Introduced by Senators Baruth, Ashe, Ayer, Cummings, Fox, Lyons, McCormack, Pollina, White, and Zuckerman

Subject: Motor vehicles; driver’s licenses; non-driver identification cards; residents unable to prove legal presence

Statement of purpose of bill as introduced: This bill proposes to expand eligibility for driver’s licenses and non-driver identification cards to Vermont residents unable to establish lawful presence in the United States.

An act relating to expanding eligibility for driving and identification privileges in Vermont

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. FINDINGS

(a) The General Assembly finds that migrant workers in Vermont face significant challenges based on their current ineligibility for Vermont driver’s licenses and non-driver identification cards. These challenges include barriers to identifying themselves and being identified officially, and to traveling in order to purchase basic necessities or to access services, including medical care.
(b) 2012 Acts and Resolves No. 95 created a study committee on migrant worker access to driver’s licenses and non-driver identification cards. The study committee recommended that Vermont law be amended to authorize the issuance of driver’s licenses and non-driver identification cards to Vermont residents unable to establish lawful presence in the United States. Sec. 2. 23 V.S.A. § 603 is amended to read:

§ 603. APPLICATION FOR AND ISSUANCE OF LICENSE

* * *

(d) In addition to any other requirement of law or rule, a Except as provided in subsection (e) of this section:

(1) A citizen of a foreign country shall produce his or her passport and visa, alien registration receipt card (green card), or other proof of legal presence for inspection and copying as a part of the application process for an operator license, junior operator license, or learner permit. Notwithstanding any other law or rule to the contrary, an

(2) An operator license, junior operator license, or learner permit issued to a citizen of a foreign country shall expire coincidentally with his or her authorized duration of stay.

(e)(1) Notwithstanding subdivision (d)(1) of this section, a citizen of a foreign country unable to establish legal presence in the United States who furnishes proof of residence and of name, date of birth, and place of birth, and
who otherwise satisfies the eligibility requirements of this chapter, shall be
issued an operator license, junior operator license, or learner permit. The
license or permit shall expire at midnight on the eve of the second birthday of
the applicant following the date of issuance.

(2) The Commissioner shall require applicants under this subsection to
furnish a document or a combination of documents that reliably proves the
applicant’s name, date of birth, and place of birth. The Commissioner may
prescribe the documents or combination of documents that meets these criteria.

However, the Commissioner shall accept the following documents, and shall
only require a combination of them if necessary, to establish name, date of
birth, and place of birth of an applicant:

(A) a valid foreign passport, with or without a U.S. Customs and
   Border Protection entry form or stamp;

(B) a valid consular identification document issued by the
government of Mexico or of Guatemala or by any other government with
   comparable security standards and protocols, as determined by the
   Commissioner; and

(C) a certified record of the applicant’s birth, marriage, adoption, or
divorce, including a translation if necessary.

(3) The Commissioner shall require applicants under this subsection to
furnish a document or a combination of documents that reliably proves the
applicant’s Vermont residency. The Commissioner may prescribe the
documents or combination of documents that meets these criteria. However,
the Commissioner shall accept the following documents as proof of Vermont
residency:

(A) two pieces of mail received by the applicant with the applicant’s
current name and physical or residential Vermont address; or

(B) two of the following which show name and physical or
residential Vermont address:

(i) a vehicle title or registration;

(ii) a document issued by a financial institution, such as a bank
statement;

(iii) a document issued by an insurance company or agent, such as
an insurance card, binder, or bill;

(iv) a document issued by an educational institution, such as a
transcript, report card, or enrollment confirmation;

(v) federal tax documents, such as W-2 or 1099 forms;

(vi) state tax documents, such as an IN-111; and

(vii) medical health records, receipts, or bills.

(4) Application and issuance procedures. The Commissioner may
promulgate policies or adopt rules related to the issuance of licenses or permits
under this subsection that balance accessibility with mechanisms to prevent
fraud. The Commissioner shall consider adopting the appointment system procedures used in other states to prevent and deter fraud with regard to proof of residency.

(f) Licenses or permits that do not conform to the requirements of the REAL ID Act of 2005, Pub. L. No. 109-13, §§ 201–202 (REAL ID), shall be physically indistinguishable from each other, except as may be authorized with regard to their expiration dates. On the date that the Secretary of the U.S. Department of Homeland Security requires Vermont to comply fully with REAL ID, all noncompliant licenses and permits shall be distinguished from REAL ID-compliant licenses and permits in accordance with law.

Sec. 3. 23 V.S.A. § 115 is amended to read:

§ 115. NONDRIVER IDENTIFICATION CARDS

(a) Any Vermont resident may make application to the commissioner and be issued an identification card which is attested by the commissioner as to true name, correct age, and any other identifying data as the commissioner may require which shall include, in the case of minor applicants, the written consent of the applicant’s parent, guardian, or other person standing in loco parentis. Every application for an identification card shall be signed by the applicant and shall contain such evidence of age and identity as the commissioner may require, consistent with subsection (l) of this section. The commissioner
Commissioner shall require payment of a fee of $20.00 at the time application for an identification card is made.

(b) Every identification card shall expire, unless earlier canceled, on the fourth birthday of the applicant following the date of original issue, and may be renewed every four years upon payment of a $20.00 fee. At least 30 days before an identification card will expire, the Commissioner shall mail first class to the cardholder an application to renew the identification card.

* * *

(l) The Commissioner shall issue identification cards to Vermont residents who are not U.S. citizens, regardless of legal presence in the United States, if the applicant follows the procedures and furnishes documents as specified in subsection 603(d) or (e) of this title and any policies or rules adopted thereunder, and otherwise satisfies the requirements of this section. The identification cards shall expire consistent with subsection 603(d) or (e) of this title.

(m) All identification cards that do not conform to the requirements of the REAL ID Act of 2005, Pub. L. No. 109-13, §§ 201–202 (REAL ID), shall be physically indistinguishable from each other, except as may be authorized with regard to their expiration dates. On the date that the Secretary of the U.S. Department of Homeland Security requires Vermont to comply fully with
REAL ID, all noncompliant identification cards shall be distinguished from
REAL ID-compliant identification cards in accordance with law.

Sec. 4. EFFECTIVE DATE

This act shall take effect on September 1, 2013.