

# **HOUSE . . . . . No. 4461**

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, February 15, 2022.

The committee on Ways and Means, to whom was referred the Bill relative to work and family mobility during and subsequent to the COVID-19 emergency (House, No. 4459), reports recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 4461) [Representatives Smola of Warren, D’Emilia of Bridgewater, Berthiaume of Spencer, Muratore of Plymouth, and Whelan of Brewster dissent].

For the committee,

AARON MICHLEWITZ.

**HOUSE . . . . . No. 4461**

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**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Second General Court  
(2021-2022)**

An Act relative to work and family mobility.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. Section 8 of chapter 90 of the General Laws, as appearing in the 2020  
2 Official Edition, is hereby amended by striking out, in lines 275 to 277, inclusive, the words “No  
3 license of any type may be issued to any person who does not have lawful presence in the United  
4 States.” and inserting in place thereof the following words:- An applicant for a license under this  
5 section who does not provide proof of lawful presence, including an applicant who is ineligible  
6 for a social security number, shall be eligible for a Massachusetts license to operate a motor  
7 vehicle if the applicant meets all other qualifications for licensure and provides satisfactory proof  
8 to the registrar of their identity, date of birth and Massachusetts residency. When processing an  
9 application for a Massachusetts license pursuant to this section the registrar shall not inquire  
10 about or create a record of an applicant’s citizenship or immigration status. When processing an  
11 application for registration or renewal of a motor vehicle submitted by an applicant who holds a  
12 Massachusetts license the registrar shall not inquire about or create a record of an applicant’s  
13 citizenship or immigration status.

14 SECTION 2. Said section 8 of said chapter 90, as so appearing, is hereby further  
15 amended by striking out, in lines 278 to 279, inclusive, the words “or a Massachusetts license”.

16 SECTION 3. Said section 8 of said chapter 90, as so appearing, is hereby further  
17 amended by inserting after the word “a”, in line 287, the following words:- REAL ID-compliant.

18 SECTION 4. Said section 8 of said chapter 90, as so appearing, is hereby further  
19 amended by inserting after the word “temporary.”, in line 295, the following words:- If, at the  
20 expiration of the term of a REAL ID-compliant license, the licensee is unable to provide proof of  
21 lawful presence, the licensee shall remain eligible to apply for a Massachusetts license.

22 SECTION 5. Said section 8 of said chapter 90, as so appearing, is hereby further  
23 amended by adding the following 3 paragraphs:-

24 If an applicant for a license under this section or an applicant for a learner’s permit under  
25 section 8B does not provide proof of lawful presence in the United States, the applicant shall  
26 submit to the registrar and the registrar shall accept as proof of their identity and date of birth at  
27 least 2 documents. One document shall be: (1) a valid unexpired foreign passport; or (2) a valid  
28 unexpired Consular Identification document. The other document shall be: (1) a valid unexpired  
29 driver’s license from any United States state or territory; (2) an original or certified copy of a  
30 birth certificate; (3) a valid unexpired foreign national identification card; (4) a valid unexpired  
31 foreign driver’s license; or (5) a marriage certificate or divorce decree issued in Massachusetts.  
32 One document submitted as proof of an applicant’s identity pursuant to this paragraph shall  
33 include a photograph and one document submitted as proof of an applicant’s identity pursuant to  
34 this paragraph shall include a date of birth. Any documents submitted as proof of an applicant’s

35 identity pursuant to this paragraph that are in any language other than English shall be  
36 accompanied by a certified translation translating the document to English.

37 In addition to the powers and authority conferred upon the registrar pursuant to section 10  
38 with respect to standards of fitness for operation of a motor vehicle, the registrar may conduct a  
39 review of any documents issued by another country that are submitted by an applicant for a  
40 license under this section or an applicant for a learner's permit under section 8B who does not  
41 provide proof of lawful presence in the United States, including those who are ineligible for a  
42 social security number, to determine whether reasonable cause exists to exclude the document as  
43 proof of identity or date of birth.

44 Each applicant for a license under this section or learner's permit under section 8B shall  
45 attest, under the pains and penalties of perjury, that their license or right to operate has not been  
46 suspended or revoked in another state, country or jurisdiction.

47 SECTION 6. Section 8B of said chapter 90, as so appearing, is hereby amended by  
48 striking out, in lines 42 to 44, inclusive, the words “, except that no permit shall be issued to an  
49 applicant for a period of time longer than the registrar determines the applicant is legally  
50 authorized to remain in the United States”.

51 SECTION 7. (a) Notwithstanding any general or special law to the contrary, any  
52 information provided by or relating to an applicant for a Massachusetts license under section 8 of  
53 chapter 90 of the General Laws or a learner's permit under section 8B of said chapter 90,  
54 including failure to provide proof of lawful presence in the United States, including, but not  
55 limited to, personally identifying information and communications between said applicant and  
56 the registrar of motor vehicles pursuant to said section 8 or 8B of said chapter 90, shall neither be

57 a public record nor be disclosed by the registrar, except as authorized by regulations promulgated  
58 by the attorney general.

59 (b) Notwithstanding any general or special law to the contrary, any information provided  
60 by or relating to the holder of a Massachusetts license issued under section 8 of said chapter 90  
61 or the holder of a learner's permit issued under section 8B of said chapter 90, including failure to  
62 provide proof of lawful presence in the United States, including, but not limited to, personally  
63 identifying information and communications between said holder and the registrar of motor  
64 vehicles pursuant to said section 8 or 8B of said chapter 90, shall neither be a public record nor  
65 be disclosed by the registrar, except as authorized by regulations promulgated by the attorney  
66 general.

67 SECTION 8. Notwithstanding any general or special law to the contrary, the registrar of  
68 motor vehicles shall promulgate rules and regulations regarding proof of identity, date of birth  
69 and Massachusetts residency applicable to United States citizens and other persons who provide  
70 proof of lawful presence who elect to apply for a Massachusetts license pursuant to section 8 of  
71 chapter 90 of the General Laws.

72 SECTION 9. Notwithstanding any general or special law to the contrary, the registrar of  
73 motor vehicles, in consultation with the state secretary, shall establish procedures, and may  
74 promulgate regulations, to ensure that an applicant for a Massachusetts license pursuant to  
75 section 8 of chapter 90 of the General Laws or a learner's permit pursuant to section 8B of said  
76 chapter 90 who does not provide proof of lawful presence shall not be automatically registered to  
77 vote pursuant to the National Voter Registration Act of 1993, as codified in 52 U.S.C. chapter  
78 205, or any general or special law.

SECTION 10. This act shall take effect on July 1, 2023.