

Subject Driver's license and identification card eligibility

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Overview

This bill, as proposed to be amended by the S1354DE1 delete-all amendment, would modify eligibility, documentation, data sharing, and related requirements for “noncompliant” driver’s licenses and Minnesota identification cards, which are forms of licenses and identification cards that do not fully comply with the federal REAL ID Act. The changes include:

- allowing a person to obtain a driver’s license or Minnesota identification card without showing proof of legal presence in the United States;
- permitting additional forms of documentation to establish identity and residency when applying for a license or identification card;
- setting special design and marking requirements on a license or identification card that is obtained without demonstration of lawful presence;
- eliminating restrictions on administrative rulemaking that governs driver’s licenses and identification cards;
- establishing various limitations on data sharing related to application and issuance of driver’s licenses and identification cards;
- appropriating funds for implementation costs; and
- making conforming and clarifying changes.

| Section | Description |
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| 1 | Noncompliant license or identification card; lawful status. Makes a technical change, to create a cross reference in the chapter on data practices to the data provisions being established in the bill. |
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| Section | Description |
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| 2 | 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. |
| 3 | Content of application; other information. Eliminates a requirement that an applicant makes a certification related to Social Security number eligibility in some circumstances. |
| 4 | Noncompliant license or identification card; lawful status. Paragraph (a) 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. Paragraph (b) makes an administrative rule on documenting legal status no longer apply to applications for a noncompliant license or identification card. This also has the effect of eliminating marking as temporary on the noncompliant licenses and cards. |
| 5 | Noncompliant license or identification card; general requirements. Sets requirements on legibility, certification, translation, and name change documentation for documents that are added in the bill as acceptable to demonstrate identity. Requires a waiver process. Prevents reuse of a document as both primary and secondary. |
| 6 | Noncompliant license or identification card; primary documents. Makes additional forms of documentation permissible as primary documents that can be used to prove identity for noncompliant license and identification card applications. (This is in addition to documents currently specified in administrative rules.) The added documents consists of: (1) a Minnesota license or identification card previously issued to a person who did not provide proof of lawful presence; (2) a foreign passport; (3) a consular identification card; and (4) a certified foreign birth certificate. |
| 7 | Noncompliant license or identification card; secondary documents. Makes a list of several additional forms of documentation permissible as secondary documents that can be used to prove identity for noncompliant license and identification card applications. (This is in addition to documents currently specified in administrative rules.) |

| Section | Description |
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| 8 | <p>License; contents and design.</p> <p>Requires a vertical orientation and marking “not for federal purposes or voting” on the front side of a driver’s license issued in some situations where the applicant has not provided proof of U.S. citizenship. Makes technical changes, including to clarify that document marking of temporary status only applies to REAL ID compliant licenses.</p> |
| 9 | <p>Identification card; content and design; fee.</p> <p>Requires a vertical orientation and marking “not for federal purposes or voting” on the front side of a Minnesota identification card issued in some situations where the applicant has not provided proof of U.S. citizenship. Makes technical changes, including to clarify that document marking of temporary status only applies to REAL ID compliant identification cards.</p> |
| 10 | <p>Identification card expiration.</p> <p>Sets a two-year expiration for a Minnesota identification card issued in some situations where the applicant has not provided proof of U.S. citizenship.</p> |
| 11 | <p>Disclosure of personal information.</p> <p>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 in which the person has not demonstrated lawful presence.</p> |
| 12 | <p>Driving record disclosure to law enforcement.</p> <p>Prevents driving record data disclosure to law enforcement agencies if restricted for a driver’s license or identification card in which the person has not demonstrated lawful presence.</p> |
| 13 | <p>Certain data on noncompliant license or identification card; department and agents.</p> <p>Prohibits the Department of Public Safety as well as driver’s license agents from disclosing data related to an applicant’s or license or card holder’s demonstration of citizenship or lawful presence in the United States. The prohibition includes applications, denials, and issuances that would indicate or have the effect of identifying the individual, and includes preventing dissemination to (1) federal agencies, (2) state agencies, and (3) local units of government.</p> |
| 14 | <p>Expiration and renewal; military exception.</p> <p>Sets a two-year expiration for a driver’s license issued in some situations where the applicant has not provided proof of U.S. citizenship. Makes technical changes.</p> |

| Section | Description |
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| 15 | Appropriations. Appropriates \$1.215 million from the driver services operating account in the special revenue fund in fiscal year 2021 to the Department of Public Safety for implementation, as a onetime appropriation. |
| 16 | Effect of appropriations. Establishes that duplicate appropriations for the same purpose under this act only take effect once. |
| 17 | Repealer. 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). |
| 18 | Effective date. Makes the bill effective October 1, 2021. |



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