file at the Bureau.
- b. A report of the applicant's entire federal criminal history record, pursuant to the Federal Bureau of Investigation appropriation of Title 42 of Public Law 92-544 (28 CFR § 20.33 (a)(3)).

(4) If a the review pursuant to paragraph (a)(3)a. of section identifies a conflict between the name the applicant provided and an alias on file with state or federal authorities, the applicant must resolve the conflict prior to becoming eligible to obtain a driving privilege card.

(5) Fees for the criminal history background check shall be paid by the applicant prior to the commencement of the background check.

(b) The Bureau shall maintain a record of all background checks under this section to the same extent as is required by law.

(c) The Bureau will make the result known to the Division of Motor Vehicles once the applicant has successfully completed the background check. The Bureau will coordinate with the Division of Motor Vehicles to develop a procedure to ensure the applicant who successful completes this subchapter's procedures is the same individual who applies for a driving privilege card.

Section 5. The Division of Motor Vehicle shall promulgate regulations to carry out the provisions of this bill.

Section 6. This bill shall become effective 180 days from the date of enactment.

SYNOPSIS

This Act creates the means for an undocumented immigrant to apply for and obtain valid driving privileges in the State of Delaware. Those who are eligible will be issued a Class D driver license for driving privileges only that is not considered a valid form of identification due to the applicant's inability to prove legal presence in the United States. The driving privilege card will be uniquely designed to distinguish it from other driver licenses. It will also be clearly marked "Not Valid for Identification" and for "Driving Privileges Only". This

bill does not change any existing driver license requirements for those who are United State citizens or who have lawful presence in the United States.

State of Hawaii

RELATING TO MOTOR VEHICLE DRIVER LICENSING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1.

The legislature finds that the federal REAL ID Act of 2005, Pub. L. No. 109-13, requires states to comply with federally mandated eligibility criteria in issuing driver's licenses, including the requirement of proof of lawful presence in the United States. Accordingly, a person who does not submit satisfactory proof of the person's legal presence in the United States, as authorized by federal law, cannot legally operate a motor vehicle. The REAL ID Act, however, specifically allows states to issue driver's licenses that do not comply with the minimum federal use requirements and standards of the REAL ID Act, which is a critical exception. Since 2010 when the State implemented the restrictive identification requirements for driver's licenses, a significant number of residents have become unable to carry out necessary daily activities unless they operate motor vehicles without a license, and therefore, without insurance.

The heightened requirements unduly burden elderly residents, houseless individuals, undocumented immigrants, lawfully present nonimmigrants, and survivors of gender-based violence. The lack of access to licensure hinders the ability to drive safely, legally, and insured to work, to church, to run errands, to drop children off to school and drive them to medical appointments. Women in particular are disproportionately impacted by these requirements because they are often the primary caretakers of children.

In recent years, there has been a significant increase in state efforts to expand access to driver's licenses for persons who cannot provide proof of authorized presence in the United States. Several states now grant access to a driver's license regardless of immigration status and only require that the applicant establish evidence of current residency in the respective state.

The legislature further finds that the lack of access to driver's licensure as a result of restrictive identification requirements poses a serious threat to public safety. Allowing all age-qualifying residents to obtain driver's licenses will improve public safety by ensuring that all drivers are tested or driving skills and able to acquire motor vehicle insurance.

It is not the intent of this Act to jeopardize the State's compliance with the REAL ID Act of 2005 or the receipt of any federal grants or funding. Issuing restricted driver's licenses clearly marked as not acceptable f o r federal identification purposes for the limited purpose of driving a motor vehicle is permissible and will not jeopardize the State's eligibility for federal grants or funding.

The purpose of this Act is to enable the appropriate licensing authority in each county to issue uniquely identified limited purpose driver's licenses, provisional driver's licenses, and instruction permits to residents who meet the other qualifications for licensure or permit and provide satisfactory proof of their identity and state residency.

SECTION 2. Chapter 286, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

" § 286- Limited purpose driver's license, limited purpose provisional driver's license, and limited purpose instruction permits.

(a) Notwithstanding section 286-104(7) to the contrary, every person who submits an application for a driver's license, provisional driver's license, or instruction permit that satisfies the requirements of this chapter except for the applicant's inability or refusal to provide satisfactory proof of authorized presence in the United States under federal law shall be issued a limited purpose driver's license, a limited purpose provisional driver's license, or a limited purpose instruction permit that is uniquely identified in compliance with the REAL ID Act of 2005 upon satisfactory proof to the examiner of drivers of the applicant's identity and residency in the State. The examiner of drivers shall accept various types of documentation for the purpose of establishing the applicant's identity and residency in the State, which may be established by more than one document. Acceptable documentation includes:

(1) A valid, unexpired consular identification document issued by a consulate from the applicant's country of citizenship or a valid, unexpired passport from the applicant's country of citizenship;

(2) An original birth certificate or other proof of age, as designated by the examiner of drivers;

(3) A current home utility bill, lease, or rental agreement, or deed or title to real property in the State, as designated by the examiner of drivers;

(4) A United States Department of Homeland Security Form 1-589, Application for Asylum and for Withholding of Removal;

(5) An official school or college transcript that includes the applicant's date of birth or a foreign school record that is sealed and includes a photograph of the applicant at the age the record was issued;

(6) An official school or college identification card that includes the applicant's full name and a photograph of the applicant at the time the identification was issued;

(7) A United States Department of Homeland Security Form 1-20 or Form DS-2019;

(8) A United States Customs and Immigration Services Deferred Action for Childhood Arrival Approval Letter;

(9) A valid identification card for health benefits;

(10) A valid identification card for an assistance or social services program;

(11) A current voter registration card issued by the State;

(12) A wage stub issued in the last six months;

(13) An income tax return filed in the last two years;

(14) A social security card;

(15) One of the following documents which, if in a language other than English, shall be accompanied by a certified translation or an affidavit of translation into English:

(A) Marriage license or divorce certificate;

(B) Foreign federal electoral photo card issued on or after January 1, 1991;

(C) Foreign student identification card; or

(D) Foreign driver's license; or

(16) Other proof of Hawaii residency as designated by the director.

