

1 S.38

2 Introduced by Senators Baruth, Ashe, Ayer, Cummings, Fox, Lyons,

3 McCormack, Pollina, White, and Zuckerman

4 Referred to Committee on

5 Date:

6 Subject: Motor vehicles; driver's licenses; non-driver identification cards;

7 residents unable to prove legal presence

8 Statement of purpose of bill as introduced: This bill proposes to expand

9 eligibility for driver's licenses and non-driver identification cards to Vermont

10 residents unable to establish lawful presence in the United States.

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

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

14 Sec. 1. FINDINGS

15 (a) The General Assembly finds that migrant workers in Vermont face
16 significant challenges based on their current ineligibility for Vermont driver's
17 licenses and non-driver identification cards. These challenges include barriers
18 to identifying themselves and being identified officially, and to traveling in
19 order to purchase basic necessities or to access services, including medical
20 care.

1 who otherwise satisfies the eligibility requirements of this chapter, shall be
2 issued an operator license, junior operator license, or learner permit. The
3 license or permit shall expire at midnight on the eve of the second birthday of
4 the applicant following the date of issuance.

5 (2) The Commissioner shall require applicants under this subsection to
6 furnish a document or a combination of documents that reliably proves the
7 applicant's name, date of birth, and place of birth. The Commissioner may
8 prescribe the documents or combination of documents that meets these criteria.
9 However, the Commissioner shall accept the following documents, and shall
10 only require a combination of them if necessary, to establish name, date of
11 birth, and place of birth of an applicant:

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

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

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

20 (3) The Commissioner shall require applicants under this subsection to
21 furnish a document or a combination of documents that reliably proves the

1 applicant's Vermont residency. The Commissioner may prescribe the
2 documents or combination of documents that meets these criteria. However,
3 the Commissioner shall accept the following documents as proof of Vermont
4 residency:

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

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

9 (i) a vehicle title or registration;

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

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

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

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

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

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

19 (4) Application and issuance procedures. The Commissioner may
20 promulgate policies or adopt rules related to the issuance of licenses or permits
21 under this subsection that balance accessibility with mechanisms to prevent

1 fraud. The Commissioner shall consider adopting the appointment system
2 procedures used in other states to prevent and deter fraud with regard to proof
3 of residency.

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

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

12 § 115. NONDRIVER IDENTIFICATION CARDS

13 (a) Any Vermont resident may make application to the ~~commissioner~~
14 Commissioner and be issued an identification card which is attested by the
15 ~~commissioner~~ Commissioner as to true name, correct age, and any other
16 identifying data as the ~~commissioner~~ Commissioner may require which shall
17 include, in the case of minor applicants, the written consent of the applicant's
18 parent, guardian, or other person standing in loco parentis. Every application
19 for an identification card shall be signed by the applicant and shall contain
20 such evidence of age and identity as the ~~commissioner~~ Commissioner may
21 require, consistent with subsection (l) of this section. The ~~commissioner~~

1 Commissioner shall require payment of a fee of \$20.00 at the time application
2 for an identification card is made.

3 (b) ~~Every~~ Except as provided in subsection (l) of this section, every
4 identification card shall expire, unless earlier canceled, on the fourth birthday
5 of the applicant following the date of original issue, and may be renewed every
6 four years upon payment of a \$20.00 fee. At least 30 days before an
7 identification card will expire, the ~~commissioner~~ Commissioner shall mail first
8 class to the cardholder an application to renew the identification card.

9 * * *

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

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

1 REAL ID, all noncompliant identification cards shall be distinguished from

2 REAL ID-compliant identification cards in accordance with law.

3 Sec. 4. EFFECTIVE DATE

4 This act shall take effect on September 1, 2013.