

HOUSE RESEARCH

Bill Summary

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Overview

This bill establishes standards for proving identity and residency in the U.S. for obtaining a driver's license, driving permit, or Minnesota ID card. It makes permanent the July 2002 Department of Public Safety rules governing documents that prove identity. It allows the cancellation of the license or ID card of a person with short-term authorization to be in the United States when that authorization expires. It increases from a misdemeanor to gross misdemeanor various driver's license offenses such as falsifying a license and using another person's license to establish identity.

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1 **Proof of identity and residency.** Establishes standards for proving identity and residency for issuance of a driver's license.

Subd. 1. In general. Requires applicants for a Minnesota driver's license, permit, or ID card to present one of those documents if it has previously been issued to the applicant. Requires the license, permit, or ID card to have expired not more than 5 years if it has a color photo or electronic image, and not more than one year if it does not. Allows a seven-day temporary license (issued to a person whose license is revoked on the spot after a chemical test shows an alcohol concentration of .10 percent

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or more) to be presented if it has been expired for not more than a year.

Requires an applicant who does not already have a license, permit, or ID card to present a primary and secondary document as defined in department of public safety rules.

| Summary of DPS rules on primary and secondary documents | |
|---|--|
| Primary documents | Secondary documents |
| U. S. birth certificate or adoption certificate | A second primary document |
| Department of Defense ID card | Driver's license, ID card, or permit from another state or Canadian province, with photo, current or expired not more than 5 years |
| Valid U. S. passport | U. S. or Canadian court order containing applicant's full name and date of birth |
| Other valid INS-endorsed passport | U. S. or Canadian government jurisdiction employee ID card with photo |
| Canadian birth certificate or naturalization certificate, with US arrival and departure form attached that endorses the applicant's presence (requires a secondary document with a photo) | Birth certificate from jurisdiction other than U.S. |
| Valid, non-expired INS documentation (certificate of naturalization, certificate of citizenship, citizen ID card, permanent resident card (green card), resident-alien card, employment authorization, re-entry permit/refugee travel document) | Department of Defense ID card for active-duty dependents, or certificate of release or discharge |
| | Marriage certificate |
| | Firearms permit with photo |
| | Pilot's license |
| | School transcript with name and date of birth |
| | U. S. or Canadian social security card |
| | Secondary school ID card with photo |

Subd. 2. Residence address. Allows a Minnesota driver's license, permit, or ID card to be issued only to a person who has a residence address in the state at the time of application. Requires an applicant to indicate the residence address on the application form.

2 Documenting residency. Provides for proof of identity and residency for driver's licenses, permits, and ID cards.

Subd. 1. Permanent rules. Makes permanent the exempt rules adopted in 2002 that list primary and secondary documents for proof of identity. Allows the rules to be amended under the administrative procedure act. Makes the documents identified in

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the rules subject to variance procedures in other rules.

Subd. 2. Incorporation of federal regulations. Allows the department of public safety to incorporate by reference into its rules federal regulations on identity and residency documentation standards. Allows these rules to be amended under the administrative procedure act.

Subd. 3. Translation. Requires all documents submitted to the department that are not in English to be accompanied by an English translation.

Subd. 4. Proof of residency at time of initial application. Requires proof of residency in the U.S. at the time of application for an initial driver's license, permit, or ID card. Requires the applicant to attest to a residence address in Minnesota and show proof of either lawful short-term admission to the United States, permanent U.S. resident status, indefinite authorized presence status, or U.S. citizenship.

Subd. 5. Proof of residency at renewal. Requires an applicant for a renewal of a driver's license, permit, or ID card to attest to a Minnesota residence at the time of applying for renewal. Requires a person with lawful short-term admission to the U.S. to attest to a Minnesota residence and provide proof of lawful short-term admission status.

Subd. 6. Documents not establishing residency. Specifies that a driver's license, permit, or ID card from another state is not proof of U.S. resident status, indefinite authorized-presence status, lawful short-term admission to the U.S., or U.S. citizenship.

Subd. 7. Documents establishing residency. Provides that an applicant, in order to demonstrate permanent U.S. resident status, indefinite authorized-presence status, lawful short-term admission to the U.S., or U.S. citizenship, must attest to a Minnesota residence and present a primary document.

Subd. 8. Name change. Requires an individual whose legal name is changed to present evidence of the name change as specified in department rules.

(The rules provide that a name change must be verified by a marriage certificate, court order specifying the name change, or divorce decree.)