(b) Except as otherwise provided in this subsection, every application under this section shall be made upon the form and in the manner required by section 286-111 and shall be accompanied by the fee established for non-limited purpose

licenses or permits pursuant to section 286-111. The examiner of drivers shall not require any applicant under this section to furnish information regarding the applicant's eligibility or ineligibility for a social security number. The examiner shall not disclose the identity of any applicant who does not provide a social security card or social security number.

(c) Every limited purpose driver's license, limited purpose provisional driver's license, and limited purpose instruction permit issued pursuant to this section shall on its face and machine readable zone bear the Phrase. "Not acceptable for official federal purposes", and on its reverse bear the phrase, "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", and be of a unique design or color indication that clearly distinguishes them from the State's compliant driver's licenses, provisional driver's licenses, and instruction permits. If the United States Department of Homeland Security determines that limited purpose licenses or permits issued pursuant to this section do not satisfy the requirements of title 6 Code of Federal Regulations section 37.71, adopted pursuant to section 202 of the Real ID Act of 2005, Public Law 109-13, the examiner of drivers, under the direction of the department, shall modify the limited purpose licenses and permits issued pursuant to this section only to the extent necessary to satisfy the requirements of the federal law.

(d) Every limited purpose driver's license and limited purpose provisional driver's license shall expire in accordance with section 286-106, and every limited purpose instruction permit shall expire in accordance with section 286-110.

(e) A limited purpose driver's license or limited purpose provisional driver's license may be renewed in accordance with section 286-107 and reactivated in accordance with section 286-107.5. A limited purpose instruction permit may be renewed in accordance with section 286-110.

(f) It shall be a violation of law to discriminate against a person because the person applied for, was denied, was issued, holds, or presents a limited purpose driver's license, limited purpose provisional driver's license, or limited purpose instruction permit.

(g) A limited purpose license or limited purpose instruction permit issued pursuant to this section shall not be used to consider a person's citizenship or immigration status as a basis for a criminal investigation, arrest, or detention.

(h) Documents and information collected pursuant to an application for, denial of, or issuance of a limited purpose driver's license, limited purpose provisional driver's license, or limited purpose instruction permit shall be confidential and shall not be disclosed by the examiner of drivers or the department except as required by law.

(i) The director shall adopt rules in accordance with chapter 91 to implement this section."

SECTION 3. Section 286-102, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) No person, except one:

- (1) Exempted under section 286-105;
- (2) Who holds an instruction permit under section 286-110;
- (3) Who holds a limited purpose driver's license, limited purpose provisional driver's license, or limited purpose instruction permit under section 286- :
- (4) Who holds a provisional license under section 286-102.6;
- (5) Who holds a commercial driver's license issued under section 286-239; or
- (6) Who holds a commercial driver's license instruction permit issued under section 286-236, shall operate any category of motor vehicles listed in this section without first being appropriately examined and duly licensed as a qualified driver of that category of motor vehicles.”

SECTION 4. Section 286 - 110 , Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Any person aged fifteen years and six months or more who, except for the person's lack of instruction in operating a motor vehicle, would be qualified to obtain a driver's license issued under this part may apply for a temporary instruction permit or a limited purpose instruction permit at the office of the examiner of drivers in the county in which the applicant resides; provided that the applicant complies with section 286-102.5."

SECTION 5. Section 286 - 111 , Hawaii Revised Statutes, is amended as follows:

1. By amending its title and subsection (a) to read: "286-111 Application for license, provisional license, instruction permit, limited purpose driver's license, limited purpose provisional driver's license, or limited purpose instruction permit; fees. (a)Every application for an instruction permit, provisional license, [w] driver's license-, limited purpose driver's license, limited purpose provisional driver's license, or limited purpose instruction permit shall be made upon a form furnished by the examiner of drivers and shall be verified by the applicant before a person authorized to administer oaths. The examiner of drivers and officers serving under the examiner may administer the oaths without charge. Each application for an instruction permit for a category (1) , (2), (3),or(4)license shall be accompanied by a fee to be determined by the council of each county, and each application for a provisional license or driver's license shall be accompanied by the fee, unless the applicant has already paid the fee upon application for an instruction permit in the same county, in which event no fee shall be charged. An additional fee to be determined by the council of each county shall be charged and collected upon the issuance of a provisional license or driver's license. All of the foregoing fees shall become county realizations."

2. By amending subsection (e) to read:

"(e) Except as provided in section 286- , if the applicant is not eligible to receive a social security number, the applicant shall submit, in lieu of providing proof of social security number pursuant to subsection (d):

(1) A United States Social Security Administration letter stating that the applicant is ineligible to obtain a social security number; and

(2) Either:

(A) A government-issued photo identification document; or

(B) Other identification documents as deemed acceptable by the director."

SECTION 6. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 7. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 8. This Act shall take effect on January 1, 2016.

Report Title: Drivers Safety Act; Motor Vehicle Licensing; Proof of Residency; Proof of Identity; REAL ID Act of 2005



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