

1 HB38
2 134747-2
3 By Representatives Clouse, Galliher, Hubbard (M), Wood,
4 Bridges, Brown, Johnson (W), Fincher, Hammon, Love, Collins,
5 Baughn, Vance, Boothe, Long, McClurkin, Gaston, Treadaway,
6 Patterson, Sanderford, Williams (P), McCutcheon, Moore (B),
7 Ball, Nordgren, Baker, Farley, Tuggle, Poole, Henry, Weaver,
8 Chesteen, Shiver, Lee, Williams (D), McMillan, Greer,
9 Millican, Jones, Wren, Roberts, Williams (J), Merrill, Ison,
10 Johnson (K) and Carns
11 RFD: Public Safety and Homeland Security
12 First Read: 07-FEB-12
13 PFD: 12/01/2011

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8 SYNOPSIS: Under existing law, a person may not engage
9 in a business transaction, as defined, with the
10 state or a political subdivision of the state
11 unless he or she presents certain documentation of
12 United States citizenship or, if not a citizen,
13 lawful presence in the United States.

14 This bill would add a United States
15 Uniformed Services Privilege and Identification
16 Card to the list of acceptable documentation to
17 establish eligibility to enter into a business
18 transaction with the state or a political
19 subdivision.
20

21 A BILL
22 TO BE ENTITLED
23 AN ACT
24

25 To amend Section 30 of Act 2011-535, 2011 Regular
26 Session, now appearing as Section 31-13-29, Code of Alabama
27 1975, to add a United States Uniformed Services Privilege and

1 Identification Card to the list of acceptable documentation in
2 order to be eligible to enter into a business transaction with
3 the state or a political subdivision.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. Section 30 of Act 2011-535, 2011 Regular
6 Session, now appearing as Section 31-13-29, Code of Alabama
7 1975, is amended to read as follows:

8 "§31-13-29.

9 "(a) For the purposes of this section, business
10 transaction includes any transaction between a person and the
11 state or a political subdivision of the state, including, but
12 not limited to, applying for or renewing a motor vehicle
13 license plate, applying for or renewing a driver's license or
14 nondriver identification card, or applying for or renewing a
15 business license. Business transaction does not include
16 applying for a marriage license.

17 "(b) An alien not lawfully present in the United
18 States shall not enter into or attempt to enter into a
19 business transaction with the state or a political subdivision
20 of the state and no person shall enter into a business
21 transaction or attempt to enter into a business transaction on
22 behalf of an alien not lawfully present in the United States.

23 "(c) Any person entering into a business transaction
24 or attempting to enter into a business transaction with this
25 state or a political subdivision of this state shall be
26 required to demonstrate his or her United States citizenship,
27 or if he or she is an alien, his or her lawful presence in the

1 United States to the person conducting the business
2 transaction on behalf of this state or a political subdivision
3 of this state. United States citizenship shall be demonstrated
4 by presentation of one of the documents listed in subsection
5 (k) of Section 31-13-28. An alien's lawful presence in the
6 United States shall be demonstrated by this state's or a
7 political subdivision of this state's verification of the
8 alien's lawful presence through the Systematic Alien
9 Verification for Entitlements program operated by the
10 Department of Homeland Security, or by other verification with
11 the Department of Homeland Security pursuant to 8 U.S.C. §
12 1373(c). In lieu of providing a document listed in subdivision
13 (k) of Section 31-13-28, verification through the Systematic
14 Alien Verification for Entitlements program, or other
15 verification by the Department of Homeland Security pursuant
16 to 8 U.S.C. § 1373(c), a person may demonstrate eligibility to
17 enter into a business transaction with this state or a
18 political subdivision of this state by presenting a valid
19 Uniformed Services Identification and Privilege Card to the
20 person conducting the business transaction on behalf of this
21 state or a political subdivision of this state.

22 "(d) A violation of this section is a Class C
23 felony.

24 "(e) An agency of this state or a county, city,
25 town, or other political subdivision of this state may not
26 consider race, color, or national origin in the enforcement of

1 this section except to the extent permitted by the United
2 States Constitution or the Constitution of Alabama of 1901.

3 "(f) ~~In~~ Except as provided in this section, in the
4 enforcement of this section, an alien's immigration status
5 shall be determined by verification of the alien's immigration
6 status with the federal government pursuant to 8 U.S.C. §
7 1373(c). An official of this state or political subdivision of
8 this state shall not attempt to independently make a final
9 determination of whether an alien is lawfully present in the
10 United States."

11 Section 2. This act shall become effective on the
12 first day of the third month following its passage and
13 approval by the Governor, or its otherwise becoming law.