Subd. 9. Lawful short-term admission status. Prohibits issuance of a license, permit, or ID card to a person who has now lawful admission status or whose status expires in 30 days or less. Provides that if the lawful admission period on a federal primary document expires in 30 days or more the applicant must be issued a license, permit, or ID card with a "status check date" that coincides with the lawful admission period on the document.

Subd. 10. Status check date. Provides that a status check date that coincides with the federal lawful-admission period on the federal primary document must be indicated on

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the license, permit, or ID card.

Subd. 11. Reissuance. Requires reissuance of a driver's license, permit, or ID card with a new status check date if the applicant presents a U.S. employment authorization card or notice of action that indicates an extension of the lawful admission period.

Provides that if the applicant presents an accepted federal application for an extension or change in the lawful admission period, the department must reissue the license, permit, or ID card with the status check date extended for six months from the date the extension application is received by the federal government.

Provides that if the applicant subsequently presents a federal document that indicates permanent U.S. resident status, indefinite authorized-presence status, or U. S. citizenship, the license, permit, or ID card must be reissued without a status check date. Requires the applicant to pay the duplicate fee for such a license, permit, or ID card.

3 Contents of application. Requires the driver's license application form's description of the applicant to contain the applicant's height in feet and inches, weight in pounds, and eye color.

4 Contents of license. Requires the driver's license's description of the applicant to contain the applicant's height in feet and inches, weight in pounds, and eye color.

5 Issuance of ID card; description of cardholder. Prohibits issuance of an ID card to a person who has a driver's license or ID card from any jurisdiction unless that license or ID card has been invalidated.

Requires the description on an ID card to show height in feet and inches, weight in pounds, eye color, and sex.

6 Driver's license image. Requires full-face image on driver's licenses.

Subd. 1. Full-face image. Provides that an applicant for a driver's license, permit, or ID card must have a full-face image taken by the department that represents the applicant's true appearance, with face uncovered and unobscured.

Subd. 2. Use of previous image. Allows subdivision 1 to be satisfied by a previous image on file with the department only in the case of duplicate licenses and ID cards and, for one renewal cycle only, a person who is out of the state at the time the license or ID card expires but who intends to return within four years.

Subd. 3. Updated image. Requires a person who used a previous image on a license or ID card because of absence from the state to have an updated image taken within 30 days of returning to the state. Requires such a person to comply with requirements to produce a primary document, and secondary document if necessary.

7 Cancellation of ID card. Provides for cancellation of licenses and ID cards.

Subd. 1. Cancellation of ID card. Amends the law that allows the department to cancel a driver's license based on incorrect or fraudulent information in an application, by expanding it to cover ID cards as well as licenses.

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Subd. 2. Cancellation; denial. Allows the department to cancel a driver's license, permit, or ID card on the status check date unless the document holder presents federal proof of extension of lawful admission, or a federal receipt for an application for extension or change of lawful admission status.

Allows the department to cancel a driver's license, permit, or ID card if it receives federal notice that the individual has been deported.

Subd. 3. Warning. Provides that if the status check date on a driver's license, permit, or ID card is to expire in more than 60 days, a warning that the license, permit, or card will be cancelled on the status check date must be sent to the holder. Provides that a person who applies for a license, permit, or ID card and whose status check date expires within 60 days of the application date, the applicant must be given a general notice that warns of cancellation on the status check date.

Subd. 4. Cancellation order. Requires the holder of a driver's license, permit, or ID card with a status check date to be issued a cancellation order at least 7 days before that date.

Subd. 5. Administrative review. Allows administrative review of cancellation or denial of a license, permit, or ID card under department rules.

Subd. 6. Fees. Provides that a holder of a driver's license, permit, or ID card who applies for a six-month extension of the status check date before the date may not be charged a fee for reissuance of the license, permit, or card if there is no change to the name or address.

8 Penalties. Increases from a misdemeanor to a gross misdemeanor the penalty for:

- 4 displaying or possessing a fictitious or fraudulently altered license or ID card
- 4 lending a license or ID card to another person or knowingly permitting another person to use the license or ID card
- 4 displaying another person's license or ID card as one's own
- 4 using a fictitious name or date of birth to a police officer on a license or ID card application
- 4 knowingly making a false statement, concealing a material fact, or otherwise committing fraud in a license or ID card application

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- 4 altering a license or ID card
- 4 taking a driver exam for another person, or permitting another person to take an exam
- 4 displaying as valid a canceled, revoked, or suspended license

9 **Qualifications for hazardous materials drivers.** Requires an applicant for a commercial driver's license with a hazardous materials endorsement to comply with federal regulations concerning background checks.

10 **Forfeitures.** Allows forfeiture of property used in committing the offense of using forged documents in applying for a driver's license.