

**Subject** Driver's license and identification card requirements

**Authors** Winkler and others

**Analyst** Matt Burress (matt.burress@house.mn)

**Date** March 5, 2019

## Overview

This bill makes modifications related to driver's license and Minnesota identification cards, to:

- allow a person to obtain a driver's license or Minnesota identification card without providing proof of legal presence in the United States;
- permit additional forms of documentation to establish identity and residency in order to obtain the license or identification card;
- establish various limitations on data sharing related to application and issuance of the licenses and identification cards;
- establish nondiscrimination protections related to the licenses and identification cards;
- create a civil penalty for violations of data practices and nondiscrimination provisions;
- eliminate restrictions on administrative rulemaking governing driver's licenses and identification cards;
- appropriate funds for implementation and enforcement costs;
- prevent election day voter registration using the licenses and identification cards; and
- make conforming and clarifying changes.

## Article 1: Licenses and Identification Cards

This article makes changes related to noncompliant driver's licenses and noncompliant Minnesota identification cards, which are license and identification card versions that are not compliant with the federal REAL ID Act for federal identification purposes. It expands eligibility so that proof of lawful 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 established in administrative rules), identifies associated card marking changes, makes appropriations, and eliminates a restriction on rulemaking.

Section	Description
1	<b>Temporary lawful admission.</b> Makes a technical change, to clarify application of a provision on issuing licenses and ID cards to those who have temporary admission into the United States.
2	<b>Content of application; other information.</b> Eliminates a certification requirement related to Social Security number eligibility.
3	<b>Noncompliant license or identification card; lawful status.</b> Establishes that a person may obtain a noncompliant driver's license or Minnesota identification card (i.e., one that does not fully comply with REAL ID Act requirements) without showing proof of legal presence in the United States. Overrides an administrative rule on documenting legal status, so that the rule does not apply to applicants under this provision.
4	<b>Noncompliant license or identification card; general requirements.</b> Sets requirements on legibility, translation, and name change documentation related to documents that are being added under the bill as acceptable to show identity.
5	<b>Noncompliant license or identification card; primary documents.</b> Identifies additional forms of documentation as permissible <i>primary</i> documents that can be used to prove identity, for license and identification card applicants who are not providing proof of lawful presence. This is in addition to documents currently specified in administrative rules. The submitted documentation must have security features.  The specified documentation consists of: a Minnesota license or identification card previously issued to a person who did not provide proof of lawful presence; a foreign passport; a consular identification card; a foreign birth certificate; and any set of documents from a statutory list of secondary documents (created in section 6) that, when combined together, provide the applicant's name, date of birth, and photo.
6	<b>Noncompliant license or identification card; secondary documents.</b> Identifies several additional forms of documentation as permissible <i>secondary</i> documents that can be used to prove identity, for license and identification card applicants who are not providing proof of lawful presence. This is in addition to documents currently specified in administrative rules. Prevents reuse of a document as both primary and secondary.
7	<b>License; contents and design.</b> Requires marking a driver's license with "not for voting" on the back side of the document, for licenses issued when the applicant is not providing proof of lawful presence. Prohibits any further indications on the document regarding lawful presence.

Section	Description
8	<b>Identification card; content and design; fee.</b> Requires marking a Minnesota identification card with “not for voting” on the back side of the document, for cards issued when the applicant is not providing proof of lawful presence. Prohibits any further indications on the document regarding lawful presence.
9	<b>Appropriations.</b> Paragraph (a) appropriates \$267,000 from the general fund in fiscal year 2019 to the Department of Public Safety for implementation, as a onetime appropriation.  Paragraph (b) appropriates a total of \$153,000 from the general fund for the 2020-2021 biennium to the Department of Human Rights for investigation and enforcement activities. The base is set at \$77,000 annually.
10	<b>Repealer.</b> Repeals a prohibition on Department of Public Safety rulemaking. The prohibition prevents the department from modifying current administrative rules related to driver’s licenses and Minnesota identification cards (including on documentation of identity and residency, duplicate licenses and cards, and variances).
11	<b>Effective date.</b> Makes the bill effective August 1, 2019.

## Article 2: Rights and Protections

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

Section	Description
1	<b>Noncompliant license or identification card; lawful status.</b> Makes a technical change, to create a cross reference in the chapter on data practices to the data provisions being established in the bill.
2	<b>Disclosure of personal information.</b> Establishes that mandated driver’s license and identification data disclosure for public safety does not authorize disclosure of data that is otherwise restricted for a driver’s license or identification card for which the person has not demonstrated lawful presence (as established in section 4).

Section	Description
3	<p><b>Driving record disclosure to law enforcement.</b></p> <p>Prevents driving record data disclosure to law enforcement agencies if restricted for a driver's license or identification card for which the person has not demonstrated lawful presence (as established in section 4).</p>
4	<p><b>Certain data on noncompliant license or identification card; department and agents.</b></p> <p>Prohibits the Department of Public Safety and driver's license agents from disclosing data related to driver's licenses and identification cards where the applicant or card holder has not demonstrated lawful presence, including dissemination to (1) federal agencies; (2) state agencies; and (3) local units of government. The prohibition includes applications, denials, and issuances that would indicate or have the effect of identifying an individual.</p>
5	<p><b>Certain data on noncompliant license or identification card; criminal justice.</b></p> <p>Prohibits law enforcement, prosecutors, and other enforcement officials from taking any action that is specifically based on a driver's license or identification card for which the person has not demonstrated lawful presence.</p>
6	<p><b>Noncompliant license or identification card; nondiscrimination.</b></p> <p>Makes it a violation of the Minnesota Human Rights Act to discriminate against a person in providing housing, public services, or public accommodations, on the basis of application, denial, issuance, or holding a driver's license or identification card for which the person has not demonstrated lawful presence.</p>
7	<p><b>Civil penalty.</b></p> <p>Establishes a civil fine of up to \$10,000 for violations related to discrimination or disseminating data related to a driver's license or identification card for which the person has not demonstrated lawful presence. The Department of Human Rights is authorized to impose the civil penalty after investigation and determination that a violation occurred.</p> <p>This is different from an individual's ability to file a claim with the Department of Human Rights for administrative assistance or filing a civil action in court under the Human Rights Act.</p>
8	<p><b>National origin discrimination; evidence.</b></p> <p>Establishes that it is prima facie evidence of national origin discrimination as prohibited under the Minnesota Human Rights Act to discriminate based on a driver's license or identification card for which the person has not demonstrated lawful presence.</p>

## Article 3: Elections

This article provides for election day voter registration and election official training related to driver's license and identification card holders who have not demonstrated lawful presence.

Section	Description
1	<p><b>Election day registration.</b></p> <p>Prohibits a person from proving identity and residence for purposes of election day voter registration using a driver's license or identification card for which the person has not demonstrated lawful presence.</p>
2	<p><b>County notification; election judge training.</b></p> <p>Directs the Secretary of State to inform county auditors about not accepting a driver's license or identification card for which the person has not demonstrated lawful presence for election day voter registration. Directs county auditors to inform election officials and include information on the topic in election judge training.</p>



*Minnesota House Research Department provides nonpartisan legislative, legal, and information services to the Minnesota House of Representatives. This document can be made available in alternative formats.*

[www.house.mn/hrd](http://www.house.mn/hrd) | 651-296-6753 | 600 State Office Building | St. Paul, MN 55155