

HOUSE BILL 2240

By Maggart

AN ACT to amend Tennessee Code Annotated, Title 4;
Title 50 and Title 55, relative to identification
cards.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1.

(a) For purposes of this section, unless the context otherwise requires:

(1) "Commissioner" means the commissioner of safety;

(2) "Department" means the department of safety;

(3) "Resident" means a person who can demonstrate that such person has been present in this state for at least fifteen (15) continuous days and who presents "proof of residency" as specified in subdivision (c)(1)(B); and

(4) "State identification card" means an identification card issued by the state that shall display, including but not limited to, the cardholder's name, photograph, date of birth, gender, and an expiration date.

(b) Upon request, the department of safety shall issue a state identification card to any resident who meets the application requirements set forth in subsection (c). The card shall bear the seal of the state and the commissioner shall cause the card to be produced in a form intended to prevent replication or counterfeit. Such card shall be valid for a period of two (2) years.

(c)

(1) To obtain a state identification card, a resident shall complete an application requiring proof of identity and proof of residence within this state.

Upon receipt of the proof of identity and residency required by this section, the department shall issue a card to the applicant.

(A) In order to establish identity, each applicant must present either:

(i) One (1) of the following documents, except that if the document does not contain the photograph of the applicant the applicant must also present a photo identification:

(a) A valid passport issued by the United States department of state or a foreign government;

(b) A valid driver's license from any state;

(c) A valid state identification card;

(d) A United States permanent resident card;

(e) A consular identification card;

(f) A certified copy of a United States or foreign birth certificate;

(g) A Social Security card; or

(h) A photo identification card issued by another country to its citizens or nationals that authorizes such card as an alternative to a passport for re-entry into the issuing country, that has a photo of the person and the person's date of birth and meets standards established by the commissioner; or

(ii) Two (2) of the following documents, provided that at least one (1) form of identification shall display the applicant's photograph:

(a) A national identification card with photo, name, address, date of birth, and expiration date;

(b) A foreign driver's license;

(c) A United States or foreign voter registration card;

(d) A United States or foreign military identification card;

(e) A current visa issued by a government agency;

(f) A U.S. Individual Taxpayer Identification Number (ITIN) authorization letter accompanied by an identification with a photograph; or

(g) An employee identification card, which shall include a union membership card; and an identification card issued by a Tennessee educational institution, including elementary, middle, secondary, and post-secondary schools. An applicant may not satisfy the two-document requirement imposed by this subdivision

(c)(1)(A)(ii) by providing only an employee identification card and a school identification card.

(B) Where the applicant is twelve (12) years of age or younger, the applicant need not present photo identification in addition to a birth certificate or social security card.

(C) The commissioner may by regulation provide that where an applicant twelve (12) years of age or younger cannot produce a birth certificate or social security card, a parent or legal guardian may verify the

applicant's identity, provided that the parent or guardian would be eligible for an identification card.

(D)

(i) In order to establish residency, each applicant must present one (1) of the following items, provided that the item includes both the applicant's name and a residential address located within the state: a utility bill dated within the last thirty (30) days; a rental agreement or rent receipt confirming at least fifteen (15) days of occupancy within the last thirty (30) days; a homeless residency verification form issued by a homeless shelter or an original document issued by a health or social services agency confirming at least fifteen (15) days residency within the last thirty (30) days; a local property tax statement or mortgage payment receipt received within the last ninety (90) days; a bank account statement received within the last ninety (90) days; or proof of a minor currently enrolled in a state public school.

(ii) The commissioner may by regulation provide that where an applicant twelve (12) years of age or younger cannot produce any of the items set forth in this subdivision (c)(1)(D) in order to prove residency, a parent or legal guardian may verify the applicant's residency; provided, that the parent or guardian would be eligible for an identification card.

(C) The commissioner may by regulation provide for acceptance of additional forms of proof of identity or proof of residency, provided that the commissioner determines that such forms of proof are:

(i) Issued by a governmental entity;

(ii) Issued by an entity that takes reasonable steps to verify the identity and/or residency of the individual to whom the item is issued; or

(iii) Of a type that is normally accepted as proof of identity or proof of residency in the ordinary course of business.

(2) An application for an identification card submitted on behalf of a minor must be completed by such minor's parent or legal guardian.

(3) The department shall keep confidential to the maximum extent permitted by applicable laws, the name and other identifying information of persons applying for and receiving state identification cards. The commissioner shall cause the applications to be produced in a form that allows applicants to state their privacy preferences. The agency shall not retain records of applicants' residential addresses.

(d) The commissioner shall require applicants to declare the information provided in their applications under penalty of perjury. The commissioner shall be responsible for coordinating with other departments the promotion of the cards and the development of multiple uses for the cards.

(e) The commissioner shall charge an application fee of five hundred dollars (\$500) per card for adults and two hundred fifty dollars (\$250) per card for minors and seniors who present proof of age in a form to be determined by the commissioner. The commissioner shall by regulation provide for reduced application fees, up to and including complete waiver of the fee, for low-income applicants who present proof of income status in a form to be determined by the commissioner.

(f)

(1) When requiring members of the public to provide identification or proof of residency in the state, each department and any entity that receives state funds shall accept a state identification card as valid identification and as valid proof of residency in the state, unless such department or entity has reasonable grounds for determining that the card is counterfeit, altered, or improperly issued to the card holder, or that the individual presenting the card is not the individual to whom it was issued.

(2) Other than requiring the state and entities that receive state funds to accept the card as proof of identification and state residency, this section is not intended to replace any other existing requirements for issuance of other forms of identification in connection with the administration of state benefits and services.

(3) The requirements of this section do not apply under circumstances where:

(A) A federal statute, administrative regulation or directive, or court decision requires the state or entity that receives state funds to obtain different identification or proof of residence;

(B) A federal statute or administrative regulation or directive preempts state regulation of identification or residency requirements; or

(C) The state or entity that receives state funds would be unable to comply with a condition imposed by a funding source, which would cause the state or such entity to lose funds from that source.

(g) Any person who is lawfully able to acquire an identification card under this section who is not a citizen of the United States must also sign a form stating that the person pledges to learn the basics of the English language and abide by the laws of this state and country. Such form shall state that if after two (2) years of having the

identification obtained under this section such person has not been convicted of any felony or Class A misdemeanor and the person passes a test on the basics of the English language, the state shall work with the appropriate federal agencies to help the person become a citizen of the United States. The department shall create the appropriate form and test for this subsection (g).

(h) In undertaking the enforcement of this section, the state is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

SECTION 2. The commissioner is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.