

Chapter 13

2023 Regular Session

Subject Driver's license and identification card eligibility

Bill H.F. 4

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Overview

This act broadens the eligibility for a traditional Minnesota driver's license or identification card so that proof of citizenship or lawful presence is no longer required. It also makes a variety of related and conforming changes, including to:

- expand the set of documents that can be used to establish identity and residency when applying for a license or identification card;
- prevent marking on the license or identification card that is related to demonstration of lawful presence;
- allow the Department of Public Safety to undertake administrative rulemaking on driver's licenses and identification cards (by repealing a rulemaking limitation);
- establish various limitations on data sharing related to application and issuance of driver's licenses and identification cards; and
- appropriate funds for implementation costs.

The act is generally effective October 1, 2023.

Article 1: Driver's Licenses and Identification Cards

This article makes changes related to traditional or "noncompliant" driver's licenses and Minnesota identification cards. These are a type of license and identification card that does not fully comply with federal REAL ID Act requirements to be accepted for some federal access purposes. The article expands eligibility so that proof of citizenship or lawful U.S. presence is not required to obtain the license or identification card, adds to the list of documents that can be used in the application process to prove identity (building on document lists that have been established in administrative rules), restricts card marking, makes appropriations, and eliminates a restriction on rulemaking.

Section Description – Article 1: Driver’s Licenses and Identification Cards

- 1 Temporary lawful admission.**
Makes a conforming change, to clarify a provision on issuing licenses and identification cards to those who have temporary admission into the United States so that it only applies to the REAL ID compliant versions.
- 2 Application format and requirements.**
Makes a technical change, to add additional driver’s license credential types to an illustrative list.
- 3 Content of application; other information.**
Revises requirements for an applicant to provide a Social Security number in some circumstances. Restricts the application form and the department from collecting or seeking information about an applicant’s citizenship, immigration status, or lawful presence status.
- 4 Noncompliant license or identification card; residence, lawful status.**
Paragraph (a) establishes that a person may obtain a traditional driver’s license or Minnesota identification card (i.e., a “noncompliant” one that does not fully meet all REAL ID Act requirements) without showing proof of legal presence in the United States, and requires the applicant to declare a residence in Minnesota.

Paragraph (b) makes an administrative rule on documenting legal status no longer apply to applications for a traditional license or identification card. This also has the effect of eliminating marking as temporary on the licenses and identification cards.
- 5 Noncompliant license or identification card; general requirements.**
Sets various requirements for traditional licenses and ID cards, including on legibility, certification, translation, and name change documentation (for documents that are being added in the bill as acceptable to demonstrate identity). Requires a waiver process. Prevents reuse of a document as both primary and secondary. Defines terms.
- 6 Noncompliant license or identification card; primary documents.**
Makes additional forms of documentation permissible to be used as *primary* documents to prove identity for noncompliant license and identification card applications. (This is in addition to documents currently listed in administrative rules.) The added documents consist of: (1) a foreign passport; (2) a consular identification card; (3) a certified foreign birth certificate; and (4) a certified foreign adoption certificate.

Section Description – Article 1: Driver’s Licenses and Identification Cards

- 7 **Noncompliant license or identification card; secondary documents.**
Makes various additional forms of documentation permissible to be used as *secondary* documents to prove identity for noncompliant license and identification card applications. (This is in addition to documents currently listed in administrative rules.)
- 8 **License; contents and design.**
Prohibits any marking or design indications on a driver’s license that relate to the license holder’s lawful presence. Makes technical changes, including to clarify that marking the documents as temporary only applies to REAL ID compliant licenses.
- 9 **Identification card; content and design; fee.**
Prohibits any marking or design indications on a Minnesota identification card that relate to the card holder’s lawful presence. Makes technical changes, including to clarify that marking the documents as temporary only applies to REAL ID compliant identification cards.
- 10 **Restrictions on use.**
Prohibits using traditional driver’s license or ID card as evidence regarding legal presence or as the primary basis for investigation, detention, or arrest.
- 11 **Appropriation.**
Appropriates a total of roughly \$2.87 million from the vehicle services operating account for fiscal years 2024-25 to the Department of Public Safety for implementation, as a onetime appropriation. Revises the base. Effective March 8, 2023.
- 12 **Repealer.**
Repeals a prohibition on Department of Public Safety rulemaking. The prohibition currently prevents the department from modifying administrative rules related to driver’s licenses and Minnesota identification cards (including on documentation of identity and residency, duplicate licenses and cards, and variances).
- 13 **Effective date.**
Makes the law effective October 1, 2023.

Article 2: Data Protections

This article provides for data protections related to applicants and driver’s license and identification card holders who have not demonstrated lawful presence in the United States.

Section Description – Article 2: Data Protections

- 1 Noncompliant license or identification card; lawful status.**
Makes a technical change creating a cross reference in the Data Practices Act to the provisions established in this act.
- 2 Review and audit of subscription services.**
Directs bulk data subscribers to include, in a required annual data audit, review of their compliance with data disclosure limitations for immigration enforcement purposes.
- 3 Privacy of data.**
Makes a conforming change regarding data disclosure limitations on immigration enforcement purposes.
- 4 Disclosure of personal information.**
Establishes that mandatory driver’s license and identification data disclosure for public safety does not authorize disclosure of immigration status data, as defined in section 7 of this article.

Also authorizes the secretary of state to disseminate information protected under the act for the purpose of election administration.
- 5 Data privacy; noncompliant license or identification card.**
Requires any person who receives data on individuals relating to noncompliant licenses and identification cards to certify that they will not use the data for civil immigration purposes. Applies penalties and remedies under the Data Practices Act for violations of the certification.
- 6 Driving record disclosure to law enforcement.**
Prevents the disclosure of immigration status data in driving records to law enforcement agencies.
- 7 Certain data on noncompliant license or identification card; department and agents.**
Prohibits the Department of Public Safety as well as driver’s license agents from disclosing data related to an applicant’s or credential holder’s immigration status, including information that has the effect of identifying whether a person has demonstrated citizenship or lawful presence as well as some specific submitted documents. Classifies the immigration status data as private data on individuals. Also prohibits dissemination of the data to various third parties (which would otherwise be authorized under Minnesota Statutes, section 171.12, subdivision 7), as well as to federal, state, and local government entities. Specifies that violation of these data-

Section Description – Article 2: Data Protections

sharing restrictions constitutes a violation of the government Data Practices Act and is subject to penalties and remedies under that chapter.



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