

## AN ACT

ENTITLED, An Act to reduce the driver license renewal requirements regarding the submittal of documentation of social security numbers and to update certain references to federal regulations.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 32-12-3.4 be amended to read:

32-12-3.4. Any applicant under the provisions of this chapter who has been assigned a social security account number shall, on making initial application for an operator's license, motorcycle operator's license, restricted minor's permit, motorcycle restricted minor's permit, instruction permit, motorcycle instruction permit, or nondriver identification card, present to the examiner a Social Security Administration account number card. If a Social Security Administration account number card is not available, the applicant may present any of the following documents bearing the applicant's social security number:

- (1) A W-2 form;
- (2) A SSA-1099 form;
- (3) A non-SSA-1099 form; or
- (4) A pay stub with the applicant's name and social security number.

Any applicant lawfully present in a nonimmigrant status who does not present evidence of a social security account number shall present to the examiner documentation which demonstrates a nonwork authorized status.

Unless the applicant has been assigned a new number by the Social Security Administration, the department may not require documentation of an applicant's social security number if the applicant currently holds a driver license or nondriver identification card that meets the requirements of 6 C.F.R. 37 as amended January 1, 2015.

Section 2. That § 32-12-3.1 be amended to read:

32-12-3.1. Any applicant as provided for in this chapter shall, on making application for an operator's license, motorcycle operator's license, restricted minor's permit, motorcycle restricted minor's permit, instruction permit, motorcycle instruction permit, or nondriver identification card, present to the examiner one of the following documents in order to establish identity and date of birth:

- (1) A certified copy of a United States birth certificate filed with the state office of vital records or equivalent agency;
- (2) A consular report of birth abroad (United States Department of State form FS-240, DS-1350, or FS-545);
- (3) A valid, unexpired permanent resident card (form I-551 issued by the United States Department of Homeland Security or Immigration and Naturalization Services);
- (4) An unexpired employment authorization document issued by the United States Department of Homeland Security (form I-766 or I-688B);
- (5) An unexpired foreign passport with a valid, unexpired United States visa affixed accompanied by the approved I-94 form documenting the applicant's most recent entrance into the United States;
- (6) A certificate of naturalization issued by the United States Department of Homeland Security (form N-550 or N-570);
- (7) A certificate of citizenship form N-560 or N-561 issued by the United States Department of Homeland Security;
- (8) A valid driver license issued by this state or another state that meets the requirements of 6 C.F.R. Part 37 as amended through January 1, 2015, and is acceptable by federal agencies for official purposes;
- (9) Any other document designated by the Department of Homeland Security by publication

in the Federal Register that establishes identity and date of birth; or

(10) A valid, unexpired United States passport.

For all documentation offered by the applicant to provide evidence of identity, date of birth, social security number or nonwork authorized status, address of principal residence, and lawful status, the department shall make a copy of the documentation and shall retain the copy for ten years. All documents retained under this section are confidential. The examiner may, as part of a documented exceptions process, accept other evidence of identity and date of birth of any applicant and lawful status of any United States citizen only if the examiner is satisfied that the applicant cannot, for good reason beyond the applicant's control, produce such primary documents. The examiner shall record the acceptance of any alternative document under the exceptions process. The Department of Public Safety may not require new evidence of birth at the time an application is made by a person holding an operator's license, motorcycle operator's license, restricted minor's permit, motorcycle restricted minor's permit, instruction permit, motorcycle instruction permit, or nondriver identification card, if that person's driver license or nondriver identification card meets the requirements of 6 C.F.R. Part 37 as amended through January 1, 2015, is acceptable by federal agencies for official purposes, and is turned in to the department with the application. Any person who obtains a driver license or nondriver identification card pursuant to this section fraudulently or by use of a fraudulently obtained document is guilty of a Class 1 misdemeanor.

Section 3. That § 32-12-17.10 be amended to read:

32-12-17.10. An operator's license, motorcycle operator's license, restricted minor's permit, motorcycle restricted minor's permit, instruction permit, and motorcycle instruction permit shall bear a distinguishing number assigned to the licensee, the full legal name or any name lawfully taken, date of birth, gender, principal residence address, an indication if the licensee is a donor pursuant to chapter 34-26, an indication if the licensee has a living will pursuant to chapter 34-12D or a durable

power of attorney for health care pursuant to chapter 59-7, an indication if the licensee is a veteran pursuant to the provisions of § 32-12-17.15, a full facial digital photograph, a brief description of the licensee, the licensee's signature, security features designed to deter forgery and counterfeiting, to promote an adequate level of confidence in the authenticity of the cards, and to facilitate detection of fraudulent cards, the issue date of the license, the expiration date of the license, an indication that the license is temporary or limited term if the holder has temporary lawful status in the United States, the name of this state, and a security marking approved by the United States Department of Homeland Security reflecting the level of compliance with 6 C.F.R. Part 37 as amended through January 1, 2015. The department shall indicate upon each license the general class of vehicles that the licensee may drive. The back of the license shall contain a barcode. The department shall include in the barcode the name of this state, the information printed on the license, the card design revision date indicating the most recent change or modification to the visible format of the card, and an indicator if the license is temporary or limited term. No barcode, or other means by which information may be retrieved electronically, may contain the licensee's social security number.

Section 4. That § 32-12-43.1 be amended to read:

32-12-43.1. Any person who holds a valid South Dakota operator's license, motorcycle operator's license, or nondriver identification card that meets the requirements of this chapter and 6 C.F.R. Part 37, as amended to January 1, 2015, may apply by mail or electronically for a replacement or updated license or identification card and a renewal once in any ten year period if:

- (1) The applicant is a citizen or national of the United States or is an alien who has permanent resident status;
- (2) The applicant has not had a material change in any personally identifiable information as defined in § 32-12-1. A change of address of principal residence does not constitute a material change;

- (3) The applicant is not applying for reinstatement after a revocation, disqualification, or cancellation;
- (4) The applicant submits two forms of proof of current address;
- (5) In case of a renewal application only, the applicant submits a vision statement signed by a licensed optometrist or ophthalmologist that supplies proof that the applicant has adequate eyesight, if the applicant is sixty-five years of age or older at the time of renewal; and
- (6) The applicant has complied with all other provisions of this chapter and is eligible for renewal by mail or electronic renewal as determined by the Department of Public Safety.

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I certify that the attached Act  
originated in the

SENATE as Bill No. 23

\_\_\_\_\_  
Secretary of the Senate  
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\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

Senate Bill No. 23  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

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Received at this Executive Office  
this \_\_\_\_\_ day of \_\_\_\_\_ ,

20\_\_\_\_ at \_\_\_\_\_ M.

By \_\_\_\_\_  
for the Governor  
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The attached Act is hereby  
approved this \_\_\_\_\_ day of  
\_\_\_\_\_, A.D., 20\_\_\_\_

\_\_\_\_\_  
Governor  
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STATE OF SOUTH DAKOTA,  
ss.  
Office of the Secretary of State

Filed \_\_\_\_\_, 20\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of State

By \_\_\_\_\_  
Asst. Secretary of State